12/07/2020 CC

San Fernando City Council Regular Meeting Notice and Agenda December 7, 2020 – 6:00 PM Teleconference – Per Governor's Executive Order

SPECIAL NOTICE REGARDING COVID-19

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 (superseding the Brown Actrelated provisions of Executive Order N-25-20 issued on March 12, 2020), which allows a local legislative body to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Pursuant to Executive Order N-29-20, please be advised that the San Fernando City Council will participate in meetings telephonically.

PUBLIC PARTICIPATION: Pursuant to the Executive Order and given the current health concerns, members of the public can access meetings live on-line, with audio and video, via YouTube Live, at <u>https://www.youtube.com/c/CityOfSanFernando.</u> Comments submitted via YouTube will not be read into the record. Members of the public may submit comments by email to <u>cityclerk@sfcity.org</u> no later than 5:00 p.m. the day of the meeting, to ensure distribution to the City Council prior to consideration of the agenda. Those comments will be distributed to the City Council will be limited to three minutes, and made part of the official public record of the meeting. Callers interested in providing a live public comment, can call the City Clerk's Department at (818) 898-1204 between 5:00 p.m. and 6:15 p.m. the day of the meeting and leave a call back number. During the public comments of the meeting, to three minutes, to the City Council for consideration.

CALL TO ORDER/ROLL CALL

Mayor Joel Fajardo Vice Mayor Hector A. Pacheco Councilmember Sylvia Ballin Councilmember Robert C. Gonzales Councilmember Mary Mendoza

PLEDGE OF ALLEGIANCE

Led by Mayor Joel Fajardo

SAN FERNANDO CITY COUNCIL

Regular Meeting Notice and Agenda – December 7, 2020 Page 2 of 6

APPROVAL OF AGENDA

Recommend that the City Council approve the agenda as presented and move that all ordinances presented tonight be read in title only as authorized under Government Code Section 36934.

PRESENTATIONS

- A) EDUCATION COMMISSION TEACHER SPOTLIGHT RECOGNITION OF SOCIAL JUSTICE HUMANITAS ACADEMY TEACHER DANIEL VAZQUEZ Education Commission Chair Angel Zobel-Rodriguez
- B) PRESENTATION OF A CERTIFICATE OF APPRECIATION HONORING A COMMUNITY MEMBER FOR HER YEARS OF COMMUNITY SERVICE Councilmember Sylvia Ballin
- C) PRESENTATION HONORING RETIREES FOR THEIR YEARS OF SERVICE TO THE CITY OF SAN FERNANDO City Manager Nick Kimball

DECORUM AND ORDER

The City Council, elected by the public, must be free to discuss issues confronting the city in an orderly environment. Public members attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council <u>(SF Procedural Manual)</u>. Any person making impertinent derogatory or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting, may be removed from the room if the Presiding Officer so directs the Sergeant-At-Arms and such person may be barred from further audience before the City Council.

PUBLIC STATEMENTS

Members of the public may submit comments by email to <u>cityclerk@sfcity.org</u> no later than 5:00 p.m. the day of the meeting, to ensure distribution to the City Council prior to consideration of the agenda. Those comments will be distributed to the City Council will be limited to three minutes, and made part of the official public record of the meeting. Callers interested in providing a live public comment can call the City Clerk's Department at (818) 898-1204 between 5:00 p.m. and 6:15 p.m. the day of the meeting and leave a call back number. During the public comments of the meeting, the City Clerk will call the person back in the order received, to provide their live comments, limited to three minutes, to the City Council for consideration.



SAN FERNANDO CITY COUNCIL

Regular Meeting Notice and Agenda – December 7, 2020 Page 3 of 6

CONSENT CALENDAR

Items on the Consent Calendar are considered routine and may be disposed of by a single motion to adopt staff recommendation. If the City Council wishes to discuss any item, it should first be removed from the Consent Calendar.

1) REQUEST TO APPROVE MEETING MINUTES OF NOVEMBER 16, 2020 – SPECIAL MEETING

2) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER

Recommend that the City Council adopt Resolution No. 20-121 approving the Warrant Register.

3) CONSIDERATION TO ACCEPT GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF ALCOHOL BEVERAGE CONTROL – OFFICE OF TRAFFIC SAFETY ENFORCEMENT GRANT PROGRAM

Recommend that the City Council:

- a. Accept the California Department of Alcoholic Beverage Control Office of Traffic Safety Enforcement Grant Program 21-OTS-14 in the amount of \$19,900;
- b. Adopt Resolution No. 8045 authorizing the Chief of Police to execute Standard Agreement No. 21-OTS-14 with ABC for Enforcement Grant Program; and
- c. Adopt Resolution No. 8049 amending the budget for Fiscal Year 2020-2021 to appropriate the grant revenues and expenses.

4) SECOND READING AND ADOPTION OF ORDINANCE NO. 1700 APPROVING AMENDMENTS TO CHAPTER 22 (BUSINESSES) OF THE SAN FERNANDO MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE IX (ART MURALS ON PRIVATE PROPERTY)

Recommend that the City Council:

- a. Adopt Ordinance No. 1700 that was introduced for first reading at the City Council meeting of November 16, 2020, amending Chapter 22 (Businesses) of the San Fernando Municipal Code by the addition of a new Article IX (Art Murals on Private Property), and;
- b. Amend Section 22-502. Permit Required; and Section 22-503. Application Procedure. to identify permitted properties.



SAN FERNANDO CITY COUNCIL Regular Meeting Notice and Agenda – December 7, 2020 Page 4 of 6

5) CONSIDERATION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH HOUSEAL LAVIGNE ASSOCIATES, LLC, DBA HOUSEAL LAVIGNE, TO PROVIDE 2021-2029 HOUSING ELEMENT UPDATE TO GENERAL PLAN

Recommend that the City Council:

- a. Approve a Professional Services Agreement (Contact No. 1972) with Houseal Lavigne Associates, LLC dba Houseal Lavigne, in an amount not-to-exceed \$259,920 to provide 2021-2029 Housing Element Update to General Plan; and
- b. Authorize the City Manager to execute all related documents.

ADMINISTRATIVE REPORTS

6) PRESENTATION AND UPDATE REGARDING COVID-19 RESPONSE EFFORTS

Recommend that the City Council receive a presentation from staff related to the City's COVID-19 efforts, including, but not limited to:

- a. Review of the City's COVID-19 planning, response, enforcement, and education efforts, and related policy initiatives; and
- b. Review of financial assistance programs and the pursuit of funding opportunities, and related recommendations, as appropriate.
- 7) ADOPTION OF A RESOLUTION RECITING THE FACT OF THE CITY'S NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION AND DECLARING THE RESULTS OF THE SAME AND CONCURENTLY RATIFY/APPROVE SECOND READING OF THE VOTER-APPROVED ORDINANCE INCREASING THE CITY'S EXISTING GENERAL PURPOSE HALF-CENT TRANSACTIONS (SALES) AND USE TAX BY AN ADDITIONAL QUARTER-PERCENT (1/4%) SUCH THAT THE RATE OF THE CITY'S TRANSACTIONS AND USE TAX WOULD BECOME THREE-QUARTERS OF ONE PERCENT (3/4%); AND ADOPT RESOLUTIONS AUTHORIZING THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION TO ADMINISTER AND COLLECT THE TRANSACTIONS AND USE TAX ON BEHALF OF THE CITY

Recommend that the City Council concurrently:

a. Adopt Resolution No. 8046 reciting the fact of the City's November 3, 2020 General Municipal Election and declaring the results of the same; and



- b. Ratify adoption and second reading voter-approved Ordinance No. 1698, entitled: "An Ordinance of the People of the City of San Fernando, California, Increasing the City's Existing General Purpose Half-Percent (1/2%) Transactions and Use Tax Codified Under Article V (Transactions and Use Tax) of Chapter 82 (Taxation) of the San Fernando Municipal Code to a New Increased Rate of Three-Quarters of One Percent (3/4%)"; and
- c. Adopt Resolution No. 8047 authorizing the California Department of Tax and Fee Administration (CDTFA) to administer and collect the transaction and use tax on behalf of the City; and
- d. Adopt Resolution No. 8048 designating and authorizing the City Manager as the authorized representative to examine confidential transactions and use tax records collected by (CDTFA); and
- e. Authorize the City Manager to execute all related documents.

8) PRESENTATION OF CERTIFICATES OF ELECTION AND ADMINISTRATION OF THE OATH OF OFFICE TO NEWLY ELECTED OFFICIALS

The City Clerk will present Certificates of Election and administer the Oath of Office to newly elected officials: Mary Mendoza, Cindy Montanez, and Celeste Rodriguez.

9) ANNUAL REORGANIZATION OF THE CITY COUNCIL – SELECTION OF MAYOR AND VICE MAYOR

Recommend that the City Council proceed with their annual reorganization for the selection of Mayor and Vice Mayor and follow Section 11.1 Reorganization of the City Council Procedural Manual

10) CONSIDERATION OF THE PRESENTATION BY VICE MAYOR HECTOR A. PACHECO RELATED TO CITYWIDE MAINTENANCE STANDARDS AND TRASH SERVICES

This item was placed on the agenda by Vice Mayor Pacheco.

Receive a presentation by Vice Mayor Pacheco for City Council discussion and recommend that City Council direct staff to take the following actions:

a. Direct staff to develop and present recommendations to City Council at a future meeting to accomplish enhanced maintenance citywide, including the Downtown Mall, Maclay corridor, City parks and bike path. Include any enhancement recommendations for personnel and/or equipment that we need to better accomplish trash cleanup.



- b. Direct staff to draft a report for City Council consideration in January 2021 allocating Measure W funds toward a capital improvement project to construct new trash enclosures and other waste management improvements in the Downtown Mall area (approximately \$196,000 available).
- c. Request an update on trash services from Republic Services at a meeting in January 2021.

STAFF COMMUNICATION INCLUDING COMMISSION UPDATES

GENERAL COUNCIL COMMENTS AND LIAISON UPDATES

ADJOURNMENT

The City Council will adjourn to its next regular meeting, which will be on Monday, January 4, 2021 at 6:00 P.M.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.

Julia Fritz, CMC City Clerk Signed and Posted: December 4, 2020 (1:00 p.m.)

Agendas and complete Agenda Packets (including staff reports and exhibits related to each item) are posted on the City's Internet website (<u>www.sfcity.org</u>). These are also available for public reviewing prior to a meeting in the City Clerk Department. Any public writings distributed by the City Council to at least a majority of the Councilmembers regarding any item on this regular meeting agenda will also be made available at the City Clerk Department at City Hall located at 117 Macneil Street, San Fernando, CA, 91340 during normal business hours. In addition, the City may also post such documents on the City's website at <u>www.sfcity.org</u>. In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification/accommodation to attend or participate in this meeting, including auxiliary aids or services please call the City Clerk Department at (818) 898-1204 at least 48 hours prior to the meeting.



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CC Meeting Agenda SAN FERNANDO CITY COUNCIL MINUTES

NOVEMBER 16, 2020 – 4:30 P.M. SPECIAL MEETING

Teleconference Per Governor Executive Order N-29-20

CALL TO ORDER/ROLL CALL

Mayor Joel Fajardo called the meeting to order at 4:30 p.m.

Present:

Council:	Mayor Joel Fajardo, Vice Mayor Hector A. Pacheco, and Councilmembers Sylvia Ballin, Robert C. Gonzales, and Mary Mendoza
Staff:	City Manager Nick Kimball, Assistant City Attorney Richard Padilla, and Deputy City Clerk Cynthia Alba

APPROVAL OF AGENDA

Motion by Mayor Fajardo, seconded by Councilmember Ballin, to approve the agenda. The motion carried with the following vote:

AYES:	Fajardo, Pacheco, Ballin, Gonzales, Mendoza – 5
NOES:	None
ABSTAIN:	None
ABSENT:	None

PUBLIC STATEMENTS – WRITTEN/ORAL

None

RECESS TO CLOSED SESSION (4:31 P.M.)

By consensus, Councilmembers recessed to Closed Session.

A) CONFERENCE WITH LABOR NEGOTIATOR G.C. §54957.6

Designated City Negotiators:
City Manager Nick Kimball
City Attorney Rick Olivarez
Assistant City Attorney Richard Padilla
Employees and Employee Bargaining Units that are the Subject of Negotiation:
San Fernando Management Group (SEIU, Local 721)
San Fernando Public Employees' Association (SEIU, Local 721)
San Fernando Police Officers Association
San Fernando Police Officers Association Police Management Unit
San Fernando Police Civilian Association
San Fernando Part-time Employees' Bargaining Unit (SEIU, Local 721)

SAN FERNANDO CITY COUNCIL SPECIAL MEETING MINUTES – November 16, 2020 Page 2

B) CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO G.C. §54956.8:

Property:	City owned parcels at Assessor Identification Numbers: 2521-031-901, 902, & 903
City Negotiators:	City Manager Nick Kimball, Lead Negotiator City Attorney Rick Olivarez Assistant City Attorney Richard Padilla
Negotiating Parties: Under Negotiation:	Vanessa Delgado, President, Azure Development Price and Terms of Payment as it relates to Leasing or Sale of Real Property

C) CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO G.C. §54956.8:

Property:	543, 553, and 563 Glenoaks Boulevard, City of San Fernando
Agency Negotiators:	City Manager Nick Kimball, Lead Negotiator
	City Attorney Rick Olivarez
	Assistant City Attorney Richard Padilla
Negotiating Parties:	Neil Haltrecht, Robertson Properties Group
Under Negotiation:	Price and Terms as it relates to Proposed Development Agreement

D) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO G.C. §54956.9(d)(2) AND G.C. §54956.9(e)(1):

Two (2) Matters

REPORT OUT FROM CLOSED SESSION (6:24 P.M.)

Assistant City Attorney Padilla stated there was no reportable action as a result of Closed Session.

ADJOURNMENT (6:25 P.M.)

Motion by Mayor Fajardo, seconded by Councilmember Gonzales, to adjourn the meeting. By consensus, the motion carried.

I do hereby certify that the foregoing is a true and correct copy of the minutes of November 16, 2020, meeting as approved by the San Fernando City Council.

Julia Fritz City Clerk

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AGENDA REPORT

То:	Mayor Joel Fajardo and Councilmembers
From:	Nick Kimball, City Manager By: J. Diego Ibañez, Director of Finance
Date:	December 7, 2020
Subject:	Consideration to Adopt a Resolution Approving the Warrant Register

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 20-121 (Attachment "A") approving the Warrant Register.

BACKGROUND:

For each City Council meeting the Finance Department prepares a Warrant Register for Council approval. The Register includes all recommended payments for the City. Checks, other than special checks, generally are not released until after the Council approves the Register. The exceptions are for early releases to avoid penalties and interest, excessive delays and in all other circumstances favorable to the City to do so. Special checks are those payments required to be issued between Council meetings such as insurance premiums and tax deposits. Staff reviews requests for expenditures for budgetary approval and then prepares a Warrant Register for Council approval and or ratification. Items such as payroll withholding tax deposits do not require budget approval.

The Director of Finance hereby certifies that all requests for expenditures have been signed by the department head, or designee, receiving the merchandise or services thereby stating that the items or services have been received and that the resulting expenditure is appropriate. The Director of Finance hereby certifies that each warrant has been reviewed for completeness and that sufficient funds are available for payment of the warrant register.

ATTACHMENT:

A. Resolution No. 20-121

RESOLUTION NO. 20-121

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO ALLOWING AND APPROVING FOR PAYMENT DEMANDS PRESENTED ON DEMAND/ WARRANT REGISTER NO. 20-121

THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:

1. That the demands (EXHIBIT "A") as presented, having been duly audited, for completeness, are hereby allowed and approved for payment in the amounts as shown to designated payees and charged to the appropriate funds as indicated.

2. That the City Clerk shall certify to the adoption of this Resolution and deliver it to the City Treasurer.

PASSED, APPROVED, AND ADOPTED this 7th day of December 2020.

ATTEST:

Joel Fajardo, Mayor

Julia Fritz, City Clerk

CERTIFICATION

I, Julia Fritz, City Clerk of the City of San Fernando, California, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 20-121 which was regularly introduced and adopted by the City Council of the City of San Fernando, California, at a regular meeting thereof held on the 7th day of December, 2020, by the following vote of the City Council:

AYES:

NAYS:

ABSENT:

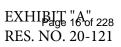
ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Fernando, California, this _____ day of December 2020.

Julia Fritz, City Clerk

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Voucher List



Page: 1

12/02/2020	1:25:32PI	И	CITY OF SAN FERM			age: 1
Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
221033	12/7/2020	891587 ABLE MAILING INC.	32786	12220 12220	MAILING AND FULFILLMENT SERVICES 072-360-0000-4300 070-382-0000-4300 WATER ENV STORAGE FEE-OCT 2020 072-360-0000-4300	89.08 89.07 12.50
					070-382-0000-4300 Total :	12.50 203.15
221034	12/7/2020	888356 ADVANCED AUTO REPAIR	1456	12284	VEHICLE MAINT., REPAIRS AND MINOR 041-320-0225-4400	1,292.17
			1462	12284	VEHICLE MAINT., REPAIRS AND MINOR 041-320-0390-4400 Total :	297.46 1,589.63
221035	12/7/2020	891969 ADVANCED PURE WATER SOLUTIONS	1033880		DRINKING WATER 001-222-0000-4300 Total :	98.55 98.55
221036	12/7/2020	887377 AKEMON, DOLORES	NOV 2020		COMMISSIONER'S STIPEND 001-310-0000-4111 Total :	75.00 75.00
221037	12/7/2020	892592 ALL AMERICAN ASPHALT	191546	12183 12183	GLENOAKS STREET RESURFACING PF 010-311-6673-4600 008-311-6673-4600 010-2037 008-2037 Total :	420,627.00 3,800.00 -21,031.35 -190.00 403,205.65
221038	12/7/2020	100175 AMERICAN WATER WORKS ASSOC.	0002105055		AWWA STANDARD BOOKS 070-384-0000-4320 Total :	166.50 166.50
221039	12/7/2020	100188 ANDY GUMP INC.	INV761611 INV762464	12271	PORTABLE RESTROOM SERVICE FOR 043-390-0000-4260 PORTABLE RESTROOM SERVICE FOR	508.67

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Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO#	Description/Account	Amoun
221039	12/7/2020	100188 ANDY GUMP INC.	(Continued)			
			INV763317	12271	043-390-0000-4260 PORTABLE RESTROOM SERVICE FOR	211.24
				12271	043-390-0000-4260 Total :	562.48 1,282.39
						1,202.53
221040	12/7/2020	893441 ARAMARK REFRESHMENT SERVICES	10683187	12319	EMPLOYEE BREAKROOM SUPPLIES 001-222-0000-4300	56.45
			10683695	12319	EMPLOYEE BREAKROOM SUPPLIES 001-222-0000-4300 EMPLOYEE BREAKROOM SUPPLIES	66.44
			5061200	12319	001-222-0000-4300 Total :	352.69 475.58
004044	40/7/0000		NOV 2020		COMMISSIONER'S STIPEND	
221041	12/1/2020	888321 ARRIZON, FRANCISCO	NOV 2020		001-310-0000-4111 Total :	75.00 75.0 0
004040	40/7/0000					
221042	12/7/2020	102530 AT & T	818-270-2203		PD NETWORK LINE-NOV 2020 001-222-0000-4220	220.78
					Total :	220.78
221043	12/7/2020	892412 AT&T	287297930559X1110202		MDT MODEMS-PD UNITS	
					001-222-0000-4220 Total :	537.39 537.3 9
221044	12/7/2020	889037 AT&T MOBILITY	287277903027X1108202		MODEM FOR ELECTRONIC MESSAGE I	
					001-310-0000-4220 Total :	138.69 138.69
221045	40/7/0000		9447780		CONTRACTUAL SERVICES FOR STREE	100.0.
221045	12///2020	889942 ATHENS SERVICES	9447780	12248	011-311-0000-4260	14,542.40
				12248	001-343-0000-4260	2,891.00
					Total :	17,433.40
221046	12/7/2020	893176 AUTOZONE STORE 5681	5681765639		SEAT COVER-PD8863 041-320-0225-4400	54.16
			5681787849		BATTERY-PD8955	

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Voucher List CITY OF SAN FERNANDO

Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
221046	12/7/2020	893176 AUTOZONE STORE 5681	(Continued)			
			5681787850		041-320-0224-4400 BATTERY-PD1135	96.76
					041-320-0224-4400	96.79
					Total :	247.71
221047	12/7/2020	889913 BALLIN, SYLVIA	REIMB		WELLNESS BENEFIT REIMB. FY20/21	
					001-101-0101-4140	600.00
					Total :	600.00
221048	12/7/2020	892426 BEARCOM	5104868		NOV-RADIO COMM SYST & WIRELESS	
				12235	001-135-0000-4260	7,610.41
					Total :	7,610.41
221049	12/7/2020	891484 BERLOC SIGN CO.	15174		DOOR SIGN	
					001-310-0000-4300	82.50
					Total :	82.50
221050	12/7/2020	893591 BIOMEDICAL WASTE DISPOSAL	95776		BIOMEDICAL WASTE DISPOSAL	
					001-224-0000-4270	99.00
			96369		BIOMEDICAL WASTE DISPOSAL	
					001-224-0000-4270 Total :	99.00 198.00
					Total :	198.00
221051	12/7/2020	892847 B-LINE INVESTIGATIONS, INC	1143		SPECIALIZED INVESTIGATIVE SERVICE	
				12276	001-112-0000-4270	1,475.00
			1144	12276	SPECIALIZED INVESTIGATIVE SERVICE 001-112-0000-4270	1.475.00
				12270	Total :	2,950.00
001050	40/7/0000		10110001		CANOPIES FOR ALL EVENTS	_,
221052	12/7/2020	890838 BLUE TARP CREDIT SERVICES	46140691		043-390-0000-4300	219.89
					043-390-0000-4300 Total :	219.89 219.89
221053	40/7/0000	888800 BUSINESS CARD	102020		2020 GAAFR BLUE BOOK	
221055	12/1/2020	600000 BUSINESS CARD	102020		001-130-0000-4300	249.00
			102520		ANNUAL SOFTWARE	245.00
					070-384-0000-4330	40.00

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Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
221053	12/7/2020	888800 BUSINESS CARD	(Continued)			
			102620		ANNUAL RSS FEED	
					001-105-0000-4270	241.08
			102620		EXEC MGMT RETREAT WATER & SNAC	
					001-105-0000-4270	35.63
			102620		ADMIN EXEC MGMT RETREAT DINNER	
					001-105-0000-4270	156.11
			102620		LODGING-DEPT HEAD TEAM BUILDING	
					001-105-0000-4270	896.00
			102720		ADM EXEC MGMT RETREAT LUNCHEO	100 50
			102720		001-105-0000-4270 ORAL BOARD LUNCH-PROPERTY CON	109.52
			102720		001-106-0000-4270	44.24
			102720		ADMIN EXEC MGMT RETREAT DINNER	44.24
			102120		001-105-0000-4270	134.91
			103020		AUDIO SUBSCRIPTION	101.01
					001-105-0000-4270	9.00
			103020		FINANCE CHARGES	
					001-190-0000-4435	84.48
					Total :	1,999.97
221054	12/7/2020	888800 BUSINESS CARD	111220		OFFICE SUPPLIES	
					001-222-0000-4300	336.62
					001-225-0000-4350	52.47
					Total :	389.09
221055	12/7/2020	100466 CACEO	200014442		WEBINAR REGISTRATION-MIRANDA	
					001-152-0000-4360	25.00
			457276968		WEBINAR REGRISTRATION-RAYGOZA	
					001-152-0000-4360	25.00
					Total :	50.00
221056	12/7/2020	892464 CANON FINANCIAL SERVICES, INC	22145011		CANON COPIER LEASE PAYMENT-NOV	
				12241	001-135-0000-4260	649.93
					Total :	649.93
221057	12/7/2020	893177 CELL ENERGY	IN0008035		VEHICLE BATTERIES INCLUDING DELIV	

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Voucher List

CITY OF SAN FERNANDO

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EXHIBIT "A" RES. NO. 20-121

Page: 5

Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
221057	12/7/2020	893177 CELL ENERGY	(Continued)			
				12249	041-1215	267.98
					Total :	267.98
221058	12/7/2020	101957 CITY OF LOS ANGELES	38SF180000005		FIRE SERVICES - DEC 2020	
					001-500-0000-4260	236,012.00
					Total :	236,012.00
221059	12/7/2020	103029 CITY OF SAN FERNANDO	3038-3065		REIMBURSEMENT TO WORKERS COMI	
					006-1038	16,883.27
					Total :	16,883.27
221060	12/7/2020	890893 CITY OF SAN FERNANDO	FY 20/21		CIF DONATION-ED COMM SCHOLARSH	
					053-101-0102-4430	2.000.00
					Total :	2,000.00
221061	12/7/2020	890893 CITY OF SAN FERNANDO	FY 20/21		CIF DONATION-100 YR WOMEN'S RIGH	
					053-101-0102-4430	1,561.83
					Total :	1,561.83
221062	12/7/2020	892687 CORE & MAIN LP	M782839-CR		PW MAINTENANCE, REPAIRS & SUPPL	
				12243	070-383-0301-4300	-413.68
			M790914-CR		PW MAINTENANCE, REPAIRS & SUPPL	
				12243	070-383-0301-4300	-1,034.21
			M984934		PW MAINTENANCE, REPAIRS & SUPPL	
			N157224	12243	070-385-0701-4600	62.80
			N157224	12243	PW MAINTENANCE, REPAIRS & SUPPL 070-385-0701-4600	223.16
			N171988	12245	PW MAINTENANCE, REPAIRS & SUPPL	223.10
				12243	070-383-0301-4300	945.34
			N259935		PW MAINTENANCE, REPAIRS & SUPPL	
				12243	070-383-0301-4300	295.41
					Total :	78.82
221063	12/7/2020	892472 DE NORA WATER TECHNOLOGIES	9200031325		CONT(3) OSG MATERIALS, CONTROL	
				12329	070-384-0000-4260	3,965.86
					Total :	3,965.86

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Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
221064	12/7/2020	101010 DUTHIE POWER SERVICES INC.	A79997		GENERATOR MAINT. & EMERGENCY RI	
				12288	070-384-0000-4400	712.00
					Total :	712.00
221065	12/7/2020	892290 E.H. WACHS WATER	INV183017		VALVE OPERATOR CONTROLLER	
					070-385-0000-4320	1,153.74
					Total :	1,153.74
221066	12/7/2020	889121 EDGESOFT, INC.	3186		NOV-ANNUAL MAINT. COMTRACT FOR	
				12236	055-135-0000-4260	2,080.00
					Total :	2,080.00
221067	12/7/2020	101063 EMPLOYMENT DEVELOPMENT	944-0936-4		UNEMPLOYMENT INS-PERIOD ENDING	
					001-190-3689-4132	13,535.00
					001-190-0420-4132	1,894.00
					001-190-0390-4132	2,176.00
					001-190-0222-4132	4,112.00
					001-190-0370-4132	3,600.00
					001-190-3689-4132	-12,658.50
					Total :	12,658.50
221068	12/7/2020	890401 ENVIROGEN TECHNOLOGIES INC	0012172-IN		OCT'20-ION-EXCHANGE NITRATE TREF	
				12244	070-384-0857-4260	7,796.80
					Total :	7,796.80
221069	12/7/2020	893473 ESQUIVEL, ERNESTO	REIMB.		REIMB-K9 SUPPLIES	
					001-225-0000-4270	746.74
					Total :	746.74
221070	12/7/2020	890879 EUROFINS EATON ANALYTICAL, INC	L0539928		FULL-SERVICE ENVIRONMENTAL DRIN	
				12245	070-384-0000-4260	150.00
			L0539929		FULL-SERVICE ENVIRONMENTAL DRIN	
				12245	070-384-0000-4260	150.00
			L0539930	12245	FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260	152.00
			L0540645	12240	070-384-0000-4260 FULL-SERVICE ENVIRONMENTAL DRIN	152.00
			L0340043	12245	070-384-0000-4260	144.00
				.2240	0.000.0000.200	144.00

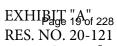
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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amour
221070	12/7/2020	890879 EUROFINS EATON ANALYTICAL, INC	(Continued)			
			L0540646		FULL-SERVICE ENVIRONMENTAL DRIN	
				12245	070-384-0000-4260	152.0
			L0540647		FULL-SERVICE ENVIRONMENTAL DRIN	
				12245	070-384-0000-4260	150.0
			L0540978		FULL-SERVICE ENVIRONMENTAL DRIN	
				12245	070-384-0000-4260	150.0
			L0541229		FULL-SERVICE ENVIRONMENTAL DRIN	
				12245	070-384-0000-4260	150.0
			L0541852		FULL-SERVICE ENVIRONMENTAL DRIN	
				12245	070-384-0000-4260	150.0
			L0541861		FULL-SERVICE ENVIRONMENTAL DRIN	
				12245	070-384-0000-4260	45.0
			L0542077		FULL-SERVICE ENVIRONMENTAL DRIN	
				12245	070-384-0000-4260	144.0
			L0542084		FULL-SERVICE ENVIRONMENTAL DRIN	
			12245	070-384-0000-4260	319.0	
			L0542085		FULL-SERVICE ENVIRONMENTAL DRIN	
				12245	070-384-0000-4260	150.0
					Total :	2,006.0
221071	12/7/2020	103851 EVERSOFT, INC.	R2098628		SOFTNER RENTAL	
					070-384-0000-4260	4.1
					Total :	4.1
221072	12/7/2020	887441 EWING IRRIGATION	12830058		IRRIGATION MATL'S - 8TH ST REPAIRS	
					043-390-0000-4300	366.6
					Total :	366.6
221073	12/7/2020	892198 FRONTIER COMMUNICATIONS	209-150-5145-010598		PAC 50 TO SHERIFFS	
					001-222-0000-4220	560.2
			209-150-5250-081292		RADIO REPEATER-POLICE	
					001-222-0000-4220	45.9
			209-151-4941-102990		POLICE PAGING	
					001-222-0000-4220	41.7
			209-151-4942-041191		CITY YARD AUTO DIALER	
					070-384-0000-4220	54.9

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bank3 Date 12/7/2020	Vendor 892198 FRONTIER COMMUNICATIONS	Invoice (Continued) 209-151-4943-081292	<u>P0 #</u>	Description/Account	Amount
		(Continued)	PO #	Description/Account	Amount
12/7/2020	892198 FRONTIER COMMUNICATIONS	. ,			
		209-151-4943-081292			
				RADIO REPEATER (POLICE)	
				001-222-0000-4220	45.90
		818-361-0901-051499		SEWER FLOW MONITORING	
				072-360-0000-4220	55.85
		818-361-2385-012309		MTA PHONE LINE	
				007-440-0441-4220	111.32
				001-190-0000-4220	55.66
		818-361-2472-031415		PW PHONE LINE	
				070-384-0000-4220	514.45
		818-361-3958-091407		CNG STATION	
				074-320-0000-4220	52.08
		818-361-7825-120512		HERITAGE PARK IRRIG SYSTEM	
				001-420-0000-4220	56.74
		818-831-5002-052096		POLICE SPECIAL ACTIVITIES PHONE LI	
				001-222-0000-4220	55.13
		818-837-7174-052096		POLICE SPECIAL ACTIVITIES PHONE LI	
				001-222-0000-4220	38.21
		818-838-1841-112596		ENGINEERING FAX MODEM	
				001-310-0000-4220	30.29
		818-898-7385-033105		LP FAX LINE	
				001-420-0000-4220	33.35
				Total :	1,751.81
12/7/2020	101376 GRAINGER, INC.	9649863645		MISC. BUILDING AND ELECTRICAL SUF	
			12261	043-390-3689-4300	61.53
		9698648137		MISC, BUILDING AND ELECTRICAL SUF	
			12261	043-390-3689-4300	179.24
		9699404654		MISC. BUILDING AND ELECTRICAL SUF	
			12261	043-390-0000-4300	37.93
		9708580338		MISC. BUILDING AND ELECTRICAL SUF	
			12261	043-390-0000-4300	136.40
		9709834544		MISC. BUILDING AND ELECTRICAL SUF	
			12261	043-390-0000-4300	200.77
				Total :	615.87
		NOV 2020			
1		2/7/2020 101376 GRAINGER, INC. 2/7/2020 893395 HAYES, JASON BENJAMIN	818-837-7174-052096 818-838-1841-112596 818-898-7385-033105 2/7/2020 101376 GRAINGER, INC. 9649863645 9698648137 9699404654 9708580338 9709834544	2/7/2020 101376 GRAINGER, INC. 9649863645 2/7/2020 101376 GRAINGER, INC. 9649863645 9698648137 12261 9699404654 12261 9708580338 12261 9709834544	001-222-0000-4220 818-837-7174-052096 01-222-0000-4220 818-838-1841-112596 ENGINEERING FAX MODEM 001-310-0000-4220 818-898-7385-033105 EP FAX LINE 001-420-0000-4220 818-898-7385-033105 EP FAX LINE 001-420-0000-4220 EV FAX LINE 001-420-0000-4220 EV FAX LINE 001-420-0000-4220 EV FAX LINE 001-420-0000-420 EV FAX LINE 001-420-0000-430 EV FAX LINE 12261 043-390-0000-430 EV FAX LINE 12261 043-390-0000-430 EV FAX LINE EV

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
221075	12/7/2020	893395 HAYES, JASON BENJAMIN	(Continued)		001-420-0000-4111 Total :	75.00 75.00
221076	12/7/2020	890594 HEALTH AND HUMAN RESOURCE	E0235183		EAP-DEC 2020 001-106-0000-4260 Total :	243.10 243.10
221077	12/7/2020	890360 HERRERA, NINAMARIE JULIA	NOV 2020		COMMISSIONER'S STIPEND 001-420-0000-4111 Total :	75.00 75.00
221078	12/7/2020	101599 IMAGE 2000 CORPORATION	409098		ADMIN COLOR COPER TONER SHIPPIN 001-190-0000-4300 Total :	23.00 23.00
221079	12/7/2020	887740 INDUSTRIAL SHOE COMPANY	1100-1245800		ANNUAL WORK SHOE ALLOWANCE 001-152-0000-4325 Total :	100.00 100.00
221080	12/7/2020	891570 INNOVATIVE TELECOM. SYSTEMS	2769 2828		TELEPHONE EQUIPMENT MAINT-OCT 2 001-190-0000-4220 TELEPHONE EQUIPMENT MAINT-NOV 2	395.00
			2842		001-190-0000-4220 TELEPHONE EQUIPMENT MAINT-DEC 2	395.00
			2848		001-190-0000-4220 PD CABLING RELOCATION	395.00
					001-222-0000-4220 Total :	805.00 1,990.00
221081	12/7/2020	101633 INTERNATIONAL CITY/COUNTY	FY20/21		FY 20/21 MEMBERSHIP DUES 001-105-0000-4380 Total :	1,400.00 1,400.00
221082	12/7/2020	888214 INTERNATIONAL CODE COUNCIL INC	1001243313		PERMIT TECHNICIAN RESOURCES 001-140-0000-4360 Total :	69.00 69.00

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Bank code :	bank3										
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount					
221083	12/7/2020	891777 IRRIGATION EXPRESS	15201315-00		IRRIGATION SUPPLIES FOR ALL CITY F						
				12274	043-390-0000-4300	269.39					
			15202333-00	12274	IRRIGATION SUPPLIES FOR ALL CITY F 043-390-0000-4300	187.53					
			15202388-00	12274	IRRIGATION SUPPLIES FOR ALL CITY F	107.55					
			10202000-00	12274	043-390-0000-4300	509.09					
			15202505-00		IRRIGATION SUPPLIES FOR ALL CITY F						
				12274	043-390-0000-4300	-34.56					
			15202971-00		IRRIGATION SUPPLIES FOR ALL CITY F						
				12274	043-390-0000-4300	78.86					
			15203122-00	12274	IRRIGATION SUPPLIES FOR ALL CITY F 043-390-0000-4300	69.83					
				12274	Total :	1.080.14					
						.,					
221084	12/7/2020	887952 J. Z. LAWNMOWER SHOP	26307		SMALL EQUIP. REPAIR (LAWNMOWERS						
				12281	001-311-0000-4300	151.17					
					Total :	151.17					
221085	12/7/2020	892118 JOHN ROBINSON CONSULTING, INC.	SF202001-009		RESERVOIR RECONSTRUCTION						
				12145	010-385-0716-4600	25,108.40					
					Total :	25,108.40					
221086	12/7/2020	101768 KIMBALL-MIDWEST	8373435		MISC ITEMS						
221000	12/1/2020		0010100		041-1215	44.83					
					Total :	44.83					
221087	12/7/2020	101795 KOSMONT & ASSOCIATES	18-0099-025		REAL ESTATE ADVISORY SERVICES						
221007	12/1/2020		10-0033-023	12287	001-151-0000-4270	5,920.20					
				12201	Total :	5,920.20					
221088	12/7/2020	102007 L.A. COUNTY SHERIFFS DEPT.	210662BL		INMATE MEALS-OCT 2020						
				12314	001-225-0000-4350	773.77					
					Total :	773.77					
221089	12/7/2020	101971 L.A. MUNICIPAL SERVICES	004-750-1000		ELECTRIC - 13003 BORDEN						
					070-384-0000-4210	146.65					
			494-750-1000		WATER-12900 DRONFIELD						

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221089	12/7/2020	101971 L.A. MUNICIPAL SERVICES	(Continued)			
			500-750-1000		070-384-0000-4210 ELECTRIC - 13655 FOOTHILL	30.71
			594-750-1000		070-384-0000-4210 ELECTRIC - 12900 DRONFIELD	180.26
			657-750-1000		070-384-0000-4210 ELECTRIC - 14060 SAYRE	6,067.26
			694-750-1000		070-384-0000-4210 ELECTRIC & WATER - 13180 DRONFIEL 070-384-0000-4210	15,154.76 5.136.02
			757-750-1000		WATER - 14060 SAYRE 070-384-0000-4210	5,136.02
					Total :	26,829.73
221090	12/7/2020	888195 LEXIPOL LLC	INV7364		LAW ENFORCEMENT POLICY SOFTWA	
				12340	001-135-0000-4260 Total :	4,580.00 4,580.00
221091	12/7/2020	101920 LIEBERT CASSIDY WHITMORE	13340		COVID-19 LEGISLATIVE UPDATE	
					001-106-0000-4360 Total :	75.00 75.00
221092	12/7/2020	101974 LOS ANGELES COUNTY	OCT 2020		ANIMAL CARE & CONTROL SERVICES-	
				12278	001-190-0000-4260 Total :	9,447.97 9,447.97
221093	12/7/2020	102003 LOS ANGELES COUNTY	RE-PW-20090801047		INDUSTRIAL WASTE CHARGES-AUG 20	
			RE-PW-20101301715	12331	072-360-0000-4450 INDUSTRIAL WASTE CHARGES-SEPT 2	4,134.17
			RE-PW-20110902346	12331	072-360-0000-4450 INDUSTRIAL WASTE CHARGES-OCT 20	2,005.51
				12331	072-360-0000-4450	2,045.56 8,185.24
221094	12/7/2020	892477 LOWES	1084		SUPPLIES	0,100.24
221004	.21112020				043-390-0000-4300	93.79
			1353		PAINT SUPPLIES	

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/oucher	Date	Vendor	Invoice	PO #	Description/Account	Amoun
221094	12/7/2020	892477 LOWES	(Continued)			
					070-384-0000-4330	133.76
			1680		PAINTING MAT'LS	
					043-390-0000-4300	127.78
					Total :	355.33
221095	12/7/2020	888468 MAJOR METROPOLITAN SECURITY	1100065		ALARM MONITORING AT ALL CITY FACI	
				12251	043-390-0000-4260	15.00
			1100066	12201	ALARM MONITORING AT ALL CITY FACI	10.00
			1100000	12251	043-390-0000-4260	25.00
			1100067	12201	ALARM MONITORING AT ALL CITY FACI	20.00
				12251	043-390-0000-4260	15.00
			1100068	12201	ALARM MONITORING AT ALL CITY FACI	10.00
				12251	043-390-0000-4260	15.00
			1100069	12201	ALARM MONITORING AT ALL CITY FACI	10.00
				12251	043-390-0000-4260	25.00
			1100070		ALARM MONITORING AT ALL CITY FACI	
				12251	043-390-0000-4260	15.00
			1100071		ALARM MONITORING AT ALL CITY FACI	
				12251	043-390-0000-4260	25.00
			1100072		ALARM MONITORING AT ALL CITY FACI	
				12251	043-390-0000-4260	15.00
			1100073		ALARM MONITORING AT ALL CITY FACI	
				12251	043-390-0000-4260	15.00
			1100074		ALARM MONITORING AT ALL CITY FACI	
				12251	043-390-0000-4260	15.00
			1100075		ALARM MONITORING AT ALL CITY FACI	
				12251	043-390-0000-4260	25.00
			1100076		ALARM MONITORING AT ALL CITY FACI	
				12251	070-384-0000-4260	23.00
			1100077		ALARM MONITORING AT ALL CITY FACI	
				12251	070-384-0000-4260	23.00
			1100078		ALARM MONITORING AT ALL CITY FACI	20.00
				12251	070-384-0000-4260	23.00
			1100079		ALARM MONITORING AT ALL CITY FACI	20.00
				12251	070-384-0000-4260	23.00

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Voucher	Date	Vendor		Invoice		PO#	Description/Account		Amount
221095	12/7/2020	888468	888468 MAJOR METROPOLITAN SECU	RITY	(Continued)			Total :	297.00
221096	12/7/2020	888242 N	ICI COMM SERVICE	7DL393	65		ALARM LINE-1100 PICO		
							001-420-0000-4220		35.08
								Total :	35.08
221097	12/7/2020	893200 N	ICKESSON MEDICAL-SURGICAL	1707466	62		MASKS-COVID19		
							001-222-3689-4300		110.22
				170808	12		MEDICATIONS		
							001-225-0000-4350		42.29
				1708119	90		MEDICATION		
							001-225-0000-4350		62.01
								Total :	214.52
221098	12/7/2020	892140 N	IICHAEL BAKER	1099643	3		CDBG ADMINISTRATIVE & LAR	BOR COM	
						11886	026-311-0182-4260		1,200.00
						11886	026-422-0336-4260		120.00
								Total :	1,320.00
221099	12/7/2020	893717 N	IIDLAND CONTRACTORS INC	1001 GL	ENOAKS		WATER CAPACITY FAC REFUN	ND	
							070-3840-0000		3,535.00
							070-3901-0000		5,465.43
				1246 SA	N FERNANDO		ADDT'L COST FOR FIRE SERV	ICE INST.	
							070-3840-0000		-4,103.38
								Total :	4,897.05
221100	12/7/2020	102226 N	IISSION LINEN SUPPLY	5135977	783		LAUNDRY SERVICE FOR PD		
						12324	001-225-0000-4350		106.99
				5136232	257		LAUNDRY SERVICE FOR PD		
						12324	001-225-0000-4350		82.17
				5136409	971		LAUNDRY SERVICE FOR PD		
						12324	001-225-0000-4350		106.56
				5136680	025		LAUNDRY SERVICE FOR PD		
						12324	001-225-0000-4350		78.07
				5136869	943		LAUNDRY SERVICE FOR PD		
						12324	001-225-0000-4350		106.89
				5137105	596		LAUNDRY SERVICE FOR PD		

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
221100	12/7/2020	102226 MISSION LINEN SUPPLY	(Continued)			
				12324	001-225-0000-4350	103.40
			513720900		LAUNDRY SERVICE FOR PD	
				12324	001-225-0000-4350	98.48 682.56
					Total :	682.56
221101	12/7/2020	893343 MOHR, NICOLE	NOV 2020		COMMISSIONER'S STIPEND	
					001-310-0000-4111	75.00
					Total :	75.00
221102	12/7/2020	891542 MR "B" PRINTING INC.	40047		PRINTING MATERIALS: RCS DEPARTMI	
221102	12/1/2020		10011	12348	004-2346	213.52
			40211		PRINTING MATERIALS: RCS DEPARTMI	
				12348	001-420-3689-4300	328.50
			40400		PRINTING MATERIALS: RCS DEPARTMI	
				12348	001-420-3689-4300	591.30
			40438	12348	PRINTING MATERIALS: RCS DEPARTMI 017-420-1395-4260	615.89
				12340	Total :	1,749.21
						.,
221103	12/7/2020	890995 NAVARRO, SAYDITH	NOV 2020		COMMISSIONER'S STIPEND	
					001-420-0000-4111	75.00
					Total :	75.00
221104	12/7/2020	893405 NEW HORIZON	35632		LP PHONE SERVICE-NOV 2020	
					001-420-0000-4220	319.13
					Total :	319.13
221105	12/7/2020	102403 NOW IMAGE PRINTING	2020104		"NO PARKING" SIGNS	
221100	12/1/2020		2020101		001-311-0301-4300	627.00
					Total :	627.00
221106	12/7/2020	102423 OCCU-MED, INC.	1120901		PRE-EMPLOYMENT PHYSICALS-PD	0.040.00
					001-106-0000-4260 Total :	2,616.00 2,616.00
					iotai :	2,616.00
221107	12/7/2020	102432 OFFICE DEPOT	132694358001		OFFICE SUPPLIES	
					070-381-0000-4300	49.98

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221107 12/7/2	12/7/2020	102432 OFFICE DEPOT	(Continued)			
			132695694001		OFFICE SUPPLIES	
					070-381-0000-4300	7.68
			132941359001		OFFICE SUPPLIES	
					001-222-0000-4300	79.45
			132941920001		OFFICE SUPPLIES	
					043-390-0000-4300	9.89
			132941920002		OFFICE SUPPLIES	
					043-390-0000-4300	9.89
			132941920003		OFFICE SUPPLIES	
					043-390-0000-4300	9.89
			132942282001		OFFICE SUPPLIES-HP TONERS	
					070-384-0000-4300	358.68
			134543731001		OFFICE SUPPLIES	
					001-222-0000-4300	92.39
			134544760001		OFFICE SUPPLIES	
					001-222-0000-4300	13.13
			136409256001		OFFICE SUPPLIES	
					001-130-0000-4300	31.67
			136584586001		OFFICE SUPPLIES	
					001-152-0000-4300	176.00
			138201841001		OFFICE SUPPLIES	
					001-130-0000-4300	194.24
			138726343001		OFFICE SUPPLIES	
					001-222-0000-4300	16.59
			2447026876		OFFICE SUPPLIES	
					041-320-0000-4300	23.26
			2447514070		OFFICE SUPPLIES	
					043-390-0000-4300	68.57
					Total :	1,141.31
221108	12/7/2020	890095 O'REILLY AUTOMOTIVE STORES INC	4605-388415		VEHICLE SERVICE, MAINTENANCE & R	
				12252	041-320-0311-4400	36.26
			4605-390965		VEHICLE SERVICE, MAINTENANCE & R	
				12252	041-320-0225-4400	191.90
			4605-392822		VEHICLE SERVICE, MAINTENANCE & R	101.00
				12252	041-320-0390-4400	31.33

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Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO#	Description/Account	Amount
221108	12/7/2020	890095 O'REILLY AUTOMOTIVE STORES INC	(Continued)			
			4605-393298		VEHICLE SERVICE, MAINTENANCE & R	
				12252	041-320-0311-4400	16.49
			4605-393427		VEHICLE SERVICE, MAINTENANCE & R	
				12252	072-360-0000-4400	84.62
					Total :	360.60
221109	12/7/2020	892360 PARKING COMPANY OF AMERICA	INVM0015471		PUBLIC TRANSPORTATION SERVICES-	
				12291	007-313-0000-4260	25.216.84
				12291	008-313-0000-4260	25,216.83
					Total :	50,433.67
221110	10/7/2020	888789 PRO FORCE LAW ENFORCEMENT	420090		TASER, HOLSTER AND ACCESSORIES	
221110	12/1/2020	BOOTOS FROTONCE EAW ENTONCEMENT	420030	12283	001-222-0000-4300	680.00
				12205	001-222-0000-4300	68.00
					Total :	748.00
221111	40/7/0000	102688 PROFESSIONAL PRINTING CENTERS	16583		PURCHASE OF PRE-PRINTED FORMS	
221111	12/7/2020	102086 PROFESSIONAL PRINTING CENTERS	10000	12308	070-382-0000-4300	39.33
				12308	072-360-0000-4300	39.33
				12300	072-300-0000-4300 Total :	78.65
					Total .	
221112	12/7/2020	892131 PROHEALTH-VALLEY OCCUPATIONAL	00305698-00		FIT FOR DUTY PHYSICAL	
					001-106-0000-4260	185.00
					Total :	185.00
221113	12/7/2020	890004 PTS	2056227		PD PAY PHONE-DEC	
221110	12/11/2020		2000221		001-190-0000-4220	65.64
					Total :	65.64
	40/7/00000					
221114	12/7/2020	892297 PUKUU CULTURAL COMMUNITY	4	12135	PROF SERVS AGREEMENT YOUTH REI 110-422-3649-4270	04 057 07
				12135	110-422-3649-4270 Total :	24,857.37 24,857.37
					Iotai :	24,007.37
221115	12/7/2020	893143 RICHARDS, SANDRA MARIE	NOV 2020		COMMISSIONER'S STIPEND	
					001-420-0000-4111	75.00
					Total :	75.00

Voucher List

CITY OF SAN FERNANDO

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Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
221116	12/7/2020	103045 SAN FER. MALL DOWNTOWN ASSOC.	SEPT 2020		REIMB TO DOWNTOWN ASSOC-HOLID/	
					001-2260	25,223.73
					Total :	25,223.73
221117	12/7/2020	893107 SIEMENS MOBILITY INC	5620032915		ON-CALL TRAFFIC SIGNAL MAINT SER	
				12292	001-371-0564-4300	4,047.18
					Total :	4,047.18
221118	12/7/2020	103184 SMART & FINAL	15802		EMP;OYEE BREAK ROOM SUPPLIES	
					001-222-0000-4300	45.00
					Total :	45.00
221119	12/7/2020	103202 SOUTHERN CALIFORNIA EDISON CO.	2-02-682-6982		ELECTRIC - 910 FIRST	
					043-390-0000-4210	5.900.17
			2-21-082-3241		ELECTRIC - VARIOUS LOCATIONS	-,
					029-335-0000-4210	410.98
					027-344-0000-4210	7,536.56
					043-390-0000-4210	12,258.49
					070-384-0000-4210	16,405.58
			2-33-746-5215		ELECTRIC - 190 PARK	
					027-344-0000-4210	577.03
			2-39-084-2581		ELECTRIC - 1117 2ND	
					043-390-0000-4210	13.58
			2-39-717-6769		ELECTRIC - 801 8TH	
					043-390-0000-4210	16.33
			2-42-775-4338		ELECTRIC-MACLAY/SAN FERNANDO	
					030-341-0000-4210	57.99
					Total :	43,176.71
221120	12/7/2020	103251 STANLEY PEST CONTROL	300965		PEST EXTERMINATION FOR THE INTEF	
				12290	043-390-0000-4330	94.00
			300968		PEST EXTERMINATION FOR THE INTEF	
				12290	043-390-0000-4330	62.00
			300969		PEST EXTERMINATION FOR THE INTEF	
				12290	043-390-0000-4330	135.00
			300971		PEST EXTERMINATION FOR THE INTEF	
				12290	043-390-0000-4330	55.00

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Bank code :	bank3						
/oucher	Date	Vendor	Invoice	PO #	Description/Account		Amoun
221120	12/7/2020	103251 STANLEY PEST CONTROL	(Continued)				
			300972		PEST EXTERMINATION FOR THE INTE	F	
				12290	043-390-0000-4330		95.00
			300973		PEST EXTERMINATION FOR THE INTE	F	
				12290	043-390-0000-4330		85.00
			300974		PEST EXTERMINATION FOR THE INTE	F	
				12290	043-390-0000-4330		85.00
					Total	:	611.0
221121	12/7/2020	889149 STAPLES BUSINESS ADVANTAGE	3461485316		MONITOR PRIVACY WIDESCREEN		
					001-130-0000-4300		92.3
					Total	:	92.3
221122	12/7/2020	100532 STATE OF CALIFORNIA, DEPARTMENT OF	JU! 476332		DOJ LIVESCAN FINGERPRINTING		
				12315	004-2386		2,805.00
				12315	001-222-0000-4270		198.00
					Total	:	3,003.0
221123	12/7/2020	103090 SUSAN SAXE-CLIFFORD, PH.D.	20-1112-2		PSYCH EVALUATIONS		
				12309	001-222-0000-4260		450.00
			20-1112-5		PSYCH EVALUATIONS		
				12309	001-222-0000-4260		450.00
					Total	:	900.0
221124	12/7/2020	103205 THE GAS COMPANY	042-320-6900-7		GAS - 910 FIRST		
					043-390-0000-4210		113.8
					Total	:	113.8
221125	12/7/2020	888821 THE GOODYEAR TIRE & RUBBER CO	121183		TIRES FOR CITY FLEET		
				12255	041-1215		1.997.8
					Total	:	1,997.8
221126	12/7/2020	101528 THE HOME DEPOT CRC, ACCT#603532202	2490 102620		FINANCE CHARGES		
					070-381-0000-4300		72.9
			1124169		MINI BLINDS REPLACED-PD		. 2.01
					043-390-0000-4300		32.9
			1970245		TRASH BAGS		

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Voucher List

CITY OF SAN FERNANDO



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Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO#	Description/Account	Amount
221126	12/7/2020	101528 THE HOME DEPOT CRC, ACCT#60353220249	0 (Continued)			_
					030-341-0000-4300	1,049.40
			2261909		SMALL TOOLS	
					041-320-0000-4340	26.40
			2782148		SMALL TOOLS	
					041-320-0000-4340	24.62
			3970919		ITEM RETURNED	
					030-341-0000-4300	-13.13
			4535373		MISC SUPPLIES	
					070-383-0301-4300	27.47
			5204055		KEY BOX	
					043-390-0000-4300	131.63
			7114244		MARKING PAINT	
					001-311-0301-4300	26.31
			7201607		KEY TAGS	
					043-390-0000-4300	12.51
			9530110		SMALL TOOLS	
					072-360-0000-4340	121.45
			9740378		GENERATOR GAS CAN-CPVOD19	
					001-420-3689-4300	813.27
					Total :	2,325.82
221127	12/7/2020	103903 TIME WARNER CABLE	0010369111820		CABLE SERVICES-PD (11/18-12/17)	
					001-222-0000-4260	223.71
			10328110520		CABLE-11/05-12/04	
					001-190-0000-4220	142.49
			10518102920		CABLE-RCS PARK (10/29-11/28)	
					001-420-0000-4260	276.55
			283057110520		CABLE - LP PARK (11/05-12/04)	
					001-420-0000-4260	220.40
					Total :	863.15
221128	12/7/2020	893353 TOLENTINO, CLARISA	NOV 2020		COMMISSIONER'S STIPEND	
					001-310-0000-4111	75.00
					Total :	75.00
221129	12/7/2020	103413 TRANS UNION LLC	10004971		CREDIT CHECKS	

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Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
221129	12/7/2020	103413 TRANS UNION LLC	(Continued)			
					001-222-0000-4260 Total :	75.00 75.00
221130	12/7/2020	890998 TRUJILLO, RODOLFO	NOV 2020		COMMISSIONER'S STIPEND	
					001-310-0000-4111 Total :	75.00 75.00
221131	12/7/2020	892258 UNIFORM & ACCESSORIES	804054		UNIFORMS AND UNIFORM ACCESSOR	
				12332	001-222-0000-4300	785.96
			813819		UNIFORMS AND UNIFORM ACCESSORI	
				12332	001-222-0000-4300 Total :	801.23 1,587.19
221132	12/7/2020	893167 UNITED MAINTENANCE SYSTEMS	14753		CONTRACTUAL SERVICES FOR JANITC	
221132	12/1/2020	035107 UNITED MAINTENANCE STOTEMS	14755	12256	043-390-0000-4260	17,850.00
				12256	043-390-3689-4260	7,250.00
					Total :	25,100.00
221133	12/7/2020	103439 UPS	831954450		COURIER SERVICE	
					001-190-0000-4280	196.74
					Total :	196.74
221134	12/7/2020	892612 URBAN FUTURES, INC	0620-007		FISCAL ADVISOR SERVICES PENSION	
				11954	001-190-0000-4267	450.00
					Total :	450.00
221135	12/7/2020	103449 USA BLUE BOOK	397768		MISC. WATER SUPPLIES	
				12345	070-384-0000-4320	1,509.25
					Total :	1,509.25
221136	12/7/2020	893612 VALLARTA SUPER MARKETS	83726		RESIDENTIAL FOOD DISTRIBUTION PR	
				12349	026-422-0336-4300	20,580.13
			83806	10010	RESIDENTIAL FOOD DISTRIBUTION PR	0.005.00
				12349	026-422-0336-4300 Total :	2,325.60 22,905.73
221137	12/7/2020	103534 VALLEY LOCKSMITH	7324		LOCKSMITH SERVICES FOR ALL CITY F	
	12/7/2020	103534 VALLEY LOCKSMITH	/324		LUCKSMITH SERVICES FOR ALL CITY F	

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Voucher List CITY OF SAN FERNANDO

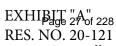
	Date 12/7/2020	Vendor				
	12/7/2020		Invoice	PO #	Description/Account	Amount
		103534 VALLEY LOCKSMITH	(Continued)			
				12275	043-390-0000-4330	223.07
					Total :	223.07
221138	12/7/2020	889644 VERIZON BUSINESS	895367		CITY HALL LONG DISTANCE	
					001-190-0000-4220	53.10
			895368		CITY YARD LONG DISTANCE	
					070-384-0000-4220	15.93
			895369		CITY HALL LONG DISTANCE & INTRALA	
					001-190-0000-4220	26.55
			895370		POLICE LONG DISTANCE	
					001-222-0000-4220	123.11
			895371		CITY YARD LONG DISTANCE	
					070-384-0000-4220	10.62
			895372		PARK LONG DISTANCE	10.10
					001-420-0000-4220	16.19
			895908		ENGINEERING LONG DISTANCE 001-310-0000-4220	5.40
			895919		CITY HALL LINES	5.46
			893919		001-190-0000-4220	58.49
					Total :	309.45
					Total .	505.45
221139	12/7/2020	100101 VERIZON WIRELESS-LA	9866674762		VARIOUS CELL PHONE PLANS	
					072-360-0000-4220	50.96
					001-101-0102-4220	50.96
					001-105-0000-4220	69.35
					Total :	171.27
221140	12/7/2020	103603 VULCAN MATERIALS COMPANY	72766950		BASE FOR TRENCHING REPAIRS	
					070-383-0301-4300	255.01
					072-360-0000-4300	255.00
					Total :	510.01
221141	12/7/2020	888390 WEST COAST ARBORISTS, INC.	165489		ANNUAL TREE TRIMMING CONTRACT S	
	12/1/2020		100100	12246	011-311-0000-4260	6.638.00
				.2240	Total :	6,638.00

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Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amoun
221142	12/7/2020	891531 WILLDAN ENGINEERING	003-33058		ON CALL ENGINEERING SERVICES	
				12350	001-310-0000-4270	7,750.00
				12350	070-385-0000-4270	455.00
				12350	011-311-0560-4600	65.00
				12350	024-371-0562-4600	325.00
				12350	072-365-0000-4260	260.00
				12350	012-311-0551-4600	195.00
			00333059		ON CALL ENGINEERING SERVICES	
				12350	012-311-0551-4600	199.00
			00333060		ON CALL ENGINEERING SERVICES	
				12350	001-310-0000-4270	1,300.00
			00333137	100.10	NPDES CONSULTANT SERVICES	5.045.0
			000 00000	12346	023-311-0000-4270	5,315.39
			003-33208	10050	ON CALL ENGINEERING SERVICES	7.045.00
				12350 12350	001-310-0000-4270 070-385-0000-4270	7,215.00
				12350	024-371-0562-4600	1,040.00 130.00
			00333209	12330	ON CALL ENGINEERING SERVICES	130.00
			00333209	12350	001-310-0000-4270	1.235.00
			00333316	12330	NPDES CONSULTANT SERVICES	1,200.00
			00333310	12346	023-311-0000-4270	6,039.50
			00333418	12040	ON CALL ENGINEERING SERVICES	0,000.00
			00000410	12350	001-310-0000-4270	130.00
			00333497	12000	NPDES CONSULTANT SERVICES MON1	100.00
			0000101	12342	001-310-0000-4270	3,970.7
			00333498	12012	WELL 7A REGULATORY COMPLIANCE	0,070.11
				12265	070-381-0000-4270	1.001.00
			00619729		SF - HSIP CYCLE 8 TRAFFIC SIGNAL IM	.,
			00010120	11901	012-311-0562-4600	808.3
				11901	024-371-0562-4600	3,055.00
					Total :	40,489.03
221143	12/7/2020	892023 WINDSTREAM	73247620		PHONE SERVICES-11/18-12/17	
221140	12/1/2020	052020 WINDOTTEAW	13241020		001-222-0000-4220	690.9
					001-222-0000-4220	475.8
					070-384-0000-4220	475.8 534.1
					001-190-0000-4220	2.256.4
					001-100-0000-4220	2,200.40

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Voucher	Date	Vendor	Invoice	PO #	Description/Account		Amou
221143	12/7/2020	892023 892023 WINDSTREAM	(Continued)			Total :	3,957.3
221144	12/7/2020	889467 YOUNGBLOOD & ASSOCIATES	1287A		POLYGRAPH EXAMS		
				12303	001-222-0000-4260		350.0
			1288A		POLYGRAPH EXAMS		
				12303	001-222-0000-4260		50.0
			1297A		POLYGRAPH EXAMS		
				12303	001-222-0000-4260		300.0
						Total :	700.0
112	Vouchers fo	or bank code : bank3				Bank total :	1,095,912.0
		n this report				Total vouchers :	1,095,912.0

Voucher Registers are not final until approved by Council.

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AGENDA REPORT

То:	Mayor Joel Fajardo and Councilmembers
From:	Nick Kimball, City Manager By: Anthony Vairo, Police Chief
Date:	December 7, 2020
Subject:	Consideration to Accept Grant Funds from the California Department of Alcoholic Beverage Control – Office of Traffic Safety Enforcement Grant Program

RECOMMENDATION:

12/07/2020

It is recommended that the City Council:

- a. Accept the California Department of Alcoholic Beverage Control (ABC) Office of Traffic Safety (OTS) Enforcement Grant Program 21-OTS-14 in the amount of \$19,900;
- Adopt Resolution No. 8045 (Attachment "A") authorizing the Chief of Police to execute Standard Agreement No. 21-OTS-14 (Exhibit "A" of Attachment "A") with ABC for Enforcement Grant Program; and
- c. Adopt Resolution No. 8049 (Attachment "B") amending the budget for Fiscal Year 2020-2021 to appropriate the grant revenues and expenses.

BACKGROUND:

- 1. ABC and OTS's mission is to obtain and effectively administer grant funds to reduce deaths, injuries, economic losses, alcohol related traffic accidents and educate retail/restaurant establishments with ABC licensing.
- 2. Each year, the Highway Safety Plan (HSP) is developed to reflect current needs and details the planned use of federal funds. HSP identifies problems, specific performance measurers, proposed solutions, time frames and fiscal information on existing and planned new grants that are designed to mitigate traffic safety problems.
- 3. ABC and OTS partnered and established a Law Enforcement Grant Program to enhance current levels of education and enforcement regarding ABC licensed establishments, problems associated with onsite/offsite retail alcohol sales, and consumption associated with these sales.

Consideration to Accept Grant Funds from the California Department of Alcoholic Beverage Control – Office of Traffic Safety Enforcement Grant Program Page 2 of 2

4. In 2020, the Police Department applied, and was selected, to receive funding to administer ABC/OTS Enforcement Grant.

ANALYSIS:

The Police Department's objective is to reduce the number of persons killed and injured in alcohol-involved crashes by utilizing the enforcement grant to conduct Minor Decoy operations, Shoulder Tap operations, and Informed Merchants Preventing Alcohol-Related Crime Tendencies (IMPACT) inspections.

ABC requires that the City adopt a Resolution that includes specific elements that will satisfy the stipulations made by ABC. The goal of the Law Enforcement Grant Program is to continue to reduce availability of alcohol to local youth by enforcement and to educate local merchants. Grant funds will be used to reimburse the City for overtime costs incurred during enforcement operations for those goals.

BUDGET IMPACT:

The ABC/OTS Enforcement Grant from the State of California (State) is in the form of a reimbursable grant and required the City to enter into an agreement with ABC to administer the grant. The grant is in the amount of \$19,900 and the proposed Budget Resolution will appropriate the full grant amount in Fiscal Year 2020-2021.

CONCLUSION:

Staff recommends that the City Council approve the acceptance of the ABC/OTS Enforcement Grant 21-OTS-14 in the amount of \$19,900, authorize the Chief of Police to execute the Standard Agreement contract with ABC, and adopt a resolution amending the Fiscal Year 2020-2021 Budget.

ATTACHMENTS:

- A. Resolution No. 8045 with Exhibit "A"
- B. Resolution No. 8049

RESOLUTION NO. 8045

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, AUTHORIZING THE POLICE CHIEF TO PROPOSE AND ENTER INTO AN AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL ENFORCEMENT GRANT PROGRAM

WHEREAS, The City Council of the City of San Fernando desires to undertake a certain project designated as 2020-2021 Enforcement Grant Program to be funded in part from funds made available through the National Highway Traffic Safety Administration administered by the Department of Alcoholic Beverage Control (hereafter referred as ABC).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The Police Chief is authorized to execute, on behalf of the City Council, the attached Contract/Agreement (Exhibit "A"), including any extensions or amendments thereof and any subsequent contract with the State in relation thereto.

SECTION 2. It is agreed that any liability arising out of the performance of this contract, including civil court actions for damages, shall be the responsibility of the grant recipient and authorizing agency. The State of California and ABC disclaim responsibility for any such liability.

<u>SECTION 3</u>. The grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

<u>SECTION 4</u>. This award is not subject to local hiring freezes.

SECTION 5. This Resolution shall take effect immediately upon its adoption by the City Council and the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED, AND ADOPTED this 7th day of December 2020.

ATTEST:

Joel Fajardo, Mayor

Julia Fritz, City Clerk

CERTIFICATION

I, Julia Fritz, City Clerk of the City of San Fernando, California, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 8045 which was regularly introduced and adopted by the City Council of the City of San Fernando, California, at a regular meeting thereof held on the 7th day of December, 2020, by the following vote of the City Council:

AYES:

NAYS:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Fernando, California, this _____ day of December, 2020.

Julia Fritz, City Clerk



SCO ID: 2100-2101514

ST		RNIA - DEPARTMENT OF GENERAL SERVICES	AGREEMENT NUMBER 21-OTS-14	PURCHASING AUTHORITY NUMBER (I ABC-2100	f Applicable)
1. T	his Agreement	is entered into between the Contracting Agency	and the Contractor named below:		
CON	ITRACTING AGEN	NCY NAME			
Alc	oholic Bevera	ige Control			
CON	ITRACTOR NAME				
City	of San Ferna	ando through the San Fernando Police Depa	rtment		
2. T	he term of this	Agreement is:			
STA	RT DATE				
Oct	ober 1, 2020				
THR	OUGH END DATE	E			
Aug	gust 31, 2021				
		mount of this Agreement is: eteen thousand nine hundred dollars and no	o cents		
4. T	he parties agre	e to comply with the terms and conditions of the	following exhibits, which are by this	reference made a part of the Agreen	nent.
	Exhibits		Title		Pages
			HUC		, uges
×	Exhibit A	Scope of Work			3
	Exhibit B	Budget Detail and Payment Provisions			1
	Exhibit C *	General Terms and Conditions			04/2017
+	Exhibit D	Special Terms and Conditions			1
Thes	e documents ca	n asterisk (*), are hereby incorporated by reference an an be viewed at <u>https://www.dgs.ca.gov/OLS/Resourc</u> EOF, THIS AGREEMENT HAS BEEN EXECUTED BY	<u>ces</u>	ached hereto.	
			CONTRACTOR		
		(if other than an individual, state whether a corporatio			
City	/ of San Ferna	ando through the San Fernando Police Depa	rtment		
CON	ITRACTOR BUSIN	IESS ADDRESS	CITY	STATE	
910) First Street		San Fe	rnando CA	91340
	ITED NAME OF P	ERSON SIGNING	TITLE		
Ant	hony Vairo		Chief c	of Police	
CON	ITRACTOR AUTH	ORIZED SIGNATURE	DATE SI	GNED	
		ST/	ATE OF CALIFORNIA		
	ITRACTING AGEN				
Alc	oholic Bevera	ige Control			
	ITRACTING AGEN		CITY	STATE	
392	7 Lennane D	rive, #100	Sacran	nento CA	95834
		ERSON SIGNING	TITLE		
Pat	tye Nelson		Chief,	Business Management Branch	
CON	ITRACTING AGEN	NCY AUTHORIZED SIGNATURE	DATE SI	GNED	
CAL	IFORNIA DEPART	MENT OF GENERAL SERVICES APPROVAL	ЕХЕМРТ	ION (If Applicable)	
				×.	

CC Meeting Agenda

RES. NO. 8045

Agreement Number: 21-OTS-14 City of San Fernando through the San Fernando Police Department Page **1** of **3**

EXHIBIT A SCOPE OF WORK

I. PROJECT REPRESENTATIVES

The project representatives during the term of this agreement will be:

San Fernando Police Department Irwin Rosenberg, Lieutenant 910 First Street San Fernando, CA 91340 (818) 898-1255 irosenberg@sfcity.org Department of Alcoholic Beverage Control Diana Fouts-Guter, Grant Coordinator 3927 Lennane Drive, Suite 100 Sacramento, CA 95834 (916) 928-9807 Diana.fouts-guter@abc.ca.gov

Direct all fiscal inquiries to:

San Fernando Police Department Sonia Garcia 910 First Street San Fernando, CA 91340 (818) 898-1215 <u>sgarcia@sfcity.org</u> Department of Alcoholic Beverage Control Kristine Okino, Fiscal Grant Analyst 3927 Lennane Drive, Suite 100 Sacramento, CA 95834 (916) 419-2572 Kristine.okino@abc.ca.gov

II. SCOPE OF WORK

- Contractor agrees to implement the Department of Alcoholic Beverage Control programs as listed:
 - Minor Decoy operations
 - o Shoulder Tap operations
 - o Informed Merchants Preventing Alcohol-Related Crime Tendencies (IMPACT) Inspections
- This agreement is for overtime compensation only.
- The project is targeted to reduce underage drinking and the resultant DUI driving injuries and fatalities, and/or property damages, reduce youth access to alcoholic beverages through the education of licensee, enforcement intervention and the impressions of omnipresence of law enforcement.
- In addition, Contractor agrees to the following goals:
 - The operation period of the grant is October 1, 2020 through August 31, 2021.
 - Contractor agrees to raise public awareness that selling, serving and/or furnishing alcoholic beverages to individuals under twenty-one years old is a criminal violation that will be prosecuted by local city and district attorneys.

Agreement Number: 21-OTS-14 City of San Fernando through the San Fernando Police Department Page **2** of **3**

- Minor Decoy operations are designed to educate and deter licensed locations from selling/furnishing alcohol to minors. Contractor agrees to conduct Minor Decoy Operations at both "On-Sale" and "Off-Sale" licensed establishments within the operation period of the grant.
- Shoulder Tap operations are used to detect and deter adult furnishers outside of a licensed business. Contractor agrees to conduct Shoulder Tap Operations at "Off-Sale" licensed locations to apprehend adults that are unaffiliated with the licensed businesses and who are purchasing alcohol for minors outside of the stores within the operation period of the grant.
- Informed Merchants Preventing Alcohol-Related Crime Tendencies (IMPACT) primary goal is to educate licensee's on alcohol related laws to help reduce alcohol-related crime in and around licensed premises. Contractor agrees to conduct visits and inspections of licensed premises identifying areas of non-compliance at "On-Sale" and "Off-Sale" licensed locations within the operation period of the grant.
- Contractor agrees to establish and implement a coordinated effort between Contractor and ABC, and acknowledges no operations will be conducted until after the Contractor's representative has completed training conducted by ABC.
- Contractor agrees to issue press releases as follows:
 - 1. To announce the start of the program;
 - 2. At the conclusion of each Minor Decoy Operation has been held (to announce the number of licensed premises who sold to the minor decoy)
 - 3. At the conclusion of each Shoulder Tap Operation has been held (to announce the number of adults arrested for purchasing alcoholic beverages for the decoy).
 - 4. At the conclusion of each IMPACT operation has been held
- Contractor will fax (916) 419-2599 or email each press release to the Department's Public Information Officer (John.carr@abc.ca.gov) as soon as it is released.
- Contractor agrees in all press releases, in addition to any credits the agency wishes to give, will include the following statement: "This project is part of the Department of Alcoholic Beverage Control's Minor Decoy/Shoulder Tap Grant Project, funded by the California Office of Traffic Safety through the National Highway Traffic Safety Administration.
- Contractor agrees to complete and submit bi-monthly reports, on a format designed by the Department of Alcoholic Beverage Control due no later than 15 days after operations conducted:

On or before **January 15, 2021** (with results of operations October, November & December 2020)

On or before **March 15, 2021** (with results of operations January & February 2021) On or before **May 15, 2021** (with results of operations March & April 2021) On or before **July 15, 2021** (with results of operations May & June 2021) On or before **September 15, 2021** (with results of operations July & August 2021)

- Contractor agrees to submit an Executive Summary as part of the final report due on or before **September 15, 2021**. The summary shall contain the following:
 - 1. An evaluation statement concerning the end product and cost benefits; and a listing of recommended and/or adopted policy or procedure changes, if any, occurring as a result of the project.

Agreement Number: 21-OTS-14 City of San Fernando through the San Fernando Police Department Page **3** of **3**

- 2. Project personnel identifying the key personnel who worked on the project, together with their job classification, and a brief description of their contribution.
- 3. Problems describe any operational or cost problems that were encountered in project implementation. If known, state alternative methods that would have avoided the problem and increased the effectiveness of the project.
- 4. Results describe the results of the project in terms of meeting the original objectives as stated in the project agreement. Also, describe the results in terms of how they will be specifically applied for future improvement of the agency's continuing activities relating to alcohol problem prevention and enforcement. Where possible, describe estimated savings resulting from implementing project results.
- 5. Disclaimer The final report shall include the following: "<u>The opinions, findings, and</u> <u>conclusions expressed in this publication are those of the authors and not necessarily</u> <u>those of the State of California, Business, Consumer Services and Housing Agency, or</u> <u>the Department of Alcoholic Beverage Control.</u>"</u>
- Documentation Attach any relevant documents developed. Examples are: new or revised forms, diagrams, management reports, photos, coding manuals, instructional manuals, etc.

Agreement Number: 21-OTS-14 City of San Fernando through the San Fernando Police Department Page 1 of 1

EXHIBIT B BUDGET DETAIL AND PAYMENT PROVISIONS

I. INVOICING AND PAYMENT

- For services satisfactorily rendered and upon receipt and approval of the invoice, the Department of Alcoholic Beverage Control agrees to pay a bi-monthly payment of approved reimbursable costs per the Budget Detail of personnel overtime and benefits (actual cost).
- Invoices shall clearly reference this contract number (21-OTS-14) and must not exceed the contract total authorized amount of \$19,900.00. Invoices are to be submitted on a bi-monthly basis, on the prescribed form designed by the Department of Alcoholic Beverage Control.

Submit to: Department of Alcoholic Beverage Control Attn: Kristine Okino, Grants Fiscal Analyst 3927 Lennane Drive, Suite 100 Sacramento, California 95834

- Payment shall be made in arrears within 30 days from the receipt of an undisputed invoice.
- Contractor understands in order to be eligible for reimbursement; cost must be incurred on or after the effective date of the project, October 1, 2020 and on or before the project termination date, August 31, 2021.
- Contractor understands any other costs incurred by Contractor, other than attendance at initial training and/or personnel overtime and benefits as authorized above, in the performance of this agreement are the sole responsibility of Contractor.

II. BUDGET CONTINGENCY CLAUSE

- It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement and Contractor shall not be obligated to perform any provisions of this Agreement.
- If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an agreement amendment to Contractor to reflect the reduced amount.

III. PROMPT PAYMENT CLAUSE

• Payment will be made in accordance with, and within the time specified in, Government Code Chapter 4.5, commencing with Section 927.

Agreement Number: 21-OTS-14 City of San Fernando through the San Fernando Police Department Page 1 of 1

EXHIBIT D SPECIAL TERMS AND CONDITIONS

- 1. Disputes: Any disputes concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Director, Department of Alcoholic Beverage Control, or designee, who shall reduce his decision in writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Department shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the State a written appeal addressed to the Director of the Department of Alcoholic Beverage Control. The decision of the Director of Alcoholic Beverage Control or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, capricious, arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, Contractor shall proceed diligently with the performance of the contract and in accordance with the decision of the State.
- Cancellation/Termination: This agreement may be cancelled or terminated without cause by either party by giving thirty (30) calendar days advance written notice to the other party. Such notification shall state the effective date of termination or cancellation and include any final performance and/or payment/invoicing instructions/requirements. No penalty shall accrue to either party because of contract termination.
- Contractor Certifications: By signing this agreement, Contractor certifies compliance with the provisions of CCC 04/2017, Standard Contractor Certification Clauses. This document may be viewed at: <u>https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/Standard-Contract-Language</u>
- 4. If the State determines that the grant project is not achieving its goals and objectives on schedule, funding may be reduced by the State to reflect this lower level of project activity.

RESOLUTION NO. 8049

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, AMENDING THE BUDGET FOR THE FISCAL YEAR 2020-21 ADOPTED ON JULY 1, 2020

WHEREAS, the City of Council has received and considered the proposed adjustment to the budget for Fiscal Year 2020-21, commencing July 1, 2020, and ending June 30, 2021; and

WHEREAS, the City Council has determined that it is necessary to amend the revenues and expenditures of the current City budget; and

WHEREAS, an annual budget for the City of San Fernando for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021, a copy of which is on file in the City Clerk's Office, has been adopted on July 1, 2020.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, DOES HEREBY RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:

<u>SECTION 1</u>. The following adjustments are made to the City Budget:

Fund 110-225-3681-41XX: Increase in Expenditures:	\$ 19,900
Fund 110-3696-3681: Increase in Revenues:	\$ 19,900

<u>SECTION 2</u>. This Resolution shall take effect immediately upon its adoption by the City Council and the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED, AND ADOPTED this 7th day of December 2020.

Joel Fajardo, Mayor

ATTEST:

Julia Fritz, City Clerk

CERTIFICATION

I, Julia Fritz, City Clerk of the City of San Fernando, California, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 8049 which was regularly introduced and adopted by the City Council of the City of San Fernando, California, at a regular meeting thereof held on the 7th day of December, 2020, by the following vote of the City Council:

AYES:

NAYS:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Fernando, California, this _____ day of December, 2020.

Julia Fritz, City Clerk

12/07/2020

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AGENDA REPORT

- To:Mayor Joel Fajardo and CouncilmembersFrom:Nick Kimball, City Manager
By: Julia Fritz, City ClerkDate:December 7, 2020
- Subject:Second Reading and Adoption of Ordinance No. 1700 Approving Amendments to
Chapter 22 (Businesses) of the San Fernando Municipal Code by the Addition of a
New Article IX (Art Murals on Private Property)

RECOMMENDATION:

12/07/2020

It is recommended that the City Council:

- Adopt Ordinance No. 1700 (Attachment "A") that was introduced for first reading at the City Council meeting of November 16, 2020, amending Chapter 22 (Businesses) of the San Fernando Municipal Code by the addition of a new Article IX (Art Murals on Private Property), and;
- b. Amend Section 22-502. Permit Required; and Section 22-503. Application Procedure to identify permitted properties.

BACKGROUND:

- On November 16, 2020, the City Council approved for first reading in title only, and to waive all further reading of, Ordinance No. 1700 titled, "An Ordinance of the City Council of the City of San Fernando, California, amending Chapter 22 (Businesses) of the San Fernando Municipal Code by the addition of a new Article IX (Art Murals on Private Property); and amend Section 22-502 and Section 22-503 to identify permitted properties.
- 2. On November 16, 2020, the City Council Adopted Resolution No. 8042 (Attachment "B") establishing a Mural Permit Application Fee.

ANALYSIS:

The purpose of the proposed ordinance is to permit and encourage art murals on private commercial property on a content-neutral basis under certain terms and conditions. Murals

Second Reading and Adoption of Ordinance No. 1700 Approving Amendments to Chapter 22 (Businesses) of the San Fernando Municipal Code by the Addition of a New Article IX (Art Murals on Private Property)

Page 2 of 2

embrace a unique medium of expression that serves the public interest. Murals have purposes distinct from commercial signs and confer different benefits.

Staff presented the Mural Ad Hoc Committee's recommendations to the City Council on November 16, 2020. The City Council approved Ordinance No. 1700 for first reading amending Chapter 22 (Businesses) of the San Fernando Municipal Code by the addition of a new Article IX (Art Murals on Private Property). The motion included an amendment to clarify that murals are only allowed on commercial property and residential alleyways. Therefore, the following Sections have been incorporated into the final Ordinance:

- 1. Section 22-502 was amended to read as follows, "Murals shall only be permitted on 1) properties in commercial, industrial, service commercial, and mixed-use zones that are not zoned exclusively residential, and 2) residential walls directly adjacent to a city-designated alleyway;" and
- 2. Section 22-503 was amended to read as follows, "Murals shall only be permitted on 1) properties in commercial, industrial, service commercial, and mixed-use zones that are not zoned exclusively residential, and 2) residential walls directly adjacent to a city-designated alleyway."

BUDGET IMPACT:

Resolution No. 8042 (Attachment "B") was adopted by City Council on November 16, 2020 establishing a Mural Permit Application Fee (Attachment "B" Exhibit "1") of \$130 to offset the cost of staff time to review a mural application and present the application to the Parks, Wellness and Recreation Commission.

CONCLUSION:

It is recommended that the City Council adopt Ordinance No. 1700, as amended, to establish a permitting process for murals on private property.

ATTACHMENTS:

- A. Ordinance No. 1700
- B. Resolution No. 8042

ORDINANCE NO. 1700

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, AMENDING CHAPTER 22 (BUSINESSES) OF THE SAN FERNANDO MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE IX (ART MURALS ON PRIVATE PROPERTY)

WHEREAS, public art enhances the quality of life for individuals living in, working in, and visiting San Fernando by enhancing the physical beauty of the community; encouraging the development and appreciation of art; and enhancing the quality of development projects and the image of the community; and

WHEREAS, this Ordinance, will encourage pride in the community, build vibrant and distinctive spaces through placemaking, increasing property values, enhancing the quality of life through artistic opportunities, uniting the community through shared cultural experiences, and creating a cultural legacy for future generations through the collection and exhibition of high-quality art that reflects diverse styles that will acknowledge the past, usher in the future and create programs and activities that will further these goals.

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

SECTION 1. Chapter 22 (Businesses) of the San Fernando Municipal Code is hereby amended by the addition of a new Article IX entitled "Art Murals on Private Property" which shall state the following:

Article IX.	Art Murals on Private Property
Section 22-500.	Purpose.
Section 22-501.	Definitions.
Section 22-502.	Permit Required.
Section 22-503.	Application Procedure.
Section 22-504.	Permit Revocation, Expiration.
Section 22-505.	Mural Requirements.
Section 22-506.	Fees and Policies.
Section 22-507	Violation; Penalty.

Section 22-500. Purpose.

The purpose of this Article is to permit and encourage the display of art murals on publicly visible and/or accessible areas on private property on a content-neutral basis under certain terms and conditions. Murals comprise a unique medium of expression that serves the public interest. Murals have purposes distinct from signs and confer different benefits. Such purposes and benefits include improved aesthetics; avenues for original artistic

expression; public access to original works of art, community participation in the creation of original works of art, community-building through the presence of an identification with original works of art, education about the history of the City depicted in original works of art, and a reduction in the incidence of vandalism. Murals can increase community identity and foster a sense of place if they are located in a manner visible to pedestrians, are retained for substantial periods of time, and include a neighborhood process for discussion.

Section 22-501. Definitions.

For purposes of this Article:

"Alteration" means any change to a permitted mural, including but not limited to any change to the image(s), materials, colors, or size of the permitted mural. "Alteration" does not include naturally occurring changes to the mural caused by exposure to the elements or the passage of time. Minor changes to the permitted mural that result from the maintenance or repair of the mural shall not constitute "alteration." Such minor changes may include slight and unintended deviations from the original image, colors, or materials that occur when the permitted mural is repaired due to the passage of time or as a result of vandalism.

"Applicant" means an applicant for a mural permit application under this Article.

"City Council" means the City Council of the City of San Fernando.

"Commission" means the Parks, Wellness and Recreation Commission established under Article II (Parks, Wellness and Recreation Commission) of Chapter 54 (Parks and Recreation) of the San Fernando Municipal Code.

"Permittee" means an applicant who has received a mural permit pursuant to the process outlined in this Article.

"Mural" means an original work of visual art produced by hand that is tiled, painted directly upon, or affixed directly to an exterior wall of a structure.

Section 22-502. Permit Required.

Murals shall only be permitted on 1) properties in commercial, industrial, service commercial, and mixed-use zones that are not zoned exclusively residential, and 2) residential walls directly adjacent to a city-designated alleyway. It is unlawful for any person, firm, corporation, or other entity to authorize, erect, construct, maintain, move, alter, change, place, suspend, or attach any mural within the City without first (i) obtaining final approval from the Commission, or the City Council on appeal and (ii) satisfying all of the requirements set forth in this Article. This Article shall not apply to murals located on property owned by any public agency, including the City of San Fernando.

Section 22-503. Application Procedure.

Murals shall only be permitted on 1) properties in commercial, industrial, service commercial, and mixed-use zones that are not zoned exclusively residential, and 2) residential walls directly adjacent to a city-designated alleyway.

- A. Any person, firm, corporation, or other entity desiring to place a mural on any property shall first submit an application to the Community Development Department. A mural permit application shall include the following information:
 - 1. Name and address of the creator of the mural.
 - 2. Name and address of the owner, operator, or person in possession of the premises where the mural is proposed to be located.
 - 3. A detailed drawing or sketch of the proposed mural that is scale and in color.
- *C.* A mural permit application shall be submitted with all required fees as established by resolution of the City Council.
- D. The Community Development Department shall submit each completed application to the Commission for review as to the compatibility of the proposed mural in the location and on the specific structure the mural is proposed, and all other applicable requirements of Chapter 106 (Zoning) of the San Fernando Municipal Code.
- E. Prior to any action by the Commission, the Applicant shall post an 11"x17" color rendering of the proposed mural on site for no less than 10 calendar days prior to the scheduled public meeting at the which the proposed mural is to be considered by the commission. It shall be the applicant's responsibility to post the rendering and ensure that said rendering is posted for the entire 10-day period prior to the meeting. The rendering shall also include a notice advising the public of the date, time and location of the public hearing and that interested members of the public are invited to attend the public hearing. No mural shall be permitted until the Applicant has certified that notification has been completed.
- F. Each mural permit application will be considered at a public meeting of the Commission for final review. The application packet may include a narrative description of the mural, the purpose/significance of the proposed mural, photographic, digital and/or audio files, sketches, renderings, schematics, or any other documentation supporting the application. The Commission's decision to issue or deny the mural permit shall be final, unless any aggrieved party submits a written request for appeal of the Commission's decision (along with any applicable appeal fees established by City Council resolution) to the City Council pursuant to Section 22-503(F), care of the Office of the City Clerk, during City's regular business hours, within 7 calendar days from the date of the Commission's decision.

- G. The written appeal shall state in detail the specific grounds for the appeal; shall include any and all documentary, photographic, digital and/or audio evidence, and any other supporting documentation the appellant deems relevant to the appeal; and shall identify any and all Municipal Code provisions or other legal authorities, if any, that support appellant's request that the Commission's decision be overturned or otherwise modified. The City Council shall be under no obligation to consider grounds for an appeal that are not expressly stated in the appellant's appeal application nor shall the City Council be under any obligation to consider evidence that was not timely submitted along with the appeal application. A submitted appeal application may not be amended, supplemented or otherwise modified following the deadline for submitting appeals.
 - i. The appellant, at its sole cost and expense, shall submit two copies of all appeal documentation and evidence filed with the City Clerk as part of the appeal so that a copy set may be provided to the permit applicant for review prior to the appeal hearing. A copy of such appeal materials shall be delivered to the permit applicant not less than 15 calendar days prior to the date of the appeal hearing and the permit applicant may submit a written rebuttal along with any documentary, photographic, digital and/or audio evidence the permit applicant deems relevant to oppose the appeal, provided that such rebuttal materials are filed with the City Clerk, during the City's regular business hours, no less than 7 calendar days prior to the scheduled date of the appeal hearing.
 - *ii.* The permit applicant, at its sole cost and expense, shall submit two copies of all rebuttal documentation and evidence filed with the City Clerk and the City Clerk shall, in turn, forward such materials to the appellant for review not less than 3 calendar days prior to the scheduled date of the appeal hearing.
- H. The City Council shall conduct a public hearing on any timely filed appeal within 60 calendar days of the date the notice of appeal is filed. The decision of the City Council on appeal shall be final. The Commission's issuance of a permit shall not take effect until the end of the 7-day appeal period and in the event a timely appeal is filed, the permit shall not take effect unless and until the City Council upholds the Commission's decision to issue the permit.
- I. A permit issued under this Article is granted for the specific design and one-time production of the mural as presented in the application. Any alterations must be submitted to the Community Development Director for review and may require additional public hearing and approval by the Commission for the same procedures and noticing requirements as would otherwise apply for a permit application for a new mural.

Section 22-504. Permit Revocation, Expiration.

A. A mural permit is revocable by the Community Development Director if it is

determined at any time that the mural conflicts with the information provided in the application or with any one of the requirements listed in Section 22-505 (Mural Requirements), below.

- B. Any person issued a permit shall agree to work diligently to construct, install and complete any mural for which a permit has been granted. In recognition of the forgoing, a permit issued pursuant to the Article shall automatically expire upon the occurrence of either of the following: (i) the mural has not been completed within 2 years from the date the permit was issued; or (ii) the permittee has not commenced the construction and/or installation of the mural within 1 year from the date the permit was issued. If a permit expires pursuant to romanette (i) in the preceding sentence, the permit holder, at the permit holders sole cost and expense, shall be required to restore the subject property to its original condition, notwithstanding any partial work that may have been constructed or installed.
- C. Upon completion of the mural, the permittee shall promptly notify the Community Development Director in writing so that a final inspection may be conducted and a release of the permit may be issued. In no event shall the permittee delay more than 7 calendar days in notifying the Community Development Director that the mural is completed and ready for final inspection and possible release. Notwithstanding the City's final inspection, the permit shall not be released nor the mural deemed complete for purposes of Section 22-504(B) until such time as the permittee has recorded the covenant referenced under Section 22-505(G), below.

Section 22-505. Mural Requirements.

Murals that meet all of the following requirements will be allowed upon satisfaction of he applicable permit procedures:

- A. A new mural shall remain in place, without alteration, for a minimum period to be determined by the applicant, but not less than one-year. The artist or landowner must enter into a maintenance agreement with the City for the period specified in the application to provide an assurance that the mural will be repaired in case of vandalism, weathered wall surface damage, or chipping paint. A mural may be removed prior to the expiration of the permit under the following circumstances:
 - 1. The property on which the mural is located is sold; or
 - 2. The structure or property is substantially remodeled or altered in a way that precludes continuance of the mural; or
 - 3. The property undergoes a change of use authorized the Building and Safety Division, the Planning Division or the Planning and Preservation Commission.
- B. The mural shall not cause a pedestrian or vehicular safety hazard, including hazards in the form of impediments to the ingress and egress or pedestrians or vehicles or in the form of a distraction to motorists.

- C. A mural shall not be placed over the exterior surface of any building opening, including, but not limited to, windows, doors, and vents in such a way that blocks or restricts access to the opening.
- D. No part of the mural shall exceed the height of the structure to which it is tiled, painted, or affixed.
- *E.* No part of the mural shall extend more than six (6) inches from the plane of the wall upon which it is tiled, painted, or affixed.
- F. No mural shall be arranged and illuminated in a manner that will produce light intensity of greater than three foot candles above ambient lighting, as measured at the property line of the nearest residentially zoned property.
- G. The owner of the property on which a mural is installed shall execute and deliver to the City Clerk a covenant for recordation in a form approved by the City Attorney. The covenant shall provide that the mural will be installed and maintained at all times in full compliance with this Article. Except as otherwise provided under this Article, the covenant shall remain in force for as long as the mural exists. The written covenant must be submitted to the City for review prior to the permittee commencement of any work to construct or install the mural. City shall be under no obligation to release the permit as contemplated under Section 22-504(C), above, until the City-approved covenant is recorded. The failure of the covenant to be timely recorded shall render the mural construction and installation incomplete and render the mural permit susceptible to expiration at contemplated under Section 22-505(B), above, notwithstanding the outcome of the City's final inspection.
- H. Upon change of ownership of the property on which a mural is installed, the new owner may, at the owner's election and without the need for permission from the City, terminate the covenant and remove the mural, subject to the provisions of this Article.
- I. Mural proposals set forth in any application for a new mural or any application to modify the appearance of an existing mural or any other terms of an existing mural permit shall also comply with any and all written policies or guidelines adopted by the City Council resolution which are operative at the time a completed application is submitted, including the payment of all required fees.

Section 22-506. Fees and Policies.

A. The City Council may establish and from time to time amend a schedule of fees and charges for the recovery of costs associated with the City's review and study of permit applications and the maintenance of any regulatory program associated with the enforcement of this Article. Until such time as the City Council approves a resolution establishing a schedule setting the amount of any fee(s) contemplated under this Article, the fee amount for any application or approval referenced under this Article shall be deemed to be zero dollars.

- B. By resolution, the City Council may establish, and from time to time amend, written policies and guidelines governing the design, construction, installation, maintenance and operation of murals subject to this Article.
- C. The fee may be waived or reduced by the Director of Community Development if there is a demonstrated educational component, pursuant to a written curriculum submitted by the applicant that engages youth.

Section 22-507. Violation; penalty.

- A. It is unlawful to violate any provision of this Article. This applies to any Applicant, any Permittee, the proprietor of a use or development on which a permitted mural is located, or to the owner of the land on which the permitted mural is located. For the ease of reference in this Section, all of these persons are referred to by the term "Operator."
- B. The Community Preservation Division must give written notice of any violation to the Operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City.
- C. Any violation of this Article is considered a public nuisance.
- D. The Community Preservation Division shall have the authority to enforce the regulations of this Article.

SECTION 2. Subsection (1) of Section 2-433 (Duties and powers) of Division 2 (Cultural Arts Commission) of Article V (Boards, Commissions, Committees, Agencies and Authorities) of Chapter 2 (Administration) of the San Fernando Municipal Code is hereby amended by the addition of the following sentence:

The foregoing powers and duties do not include the power to review, approve or reject permits for murals on private property as contemplated under Article IX (Art Murals on Private Property) of Chapter 22 (Businesses) of the San Fernando Municipal Code.

SECTION 3. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, is found to be invalid by a court of competent jurisdiction, the balance of this ordinance shall not be affected.

<u>SECTION 5.</u> Certification. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local newspaper of general circulation and which is hereby designated for that purpose.

<u>SECTION 6.</u> CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Fernando at its regular meeting on this 7th day of December, 2020.

ATTEST:

Joel Fajardo, Mayor

Julia Fritz, City Clerk

APPROVED AS TO FORM:

Richard Padilla, Assistant City Attorney

CERTIFICATION

I, Julia Fritz, City Clerk of the City of San Fernando, California, do hereby certify that the foregoing is a full, true, and correct copy of Ordinance No. 1700 which was introduced on November 16, 2020 and adopted by the City Council of the City of San Fernando, California, at a regular meeting thereof held on the 7th day of December 2020 by the following vote of the City Council:

AYES:

NAYS:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Fernando, California, this _____ day of December, 2020.

Julia Fritz, City Clerk

RESOLUTION NO. 8042

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, ESTABLISHING A MURAL PERMIT APPLICATION FEE

WHEREAS, the City Council desires to establish fees for processing applications for murals on private property within the City limits;

WHEREAS, pursuant to the State Constitution, San Fernando City Code, and other applicable federal, state and local laws, the City is able to charge fees for services which to not exceed the City's cost to provide those services;

WHEREAS, on file in the applicable department is the report justifying the fees set forth in this resolution;

WHEREAS, as on or about November 9, 2020, data indicating the amount of cost or estimated cost required to provide the services for which the film permit application fee is imposed was made available for inspection by interested members of the public at the Finance Department in City Hall; and

WHEREAS, after giving an opportunity for the public to be heard and considering all information before it, the City Council approved the establishment of a mural permit application fee attached hereto as Exhibit "1."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The representations set forth in the Recitals, above, are true and correct.

<u>Section 2.</u> The City Council hereby establishes the mural permit application fee provided in Exhibit "1", attached hereto.

PASSED, APPROVED, AND ADOPTED this 16th day of November 2020.

DocuSigned by 4DA1699803842F

Joel Fajardo, Mayor

ATTEST:

lie Duty

Julia Fritz, City Clerk

RES. NO. 8042

CERTIFICATION

I, City Clerk of the City of San Fernando, California, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 8042 which was regularly introduced and adopted by the City Council of the City of San Fernando, California, at a regular meeting thereof held on the 16th day of November, 2020, by the following vote of the City Council:

AYES:Fajardo, Pacheco, Ballin, Gonzales, Mendoza – 5NAYS:NoneABSENT:NoneABSTAINED:None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Fernando, California, this 23rd day of November, 2020.

Julia Fritz, City Clerk

SAN FERNANDO

RES. NO. 8042

EXHIBIT 1

Mural Application Fee

The following fee is established to review applications to place a mural on private property ("Mural") and present applications to the Parks, Wellness and Recreation Commission. Fees will be due and payable at the time the Mural application is submitted. The City will not begin the process to review the application until such time that the fees are paid. The application fees are set to recover the cost to review and process the application. As such, fees will not be refunded if the applicant does not ultimately obtain a permit.

	Fee
Mural Permit Application Fee (due upon application submittal)	\$130

*Application fee may be waived or reduced by the Director of Community Development if there is a demonstrated educational component, pursuant to a written curriculum submitted by the applicant, that engages youth.

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12/07/2020

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AGENDA REPORT

 To: Mayor Joel Fajardo and Councilmembers
 From: Nick Kimball, City Manager By: Timothy Hou, Director of Community Development
 Date: December 7, 2020
 Subject: Consideration to Approve a Professional Services Agreement with Houseal Lavigne Associates, LLC, dba Houseal Lavigne, to Provide 2021-2029 Housing Element Update to General Plan

RECOMMENDATION:

12/07/2020

It is recommended that the City Council:

- a. Approve a Professional Services Agreement (Attachment "A"- Contract No. 1972) with Houseal Lavigne Associates, LLC dba Houseal Lavigne, in an amount not-to-exceed \$259,920 to provide 2021-2029 Housing Element Update to General Plan; and
- b. Authorize the City Manager to execute all related documents.

BACKGROUND:

- 1. Since 1969, the State has required all cities and counties in California to adequately plan to meet housing needs for everyone in the community. Local jurisdictions meet this housing element law requirement by adopting housing plans as part of their General Plan, which serves as each jurisdiction's blueprint for how it grows and develops.
- 2. The City of San Fernando is one of the 197 local jurisdictions within the Southern California Association of Governments (SCAG) which are currently in their final year of the Fifth Cycle Housing Element Planning Period from 2013-2021.
- On September 3, 2019, the City Council received a presentation by Ma'Ayn Johnson, Senior Housing and Land Use Planner from SCAG regarding the upcoming Sixth Cycle Regional Housing Needs Assessment (RHNA) allocation for the projection period of June 30, 2021 – October 15, 2029.
- 4. On August 11, 2020, staff distributed a Request for Proposals (RFP) to solicit professional consulting services to prepare the 2021-2029 Housing Element Update to the General Plan

COMMUNITY DEVELOPMENT DEPARTMENT 117 MACNEIL STREET, SAN FERNANDO, CA 91340 (818) 898-1227 WWW.SFCITY.ORG

Consideration to Approve a Professional Services Agreement with Houseal Lavigne to Provide 2021-2029 Housing Element Update to General Plan Page 2 of 5

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for the Housing Element Planning Period of October 15, 2021 – October 15, 2029 (Attachment "B").

- 5. On September 4, 2020, SCAG formally issued notification of the Sixth Cycle draft RHNA allocation that included 1,791 housing units for the City of San Fernando.
- 6. By the submission due date of September 14, 2020, staff received one submitted proposal from the project team consisting of Houseal Lavigne, Veronica Tam & Associates, and Rincon Associates (Attachment "C").
- 7. On September 28, 2020, the Community Development Department's Planning Division, comprised of the Director of Community Development and the Associate Planner, conducted an interview with the project team. Based on the strength of their statement of qualifications, proposal, and oral interview, staff recommends the project team as well suited to provide the 2021-2029 Housing Element Update to the General Plan.

ANALYSIS:

Housing Element Updates and Regional Housing Needs Allocation.

State law requires all local jurisdictions to adopt General Plans that serve as the blueprint for how the city or county will develop and includes seven elements, or chapters: land use, transportation, conservation, noise, open space, safety and housing. California's housing element law relies upon the effective implementation of local general plans, and in particular local housing elements that establish a plan to meet existing and projected housing needs, including a share of the RHNA allocation.

For jurisdictions in the SCAG region such as San Fernando, state law requires that the housing element be regularly revised approximately every eight years. The update process serves as an opportunity to update housing and land-use strategies to reflect changing needs, resources, and conditions. For the upcoming Sixth Cycle RHNA allocation, the due date for local jurisdictions to adopt a revised Housing Element is October 15, 2021. More importantly, SB 375 (2008) requires that jurisdictions on an eight-year planning period would need to adopt a housing element update within 120 calendar days from the start of that cycle's planning period, i.e., by February 12, 2022, or be required to update the housing element on a more frequent basis. While inquiries have been made by regional planning agencies regarding the impacts of the COVID-19 pandemic on meeting these dates, thus far the state has not acted to extend these timelines.

Houseal Lavigne and the Project Team.

Houseal Lavigne is an urban planning and design firm with extensive experience in a broad range of planning assignments, such as comprehensive planning, community engagement, and economic and fiscal analysis. They have worked with hundreds of cities across the country and **Consideration to Approve a Professional Services Agreement with Houseal Lavigne to Provide 2021-2029 Housing Element Update to General Plan** Page 3 of 5

have a local office in Pasadena. Houseal Lavigne will be providing leadership on the project and overall project management.

In addition, the project team also includes Veronica Tam & Associates as a sub consultant, whose team of housing and community development consultants has completed more than 100 housing element updates in California and is also based in Pasadena. Past and current work includes the City of Long Beach Housing Element Update (2013-2021) and the City of Burbank Housing Element Update (2021-2029). Notably, Veronica Tam & Associates successfully prepared San Fernando's Fifth Cycle Housing Element Update and is thus uniquely situated to address our Sixth Cycle Update. Veronica Tam & Associates will serve as a strategic advisory for the preparation of the Housing Element Update.

Last, the project team includes as a sub consultant Rincon Consultants, Inc. (Rincon), an environmental consulting firm that has prepared hundreds of environmental planning documents including Environmental Impact Reports for General Plan Housing Element Updates for California cities. Rincon will perform services related to environmental impact and adherence to requirements for the plan under the California Environmental Quality Act (CEQA).

Scope of Work.

The proposed scope of work for the consulting services will include all tasks necessary to prepare an adopted Housing Element Update, submit it to the State Department of Housing and Community Development (HCD) for state certification, and complete all environmental assessments and certifications. For greater details on the proposed scope of work, please see Scope of Work – Exhibit "A" of Attachment "A".

The following is a summary of the scope of work:

- 1. Project Initiation and Setup
 - a. Kick-off
 - b. Baseline Conditions and Technical Enablement
- 2. Assessment of Existing Conditions
 - a. Evaluation of Existing Plan Elements
- 3. RHNA Housing Assessment and Analysis
 - a. Needs Analysis, Resources, Constraints, Goals
- 4. Recommend Updates to Land Use Element and Zoning Code
 - a. Land Use Element Update
 - b. Recommended Land Use Changes
 - c. Update Land Use Map

Consideration to Approve a Professional Services Agreement with Houseal Lavigne to Provide 2021-2029 Housing Element Update to General Plan

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- 5. Prepare and Finalize Housing Element
 - a. Draft Housing and Land Use Elements
 - b. Community and Stakeholder Meetings
 - i. Community Meetings (x3)
 - ii. Stakeholder Meetings (x5)
 - iii. Planning and Preservation Commission & City Council (x2)
 - c. Final General Plan Elements
- 6. Environmental Assessment and Environmental Justice Updates
 - a. Initial Study
 - b. Draft Environmental Impact Report
 - c. Environmental Noticing, Outreach, and Filing
 - d. Final Environmental Impact Report
 - e. Adoption/Certification
 - f. Safety Element & Environmental Justice Policy Update

Approval of this scope of work is critical to meeting the state requirement to adopt a Housing Element Update and submit it to the HCD. The compliance status of a jurisdiction's housing element update can determine its eligibility to apply for state or federal planning grants and housing funds.

BUDGET IMPACT:

In order to plan for Housing Element Update funding, the City took a series of actions. First, in 2019 the City applied for the State's Senate Bill 2 Planning Grant Program and received the maximum award for small localities (less than 60,000 people) of \$160,000 to cover a portion of the project costs. Second, earlier this year the City applied for the State's Local Early Action Planning (LEAP) Grants Program to receive the maximum award for a small jurisdiction (population 20,000-59,999) of \$150,000. HCD notified staff last month that the City's application had been approved at the staff level, and staff anticipates receipt of an official award letter in the coming weeks. This combined grant funding will fully fund the proposed scope of work. Lastly, in Fiscal Year (FY) 2019-2020, the City Council adopted a fee schedule that included a General Plan Update surcharge on planning entitlements that accrues funds for updates to the elements of the City's General Plan.

CONCLUSION:

Staff recommends approval of a Professional Services Agreement with Houseal Lavigne in an amount not-to-exceed \$259,920 to provide the 2021-2029 Housing Element Update to the General Plan.

Consideration to Approve a Professional Services Agreement with Houseal Lavigne to Provide 2021-2029 Housing Element Update to General Plan Page 5 of 5

ATTACHMENTS:

- A. Contract No. 1972
- B. Request for Proposals
- C. Proposal from Houseal Lavigne



Houseal Lavigne Associates, LLC

2021-2029 Housing Element Update to General Plan

THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement") is made and entered into this ______ day of December 2020 (hereinafter, the "Effective Date"), by and between the CITY OF SAN FERNANDO, a municipal corporation ("CITY") and Houseal Lavigne Associates, LLC (hereinafter, "CONSULTANT"). For the purposes of this Agreement CITY and CONSULTANT may be referred to collectively by the capitalized term "Parties." The capitalized term "Party" may refer to CITY or CONSULTANT interchangeably.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions herein contained, CITY and CONSULTANT agree as follows:

I. ENGAGEMENT TERMS

- 1.1 <u>SCOPE OF SERVICES</u>: Subject to the terms and conditions set forth in this Agreement and all exhibits attached and incorporated hereto, CONSULTANT agrees to perform the services and tasks set forth in **Exhibit "A"** (hereinafter referred to as the **"Scope of Work"**). CONSULTANT further agrees to furnish to CITY all labor, materials, tools, supplies, equipment, services, tasks and incidental and customary work necessary to competently perform and timely complete the services and tasks set forth in the Scope of Work. For the purposes of this Agreement the aforementioned services and tasks set forth in the Scope of Work. "CONSULTANT shall not commence with the performance of the Work until such time as CITY issues a written Notice to Proceed.
- 1.2 <u>PROSECUTION OF WORK</u>: The Parties agrees as follows:
 - A. Time is of the essence of this Agreement and each and every provision contained herein. The Work shall be commenced upon CITY's issuance of a Notice to Proceed, and shall be completed no later than January 31, 2022 (hereinafter the "Approved Project Schedule" – See Exhibit "B") from the issuance of the Notice to Proceed (the "Completion Date") unless otherwise authorized by written correspondence by the CITY;
 - B. CONSULTANT shall perform the Work continuously and with due diligence so as to complete the Work by the Completion Date. CONSULTANT shall cooperate with CITY and in no manner interfere with the work of CITY, its employees or other consultants, contractors or agents;
 - C. CONSULTANT shall not claim or be entitled to receive any compensation or damage because of the failure of CONSULTANT, or its subconsultants, to have related services or tasks completed in a timely manner;

Houseal Lavigne Associates, LLC: 2021-2029 Housing Element Update to General Plan Page 2 of 15

- D. CONSULTANT shall at all times enforce strict discipline and good order among CONSULTANT's employees; AND
- E. CONSULTANT, at its sole expense, shall pay all sales, consumer, use or other similar taxes required by law.
- 1.3 <u>COMPENSATION</u>:
 - CONSULTANT shall perform the various services and tasks set forth in the Scope of Work in accordance with the compensation schedule (hereinafter, the "Approved Rate Schedule" See Exhibit "C").
 - B. Section 1.3(A) notwithstanding, CONSULTANT's total compensation for the performance and completion of the Work shall not exceed the sum of TWO HUNDRED AND FIFTY NINE THOUSAND NINE HUNDRED AND TWENTY DOLLARS (\$259,920.00) (hereinafter, the "Not-to-Exceed Sum"). CONSULTANT further agrees that the Not-to-Exceed Sum is inclusive of compensation for all labor, materials, tools, supplies, equipment, services, tasks and incidental and customary work necessary to competently perform and timely complete the Work.
- 1.4 PAYMENT OF COMPENSATION: The Not-to-Exceed Sum shall be paid to CONSULTANT in monthly increments as the Work is completed. Following the conclusion of each calendar month, CONSULTANT shall submit to CITY an itemized invoice indicating the services performed and tasks completed during the recently concluded calendar month, including services and tasks performed and the reimbursable out-of-pocket expenses incurred. If the amount of CONSULTANT's monthly compensation is a function of hours worked by CONSULTANT's personnel, the invoice shall indicate the number of hours worked in the recently concluded calendar month, the persons responsible for performing the Work, the rate of compensation at which such services and tasks were performed, the subtotal for each task and service performed and a grand total for all services performed. Within thirty (30) calendar days of receipt of each invoice, CITY shall notify CONSULTANT in writing of any disputed amounts included in the invoice. Within forty-five (45) calendar days of receipt of each invoice, CITY shall pay all undisputed amounts included on the invoice. CITY shall not withhold applicable taxes or other authorized deductions from payments made to CONSULTANT.
- 1.5 <u>ACCOUNTING RECORDS</u>: CONSULTANT shall maintain complete and accurate records with respect to all matters covered under this Agreement for a period of three (3) years after the expiration or termination of this Agreement. CITY shall have the right to access and examine such records, without charge, during normal business hours. CITY shall further have the right to audit such records, to make transcripts therefrom and to inspect all program data, documents, proceedings, and activities.
- 1.6 <u>ABANDONMENT BY CONSULTANT</u>: In the event CONSULTANT ceases to perform the Work agreed to under this Agreement or otherwise abandons the undertaking contemplated herein prior to the expiration of this Agreement or prior to completion of

PROFESSIONAL SERVICES AGREEMENT Houseal Lavigne Associates, LLC: 2021-2029 Housing Element Update to General Plan Page 3 of 15

any or all tasks set forth in the Scope of Work, CONSULTANT shall deliver to CITY immediately and without delay, all materials, records and other work product prepared or obtained by CONSULTANT in the performance of this Agreement. Furthermore, CONSULTANT shall only be compensated for the reasonable value of the services, tasks and other Work performed up to the time of cessation or abandonment, less a deduction for any damages, costs or additional expenses which CITY may incur as a result of CONSULTANT's cessation or abandonment.

II. PERFORMANCE OF AGREEMENT

- 2.1 <u>CITY'S REPRESENTATIVES</u>: The CITY hereby designates the City Manager and Deputy City Manager/Community Development Director (hereinafter, the "CITY Representatives") to act as its representatives for the performance of this Agreement. The CITY Manager shall be the chief CITY Representative. The CITY Representatives or their designee shall act on behalf of the CITY for all purposes under this Agreement. CONSULTANT shall not accept directions or orders from any person other than the CITY Representatives or their designee.
- 2.2 <u>CONSULTANT REPRESENTATIVE</u>: CONSULTANT hereby designates John Houseal, Principal and Co-Founder, to act as its representative for the performance of this Agreement (hereinafter, "CONSULTANT Representative"). CONSULTANT Representative shall have full authority to represent and act on behalf of the CONSULTANT for all purposes under this Agreement. CONSULTANT Representative or his designee shall supervise and direct the performance of the Work, using his best skill and attention, and shall be responsible for all means, methods, techniques, sequences and procedures and for the satisfactory coordination of all portions of the Work under this Agreement. Notice to the CONSULTANT Representative shall constitute notice to CONSULTANT.
- 2.3 <u>COORDINATION OF SERVICE; CONFORMANCE WITH REQUIREMENTS</u>: CONSULTANT agrees to work closely with CITY staff in the performance of the Work and this Agreement and shall be available to CITY staff and the CITY Representatives at all reasonable times. All work prepared by CONSULTANT shall be subject to inspection and approval by CITY Representatives or their designees.
- 2.4 <u>STANDARD OF CARE; PERFORMANCE OF EMPLOYEES</u>: CONSULTANT represents, acknowledges and agrees to the following:
 - A. CONSULTANT shall perform all Work skillfully, competently and to the highest standards of CONSULTANT's profession;
 - B. CONSULTANT shall perform all Work in a manner reasonably satisfactory to the CITY;
 - C. CONSULTANT shall comply with all applicable federal, state and local laws and regulations, including the conflict of interest provisions of Government Code

Houseal Lavigne Associates, LLC: 2021-2029 Housing Element Update to General Plan Page 4 of 15

Section 1090 and the Political Reform Act (Government Code Section 81000 et seq.);

- D. CONSULTANT understands the nature and scope of the Work to be performed under this Agreement as well as any and all schedules of performance;
- E. All of CONSULTANT's employees and agents possess sufficient skill, knowledge, training and experience to perform those services and tasks assigned to them by CONSULTANT; and
- F. All of CONSULTANT's employees and agents (including but not limited subcontractors and subconsultants) possess all licenses, permits, certificates, qualifications and approvals of whatever nature that are legally required to perform the tasks and services contemplated under this Agreement and all such licenses, permits, certificates, qualifications and approvals shall be maintained throughout the term of this Agreement and made available to CITY for copying and inspection.

The Parties acknowledge and agree that CONSULTANT shall perform, at CONSULTANT's own cost and expense and without any reimbursement from CITY, any services necessary to correct any errors or omissions caused by CONSULTANT's failure to comply with the standard of care set forth under this Section or by any like failure on the part of CONSULTANT's employees, agents, contractors, subcontractors and subconsultants. Such effort by CONSULTANT to correct any errors or omissions shall be commenced immediately upon their discovery by either Party and shall be completed within seven (7) calendars days from the date of discovery or such other extended period of time authorized by the CITY Representatives in writing and in their sole and absolute discretion. The Parties acknowledge and agree that CITY's acceptance of any work performed by CONSULTANT or on CONSULTANT's behalf shall not constitute a release of any deficiency or delay in performance. The Parties further acknowledge, understand and agree that CITY has relied upon the foregoing representations of CONSULTANT, including but not limited to the representation that CONSULTANT possesses the skills, training, knowledge and experience necessary to perform the Work skillfully, competently and to the highest standards of CONSULTANT's profession.

2.5 <u>ASSIGNMENT</u>: The skills, training, knowledge and experience of CONSULTANT are material to CITY's willingness to enter into this Agreement. Accordingly, CITY has an interest in the qualifications and capabilities of the person(s) who will perform the services and tasks to be undertaken by CONSULTANT or on behalf of CONSULTANT in the performance of this Agreement. In recognition of this interest, CONSULTANT agrees that it shall not assign or transfer, either directly or indirectly or by operation of law, this Agreement or the performance of any of CONSULTANT's duties or obligations under this Agreement without the prior written consent of the CITY. In the absence of CITY's prior written consent, any attempted assignment or transfer shall be ineffective, null and void and shall constitute a material breach of this Agreement.

Houseal Lavigne Associates, LLC: 2021-2029 Housing Element Update to General Plan Page 5 of 15

- 2.6 CONTROL AND PAYMENT OF SUBORDINATES; INDEPENDENT CONTRACTOR: The Work shall be performed by CONSULTANT or under CONSULTANT's strict supervision. CONSULTANT will determine the means, methods and details of performing the Work subject to the requirements of this Agreement. CITY retains CONSULTANT on an independent contractor basis and not as an employee. CONSULTANT reserves the right to perform similar or different services for other principals during the term of this Agreement, provided such work does not unduly interfere with CONSULTANT's competent and timely performance of the Work contemplated under this Agreement and provided the performance of such services does not result in the unauthorized disclosure of CITY's confidential or proprietary information. Any additional personnel performing the Work under this Agreement on behalf of CONSULTANT are not employees of CITY and shall at all times be under CONSULTANT's exclusive direction and control. CONSULTANT shall pay all wages, salaries and other amounts due such personnel and shall assume responsibility for all benefits, payroll taxes, Social Security and Medicare payments and the like. CONSULTANT shall be responsible for all reports and obligations respecting such additional personnel, including, but not limited to: Social Security taxes, income tax withholding, unemployment insurance, disability insurance, workers' compensation insurance and the like.
- 2.7 <u>REMOVAL OF EMPLOYEES OR AGENTS</u>: If any of CONSULTANT's officers, employees, agents, contractors, subcontractors or subconsultants is determined by the CITY Representatives to be uncooperative, incompetent, a threat to the adequate or timely performance of the tasks assigned to CONSULTANT, a threat to persons or property, or if any of CONSULTANT's officers, employees, agents, contractors, subcontractors or subconsultants fail or refuse to perform the Work in a manner acceptable to the CITY, such officer, employee, agent, contractor, subcontractor or subconsultant shall be promptly removed by CONSULTANT and shall not be reassigned to perform any of the Work.
- 2.8 <u>COMPLIANCE WITH LAWS</u>: CONSULTANT shall keep itself informed of and in compliance with all applicable federal, state or local laws to the extent such laws control or otherwise govern the performance of the Work. CONSULTANT's compliance with applicable laws shall include, without limitation, compliance with all applicable Cal/OSHA requirements.
- 2.9 <u>NON-DISCRIMINATION</u>: In the performance of this Agreement, CONSULTANT shall not discriminate against any employee, subcontractor, subconsultant, or applicant for employment because of race, color, creed, religion, sex, marital status, sexual orientation, national origin, ancestry, age, physical or mental disability or medical condition.
- 2.10. <u>INDEPENDENT CONTRACTOR STATUS</u>: The Parties acknowledge, understand and agree that CONSULTANT and all persons retained or employed by CONSULTANT are, and shall at all times remain, wholly independent contractors and are not officials, officers, employees, departments or subdivisions of CITY. CONSULTANT shall be solely responsible for the negligent acts and/or omissions of its employees, agents, contractors, subcontractors and subconsultants. CONSULTANT and all persons retained or employed by CONSULTANT shall have no authority, express or implied, to bind CITY in any manner,

Houseal Lavigne Associates, LLC: 2021-2029 Housing Element Update to General Plan Page 6 of 15

nor to incur any obligation, debt or liability of any kind on behalf of, or against, CITY, whether by contract or otherwise, unless such authority is expressly conferred to CONSULTANT under this Agreement or is otherwise expressly conferred by CITY in writing.

III. INSURANCE

- 3.1 <u>DUTY TO PROCURE AND MAINTAIN INSURANCE</u>: Prior to the beginning of and throughout the duration of the Work, CONSULTANT will procure and maintain policies of insurance that meet the requirements and specifications set forth under this Article. CONSULTANT shall procure and maintain the following insurance coverage, at its own expense:
 - A. <u>Commercial General Liability Insurance</u>: CONSULTANT shall procure and maintain Commercial General Liability Insurance ("CGL Coverage") as broad as Insurance Services Office Commercial General Liability coverage (occurrence Form CG 0001) or its equivalent. Such CGL Coverage shall have minimum limits of no less than One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) in the general aggregate for bodily injury, personal injury, property damage, operations, products and completed operations, and contractual liability.
 - B. <u>Automobile Liability Insurance</u>: CONSULTANT shall procure and maintain Automobile Liability Insurance as broad as Insurance Services Office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto). Such Automobile Liability Insurance shall have minimum limits of no less than One Million Dollars (\$1,000,000.00) per accident for bodily injury and property damage.
 - C. <u>Workers' Compensation Insurance/ Employer's Liability Insurance</u>: A policy of workers' compensation insurance in such amount as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both CONSULTANT and CITY against any loss, claim or damage arising from any injuries or occupational diseases occurring to any worker employed by or any persons retained by CONSULTANT in the course of carrying out the Work contemplated in this Agreement.
 - D. <u>Errors & Omissions Insurance</u>: For the full term of this Agreement and for a period of three (3) years thereafter, CONSULTANT shall procure and maintain Errors and Omissions Liability Insurance appropriate to CONSULTANT's profession. Such coverage shall have minimum limits of no less than One Million Dollars (\$1,000,000.00) per occurrence and shall be endorsed to include contractual liability.
- 3.2 <u>ADDITIONAL INSURED REQUIREMENTS</u>: The CGL Coverage and the Automobile Liability Insurance shall contain an endorsement naming the CITY and CITY's elected and appointed officials, officers, employees, agents and volunteers as additional insureds.

Houseal Lavigne Associates, LLC: 2021-2029 Housing Element Update to General Plan Page 7 of 15

- 3.3 <u>REQUIRED CARRIER RATING</u>: All varieties of insurance required under this Agreement shall be procured from insurers admitted in the State of California and authorized to issue policies directly to California insureds. Except as otherwise provided elsewhere under this Article, all required insurance shall be procured from insurers who, according to the latest edition of the Best's Insurance Guide, have an A.M. Best's rating of no less than A:VII. CITY may also accept policies procured by insurance carriers with a Standard & Poor's rating of no less than BBB according to the latest published edition the Standard & Poor's rating guide. As to Workers' Compensation Insurance/ Employer's Liability Insurance, the CITY Representatives are authorized to authorize lower ratings than those set forth in this Section.
- 3.4 <u>PRIMACY OF CONSULTANT'S INSURANCE</u>: All policies of insurance provided by CONSULTANT shall be primary to any coverage available to CITY or CITY's elected or appointed officials, officers, employees, agents or volunteers. Any insurance or self-insurance maintained by CITY or CITY's elected or appointed officials, officers, employees, agents or volunteers shall be in excess of CONSULTANT's insurance and shall not contribute with it.
- 3.5 <u>WAIVER OF SUBROGATION</u>: All insurance coverage provided pursuant to this Agreement shall not prohibit CONSULTANT or CONSULTANT's officers, employees, agents, subcontractors or subconsultants from waiving the right of subrogation prior to a loss. CONSULTANT hereby waives all rights of subrogation against CITY.
- 3.6 <u>VERIFICATION OF COVERAGE</u>: CONSULTANT acknowledges, understands and agrees, that CITY's ability to verify the procurement and maintenance of the insurance required under this Article is critical to safeguarding CITY's financial well-being and, indirectly, the collective well-being of the residents of the CITY. Accordingly, CONSULTANT warrants, represents and agrees that its shall furnish CITY with original certificates of insurance and endorsements evidencing the coverage required under this Article on forms satisfactory to CITY in its sole and absolute discretion. The certificates of insurance and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf, and shall be on forms provided by the CITY if requested. All certificates of insurance and endorsement of any Work or any of the Work. Upon CITY's written request, CONSULTANT shall also provide CITY with certified copies of all required insurance policies and endorsements.

IV. INDEMNIFICATION

4.1 The Parties agree that CITY and CITY's elected and appointed officials, officers, employees, agents and volunteers (hereinafter, the "CITY Indemnitees") should, to the fullest extent permitted by law, be protected from any and all loss, injury, damage, claim, lawsuit, cost, expense, attorneys' fees, litigation costs, or any other cost arising out of or in any way related to the performance of this Agreement. Accordingly, the provisions of this indemnity provision are intended by the Parties to be interpreted and construed to

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provide the CITY Indemnitees with the fullest protection possible under the law. CONSULTANT acknowledges that CITY would not enter into this Agreement in the absence of CONSULTANT's commitment to indemnify, defend and protect CITY as set forth herein.

- 4.2 To the fullest extent permitted by law, CONSULTANT shall indemnify, hold harmless and defend the CITY Indemnitees from and against all liability, loss, damage, expense, cost (including without limitation reasonable attorneys' fees, expert fees and all other costs and fees of litigation) of every nature arising out of or in connection with CONSULTANT's performance of Work hereunder or its failure to comply with any of its obligations contained in this Agreement, except such loss or damage which is caused by the sole negligence or willful misconduct of the CITY.
- 4.3 CITY shall have the right to offset against the amount of any compensation due CONSULTANT under this Agreement any amount due CITY from CONSULTANT as a result of CONSULTANT's failure to pay CITY promptly any indemnification arising under this Article and related to CONSULTANT's failure to either (i) pay taxes on amounts received pursuant to this Agreement or (ii) comply with applicable workers' compensation laws.
- 4.4 The obligations of CONSULTANT under this Article will not be limited by the provisions of any workers' compensation act or similar act. CONSULTANT expressly waives its statutory immunity under such statutes or laws as to CITY and CITY's elected and appointed officials, officers, employees, agents and volunteers.
- 4.5 CONSULTANT agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this Article from each and every subcontractor or any other person or entity involved by, for, with or on behalf of CONSULTANT in the performance of this Agreement. In the event CONSULTANT fails to obtain such indemnity obligations from others as required herein, CONSULTANT agrees to be fully responsible and indemnify, hold harmless and defend CITY and CITY's elected and appointed officials, officers, employees, agents and volunteers from and against any and all claims and losses, costs or expenses for any damage due to death or injury to any person and injury to any property resulting from any alleged intentional, reckless, negligent, or otherwise wrongful acts, errors or omissions of CONSULTANT's subcontractors or any other person or entity involved by, for, with or on behalf of CONSULTANT in the performance of this Agreement. Such costs and expenses shall include reasonable attorneys' fees incurred by counsel of CITY's choice.
- 4.6 CITY does not, and shall not, waive any rights that it may possess against CONSULTANT because of the acceptance by CITY, or the deposit with CITY, of any insurance policy or certificate required pursuant to this Agreement. This hold harmless and indemnification provision shall apply regardless of whether or not any insurance policies are determined to be applicable to the claim, demand, damage, liability, loss, cost or expense.
- 4.7 This Article and all provisions contained herein (including but not limited to the duty to indemnify, defend and hold free and harmless) shall survive the termination or normal

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expiration of this Agreement and is in addition to any other rights or remedies which the CITY may have at law or in equity.

V. TERMINATION

5.1 <u>TERMINATION WITHOUT CAUSE</u>: CITY may terminate this Agreement at any time for convenience and without cause by giving CONSULTANT a minimum of five (5) calendar days' prior written notice of CITY's intent to terminate this Agreement. Upon such termination for convenience, CONSULTANT shall be compensated only for those services and tasks which have been performed by CONSULTANT up to the effective date of the termination. CONSULTANT may not terminate this Agreement except for cause as provided under Section 5.2, below. If this Agreement is terminated as provided herein, CITY may require CONSULTANT to provide all finished or unfinished Documents and Data, as defined in section 6.1 below, and other information of any kind prepared by CONSULTANT in connection with the performance of the Work. CONSULTANT shall be required to provide such Documents and Data within fifteen (15) calendar days of CITY's written request. No actual or asserted breach of this Agreement on the part of CITY pursuant to Section 5.2, below, shall operate to prohibit or otherwise restrict CITY's ability to terminate this Agreement for convenience as provided under this Section.

5.2 EVENTS OF DEFAULT; BREACH OF AGREEMENT:

- A. In the event either Party fails to perform any duty, obligation, service or task set forth under this Agreement (or fails to timely perform or properly perform any such duty, obligation, service or task set forth under this Agreement), an event of default (hereinafter, "Event of Default") shall occur. For all Events of Default, the Party alleging an Event of Default shall give written notice to the defaulting Party (hereinafter referred to as a "Default Notice") which shall specify: (i) the nature of the Event of Default; (ii) the action required to cure the Event of Default; (iii) a date by which the Event of Default shall be cured, which shall not be less than the applicable cure period set forth under Sections 5.2B and 5.2C below or if a cure is not reasonably possible within the applicable cure period, to begin such cure and diligently prosecute such cure to completion. The Event of Default shall constitute a breach of this Agreement if the defaulting Party fails to cure the Event of Default within the applicable cure period or any extended cure period allowed under this Agreement.
- B. CONSULTANT shall cure the following Events of Defaults within the following time periods:
 - i. Within three (3) business days of CITY's issuance of a Default Notice for any failure of CONSULTANT to timely provide CITY or CITY's employees or agents with any information and/or written reports, documentation or work product which CONSULTANT is obligated to provide to CITY or CITY's employees or agents under this Agreement. Prior to the expiration of the 3-day cure period, CONSULTANT may submit a written request for additional time to cure the

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Event of Default upon a showing that CONSULTANT has commenced efforts to cure the Event of Default and that the Event of Default cannot be reasonably cured within the 3-day cure period. The foregoing notwithstanding, CITY shall be under no obligation to grant additional time for the cure of an Event of Default under this Section 5.2B.i. that exceeds seven (7) calendar days from the end of the initial 3-day cure period; or

ii. Within fourteen (14) calendar days of CITY's issuance of a Default Notice for any other Event of Default under this Agreement. Prior to the expiration of the 14-day cure period, CONSULTANT may submit a written request for additional time to cure the Event of Default upon a showing that CONSULTANT has commenced efforts to cure the Event of Default and that the Event of Default cannot be reasonably cured within the 14-day cure period. The foregoing notwithstanding, CITY shall be under no obligation to grant additional time for the cure of an Event of Default under this Section 5.2B.ii that exceeds thirty (30) calendar days from the end of the initial 14-day cure period.

In addition to any other failure on the part of CONSULTANT to perform any duty, obligation, service or task set forth under this Agreement (or the failure to timely perform or properly perform any such duty, obligation, service or task), an Event of Default on the part of CONSULTANT shall include, but shall not be limited to the following: (i) CONSULTANT's refusal or failure to perform any of the services or tasks called for under the Scope of Work; (ii) CONSULTANT's failure to fulfill or perform its obligations under this Agreement within the specified time or if no time is specified, within a reasonable time; (iii) CONSULTANT's and/or its employees' disregard or violation of any federal, state, local law, rule, procedure or regulation; (iv) the initiation of proceedings under any bankruptcy, insolvency, receivership, reorganization, or similar legislation as relates to CONSULTANT, whether voluntary of involuntary; (v) CONSULTANT's refusal or failure to perform or observe any covenant, condition, obligation or provision of this Agreement; and/or (vii) CITY's discovery that a statement representation or warranty by CONSULTANT relating to this Agreement is false, misleading or erroneous in any material respect.

C. CITY shall cure any Event of Default asserted by CONSULTANT within forty-five (45) calendar days of CONSULTANT's issuance of a Default Notice, unless the Event of Default cannot reasonably be cured within the 45-day cure period. Prior to the expiration of the 45-day cure period, CITY may submit a written request for additional time to cure the Event of Default upon a showing that CITY has commenced its efforts to cure the Event of Default and that the Event of Default cannot be reasonably cured within the 45-day cure period. The foregoing notwithstanding, an Event of Default dealing with CITY's failure to timely pay any undisputed sums to CONSULTANT as provided under Section 1.4, above, shall be cured by CITY within five (5) calendar days from the date of CONSULTANT's Default Notice to CITY.

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- D. CITY, in its sole and absolute discretion, may also immediately suspend CONSULTANT's performance under this Agreement pending CONSULTANT's cure of any Event of Default by giving CONSULTANT written notice of CITY's intent to suspend CONSULTANT's performance (hereinafter, a "Suspension Notice"). CITY may issue the Suspension Notice at any time upon the occurrence of an Event of Default. Upon such suspension, CONSULTANT shall be compensated only for those services and tasks which have been rendered by CONSULTANT to the reasonable satisfaction of CITY up to the effective date of the suspension. No actual or asserted breach of this Agreement on the part of CITY shall operate to prohibit or otherwise restrict CITY's ability to suspend this Agreement as provided herein.
- E. No waiver of any Event of Default or breach under this Agreement shall constitute a waiver of any other or subsequent Event of Default or breach. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel, or otherwise.
- F. The duties and obligations imposed under this Agreement and the rights and remedies available hereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law. In addition to any other remedies available to CITY at law or under this Agreement in the event of any breach of this Agreement, CITY, in its sole and absolute discretion, may also pursue any one or more of the following remedies:
 - i. Upon written notice to CONSULTANT, the CITY may immediately terminate this Agreement in whole or in part;
 - ii. Upon written notice to CONSULTANT, the CITY may extend the time of performance;
 - iii. The CITY may proceed by appropriate court action to enforce the terms of the Agreement to recover damages for CONSULTANT's breach of the Agreement or to terminate the Agreement; or
 - iv. The CITY may exercise any other available and lawful right or remedy.

CONSULTANT shall be liable for all legal fees plus other costs and expenses that CITY incurs upon a breach of this Agreement or in the CITY's exercise of its remedies under this Agreement.

- G. In the event CITY is in breach of this Agreement, CONSULTANT's sole remedy shall be the suspension or termination of this Agreement and/or the recovery of any unpaid sums lawfully owed to CONSULTANT under this Agreement for completed services and tasks.
- 5.3 <u>SCOPE OF WAIVER</u>: No waiver of any default or breach under this Agreement shall constitute a waiver of any other default or breach, whether of the same or other

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covenant, warranty, agreement, term, condition, duty or requirement contained in this Agreement. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel, or otherwise.

5.4 <u>SURVIVING ARTICLES, SECTIONS AND PROVISIONS</u>: The termination of this Agreement pursuant to any provision of this Article or by normal expiration of its term or any extension thereto shall not operate to terminate any Article, Section or provision contained herein which provides that it shall survive the termination or normal expiration of this Agreement.

VI. MISCELLANEOUS PROVISIONS

- 6.1 DOCUMENTS & DATA; LICENSING OF INTELLECTUAL PROPERTY: All Documents and Data shall be and remain the property of CITY without restriction or limitation upon their use or dissemination by CITY. For purposes of this Agreement, the term "Documents and Data" means and includes all reports, analyses, correspondence, plans, drawings, designs, renderings, specifications, notes, summaries, strategies, charts, schedules, spreadsheets, calculations, lists, data compilations, documents or other materials developed and/or assembled by or on behalf of CONSULTANT in the performance of this Agreement and fixed in any tangible medium of expression, including but not limited to Documents and Data stored digitally, magnetically and/or electronically. This Agreement creates, at no cost to CITY, a perpetual license for CITY to copy, use, reuse, disseminate and/or retain any and all copyrights, designs, and other intellectual property embodied in all Documents and Data. CONSULTANT shall require all subcontractors and subconsultants working on behalf of CONSULTANT in the performance of this Agreement to agree in writing that CITY shall be granted the same right to copy, use, reuse, disseminate and retain Documents and Data prepared or assembled by any subcontractor or subconsultant as applies to Documents and Data prepared by CONSULTANT in the performance of this Agreement.
- 6.2 <u>CONFIDENTIALITY</u>: All data, documents, discussion, or other information developed or received by CONSULTANT or provided for performance of this Agreement are deemed confidential and shall not be disclosed by CONSULTANT without prior written consent by CITY. CITY shall grant such consent of disclosure as legally required. Upon request, all CITY data shall be returned to CITY upon the termination or expiration of this Agreement. CONSULTANT shall not use CITY's name or insignia, photographs, or any publicity pertaining to the Work in any magazine, trade paper, newspaper, television or radio production or other similar medium without the prior written consent of CITY.
- 6.3 <u>FALSE CLAIMS ACT</u>: CONSULTANT warrants and represents that neither CONSULTANT nor any person who is an officer of, in a managing position with, or has an ownership interest in CONSULTANT has been determined by a court or tribunal of competent jurisdiction to have violated the False Claims Act, 31 U.S.C., Section 3789 et seq. and the California False Claims Act, Government Code Section 12650 et seq.

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6.4 <u>NOTICES</u>: All notices permitted or required under this Agreement shall be given to the respective Parties at the following addresses, or at such other address as the respective Parties may provide in writing for this purpose:

CONSULTANT:

Houseal Lavigne Associates, LLC 680 E. Colorado Blvd., Suite 180 Pasadena, CA 91101 Attn: Rob Matthews, Principal Phone: (206) 240-5174 Email: rmatthews@hlplanning.com CITY:

City of San Fernando 117 N. Macneil Street San Fernando, CA 91340 Attn: Timothy Hou, Deputy City Manager/Director of Community Development Phone: (818) 898-7316 Fax: (818) 365-7329

Such notices shall be deemed effective when personally delivered <u>or</u> successfully transmitted by facsimile as evidenced by a fax confirmation slip <u>or</u> when mailed, forty-eight (48) hours after deposit with the United States Postal Service, first class postage prepaid and addressed to the Party at its applicable address.

- 6.5 <u>COOPERATION; FURTHER ACTS</u>: The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as are reasonably necessary, appropriate or convenient to achieve the purposes of this Agreement.
- 6.6 <u>SUBCONTRACTING</u>: CONSULTANT shall not subcontract any portion of the Work required by this Agreement, except as expressly stated herein, without the prior written approval of CITY. Subcontracts (including without limitation subcontracts with subconsultants), if any, shall contain a provision making them subject to all provisions stipulated in this Agreement, including provisions relating to insurance requirements and indemnification.
- 6.7 <u>CITY'S RIGHT TO EMPLOY OTHER CONSULTANTS</u>: CITY reserves the right to employ other contractors in connection with the various projects worked upon by CONSULTANT.
- 6.8 <u>PROHIBITED INTERESTS</u>: CONSULTANT warrants, represents and maintains that it has not employed nor retained any company or person, other than a *bona fide* employee working solely for CONSULTANT, to solicit or secure this Agreement. Further, CONSULTANT warrants and represents that it has not paid nor has it agreed to pay any company or person, other than a *bona fide* employee working solely for CONSULTANT, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, CITY shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer or employee of CITY, during the term of his or her service with CITY, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.
- 6.9 <u>TIME IS OF THE ESSENCE</u>: Time is of the essence for each and every provision of this Agreement.

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- 6.10 <u>GOVERNING LAW AND VENUE</u>: This Agreement shall be interpreted and governed according to the laws of the State of California. In the event of litigation between the Parties, venue, without exception, shall be in the Los Angeles County Superior Court of the State of California. If, and only if, applicable law requires that all or part of any such litigation be tried exclusively in federal court, venue, without exception, shall be in the Central District of California located in the City of Los Angeles, California.
- 6.11 <u>ATTORNEYS' FEES</u>: If either Party commences an action against the other Party, either legal, administrative or otherwise, arising out of or in connection with this Agreement, the prevailing Party in such litigation shall be entitled to have and recover from the losing Party reasonable attorneys' fees and all other costs of such action.
- 6.12 <u>SUCCESSORS AND ASSIGNS</u>: This Agreement shall be binding on the successors and assigns of the Parties.
- 6.13 <u>NO THIRD PARTY BENEFIT</u>: There are no intended third party beneficiaries of any right or obligation assumed by the Parties. All rights and benefits under this Agreement inure exclusively to the Parties.
- 6.14 <u>CONSTRUCTION OF AGREEMENT</u>: This Agreement shall not be construed in favor of, or against, either Party but shall be construed as if the Parties prepared this Agreement together through a process of negotiation and with the advice of their respective attorneys.
- 6.15 <u>SEVERABILITY</u>: If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.
- 6.16 <u>AMENDMENT; MODIFICATION</u>: No amendment, modification or supplement of this Agreement shall be valid or binding unless executed in writing and signed by both Parties, subject to CITY approval. The requirement for written amendments, modifications or supplements cannot be waived and any attempted waiver shall be void and invalid.
- 6.17 <u>CAPTIONS</u>: The captions of the various articles, sections and paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content, or intent of this Agreement.
- 6.18 <u>INCONSISTENCIES OR CONFLICTS</u>: In the event of any conflict or inconsistency between the provisions of this Agreement and any of the exhibits attached hereto, the provisions of this Agreement shall control.
- 6.19 <u>ENTIRE AGREEMENT</u>: This Agreement including all attached exhibits is the entire, complete, final and exclusive expression of the Parties with respect to the matters addressed herein and supersedes all other agreements or understandings, whether oral or written, or entered into between CITY and CONSULTANT prior to the execution of this Agreement. No statements, representations or other agreements, whether oral or written, made by any Party which are not embodied herein shall be valid or binding. No

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amendment, modification or supplement to this Agreement shall be valid and binding unless in writing and duly executed by the Parties pursuant to Section 6.16, above.

6.20 <u>COUNTERPARTS</u>: This Agreement shall be executed in three (3) original counterparts each of which shall be of equal force and effect. No handwritten or typewritten amendment, modification or supplement to any one counterparts shall be valid or binding unless made to all three counterparts in conformity with Section 6.16, above. One fully executed original counterpart shall be delivered to CONSULTANT and the remaining two original counterparts shall be retained by CITY.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed the day and year first appearing in this Agreement, above.

CITY OF SAN FERNANDO

Houseal Lavigne Associates, LLC

By:

Nick Kimball, City Manager

By: ______ Name: ______ Title:

APPROVED AS TO FORM

By:

Richard Padilla, Assistant City Attorney

Task חו

ID		
1	Project Initiation and Setup	Total
•		Subtask
	Kick-Off	
1.1	Kick-Off meeting with City staff	1,220.00
1.2	Develop detailed project schedule	525.00
	Baseline Conditions and Technical Enablement	
1.3	Reconnaissance tours of each neighborhood or district	1,530.00
1.4	Prepare base maps and 3D Community visualization	2,980.00
1.5	Configure ArcGIS Urban and ArcGIS Online for Alternatives Analysis	4,120.00
		10,375.00

2	Assessment of Existing Conditions	Total
2	Assessment of Existing Conditions	Subtask
	Evaluation of Existing Plan Elements	
2.1	Evaluation of 2013-2021 Housing Element	2,360.00
2.2	Evaluation of Current Land Use Element	1,385.00
2.3	Review Related and Relevant Documents	2,710.00
2.4	Evaluation of City Housing and Land Use resources and funding mechanisms	1,530.00
		7,985.00

3	RHNA Housing Assessment and Analysis	Total
5	Krink housing assessment and Analysis	Subtask
3.1	Housing Assessment and Needs Analysis	12,820.00
3.2	Housing Resources and Opportunities including Potential Housing Sites	10,940.00
3.3	Housing Constraints	7,260.00
3.4	Housing Goals, Policies, and Quantified Objectives	2,990.00
3.5	Implementation Program	3,120.00
		37,130.00

4	Recommend Updates to Land Use Element and Zoning Code	Total Subtask
	Land Use Element Update	
4.1	Summarize current growth projections and statutory requirements relevant to housing needs	2,230.00
4.2	Identify amendments to General Plan required to implement recommended housing programs and compliance with State law including Public Safety and EJ / SB1000	2,435.00
4.3	Identify amendments to Zoning Code required to implement recommended housing programs and compliance with State law	2,635.00
	Recommended Land Use Changes	
4.4	Develop 2-3 alternative Land Use concepts	5,560.00
4.5	Support the development of updated Land Use designations	2,490.00
4.6	Identify policy option topics to address key programmatic issues	2,270.00
	Update Land Use Map	
4.7	Support Preparation of Draft General Plan Land Use Map	1,530.00
		19,150.00

5	Prepare and Finalize Housing Element	Total						
5								
	Draft Housing and Land Use Elements							
5.1	Screendraft Housing Element	5,070.00						
5.2	Screendraft Land Use Element	1,920.00						
5.3	Public Review Draft Housing Element	3,630.00						
5.4	Public Review Draft Land Use Element	960.00						
5.5	Submittal for HCD Initial Draft Review	700.00						
Meetings and Hearings								
5.6	Community Meetings (3hr x3)	3,820.00						
5.7	Stakeholder Meetings (2hr x5) - Scoping, 2x Plan+Pres Cmt, 2x City Council	3,930.00						

CC Meeting Agenda EXNIBIT A

Scope of Work

5.8	Preparation for Public Hearings	2,070.00
5.9	Support for Adoption Public Hearings at City Council (x2)	1,970.00
5.10	Coordinate HCD Review and respond to HCD, OES, agency, and public comments	8,810.00
	Final General Plan Elements	
5.11	Prepare final Housing Element	2,100.00
5.12	Prepare final Land Use Element	1,750.00
5.13	Update other General Plan Elements (if needed)	1,750.00
	Final General Plan Elements	
5.14	State Certification	1,050.00
		39,530.00

6	Environmental Assessment	Total Subtask
	Initial Review	
6.1	Initial Study	22,502.00
6.2	Notice of Preparation	3,522.00
	Draft EIR	
6.3	Administrative Draft EIR: Introduction and Environmental Setting	2,550.00
6.4	Administrative Draft EIR: Project Description	3,060.00
6.5	Administrative Draft EIR: Environmental Impact Analysis	49,000.00
6.6	Other CEQA Discussions	1,130.00
6.7	Draft EIR Alternatives (up to 3)	8,090.00
6.8	Respond to City Comments and Produce Draft EIR	9,676.00
	Environmental Noticing, Outreach, and Filing	
6.9	Preparation of Notices	3,848.00
6.10	EIR Scoping Meeting	2,300.00
	Final EIR	
6.11	Responses to Comments on Draft EIR	5,610.00
6.12	MMRP	1,390.00
	Adoption/Certification	
6.13	Findings/Overriding Considerations	2,915.00
6.14	Public Hearings (2)	3,320.00
	Additional Elements and Policies	
6.15	Safety Element Update	11,610.00
6.16	Environmental Justice Policy Update	10,612.00
	Environmental Noticing, Outreach, and Filing	
6.17	Preparation of Notices	-
6.18	CEQA Adoption / Certification	-
		141,135.00

Task	Budget Summary	
1	Project Initiation and Setup	10,375.00
2	Assessment of Existing Conditions	7,985.00
3	RHNA Housing Assessment and Analysis	37,130.00
4	Recommend Updates to Land Use Element and Zoning Code	19,150.00
5	Prepare and Finalize Housing Element	39,530.00
6	Environmental Assessment	141,135.00
	Total Labor Estimate	255,305
	Other Direct Costs	
	Houseal Lavigne Associates	331
	Houseal Lavigne Associates Veronica Tam & Associates	331 450
	5	

Total "Not-to-Exceed" Budget Estimate



Exhibit "B" Approved Rate Schedule

Name	al Lavigne & Associatesouseal, FAICPPrincipal and Co-FounderProject Leadatthews, AICPPrincipalProject Managersims, GISPPrincipalTechnical LeadParks, AICPPlanner IIPlanning + Zoningapia, AICPPlanner IPlanningShreshthaPlanner IPlanning + GISchweizerPlanner IPlanningca Tam & Associatesca Tam, AICPPrincipalRHNA Strategic Advisor	Rate	
Houseal Lavigne & Associates			
John Houseal, FAICP	Principal and Co-Founder	Project Lead	\$ 205
Rob Matthews, AICP	Principal	Project Manager	\$ 175
Brian Sims, GISP	Principal	Technical Lead	\$ 175
Trisha Parks, AICP	Planner II	Planning + Zoning	\$ 130
Sean Tapia, AICP	Planner I	Planning	\$ 120
Sujan Shreshtha	Planner I	Planning + GIS	\$ 110
Mika Schweizer	Planner I	Planning	\$ 110
Veronica Tam & Associates			
Veronica Tam, AICP	Principal	RHNA Strategic Advisor	\$ 175
Rincon Environmental Team	Driverical II	04.00	¢ 0.40
	Principal II	QA-QC	\$ 240
Matthew Maddox, AICP, MESM Support staff as needed	Principal I Supervisor I	Environmental Lead Technical Leads	\$ 220 \$ 195
Sally Schifman	Supervisor I	CEQA Project Manager	
Lexi Journey and other support staff as needed	Professional III	Safety and EJ Elements	\$ 175 \$ 130
Support staff as needed	Production Specialist	L	\$ 88
Support staff as needed	GIS/CAD Specialist		\$ 125
Support staff as needed	Clerical		\$ 75

Exhibit "C"

Approved Project Schedule

	Approv	ved	Pro	ject	Scł	ned	ule									
Tas													15-Oct	120-da	y 'grace	period'
ID		2020		2021												2022
1	Project Initiation and Setup	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
1.1	Kick-Off meeting with City staff															
1.2	Develop detailed project schedule															
1.3	Reconnaissance tours of each neighborhood or district															
1.4	Prepare base maps and 3D Community visualization															
1.5	Configure ArcGIS Urban and ArcGIS Online for Alternatives Analysis															
2	Assessment of Existing Conditions	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
2.1	Evaluation of 2013-2021 Housing Element															
2.2	Evaluation of Current Land Use Element															
2.3	Review Related and Relevant Documents															
2.4	Evaluation of City Housing and Land Use resources and funding mechanisms															
3	RHNA Housing Assessment and Analysis	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
3.1	Housing Assessment and Needs Analysis															
3.2	Housing Resources and Opportunities including Potential Housing Sites															
3.3	Housing Constraints															
3.4	Housing Goals, Policies, and Quantified Objectives															
3.5	Implementation Program															
4	Recommend Updates to Land Use Element and Zoning Code	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
4.1	Summarize growth projections and statutory requirements on housing needs							dy			1.09	cop	2.00			
4.2	Identify amendments to General Plan in compliance with State law, PS, and EJ															
4.3	Identify amendments to Zoning Code to implement per housing programs															
4.4	Develop 2-3 alternative Land Use concepts			Scen	arios	Prefer	red Alt									
4.4	Support the development of updated Land Use designations			Jeen		erer	2.3 m									
4.6	Identify policy option topics to address key programmatic issues															
	Support Preparation of Draft General Plan Land Use Map										1					
4.7 5		Nov	Dec	lan	Feb	Mar	Apr	May	Jun	Jul	Aug	San	Oct	Nov	Dec	Jan
	Prepare and Finalize Housing Element	NOV	Dec	Jan	reb	IVIdI	мрі	ividy	Jun	Jui	Aug	Sep	ULL	INOV	Dec	Jan
5.1	Screendraft Housing Element															
5.2	Screendraft Land Use Element															
5.3	Public Review Draft Housing Element															
5.4	Public Review Draft Land Use Element															
5.5	Submittal for HCD Initial Draft Review								HCD	Rev 1	HCD	Rev 2				
5.6	Community Meetings (3hr x3)			Jan		Mar		Apr								
5.7	Stakeholder Meetings (2hr x5) - Scoping, 2x Plan+Pres Cmt, 2x City Council						EIR									
5.8	Preparation for Public Hearings														_	
5.9	Support for Adoption Public Hearings at City Council (x2)												Target	x	x	
5.10	Coordinate HCD Review and respond to HCD, OES, agency, and public comments								HCD	Rev 1	HCD	Rev 2				
5.11	Prepare final Housing Element															
5.12	Prepare final Land Use Element															
5.13	Update other General Plan Elements (if needed)															
5.14	State Certification of Housing Element															
6	Environmental Assessment	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
6.1	Initial Study				PD	IS										
6.2	Notice of Preparation					NOP										
6.3	Administrative Draft EIR: Introduction and Environmental Setting						Review									
6.4	Administrative Draft EIR: Project Description															
6.5	Administrative Draft EIR: Environmental Impact Analysis								Review							
6.6	Other CEQA Discussions															
6.7	Draft EIR Alternatives (up to 3)															
6.8	Respond to City Comments and Produce Draft EIR															
6.9	Preparation of Notices									NOA						
6.10																
6.11	Responses to Comments on Draft EIR															
6.12				Scen	arios	Prefer	red Alt									
	Findings/Overriding Considerations			Scen	01105	rieler	AU AI									
6.14	Public Hearings (2)							Beri								
								Review								
6.15	Safety Element Update															
6.15 6.16	Environmental Justice Policy Update															
6.15 6.16 6.17													NOD Target			

ATTACHMENT "C"





City of San Fernando, California

Housing Element

2021 - 2029 Update to the General Plan

September 14, 2020













PLANNING

DESIGN

DEVELOPMENT



September 14, 2020

Julia Fritz, City Clerk City of San Fernando 117 Macneil Street San Fernando, CA 91340

Dear Ms. Fritz,

Houseal Lavigne is pleased to submit this proposal for the 2021-2029 Housing Element Update to the General Plan for the City of San Fernando. Our Project Team is uniquely qualified to undertake this assignment, bringing local insight, expertise, and understanding together with regional and national experience gained from working with communities throughout California and the country.

Houseal Lavigne is an award-winning community planning, urban design, and economic development consulting firm with extensive experience in a range of assignments, including comprehensive planning, community engagement, corridor planning, economic development, parks and open space, market, economic and fiscal analysis, and implementation. We have worked with more than 300 communities across the country. Through our work, we ensure each community receives the highest quality plan and pride ourselves on providing innovative and forward-thinking ideas.

Demonstrating our firm's history of professionalism and innovation, Houseal Lavigne was awarded the National Planning Excellence Award from the American Planning Association (APA) in 2014, specifically noting our innovation, implementation success, creative and effective outreach, integration of new technologies, industry leading graphic communication, and our overall influence on the profession of planning in the United States. In addition, we have consistently won APA awards in several states for our comprehensive plans, area plans, corridor plans, strategic plans, outreach, technology applications, and implementation strategies.

For this assignment, we are joined by Veronica Tam & Associates, whose team has been involved in more than 100 housing element updates throughout the State during past few update cycles and Rincon, whose planners, scientists, engineers, architects, and policy specialists will contribute services related to the Environmental Impact Report. It is our belief that our Project Team provides the best combination of visionary planning and design, understanding of local issues and opportunities, and proven experience undertaking housing analyses and defining housing policy of the caliber expected by the City.

We would like to note that our entire scope of work and approach to community outreach is designed to be responsive to the impact of COVID-19. We are available to undertake the assignment immediately upon selection and meet all deliverable dates and milestones. Further, we have successfully adapted our community outreach for current projects throughout the country including meetings with board, commission, and staff to a virtual format.

We appreciate the opportunity to be considered for this important project and look forward to the prospect of working with the City of San Fernando on the 2021-2029 Housing Element Update for the General Plan. If you have any questions regarding this submittal, please do not hesitate to contact me.

Sincerely,

Vina

HOUSEAL LAVIGNE

Rob Matthews, AICP Principal Houseal Lavigne Associates

CHICAGO, IL 188 West Randolph Street, Suite 200 Chicago, Illinois 60601 (312) 372-1008 680 E Colorado Boulevard, Suite 180 Pasadena, CA 91101 Phone: (206) 240-5174 | Email: rmatthews@hlplanning.com

www.hlplanning.com info@hlplanning.com

Firm Qualification & Experience

Project Team Overview

As leaders in the practice of innovative design, **Houseal Lavigne** adeptly conceives general/comprehensive plans, special area plans, design guidelines, and zoning regulations that provide clear direction for development policy decisions, foster fiscal stability and responsible growth, and are environmentally restorative and sustainable. Our reputation in sound planning and design practices, visioning, goal setting, and implementation is built on a foundation of professional experience and a track record of nation-wide, award-winning projects.



Houseal Lavigne Lead Consultant

Houseal Lavigne is an innovation-based urban planning and design firm. We pride ourselves on creativity, collaboration, and delivery of quality. Our team approach is built on strong relationships, the exchange of ideas, and a commitment to the integration of technology. Our priorities are to do good, have fun, work hard, and provide responsive, visionary, and viable solutions to our clients and partners.



Veronica Tam & Associates Sub Consultant

Veronica Tam & Associates is a California corporation based in Pasadena. Since their incorporation in 2005, they have been providing housing and community development consulting to local jurisdictions throughout California, including rural towns/communities, suburban and urban cities, metropolitan areas, and counties.



Rincon Consultants, Inc. *Sub Consultant*

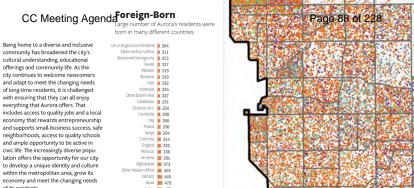
Rincon Consultants, Inc was founded in 1994 and has grown to be a leading environmental consulting firm throughout California. Rincon's guiding principles and core values hold strong to this day, including providing responsive professional services to both public and private sector clients throughout the state. Rincon's employees are leaders in their professional fields and continually work together to produce high-quality products. Through this combination of strong teamwork and Rincon's commitment to principal-level involvement on all projects, they consistently satisfy our clients in meeting their environmental consulting objectives.

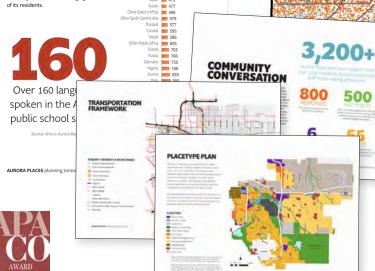


City of Aurora, Colorado

Comprehensive Plan

As the new Comprehensive Plan for the City of Aurora, Colorado, Aurora Places provides a place-based "road map" for the city as it transitions from a Denver suburb to one of the largest and most diverse big cities in the United States. With outreach conducted in six languages and reaching thousands of residents, this Comprehensive Plan directed by Houseal Lavigne establishes ten placetypes that collectively represent every part of the city as it exists today and as it is planned for the future. The plan is built upon seven core principles which arose from the extensive community engagement, including: strong economy, diverse and equitable city, housing for all, healthy community, thriving environment, easy mobility, and an authentic Aurora.





City of Bentonville, Arkansas

Comprehensive Plan & Downtown Neighborhood Plan

The Bentonville Community Plan, developed by **Houseal Lavigne**, is the City's guidebook for becoming the model of a new American town. In 1950 Bentonville became the hometown of the original Walton's 5&10 with its small-town, middle-America charm. Since the opening the of the first store Walton's has grown into the global retail chain, Walmart, and Bentonville has grown right along with it. The City has experienced an exponential population flux since 2000 that is expected to continue well into the 2030s. The Community Plan focuses on directing that growth in a manner that benefits the existing residents as businesses as well as the newcomers, all while maintaining its historical, and eclectic charm.

As part of the comprehensive planning process Houseal Lavigne developed a neighborhood framework plan for the neighborhoods surrounding the Downtown. These areas are every bit as vital to the success of a communities downtown as the its shops, restaurants, and entertainment. In recent years, the downtown neighborhood experienced rapid change and significant investment and the Plan sought to guide overall character and add stability and desirability.

rincon

VTA



Marina Housing Element (2015-2023)

The City of Marina committed in its fourth cycle of Housing Element to redesignate 27 acres of land into high-density mixed use commercial uses. However, with the housing market implosion that occurred between 2006 and 2012, and the dissolution of redevelopment in 2012, the City never completed the required rezoning. Therefore, the City never commenced the fifth cycle update of the Housing Element until 2016 when the City was finally able to pursue the creation of the Downtown Vitalization Specific Plan. VTA worked closely with HCD to devise a two-part plan to help the City prepare the fifth cycle update within three months in order to qualify for CDBG funds, and then move on to achieve a certifiable Housing Element later.

Cupertino Housing Element (2014-2022)

The Cupertino Housing Element was updated with a concurrent update to the City's Land Use Element, seeking to redesignate a number of potential sites for higher intensity residential or mixed use development. The update process involved an extensive community outreach process that included more than 20 community meetings and public hearings. The need to rezone and upzone properties was met to vigorous community opposition. A carefully crafted process helped navigate the community through the discussions and ultimately led to an innovative strategy to accommodate the City's Regional Housing Needs Allocation (RHNA) and the certification of the Housing Element by HCD.

Long Beach Housing Element (2013-2021)

As one of the largest and most diverse cities in California, Long Beach has extensive housing needs. The Housing Element update must address debates such as geographic distribution, intensity, affordability, new construction vs. preservation, and displacement, gentrification, and tenant protection. An extensive outreach program was conducted to obtain input from community groups, housing advocates, developers, and property owners. VTA worked closely with City staff and HCD to respond to comments from the community. The Final Housing Element contains detailed actions and specific timelines that answer to community demands.

Rincon

Rancho Mirage General Plan Update and EIR Addendum

Rincon completed the City of Rancho Mirage's General Plan Update. The General Plan Update was a "technical" update to ensure compliance with recently adopted State laws, and to modernize the look, organization and user friendliness of the General Plan. As part of this process, the General Plan Update's goals, policies and programs were updated to coincide with the City Council's current vision for the future of the City; maps and exhibits were updated to reflect the current makeup of the City; the Circulation Element were updated based on a new traffic model; a high quality graphicallydesigned General Plan document was created; and GIS maps were created for use in the General Plan Update document and to be used as interactive online tool.

Alhambra 2015 General Plan Update and EIR

Rincon assisted the City of Alhambra with a comprehensive General Plan update. The previous General Plan dates from 1987 and in the more than 25 years that elapsed, a number of economic, social, and environmental fundamentals changed: suggesting that the Citv's urban planning techniques be adjusted. The project is intended to bring the City's primary planning blueprint into full consistency with state law, and to serve as a guide to development and infrastructure through the year 2030. The General Plan consists of seven different chapters/elements, each attune to the City's background and goals. The elements include Land Use/Community Design: Mobility; Quality of Life (housing, jobs, economy, recreation, open space); Resources (air, water, climate, biology, cultural); Services and Infrastructure (water, sewer, storm drains, police, fire, schools); Public Safety (hazards, noise); and Economic Development. In addition to the General Plan, Rincon prepared an EIR to comply with CEOA.

Pomona General Plan and Corridors Specific Plan EIR

Rincon prepared a program EIR for the City of Pomona's General Plan Update. The General Plan was intended to function as a policy document to guide land use decisions within the City's planning area through the year 2030. The EIR also incorporates analysis of the City's Corridors Specific Plan, which examines four of the City of Pomona's main thoroughfares: Mission Boulevard, Holt Avenue, Garey Avenue, and Foothill Boulevard. The overall goal of the Corridors Specific Plan was to orchestrate private and public investment activities along the four main Corridors, and to support and promote the type of investment that will enhance the beauty and vitality of these primary commercial corridors. Key EIR issues included transportation, cultural resources, and neighborhood compatibility. Rincon has assisted the City with the processing of streamlined environmental reviews for multiple projects consistent with the General Plan since the EIR certification and General Plan adoption.

Project References

At **Houseal Lavigne**, we are proud of our work and the long-term relationships we maintain with clients. We believe each of these references demonstrate our ability to satisfy clients through an approach that meets the technical and financial needs of client communities. Below are the reference names and contact information for the project examples found in the previous section.

Project	Location	Firm	Client Contact
Comprehensive Plan	Bentonville, AR	Houseal Lavigne	Troy Galloway ,Community and Economic Development Director (479) 271-3122 tgalloway@bentonvillear.com
Marina Housing Element (2015-2023)	Marina, CA	Veronica Tam & Associates	Matt Mogenson, Assistant City Manager (831) 884-1240 mmogensen@cityofmarina.org
Rancho Mirage General Plan Update and EIR Addendum	Rancho Mirage, CA	Rincon Consultants	Jeremy Gleim, Director of Development Services (760) 328-2266 jeremyg@ranchomirageca.gov

Section 2: **Project Team**

Team Organization

Our leadership in innovation is due in many respects to our detailoriented, yet flexible approach to project management. Our proposed structure for this project stems from direct oversight by Principal and Co-founder **John Houseal**, who will serve as Project Principal, and Principal **Rob Matthews**, who will serve as Project Manager. Our approach allows us to work and deliver on a diverse range of projects for our clients in a responsive and comprehensive manner.

To successfully deliver the Housing Element Update, we recognize the project will require a robust team of professionals across a wide variety of specialties, as well as a balanced task allocation approach that effectively combines a breadth of unique services. Our ability to manage an assignment's breadth of disciplines with one voice is a skill not just developed through previous planning efforts, but by a parallel philosophy to the Project Team's cohesive approach and commitment to client satisfaction. For the City of San Fernando's Housing Element Update, Houseal Lavigne has assembled a team of the best and brightest consultants in the region to assist in the development of the Plan.

Houseal Lavigne will be partnering with **Veronica Tam** of Veronica Tam & Associates who serve as a strategic advisory for the preparation of Housing Element Update. Houseal Lavigne has also engaged with subconsultant and partner Rincon Consultants, Inc. who will preform services related to environmental impact. The team at Rincon will be led by **Matt Maddox**.



Project Manager

Rob Matthews, AICP Houseal Lavigne

Rob will act as Project Manager for this important assignment. In addition to being a key Principal of Houseal Lavigne's Pasadena, California office, Rob has more than 20 years of expertise in urban planning and development. Rob operates from the belief that urban planning has profound potential to positively shape the future of communities everywhere. As a thought leader and technologist, he makes innovation more readily available to planners, helping them do their everyday work more effectively, ultimately leading to better community outcomes.

Project Experience

3D Smart Cities

While with Esri's Professional Services division, led major projects to drive innovation in the planning process

- Boston, MA *
- Washington, DC *
- Miami-Dade County, FL *
- San Francisco, CA *
- Boulder, CO *
- Dubai, United Arab Emirates *

Strategic Planning

While with Esri's Professional Services division, led major projects to drive innovation in the planning process

- Port of Rotterdam, Netherlands 'PortOptimizer' Strategic Planning System *
- BNSF Railway, Fort Worth TX Environmental Pre-Screening System *
- United States Navy / NAVFAC "S3" Site Suitability Planning Tool

Campus Master Plans

- Ohio State University, sustainability component of Campus Master Plan *
- Seattle University, Campus Sustainability Master Plan *

Research Projects

Decision Commons, federally-funded planning research project *

* Work performed at another firm



Education

Bachelor of Environmental Sciences University of Michigan

Master of Environmental Planning Arizona State University

Memberships

American Planning Association

American Institute of Certified Planners inducted Fellow

Lambda Alpha International

OPRF Community Foundation Board of Directors



Education

Master of Urban Planning University of Washington, 2005

Bachelor of Arts – Philosophy and Russian Boston College, 1997 Honors Diploma, summa cum laude

Publications

"Building Blocks of a Smart, Data-Driven Community", Esri, Cover story of ArcNews quarterly, Spring 2017 (v39.2)

"With Space at a Premium, San Francisco Gets Creative" Esri, WhereNext online magazine, August 2017

"Opening Acccess to Scenario Planning" Lincoln Institute for Land Policy, April 2012 J Holway, CJ Gabbe, F Hebert, J Lally, R Matthews, R Quay. ISBN 978-1-55844-231-3

> "Reality Check on CO2 Emissions" Urban Land Institute Urban Land magazine, June 2008

John Houseal, FAICP Principal | Co-Founder

John is a Principal and Co-founder of Houseal Lavigne and has established himself as one of the nation's top urban planning professionals. John has been inducted in the College of Fellows of the American Institute of Certified Planners, the highest recognition and distinction awarded by the American Planning Association. John's reputation and expertise within the profession as a leader in urban planning, innovation, contemporary development practices, and community outreach has garnered him wide recognition and numerous planning awards. John has been a featured speaker at national, regional, state, and local events and conferences for issues related to urban planning, zoning, transportation, context sensitive design, innovation, graphic communication, and the environment. John is recognized as one of the top community facilitators, consensus builders, and citizen participation experts in the profession.

John maintains professional memberships with the American Planning Association and the American Institute of Certified Planners. John received a Bachelor of Science in environmental sciences from University of Michigan and a Master of Environmental Planning for environmental planning and urban planning from Arizona State University. John is also an AICP certification instructor and has been responsible for training more than 1,000 planners for professional certification since 2005. John also sits on the Board of Directors for the Oak Park and River Forest Community Foundation and serves as the Co-chair of the CommutyWorks Advisory Board, overseeing community initiatives related to environmental sustainability, community leadership training, and programs aimed at the success of all youth in the community.

Prior to co-founding Houseal Lavigne, John was a Principal and the Director of Urban Planning for URS Corporation, a global multi-disciplinary engineering firm. Working from the Michigan Avenue office in Downtown Chicago, John oversaw and directed the firm's urban planning and community development projects, often coordinating on assignments throughout the country.

Rob Matthews, AICP Principal

Rob is a Principal at Houseal Lavigne and has more than 20 years of expertise in urban planning and technology related to urban development. Rob operates from the belief that urban planning has profound potential to positively shape the future of communities everywhere. As a technologist, he makes innovation more readily available to planners, helping them do their everyday work more effectively, ultimately leading to better community outcomes.

Prior to joining Houseal Lavigne, Rob worked at Esri, the world leader in geographic information systems (GIS) technology. For three years he led Esri's Professional Services group for urban planning, helping major clients across the world apply advanced planning technology to their most challenging problems. Over the next two years, he helped define Esri's global strategy for local government planning and worked as the principal subject matter expert and system designer for ArcGIS Urban, a cutting-edge 3D planning tool that was released in 2019.

Throughout his career, Rob has worked with hundreds of planning organizations, providing a broad perspective on best practices and insight into the needs of planners, stakeholders, local governments, and private clients alike. His work ties together all key aspects of the built environment – land use, transportation, real estate development, and stakeholder management – with the overall mission of promoting equitable and sensible urban planning policy.



Education

MA, Urban Planning, 1989, University of California, Los Angeles

BES, Urban and Regional Planning (Economics Minor), 1987, University of Waterloo, Canada

Professional Affiliations

American Institute of Certified Planners

American Planning Association

Veronica Tam, AICP Principal | Housing Element Update

Veronica brings unparalleled expertise in the areas of housing policy development and community development planning. She has over 20 years of experience preparing a range of housing and community development plans and studies for jurisdictions throughout California. Given her substantial Housing Element experience, she brings significant understanding of the State Department of Housing and Community Development's (HCD) current policy focus, review criteria, and interpretation of recent changes to State law. In her career, Veronica has worked closely with HCD staff to resolve difficult issues and to coordinate the review schedule, which has resulted in an excellent track record of achieving certification status on the Housing Elements for her projects.



Education

MESM, Bren School of Environmental Science and Management, University of California, Santa Barbara

BA, Political Science, Cal Poly-San Luis Obispo

Certification

American Institute of Certified Planners (#026663)

Matt Maddox, AICP, MESM Rincon Principal-in-Charge

Matt Maddox serves as a Principal in Rincon's Environmental Planning and Sustainability group. In this capacity, he is involved in a wide range of urban planning and land use studies, sustainable design review, air quality and greenhouse gas analysis, CEQA/NEPA environmental documentation, as well as community involvement and permitting activities. Mr. Maddox has a strong background in environmental management, policy, and environmental planning. He has contributed to successful environmental and planning projects ranging from general plans to focused inner city redevelopment studies, to sustainable design review and documentation for compliance with environmental regulations, to greenhouse gas emissions analysis for industrial facilities. Mr. Maddox has developed a focus in the area of urban planning, sustainable design, and climate change analysis. Select project experience is listed below.

- City of Novato Novato 2035 General Plan EIR
- City of Windsor Windsor General Plan Update and EIR
- City of Rohnert Park Rohnert Park General Plan Update and EIR
- City of Ukiah Ukiah General Plan Update and EIR
- County of Fresno County of Fresno General Plan Update EIR

Section 3: Approach to Work Plan

Task 1: Project Initiation and Setup

1.1 Kick-off meeting with City staff

To ensure a strong start to the project, the Project Team will conduct a kick-off meeting with City staff to do introductions, discuss roles and responsibilities, communication methods and cadence, as well as review project goals and resources. We will also use this meeting to initiate data collection.

The purposes of this meeting will be to: (a) review overall project objectives; (b) refine the work program for the project; (c) review and establish the roles and responsibilities for all parties involved throughout the process; and (d) establish a schedule for the project that will be further refined in Task 1.2. The project initiation meeting will conclude with a workshop to solicit the views of subcommittee members and staff regarding housing in San Fernando.

Regular and "as- needed" meetings and conference calls with staff project team will be held frequently throughout the planning process to ensure an open communication and exchange of ideas. We recommend a standing monthly or bi-weekly meeting/call between the Consultant Team and staff project team to keep the project on track throughout the duration of the assignment.

1.2 Develop Project Schedule

Based on the results of the staff kick-off and other preliminary engagement, the Project Team will prepare a comprehensive and detailed project schedule with clearly identified project milestones such as key public outreach events, interim reports, staff review periods, draft and revised deliverables, and notice requirements established by the State. This will include all specifically required milestones per HCD requirements.

1.3 Reconnaissance Tours of Each Neighborhood or District

We will conduct, with City assistance to the extent possible, reconnaissance tours to better understand the various neighborhoods and/or districts within the City. This can be conducted on a single day for 8 hours or over two days at 4 hours each.

Deliverables

• Memo describing key findings along with photographic documentation where applicable (electronic copy)

1.4 Prepare Base Maps and San Fernando 3D Community Visualization

Immediately following our kick-off meeting, the Project Team will identify required data and work with the City to obtain and prepare this data to support this effort. Data will include typical information such as regulatory and other planning boundaries, key points of interest for services/infrastructure, locations of current affordable housing, housing projects in the development pipeline, etc.

Houseal Lavigne will configure a 3D Community basemap (or 'digital twin') for the City of San Fernando. This will serve as the foundation for 3D-based visualization, analysis, and reporting of existing of potential future conditions. These 3D assets will be combined with other 2D and 3D data to form a complete 3D Basemap of Existing Conditions (per available data). The 3D Basemap will be refined through engagement with the overall team and when approved, will be published to Esri's ArcGIS Online and made available to ArcGIS Urban and web scenes for general purpose visualization.

Deliverables

• 3D Community basemap as a 'digital twin' (via ArcGIS Online)

1.5 Configure ArcGIS Urban and ArcGIS Online for Alternatives Analysis and Communication

Houseal Lavigne will configure an Esri ArcGIS Urban app that will be used for the visualization of projects in the development pipeline as well as existing and potential future conditions in areas where RHNA opportunity sites exist. This configuration will allow for rapid evaluation and interpretation of relevant zoning parameters and compatibility with the Future Land Use map. ArcGIS Urban will be deployed to an appropriate ArcGIS Online environment. Once deployed, HL will provide a demonstration of this technology and how it will be used to support the analysis and visualization in the remaining tasks.

Deliverables

• Esri ArcGIS Urban scenario analysis environment (via ArcGIS Online)

Task 2: Assessment of Existing Conditions

2.1 Evaluation of 2013-2021 Housing Element

As an initial task to the Housing Element update, we will review and evaluate the City's progress in implementing the 2013-2021 Housing Element. The City's 2019 Housing Element Annual Progress Report (APR) is a good starting point for this evaluation.

Based on this assessment, the Project Team will prepare a memo outlining the key changes in State law that would be applicable to the City, and changes to the Housing Element necessary to comply with State law.

Deliverables

- Housing Element Assessment Memo (electronic copy)
- Housing Element Update Outline (electronic copy)

2.2Evaluation of Current Land Use Element

We will evaluate the current Land Use Element as a basis for addressing known concerns and issues, as well as provide a framework for potential changes being considered as a part of this effort.

Deliverables

· Memo that identifies key issues and potential themes to guide alternatives (electronic copy)

2.3 Review Related and Relevant Documents

We will review available background documents from the City, including the General Plan, relevant sub-area plans, the City's 2019 Housing Element Annual Progress Report, and your existing Analysis of Impediments to Fair Housing Choice.

2.4 Evaluation of City Housing and Land Use resources and Funding Mechanisms

We will work with the City to understand and evaluate resources and potential funding mechanisms available to support the implementation of policies developed for the Housing and Land Use Elements.

The Project Team will collaborate with the City to inventory vacant and under-utilized land, as well as perform a site suitability analysis to help identify all potentially suitable sites. This will inform an analysis of growth capacity / site yields for housing in subsequent steps.

Deliverables

- Memo and map showing locations of vacant land and potentially suitable sites (electronic copy)
- Memo describing potential funding mechanisms (electronic copy)

Task 3: RHNA Housing Assessment and Analysis

3.1 Housing Assessment and Needs Analysis

The Housing Needs Assessment will contain the following topics to satisfy Government Code Section 65583(a) requirements:

- Demographics, income, and employment trends
- · Household characteristics
- Housing stock characteristics
- At-risk housing analysis; analysis of special housing needs
- · Affirmatively furthering fair housing analysis

Most recently, HCD released a Technical Memo for AB 686 (Affirmatively Furthering Fair Housing). The Project Team will consult this memo and HCD staff to ensure this new requirement is adequately addressed in the Housing Element update.

3.2 Housing Resources and Opportunities (including Potential Housing Sites)

The 6th Cycle RHNA is significant for the entire region. The City's allocation is estimated at 1,790 units, up substantially from the 217-unit RHNA from the 5th Cycle. This Housing Element update may require significant efforts to identify additional sites with sufficient capacity for the increased RHNA, taking into considerations the adequate sites requirements under new Housing Element laws (SB 166, AB 1397, etc.). In addition to the sites inventory, we will also discuss other resources such as funding available and partnership opportunities, as well as opportunities for energy conservation.

3.3 Housing Constraints

We will identify potential governmental and non-governmental constraints to housing production, including environmental and infrastructural constraints. This analysis must contain a review of factors that may potentially constrain the development, improvement, and preservation of housing in San Fernando. Factors to be reviewed include market, governmental, environmental, and infrastructural constraints. New Housing Element laws require the assessment of non-governmental constraints, including NIMBYism, lending practices, shortage of labor, and other economic factors.

3.4 Housing Goals, Policies, and Quantified Objectives

We will review the General Plan, specific plans, and other City documents for guiding principles. The goals and policies in the Housing Element will be updated to be consistent with other City documents. In addition, pursuant to AB 686, we will incorporate the fair housing goals and policies from the Analysis of Impediments to Fair Housing Choice.

3.5 Housing Element implementation program

Based upon the analyses and research conducted in the previous tasks, we will update the Housing Element. For each program included in the Housing Element, we will establish the timeframe for implementation, specific objectives, funding sources, and responsible agencies. The programs will satisfy requirements of Government Code Sections 65583(b) and (c). This includes two new mandated programs:

- Program to incentivize Accessory Dwelling Units
- Program to address impediments to fair housing

Task 4: Recommend Updates to Land Use Element and Zoning Code

4.1 Summarize current growth projections and statutory requirements relevant to housing needs

In this step, we anticipate utilizing socioeconomic and housing data accessed from publicly available sources, including the U.S. Census Bureau and data curated by HCD. In addition, we will use firm-licensed data sources, including Esri Business Analyst, CoStar, and Woods & Poole. To the extent possible, we will make full use of any local and regional sources of demographic and market data that can be provided by the City.

To begin, we will assess important socioeconomic data points, including population, age, race and ethnicity, income, employment, and housing. The insight we glean from our review of these data will be carefully considered as we begin to develop our preliminary plan recommendations in subsequent project steps.

Using the data reviewed in the previous task, we will provide a high-level summary of local market conditions for locally predominant types of housing product, which could include market-rate, affordable, and special needs housing.

Deliverables

- Memo describing housing needs and market conditions (electronic copy)
- Memo describing statutory requirements relevant to housing needs (electronic copy)

4.2 Identify amendments to General Plan

We will collaborate to identify amendments to the City's General Plan that will be required to implement recommended housing programs and ensure compliance with State law, including changes to the Public Safety Element of the General Plan and an Environmental Justice component that is based on the SB1000 Toolkit.

Deliverables

• Memo describing proposed amendments to the General Plan (electronic copy)

4.3 Identify amendments to Zoning Code

When HCD releases final RHNA numbers (anticipated October 2020), the Project Team will include this into the analysis and evaluation of development potential as a target. This target will be used as we explore policy options and potential programs that support the goal of achieving the specified number. We will identify where changes to zoning are required and recommend updates to the Zoning Code consistent with RHNA targets.

Deliverables

• Memo describing proposed amendments to the Zoning Code (memo and maps as needed)

4.4 Support preparation of Draft General Plan Land Use and Zoning Maps

To help communicate proposed Housing and Land Use policy changes, we will develop and provide map-based communication and/or visualization to support the decision-making process. We will use this to support City staff with the preparation of a Draft General Plan Land Use Map

Deliverables

• Draft General Plan Land Use and Zoning Maps (electronic copy)

Task 5: Prepare and Finalize Housing Element

5.1 Screendraft Housing Element

With the analyses conducted in the previous tasks, we will comprehensively update the City's 2013 Housing Element for the 2021-2029 cycle. A Screendraft Housing Element will be prepared for staff review.

Deliverables

• Screendraft Housing Element (electronic copy)

5.2 Public Review Draft Housing Element

We will revise the Public Review Draft Housing Element to reflect any changes desired by the Planning Commission and respond to public comments. The HCD Housing Element Completeness Checklist will accompany the Housing Element and be submitted to HCD for review.

Deliverables

- HCD Public Review Draft Housing Element (electronic copy and one hard copy)
- HCD Housing Element Completeness Checklist

5.3 Submittal for HCD Initial Draft Review

We will package up and provide HCD with an initial draft review copy of the Housing Element to establish communication and feedback on the direction and policies proposed. This is an important step to ensure we are tracking with HCD's requirements and leverage early feedback to streamline the production of the final Housing Element.

Deliverables

• Initial Draft Housing Element for HCD review (electronic copy)

5.4 Community Meetings

Due to the exceptional circumstances around COVID-19, we are ready to provide innovative remote engagement activities. These engagement activities can be provided in person, should public meetings become possible.

Deliverables

• Outreach and engagement materials as needed for three (3) remote or in-person public meetings (materials via electronic copy)

5.5 Planning Commission Meetings

We anticipate supporting the City with Planning Commission meetings throughout the engagement at a regular interval or as required by the City, suggested quarterly.

Deliverables

• Support materials and attendance at up to four (4) Planning Commission meetings (materials via electronic copy)

5.6 Preparation for Public Hearings

We will support the City in preparation for Public Hearings by refining the messaging and materials needed to effectively communicate proposed Housing and Land Use Element changes.

Deliverables

• Support materials as needed for Public Hearings (electronic copies)

5.7 Coordinate HCD and related agency review and respond to comments

HCD review of the Draft Housing Element is mandatory. During the review, we would work to address all HCD comments. We would communicate with HCD and facilitate review of the revisions via revised pages. All revisions made to the Draft Housing Element would be shown as tracked changes. The goal is to secure a Finding of Substantial Compliance on the Draft Element before proceeding to adoption. This way, final certification would be contingent upon adopting the Housing Element as revised and reviewed by HCD, and the City would avoid adopting a Housing Element that does not completely meet HCD requirements and needing to repeat the review and adoption process again.

We will work with the City to respond to comments as needed, as well as to provide any needed changes to the documents, upon receiving feedback from HCD, OES, and City officials.

Deliverables

• Mark-up Public Review Draft showing the recommended changes (electronic copy)

5.8 Support for Adoption Public Hearings at City Council

Using the materials developed in the previous task, we will support the City during public hearings on the adoption of the Housing and Land Use Elements at City Council.

Deliverables

• Attendance at two (2) public hearings

5.9 Prepare Final Housing Element

After the Planning Commission and City Council adoption hearings, we will package a Final Adopted Housing Element, along with the signed resolution, and send to HCD for its final 90-day review.

Deliverables

• Final Housing Element (electronic copy and one hardcopy)

5.10 Update Other General Plan Elements (as needed)

The Project Team will evaluate the existing General Plan Land Use Element that may need to be amended for consistency with the updated Housing Element, drawing primarily from previous analyses. This will ensure compliance with State law and HCD-specific requirements.

Deliverables

• Draft updates to other General Plan Elements as needed to support Housing Element and Land Use Element updates (electronic copy)

5.11 State Certification

We will follow through with assisting the City in achieving State certification of the Housing Element.

Deliverables

• Final HCD Certified Housing Element (electronic copy and five hardcopies)

Task 6: Environmental Assessment

6.1 Initial Review

Rincon will conduct an initial environmental review of the project on the Housing Element in compliance with City requirements, California Environmental Quality Act (CEQA) requirements (Public Resources Code 21000 et. seq), and the State CEQA Guidelines (California Code of Regulations, Section 15000 et. seq). The initial review will involve preparing an Initial Study, including completion of the CEQA checklist, and providing supporting analysis to determine whether the Housing Element will or may have significant environmental effects that cannot be mitigated to below a level of significance. All Initial Study checklist questions will be addressed, and all responses will be supported with data and analysis.

If it is determined that all impacts can be reduced to a less than significant level, the CEQA document will be a Negative Declaration or Mitigated Negative Declaration (ND/MND). If one or more impacts cannot be mitigated to below a level of significance, the CEQA document will be a focused Environmental Impact Report (EIR).

Scopes of work for both an ND/MND or an EIR are provided below.

6.2 Draft CEQA Document

Rincon will prepare the draft environmental document (either and ND/MND or EIR) in compliance with CEQA. The basic steps for a draft ND/MND and a draft EIR are described below.

Draft ND/MND

Upon completion of the draft Initial Study, the remaining steps in the preparation of an ND/MND would be as follows:

- Finalize the Initial Study, including the ND/MND. This step will involve responding to two rounds of City comments on the draft Initial Study.
- Circulate the Public Review Draft ND/MND for the required 30-day public review period

Draft EIR

Upon completion of the draft Initial Study, the remaining steps in the preparation of a focused EIR would be as follows:

- Finalize the Initial Study and circulate it along with a Notice of Preparation (NOP) of a Draft EIR.
- Prepare the Administrative Draft EIR, which will include the following sections:
- Executive Summary summary of the Housing Element, alternatives, identified impacts, and mitigation measures, overview of areas of known controversy
- Introduction overview of the CEQA environmental review process and EIR contents, legal authority and requirements, input received during EIR scoping, and lead, responsible, and trustee agencies
- · Environmental Setting overview of current environmental conditions in the City and the cumulative projects list and/or forecast
- Project Description overview of the proposed Housing Element, including the project proponent (City), key project components with emphasis on those that may result in physical environmental changes, housing growth forecasts, and project objectives

- Environmental Impact Analysis identification of the significant environmental effects associated with the Housing Element with each individual subsection to include:
 - Description of the environmental and regulatory setting for the specific issue
 - Description of the analysis methodology
 - Listing of thresholds of significance used in the analysis
 - Discussion of project and cumulative impacts
 - · Listing of mitigation measures proposed to address identified significant effects
 - · Discussion of the level of significance of each impact after imposition of proposed mitigation measures
 - Other CEQA Requirements discussion of impacts related to growth inducement and significant irreversible environmental changes
 - Alternatives analysis of up to three alternatives to the proposed Housing Element, focusing on alternatives that reduce or avoid one or more of the Element's significant environmental effects
 - References and Preparers listing of sources used and individuals involved in preparing the EIR
- Prepare the Draft EIR, which will involve responding to City comments on the Administrative Draft EIR and publishing the document for the 45-day public review period.

We have assumed that a focused EIR would address the following issues in detail:

AestheticsAir Quality

Cultural Resources

- Noise
- Transportation

Biological Resources

- Greenhouse GasesLand Use and Planning
- Utilities/Service Systems

The analysis will consider both the broad citywide impacts of the Housing Element and, to the degree feasible, the site-specific impacts at individual rezone sites. In this way, the EIR would serve as first-tier environmental document that will streamline the environmental reviews of future housing developments that are consistent with the Housing Element. As appropriate, the EIR would include prescriptive mitigation indicating specific requirements for future housing developments.

Deliverables

• Two (2) hard copies, one (1) electronic copy, and 15 CDs of the Draft MND or EIR in both PDF and Microsoft Word Format (for State Clearinghouse submittal)

6.3 Final CEQA Document

Rincon will prepare the final environmental document, which will involve either a Final ND/MND or a Final EIR. The steps for each are described below.

Final ND/MND

- Prepare written responses to all written comments on the Public Review Draft ND/MND. All responses will include reasoned analysis and will cite appropriate provisions of the Public Review Draft ND/MND, the CEQA Guidelines, and applicable legal decisions.
- Prepare the Final ND/MND, including final responses, a Mitigation Monitoring and Reporting Plan (MMRP) if appropriate, and any revisions to the text of the Public Review Draft ND/MND.

Final EIR

- Prepare the administrative Final EIR, which will include
- Written responses to comments received on the Draft EIR
- A draft mitigation monitoring and reporting plan (MMRP)
- Either revised EIR text or an errata section
- Prepare the Final EIR, which will incorporate City comments on the administrative Final EIR.

Deliverables

• Two (2) hard copies and one (1) electronic copy of the Final MND or Final EIR in both PDF and Microsoft Word Format

Environmental Noticing, Outreach, and Filing

Rincon will conduct all required outreach, noticing and filing of notices and documents for the environmental review of the Housing Element update.

For the ND/MND scenario, notices will include:

- SB 18 and AB 52 letters to Native American tribes
- Notice of Intent (NOI) to adopt an ND/MND
- Notice of Completion (NOC) form that will accompany the State Clearinghouse (SCH) submittal
- Notice of Determination (NOD)

For the EIR scenario, notices will include:

- SB and AB 52 letters to Native American tribes
- Notice of Preparation (NOP) of a Draft EIR
- Notice of Availability (NOA) of a Draft EIR
- NOC form that will accompany the SCH submittals for the NOP and Draft EI
- NOD

For the EIR scenario, we will also prepare materials for, attend, and present at an EIR scoping meeting.

Rincon will file notices with the SCH and County Clerk as appropriate, but we assume that the City will handle any additional noticing (including, as appropriate, newspaper publication of the NOI, NOP, and NOA) and will pay applicable filing fees.

Deliverables

One (1) hard copy and one (1) electronic copy of each notice in both PDF and Microsoft
Word Format, scoping meeting materials for the EIR scenario

Adoption/Certification

As needed for the EIR scenario, Rincon will prepare final findings of fact and a statement of overriding considerations, consistent with sections 15091 and 15093 of the CEQA Guidelines. A draft version will be provided to the City for review prior to distribution. Upon receipt of City comments on the draft version we will prepare the final findings and overriding considerations. As noted above, Rincon will file the NOD with the SCH and/or County. We assume that the City will pay applicable NOD filing fees.

Rincon's principal in charge and/or project manager will also attend two public hearings on either the MND or EIR.

Deliverables

• One (1) hard copy and one (1) electronic copy of the findings and overriding considerations in both PDF and Microsoft Word Format; Powerpoint for hearing(s), if requested

6.4 Safety Element

Rincon will complete amendments to the Safety Element in compliance with State law and to achieve consistency with other elements in the General Plan, including the updated Housing Element. Rincon will use the State's Office of Planning & Research 2017 General Plan Guidelines to update the Safety Element to ensure consistency with the State's latest requirements and guidance, including: SB 379, Vulnerability and Adaptation; SB 1241, Fire Risks; and SB 1030, Safety Element Update Requirements. The Safety Element update will focus on ensuring alignment with and/or integration of other City plans such as the Local Hazard Mitigation Plan Update (in accordance with AB 2140). As necessary, Safety Element maps will be revised and/or added and provided in GIS format.

Deliverables

• Recommended updates to the General Plan Safety Element (via electronic copy)

6.5 Environmental Justice Policies

Senate Bill 1000 requires all cities to address environmental justice issues upon update of two or more General Plan Elements. To incorporate environmental justice into the General Plan, "disadvantaged communities" must be identified and then strategies need to be developed to mitigate and reduce environment-related health risks within these communities. Rincon will work with the City to develop the most appropriate method to identifying disadvantaged communities, which may involve the CalEnviroScreen tool provided by the California Environmental Protection Agency and/or research into data from the U.S. Census, the U.S. Department of Housing and Urban Development, or the California Department of Housing and Community Development. Rincon will then create goals, policies, and programs to reduce the environmental health impacts that adversely affect residents in disadvantaged communities, and will wrap these goals and policies into the appropriate General Plan Elements. More specifically,

Rincon will develop specific goals and policies that:

Reduce the unique or compounded health risks in disadvantaged communities by means that include the reduction of pollution exposure, including the improvement of air quality and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

Promote civil engagement in the public decision-making process.

Prioritize improvements and programs that address the needs of disadvantaged communities.

Examples of Environmental Justice policies include facilitating more alternative transportation and specialized project-specific air quality thresholds in these communities. In accordance with Senate Bill 1000, the updates to the General Plan Elements will also include policies that ensure residents of disadvantaged communities are involved in decision-making processes and prioritize improvements and projects in disadvantaged communities. Rincon will also review the rest of the current General Plan Element's existing goals and policies to ensure conformance and consistency with new environmental justice goals and policies.

Deliverables

- Administrative Draft Environmental Justice Policies (two rounds of review with City staff; digital format)
- Final policies will be incorporated into the appropriate General Plan Elements (for example, Land Use, Safety or Circulation)

Section 4: **Project Timeline**

			2020 Oct	Nov	Dec	2021 Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	2021 Sept
	Task 1	: Project Initiation and Setup	Oct	NOV	Dec	Jan	Teb	Ividi	лμ	May	Jun	501	Aug	Jept
	1.1	Kick-off meeting with City Staff												
1	1.2	Develop project schedule												
	1.3	Reconnaissance tours of each neighborhood or district												
	1.4	Prepare base maps and San Fernando 3D Community visualization												
	1.5	Configure ArcGIS Urban and ArcGIS Online for Alternatives												
		: Assessment of Existing Conditions												
	2.1	Evaluation of 2013-2021 Housing Element			$\overrightarrow{\mathbf{x}}$									
2	2.2	Evaluation of current land use element			\$									
2	2.3	Review related and relevant documents												
	2.4	Evaluation of City Housing and Land Use Resources			\mathbf{x}									
		RHNA Housing Assessment and Analysis												
	3.1	Housing Assessment and Needs Analysis												
	3.2	Housing Resources and Opp. Including Potential Housing Sites												
3	3.3	Housing Constraints												
	3.4	Housing Goals, Policies, and Quantified Objectives												
	3.5	Housing Element Implementation Program												
		Recommend Update to Land Use Element and Zoning Code												
	4.1	Summarize Current Growth Projections						$\overrightarrow{\mathbf{x}}$						
4	4.2	Identify Amendments to General Plan							\$					
	4.3	Identify Amendments to Zoning Code							\$					
1	4.4	Preparation of Draft General Plan Land Use and Zoning Maps							-					
	Task 5	Prepare and Finalize Housing							~					
	5.1	Screendraft Housing Element						\sim						
	5.2	Public Review Draft Housing Element												
	5.3	Submittal for HCD Initial Draft												
	5.4	Community Meetings												
	5.5	Planning Commission Meeting												
5	5.6	Preparation for Public Hearing												
	5.7	Support for Adoption Public Hearing at City Council												
	5.8	Coordinate HCD and Related Agency Review												
	5.9	Prepare Final Housing Element										\$		
	5.10	Update Other General Plan Elements												
	5.11	State Certification												
	-	: Environmental Assessment												
	6.1 to 6.3	CEQA with MND option												
6	6.1 to	CEQA with PEIR option												
	6.3 6.4	Safety Element												
	6.5	Environmental Justice Policies												
	0.5													

O Denotes Meetings to be conducted by our Team

Denotes Deliverables to be produced by our Team

Task 6: Initial Study through MND or PEIR

Section 5: Company Data

Name	Houseal Lavigne Associates, LLC
Address	Chicago Office 188 W. Randolph St, Suite 200, Chicago, IL 60601
	Pasadena Office 680 E Colorado Boulevard, Suite 180, Pasadena, CA 91101
Leadership	John Houseal, Principal and Co-Founder
	Devin Lavigne, Principal and Co-Founder
Incorporated	Yes, Limited Liability Company
Sole Proprietorship	No
Federal Employer ID	13-4287640
Notice Contact	John Houseal, Principal and Co-Founder 188 W. Randolph St, Suite 200, Chicago, IL 60601 (312) 372 -1008 ex 101 jhouseal@hlplanning.com
Incomplete Contract Explanations	N/A
Years in Business	15 years, 10 months
Years of Relevant Experience	15 years, 10 months
Certificate of Insurance	Houseal Lavigne is willing and able to provide the required insurance coverage as set forth in the City requirements within ten (10) calendar days of notification of selection for award of this Assignment.

Section 6: **Project Fee Schedule**

Houseal Lavigne proposes a not-to-exceed project cost of \$181,708 (MND option) or \$257,635 (PEIR option) for the San Fernando Housing Element Update, including all professional fees and directly related project expenses. If the City favors our basic approach, we are willing work with the City to amend our scope of work as necessary to meet any budgetary constraints.

ask	Description	Est	mated Cost
	Project Initiation and Setup	\$	15,615
	Assessment of Existing Conditions	\$	8,190
	RHNA Housing Assessment and Analysis	\$	43,210
	Recommend Updates to Land Use Element and Zoning Code	\$	8,940
	Prepare and Finalize Housing Element	\$	35,930
	Subtotal Housing Element Tasks	\$	111,885
	Environmental Assessment		
	Option 1 Initial Study and Mitigated Negative Declaration	\$	65,428
	Option 2 Initial Study and Program EIR	\$	141,135
	Other Direct Costs		
	Houseal Lavigne and Associates	\$	
	Veronica Tam and Associates	\$	450
	Rincon Environmental		450
	IS/MND Option	\$	3,614
	IS/PEIR Option	\$	3,834
	Estimated Total Not-to-Exceed		0. 1
	Housing Element Update with IS and MND	\$	181,708
	Housing Element Update with IS and PEIR	\$	257,635

Labor Estimates and Rates

Name	Title	Role	Ra	te	Hours		
Houseal Lavigne & Associates							
John Houseal, FAICP	Principal and Co-Founder	Project Lead	\$	205	19		
Rob Matthews, AICP	Principal	Project Manager	\$	175	122		
Brian Sims, GISP	Principal	Technical Lead	\$	175	82		
Trisha Parks, AICP	Planner II	Planning + Zoning	\$	130		12	
Sean Tapia, AICP	Planner I	Planning	\$	120	266		
Sujan Shreshtha	Planner I	Planning + GIS	\$	110	40		
Mika Schweizer	Planner I	Planning	\$	110	92		
Veronica Tam & Associates							
Veronica Tam, AICP	nica Tam, AICP Principal RHNA Strategic Advisor \$ 175				138		
					Hours by Option		
Rincon Environmental Team					IS/MND	IS/PEIR	
Joe Power	Principal II	QA-QC	\$	240	16	7	
Matthew Maddox, AICP, MESM	Principal I	Environmental Lead	\$	220	52	71	
Support staff as needed	Supervisor I	Technical Leads	\$	195	90	139	
Sally Schifman	Sr Professional II	CEQA Project Manager	\$	175	68	88	
Lexi Journey and other support staff as needed	Professional III	Safety and EJ Elements	\$	130	212	528	
Support staff as needed	Production Specialist	· ·	\$	88	28	30	
Support staff as needed	oport staff as needed GIS/CAD Specialist		\$	125	32	72	
Support staff as needed	pport staff as needed Clerical		\$	75	4	10	

Addendum Technical Approach

Project Approach

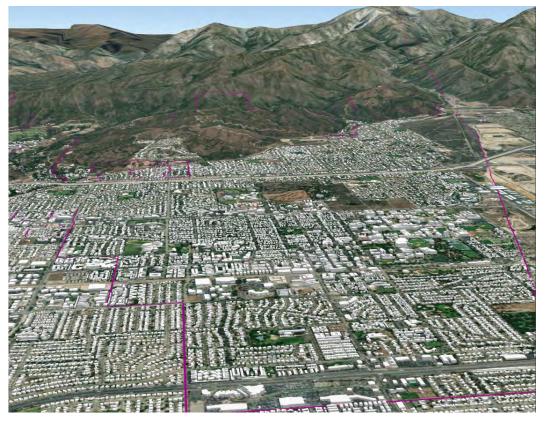
We believe our proposed scope of work will produce a meaningful and responsive General Plan Update and Environmental Assessment for the City of San Fernando that will enhance quality of life for current and future residents while ensuring long-term growth of the community that makes efficient use of City infrastructure, promotes economic prosperity, and preserves the natural environment. Should the City favor our basic approach, we will work closely with the City staff and officials to further refine this process, ensuring that all local needs and requirements are met. Each task of our proposed scope of work is presented in detail on the following pages.

What makes our approach different?

With our highly skilled team, we provide all the standard components of an HCD-compliant Housing Element. Our technical approach, however, represents a new way of working.

Given the increasing complexity in meeting RHNA targets in this 6th cycle, we provide a visual way of engaging with City staff to get to important questions quickly and test specific scenarios for meeting RHNA numbers. Our tools for finding and evaluating suitable sites are intuitive and effective. They provide transparency, defensibility, and most importantly, market-based assessment as required by HCD. Our technical approach is summarized below.

The technical enablement for the RHNA Opportunity Sites scenario design environment is reflected in Task 2 in our proposed scope of work.



Example scene from a 3D Community Basemap for City of San Fernando

RHNA Community Snapshot

See existing conditions clearly and make decisions with real places in mind

Every community is a unique place. Use our advanced **3D Community** 'digital twin' model to truly understand planning within the context of the real places where people live and work. Now you can view your community virtually through an engaging 3D experience anywhere on the web.

View important information about existing conditions

See the big picture and get answers to critical questions, such as:

- Where is my existing affordable housing -- and is it at risk?
- How can I reach mandated RHNA targets with resources available?
- How can innovative approaches help our community get the desired results?

Get the information you need to make decisions and report on RHNA-related housing conditions.

Drill down to individual properties to see detailed site RHNA metrics, such as housing provided at each Income Level or which Programs and/or Funding Sources were used to encourage development.

With our **RHNA Community Snapshot**, all of this information is at your fingertips.

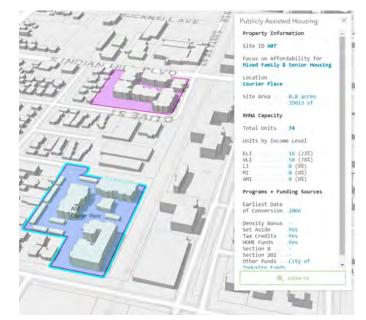
Move beyond mere mapping

As we all know, location is everything.

Find important patterns and discover place-based insights, like these clusters of higher intensity housing (yellow-orange) and concentrations of jobs (blue).

Or map community conditions around equity, access, job-housing balance, sustainability, fiscal impact, and many other topics.

Quickly identify issues and opportunities as a basis for informed scenario planning and decision making around meeting regional housing needs in a way that respects the character of your community.



Details for existing affordable housing



Residential and commercial hotspots

RHNA Opportunity Finder

Provide HCD with timely and defensible information to get the job done. Start by using our tools to quickly find the best opportunities for developing RHNA-mandated housing.

With our **RHNA Opportunity Finder**, identify suitable locations for a variety of housing types -- then check the feasibility against use real-world development conditions.

Suitability: Find the right place to do the right thing

We'll help you evaluate multiple factors for site suitability as you pursue your RHNA goals. For example:

- · lot size and potential for land assembly
- · land use / zoning compatibility
- redevelopment potential
- · access to important services and amenities
- + many more

Meet multiple goals at the same time by locating new housing where it has strong access to food options, parks / open space, or as the example image shows -- locations within walking distance to high-frequency public transit.

Feasibility: Evaluate pro forma financial feasibility for any potential project

Based on real-world building types, make sure you know the realistic development capacity for properties of all sizes.

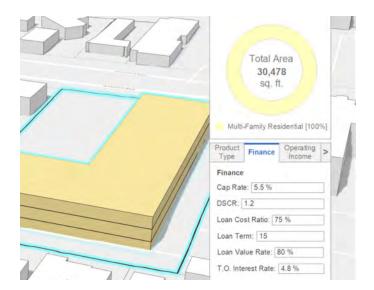
As you include sites for consideration, you'll get a plausible and realistic development model of the property. Use this to test and vet assumptions about market strength and development economics.

Look for specific opportunities, such as:

- 5-story mixed use
- Transit-oriented development (TOD)
- 'Missing middle' housing
- Accessory dwelling units (ADU)
- Infill, brownfields, adaptive reuse



5/10/15 minute walk from proposed station area



Validate project feasibility

RHNA Scenario Builder

Scenarios allow you to quickly explore a combination of ideas to support future housing. A few examples:

- Should we allow ADU's? ... How much would that help?
- Should we increase density? ... If so, where and how much?
- Which sites provide the best options for my community?

For each idea, design, or alternative, get instant feedback on assumptions, growth potential, and other growth-related impacts and opportunities. **RHNA Scenarios** have all the information required to answer a wide variety of planning and policy-related questions

Identify realistic opportunities to increase housing

Each time you change the scenario assumptions, a plausible building is generated for each potential site that attempts to maximize the amount of housing developed.

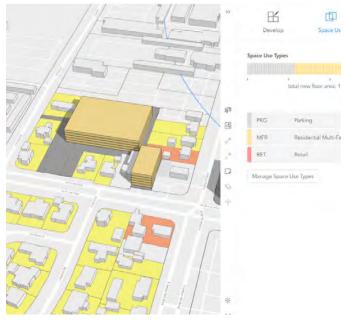
We keep track of all the numbers for you, allowing you to focus on the issues, not the technology.

Explore scenarios for growth and other development assumptions

- Test how potential changes to land use or zoning affect site yields
- Quickly compare RHNA housing needs to realistic development capacity



Zoning within a study area



Summarize metrics citywide or per site

RHNA Reporting

See your planning effort come alive

Provide others with the best information to promote good decision making.

Communicate with stakeholders using visually compelling, webbased maps and dashboard infographics.

Everything is hosted in a secure Esri cloud environment and can be shared easily with a web link -- you control who sees what information. Let **RHNA Reporting** make your work a lot easier.

Share RHNA reports that are effective and easy to understand

HCD has established clear guidelines for the reporting of key metrics.

As you design scenarios on the map, we automatically tally everything in a summary table, ready to share with process stakeholders, the community, and with HCD staff.

Get the following in one integrated web-based experience:

- Dynamic 2D or 3D maps that present your housing element graphically
- Infographic visualization key RHNA performance indicators
- Information is automatically provided in a RHNA / HCDcompliant reporting format

RHNA Engagement

We supply the technical guidance, build the web-based 3D content, and provide turn-key delivery of the RHNA-related information products -- analysis, reporting, and map-based visualization -- for the duration of the RHNA reporting cycle.

Housing Policy Advisement

• Advise on local housing policy options

Public Outreach & Engagement

- Communicate plans to community
- · Hold open houses and focus group discussions
- · Facilitate community feedback process

Developer Engagement

- Promotion of RHNA opportunities with local developers
- Entitlement support and expediting



Share dynamic maps easily

Inventory of Potential Properties

by Status and Owner

	Site	Info	New HH	Income Levels						
Projects Built since 2018	DUA	Acres	Net New	ELI	VLI	u	ML	ABI		
Multifamily										
Serrano I	12.9	4.2	54				8	46		
Citrus Glen	15.2	3.3	50				7	43		
lvy Walk	11.7	1.8	21				3	18		
Mount San Antonio Gardens	0.6	1.2	2					2		
Single-Family (excl. ADU)			3					3		
ADU			1				1			
Subtotal			191	n	0	Ó	39	112		
Projects Under Construction	DUA	Acres	Net New	ELI	VLI	u	MI	ABI		
Multifamily										
Serrano II	15.4	2,6	40				6	34		
Gable Crossing	15.4	3.9	60				8	52		
Meadow Park	15.3	6.2	95				13	82		
Cornell Village Lofts	44.3	1.67	74					74		
West San Jose	16.3	0.8	13				2	11		
Single-Family (excl. ADU)										
ADU			1		_		1			
Subtotal			283	D.	0	0	30	253		
Projects Approved	DUA	Acres	Net New	ELI	VLI	ч	MI	ABI		
Multifamily								-		
Old School House SP (Site #10)			126				15	111		
Webb Schools Faculty Housing			4				4			
Single-Family (excl. ADU)			5					5		
ADU			4				4			
Subtotal			159	12	ų.	Ш	23	115		
Projects Proposed	DUA	Acres	Net New	ELI	VLL	u	MI	ABI		
Multifamily				-		-	-			
Keck Grad Student Apts (Site #15)	116.8	2,5	292					292		
735 E Foothill Boulevard			55				8	47		
Single-Family (excl. ADU)			1					1		
ADU				-						
Subtotal			548	- 0.	9	-0	8	340		

6

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AGENDA REPORT

То:	Mayor Joel Fajardo and Councilmembers
From:	Nick Kimball, City Manager
Date:	December 7, 2020
Subject:	Presentation and Update Regarding COVID-19 Response Efforts

RECOMMENDATION:

12/07/2020

Receive a presentation from staff related to the City's COVID-19 efforts, including, but not limited to:

- a. Review of the City's COVID-19 planning, response, enforcement, and education efforts, and related policy initiatives; and
- b. Review of financial assistance programs and the pursuit of funding opportunities, and related recommendations, as appropriate.

ANALYSIS:

This discussion is meant to provide City Council and staff the opportunity to discuss all items related to the City's response efforts and policy initiatives related to the COVID-19 pandemic, including, but not limited to, discussion of financial hardship programs and CARES Act and other potential stimulus funding.

Staff Updates.

State of California COVID-19 Updates.

Staff will provide an update on the State of California's Blueprint for a Safer Economy plan (Attachment "A").

Los Angeles County Department of Public Health (LACDPH) Safer At Home Health Order. Staff will provide an update on current Health Orders issued by the LACDPH and key COVID-19 related metrics (Attachment "B"). **Presentation and Update Regarding COVID-19 Response Efforts** Page 2 of 5

Health Order Enforcement.

Staff will provide an update on current enforcement efforts and request direction related to future enforcement, as appropriate.

City Facility Closures.

In an effort to limit the potential exposure and spread of COVID-19 and to safeguard the City of San Fernando's ability to continue providing essential services, including public safety, water service, and community support, City Hall will be closed to the public through December 20, 2020, unless extended.

City staff will continue to be available to answer calls and respond to emails Monday through Thursday, 7:30 a.m. through 5:30 p.m., and Friday, 8:00 a.m. through 5:00 p.m. For additional convenience, the public can use the Online Permit Counter, <u>www.sfcity.org/Community-</u> <u>Development</u>, to submit building permit applications, track progress, and schedule inspections online. Below is contact information for each City Department:

Planning & Zoning Permits; Building Permits & Inspections; Graffiti Removal; Yard Sale Permits	(818) 898-1227	<u>CommunityDevelopment@sfcity.org</u>
Water & Sewer Utilities; Water Bills (use night Dropbox if paying by check)	(818) 898-1212	<u>Finance@sfcity.org</u>
Tree & Street Services	(818) 898-1222	PublicWorks@sfcity.org
Police (non-emergency)	(818) 898-1267	Police@sfcity.org
Adult, Senior & Youth Programs	(818) 898-1290	Recreation@sfcity.org
City Manager	(818) 898-1202	CityManager@sfcity.org
City Clerk	(818) 898-1204	<u>CityClerk@sfcity.org</u>
General Information	(818) 898-1200	Info@sfcity.org

Indoor recreational facilities remain closed to the public except when a heat advisory is issued or a Public Safety Power Shutoff (PSPS) notice is provided by Southern California Edison and the Las

Palmas Park facility is open as a cooling center or emergency shelter. Staff is following the County protocol for physical distancing and cleaning while the cooling centers are open.

Upcoming Holiday Celebrations.

On November 9, 2020, the LACDPH issued guidance for celebrating holidays (Attachment "C"). Currently, gatherings (of more than three households) and holiday displays or photo opportunities that do not allow a six-feet physical distance are not permitted and door to door activities is still not recommended.

Among other no-contact activities (i.e., online parties, car parades, holiday movie nights at drive in-theaters, etc.), LACDPH advises the following:

- The fewer people you and your household have in-person contact with, the lower your risk of getting COVID-19.
- Up to three households are allowed to gather as long as the gathering is outside, lasts no more than two hours, and everyone stays at least six-feet from non-household members.
- If you and your household choose to take this risk, it is safer to mix with the same one to two households repeatedly rather than with different groups.

San Fernando Residential Food Program.

The City Council allocated \$100,000 in CDBG/CARES Act funding to create the San Fernando Residential Food Distribution Program to assist families impacted by COVID-19. The food distribution program will provide a box of non-perishable food items (with a value up to \$250) to each qualifying household. These items may include canned meat and vegetables, pasta, sugar and spices, sauces, canned soups and stews, coffee and tea, rice, baby food, and other non-perishable food items. Personal protective equipment including masks, hand sanitizer, and disinfectant solution may also be provided.

To apply, interested households must complete a self-certification form that will be submitted to LA County for approval. Once approved, the City will schedule date and time for a no-contact distribution of food to qualified households. Applications may be completed online or downloaded via the City's website (<u>WWW.SFCITY.ORG/Coronavirus/#Resident-Resources</u>).

Two San Fernando Residential Food Distribution events have been held on October 17, 2020 and November 21, 2020. A total of 180 applicants have been invited to pick-up their box of non-perishable fold and PPE items with more than 150 families being served. The next distribution event is scheduled for December 19th or 20th, 2020, and the applicant deadline was December 2, 2020.

Presentation and Update Regarding COVID-19 Response Efforts Page 4 of 5

San Fernando Personal Protective Equipment (PPE) for Businesses Program.

The City Council allocated \$25,000 in CDBG/CARES Act funding to create the San Fernando Personal Protective Equipment (PPE) for Businesses Program to assist businesses impacted by COVID-19. The program will provide a box of essential items (with a value up to \$125) to each qualifying business. These items may include disposable (KN95 and/or blue surgical-type) masks, disinfectant wipes, face shields, non-contact thermometers, disposable gloves, and contactless hand sanitizer system.

To apply, interested businesses must complete an application and submit it to the City for approval. Once approved, the City will schedule date and time for a no-contact distribution of equipment to qualified businesses. Applications may be completed online or downloaded via the City's website (<u>WWW.SFCITY.ORG/Coronavirus/#Business-Resources</u>).

The San Fernando Personal Protective Equipment (PPE) for Businesses Program distribution is tentatively scheduled to be held on Tuesday, December 15, 2020. To date, sixty (60) businesses have applied for this program.

COVID-19 Testing.

On Tuesday, November 24, 2020, the City of San Fernando, in partnership with the City of Los Angeles, Los Angeles Fire Department (LAFD), the non-profit organization Community Organized Relief Effort (CORE), and Curative Lab, established a walk-up COVID-19 Testing site at Recreation Park. The walk-up super site offers up to 3,000 COVID-19 tests each day and operates Tuesday through Saturday from 8:00_am - 4:00_pm. The site will also be able to deliver up to 500 flu vaccines per day. In the weeks ahead, the site will also begin to enable residents to participate in an ongoing rapid antigen testing pilot. Reservations are required and may be made through a link on the City's website: www.sfcity.org/coronavirus.

Recreation Park was selected because portions of the City's zip code (91340) ha<u>ves</u> experienced a significant increase in positivity rate over the last few weeks and LA County Public Health has found that locating testing sites in a community has been very successful in decreasing the positivity rate. This is an important effort in curbing the spread of COVID19 in our community.

Public Medical Point of Dispensing (MPOD) Location.

Staff has been working with the County of Los Angeles Department of Public Health (DPH) to draft a Memorandum of Understanding (MOU) designating the Recreation Park and Las Palmas Park facilities eligible MPOD locations. Through the MOU, the City would partner with DPH to dispense life-saving Medical Counter Measures (MCM) to the public during a public health emergency. To qualify locations in the City as MPODs, the proposed facilities must meet certain County MPOD requirements, City staff must complete training exercises and the City must execute an MOU. The site inspections have been completed and the training/MOU adoption are tentatively scheduled for January/February 2021. The MPOD structure may be used to distribute

Presentation and Update Regarding COVID-19 Response Efforts Page 5 of 5

a COVID-19 vaccination when it becomes widely available and would open to everyone with no restrictions.

BUDGET IMPACT:

There is no budget impact associated with discussing this item. Additional future costs to be determined based on City Council direction.

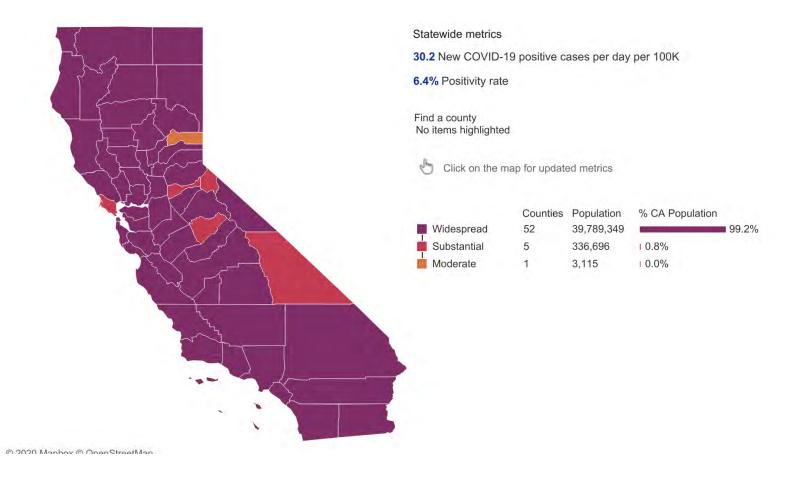
ATTACHMENTS:

- A. California Blueprint for a Safer Economy
- B. City of San Fernando and LA County Daily COVID-19 Data as of December 3, 2020
- C. LA County Holiday Guidance (November 9, 2020)

ATTACHMENT "A"

As of 12/1/2020

CALIFORNIA BLUEPRINT FOR A SAFER ECONOMY



County risk level	Adjusted case rate* 7-day average of daily COVID-19 cases per 100K with 7-day lag, adjusted for number of tests performed	Positivity rate** 7-day average of all COVID-19 tests performed that are positive							
	PETRICIA	Entire county	Healthy equity quartile						
WIDESPREAD Many non-essential indoor business operations are closed	More than 7.0 Daily new cases (per 100k)	More than 8.0% Positive tests							
SUBSTANTIAL Some non-essential indoor business operations are closed	4.0 – 7.0 Daily new cases (per 100k)	5.0 – 8.0% Positive tests	5.3 – 8.0% Positive tests						
MODERATE Some indoor business operations are open with modifications	1.0 – 3.9 Daily new cases (per 100k)	2.0 – 4.9% Positive tests	2.2 – 5.2% Positive tests						
MINIMAL Most indoor business operations are open with modifications	Less than 1.0 Daily new cases (per 100k)	Less than 2.0% Positive tests	Less than 2.2% Positive tests						

*Small counties (those with a population less than 106,000) may be subject to alternate case assessment measures for purposes of tier assignment.

**Health equity metric is not applied for small counties. The health equity metric is used to move to a less restrictive tier.

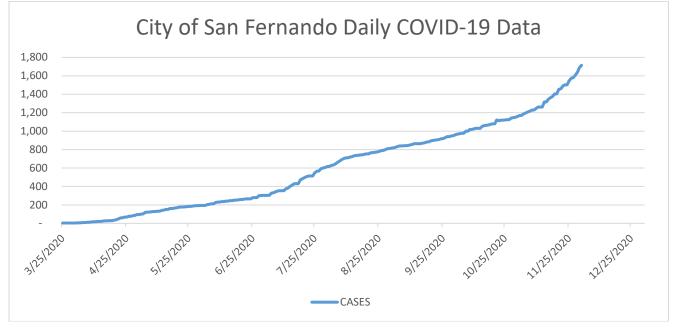
City of San Fernando Daily COVID-19 Data

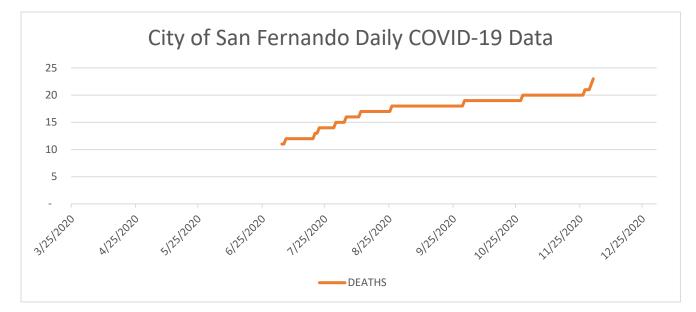
SOURCE:

http://publichealth.lacounty.gov/media/Coronavirus/data/index.htm; statistics captured daily.

Graph 1: Daily COVID-19 Cases and Deaths in the City of San Fernando

Total Cases (as of December 1, 2020): 1,714 Total Deaths (as of December 1, 2020): 23





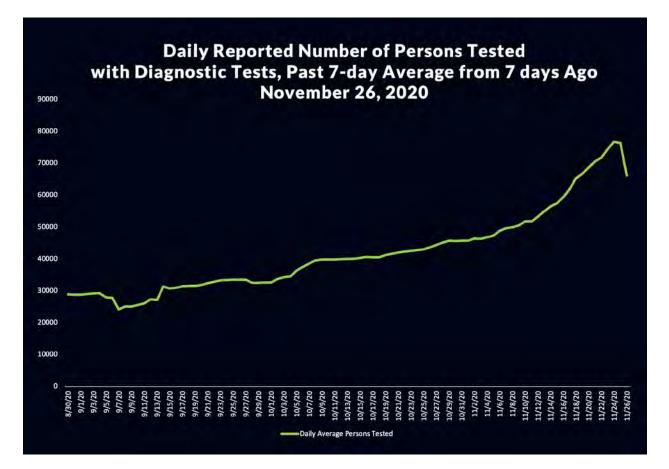
Los Angeles County Daily COVID-19 Data

SOURCE:

http://publichealth.lacounty.gov/media/Coronavirus/data/index.htm; visited on 12/3/2020 @ 4:55 pm.

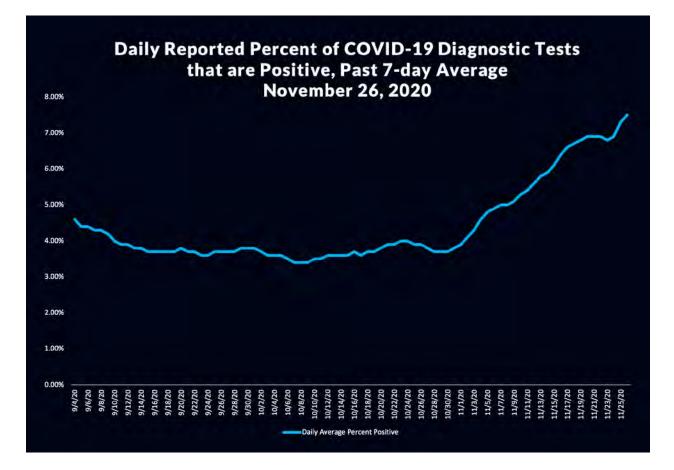
Graph 1: Daily Reported Persons Tested for COVID-19

7-Day Daily Average: 66,120 Total Number of People Tested: 3,808,034



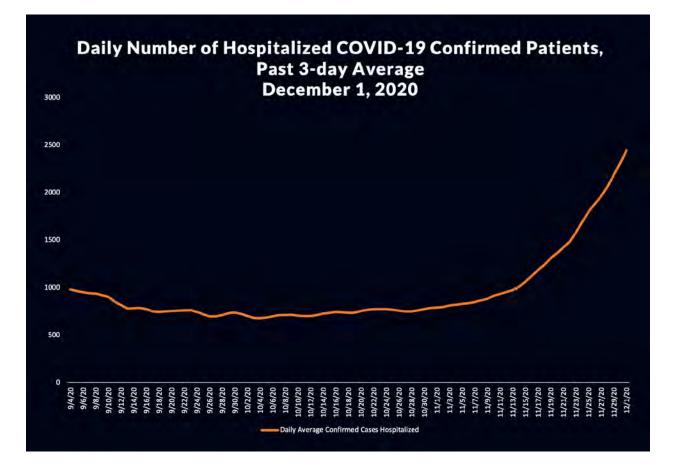
Graph 2: Daily Reported Percent Positive for COVID-19

7-Day Daily Average: 7.5%



Graph 3: Daily Number of COVID-19 Hospitalized

Current Hospitalizations (12/3/20): 2,572



Novel Coronavirus (COVID-19)

Los Angeles County Department of Public Health Guidance for Celebrating Holidays

Recent Updates:

11/9/20: Purchasing trees from holiday tree lots is permitted as long as the holiday tree lot complies with required retail protocol and no amusement park, gathering, or festival type activities occur at the holiday tree lot.

As families start to plan for the holiday season it is important to consider how to celebrate safely in order to minimize the risk of exposure to COVID-19. Planning early and identifying safe alternatives to some of the more traditional but risky methods of celebration will be key. The Los Angeles County Department of Public Health would like to share information on how to take part in the holiday season in a manner that reduces the risk of spreading COVID-19. Since some of the traditional ways in which holidays are celebrated are not permitted this year, consider some safer alternatives that are listed below.

Not Permitted (gatherings and events are not currently allowed under the Health Officer Order)

- Carnivals, amusement parks or festivals.
- Department store Santa/holiday displays or photo opportunities that do not allow everyone to maintain 6 feet of physical distance from non-household members at all times.

Not Recommended

• Door to door activities, such as caroling, are not recommended because it can be very difficult to maintain proper social distancing on porches and at front doors and ensure that everyone answering or coming to the door is appropriately masked to prevent disease spread.

Permitted and Recommended

- Online parties/contests (e.g. Thanksgiving meal, tree trimming).
- Car parades that comply with public health guidance for <u>vehicle-based parades</u> including:
 - a. Drive by events or contests where individuals dress up or decorate their vehicles and drive by "judges" that are appropriately physically distanced.
 - b. Drive through events where individuals remain in their vehicles and drive through an area with holiday displays.
 - c. Drive in events where individuals can receive a treat bag (limited to commercially packaged non-perishable treats) or take away item from an organizer while the participants remain in their vehicle.
 - d. Drive in events where individuals drop off or pick up toys or other donations.
- Holiday movie nights at drive-in theaters (must comply with the public health <u>drive-in movie theater</u> guidance).
- Live Performances or Concerts done at Drive-in theaters (must comply with the public health <u>drive-in</u> <u>movie theater</u> protocol).
- Holiday themed meals at outdoor restaurants (must comply with the <u>restaurant</u> protocol).

Los Angeles County Department of Public Health www.publichealth.lacounty.gov 11/9/20 Holiday (English)



Novel Coronavirus (COVID-19)

Los Angeles County Department of Public Health Guidance for Celebrating Holidays

- Holiday themed art installations at an outdoor museum (must comply with the public health <u>museum</u> protocol).
- Dressing up homes and yards with holiday themed decorations.
- Buy and decorate a Christmas tree (tree lots must comply with the public health <u>retail establishment</u> <u>protocol</u> and may not have amusement park or carnival type activities such as rides, face painting, petting zoos, food service, bounce houses or visits with Santa that are closer than six feet.)
- Gatherings of 3 households are permitted if they are held outdoors.

The fewer people you and your household have in-person contact with, the lower your risk of getting COVID-19. You and your household are allowed to gather with one or two other households as long as the gathering is outside, lasts no more than 2 hours, and everyone wears face coverings and stays at least 6ft from non-household members. If you do choose to take this risk, it is safer to mix with the same 1-2 household(s) repeatedly rather than with different groups. For additional details on private gatherings see the posted <u>Health Officer Order for Reopening Safer at Work and in the Community.</u>

Travel

Since the holiday season is often a busy travel time, you may be considering doing a bit of travel this time of year for vacation or to visit friends and family. Before you travel consider the following:

- Is COVID-19 spreading at your destination?
 - The more cases at your destination, the more likely you are to get infected during travel and spread the virus to others when you return.
 - The following CDC sites can help you to assess the risk of travel both locally and internationally:
 - <u>CDC COVID Data tracker</u>
 - <u>CDC Travel Recommendation by Destination</u>
- Are you or is someone you live with at increased risk for severe illness from COVID-19?
 - Anyone can get very ill from the virus that causes COVID-19, but older adults and people of any age with certain underlying medical conditions are at increased risk for severe illness if they become infected with COVID-19.
- Does your destination have requirements or restrictions for travelers?
 - Some destinations have requirements, such as requiring people to test prior to travel or to quarantine upon arrival. Check state, territorial, tribal and local public health websites for information before you travel. If you are traveling internationally, check the destination's Office of Foreign Affairs or Ministry of Health or the <u>US Department of State, Bureau of</u> <u>Consular Affairs, Country Information</u> page for details about entry requirements and restrictions for arriving travelers.
- It is important to note that LA County recommends that travelers stay home for 14 days when arriving into LA after travel.



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Novel Coronavirus (COVID-19)

Los Angeles County Department of Public Health Guidance for Celebrating Holidays

Personal Protection Measures:

Regardless of how you choose to celebrate the holidays it is important to keep the following in mind:

- 1. Correctly wear a cloth face covering to prevent disease spread¹ when outside your home and around others that are not part of your household.
- 2. Avoid confined spaces Actively stay away from indoor and outdoor spaces that don't allow for easy distancing of at least 6ft between you and others.
- 3. Avoid close contact Stay at least 6 feet away (3 or more adult steps) from all other people who are not part of your own household, especially while talking, eating, drinking, and singing.
- 4. Remain outdoors as much as possible when socializing with people not in your household.
- 5. Wash or sanitize your hands often.
- 6. Clean frequently touched items regularly.
- 7. If you are sick, or you have been in contact with someone who is sick with COVID-19 or has symptoms of COVID-19 stay home, away from others, and get tested.

Know where to get reliable information

Beware of scams, false news and hoaxes surrounding novel coronavirus. Accurate information, including announcements of new cases in LA County, will always be distributed by Public Health through press releases, social media, and our website. The website has more information on COVID-19 including FAQs, infographics and a guide to coping with stress, as well as tips on handwashing.

- Los Angeles County Department of Public Health (LACDPH, County)
 - o http://publichealth.lacounty.gov/media/Coronavirus/
 - o Social media: @lapublichealth

Other reliable sources of information about novel coronavirus are:

- California Department of Public Health (CDPH, State)
 - o https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/nCOV2019.aspx
- Centers for Disease Control and Prevention (CDC, National)
 - o http://www.cdc.gov/coronavirus/novel-coronavirus-2019.html

If you have questions and would like to speak to someone call the Los Angeles County Information line 2-1-1 which is available 24 hours a day.



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^{1 1} Wear masks with two or more layers to stop the spread of COVID-19. Wear the mask over your nose and mouth and secure it under your chin. For more info, <u>https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html</u> and <u>http://publichealth.lacounty.gov/media/Coronavirus/docs/protection/GuidanceClothFaceCoverings.pdf</u>

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AGENDA REPORT

То:	Mayor Joel Fajardo and Councilmembers
From:	Nick Kimball, City Manager By: Julia Fritz, City Clerk
Date:	December 7, 2020
Subject:	Adoption of a Resolution Reciting the Fact of the City's November 3, 2020 General Municipal Election and Declaring the Results of the Same and Concurently Ratify/Approve Second Reading of the Voter-Approved Ordinance Increasing the City's Existing General Purpose Half-Cent Transactions (Sales) and Use Tax by an Additional Quarter-Percent (1/4%) Such That the Rate of the City's Transactions

City's Existing General Purpose Half-Cent Transactions (Sales) and Use Tax by an Additional Quarter-Percent (1/4%) Such That the Rate of the City's Transactions and Use Tax Would Become Three-Quarters of One Percent (3/4%); and Adopt Resolutions Authorizing the California Department of Tax and Fee Administration to Administer and Collect the Transactions and Use Tax on Behalf of the City

RECOMMENDATION:

It is recommended that the City Council concurrently:

- a. Adopt Resolution No. 8046 reciting the fact of the City's November 3, 2020 General Municipal Election and declaring the results of the same (Attachment "A"); and
- b. Ratify adoption and second reading voter-approved Ordinance No. 1698, entitled: "An Ordinance of the People of the City of San Fernando, California, Increasing the City's Existing General Purpose Half-Percent (1/2%) Transactions and Use Tax Codified Under Article V (Transactions and Use Tax) of Chapter 82 (Taxation) of the San Fernando Municipal Code to a New Increased Rate of Three-Quarters of One Percent (3/4%)" (Attachment "B"); and
- c. Adopt Resolution No. 8047 (Attachment "C") authorizing the California Department of Tax and Fee Administration (CDTFA) to administer and collect the transaction and use tax on behalf of the City; and
- d. Adopt Resolution No. 8048 (Attachment "D") designating and authorizing the City Manager as the authorized representative to examine confidential transactions and use tax records collected by (CDTFA); and
- e. Authorize the City Manager to execute all related documents.

ADMINISTRATION DEPARTMENT 117 MACNEIL STREET, SAN FERNANDO, CA 91340 (818) 898-1202 WWW.SFCITY.ORG

Adoption of a Resolution Reciting the Fact of the City's November 3, 2020 General Municipal Election and Declaring the Results of the Same and Concurrently Ratify/Approve Second Reading of the Voter-Approved Ordinance Increasing the City's Existing General Purpose Half-Cent Transactions (Sales) and Use Tax by an Additional Quarter-Percent (1/4%) Such That the Rate of the City's Transactions and Use Tax Would Become Three-Quarters of One Percent (3/4%); and Adopt Resolutions Authorizing the California Department of Tax and Fee Administration to Administer and Collect the Transactions and Use Tax on Behalf of the City

Page 2 of 4

BACKGROUND:

- On July 6, 2020, the City Council adopted Resolution No. 8010 (Attachment "E") calling for, and giving notice of, the City of San Fernando's November 3, 2020 General Municipal Election and consolidating the election with the Los Angeles County Registrar-Recorder/County Clerk ("County") administered Statewide General Election.
- On August 3, 2020, the City Council adopted Resolution No. 8021 (Attachment "F"), approving the placement of a local sales tax ballot measure "*Keep Sales Tax Revenue Local*" Measure SF ("Measure SF") on the November 3, 2020 General Municipal Election ballot and introducing an ordinance increasing the City's existing transaction and use tax from 1/2% to 3/4%, if approved by the voters.
- 3. On November 3, 2020, the General Municipal Election was held and semi-official results were tabulated. The Los Angeles County Registrar-Recorder/County Clerk (RR/CC) continued counting ballots during the Official 28-day Election Canvass period ending November 30, 2020.
- 3. On December 1, 2020, the City Clerk received instructions from the California Department of Tax and Fee Administration (CDTFA). In order for (CDTFA) to proceed with implementation to administer and collect transactions and use taxes for the City, the City Council is required to authorize the execution of related documents. The documents include adoption of resolutions (Attachment "C" and "D") to approve the collections of the transactions and use taxes to be administered through the (CDTFA), and related agreements (Attachment "C" Exhibits "A" and "B"), and authorize the City Manager or designee as the official representative from the City.
- 4. On December 2, 2020, the City Clerk received the Certificate of the Canvass of the Election Returns and Official Statement of Votes Cast, completed and certified by the RR/CC for the November 3, 2020, General Municipal Election (Attachment "A" – Exhibit "A"). In addition to identifying the candidates for elective office of the City who have been elected to the City Council, the Certificate of the Canvass of Election Returns also indicates that the transactions and use tax ballot Measure SF was approved by San Fernando voters.

ANALYSIS:

For the November 3, 2020 General Election, registered voters in the City of San Fernando had the opportunity to elect two Councilmembers of the five-member City Council for a term of four years each, and one Councilmember to fill the two-year unexpired balance of the four-year term of the City Council seat vacated by the resignation of former Councilmember Antonio Lopez on September 30, 2019.

CC Meeting Agenda

Adoption of a Resolution Reciting the Fact of the City's November 3, 2020 General Municipal Election and Declaring the Results of the Same and Concurrently Ratify/Approve Second Reading of the Voter-Approved Ordinance Increasing the City's Existing General Purpose Half-Cent Transactions (Sales) and Use Tax by an Additional Quarter-Percent (1/4%) Such That the Rate of the City's Transactions and Use Tax Would Become Three-Quarters of One Percent (3/4%); and Adopt Resolutions Authorizing the California Department of Tax and Fee Administration to Administer and Collect the Transactions and Use Tax on Behalf of the City

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The two Councilmember seats for the four-year terms are presently occupied by incumbents Joel Fajardo, Robert C. Gonzales, and the third seat is for the balance of the unexpired four year term, presently occupied by appointed incumbent Mary Mendoza.

In addition to the City Councilmember contests, registered voters also had the opportunity to vote on an ordinance increasing the City's existing General Purpose half-cent Transactions (Sales) and Use Tax by an additional quarter-percent (1/4%) (Measure SF). As required by the California Department of Tax and Fee Administration (CDTFA), in order to administer the transactions and use taxes collection, standard form agreements, resolutions, authorize the City Manager or designee to execute related documents and other instruments, requires City Council approval.

Upon delivery of the Certificate of the Canvass of the Election Returns received by Los Angeles County Registrar-Recorder/County Clerk, the City Clerk is required to certify the results to the City Council, pursuant to the California Elections Code Section 10262(b). In turn, the City Council, as required by Elections Code Section 10263, must meet to declare the results of the election. As soon as the result of the election is declared by the City Council, the City Clerk must enter in its records a statement of the election results. Thereafter, the City Clerk must deliver a Certificate of Election to each person elected and administer the Oath of Office to each elected official, per Elections Code Section 10265.

BUDGET IMPACT:

The Fiscal Year 2020-2021 City Budget includes the cost of \$57,500 for the November 3, 2020 General Municipal Election.

Additionally, the quarter percent (1/4%) local Sales Tax would generate an estimated \$1.1 million per year that would, among other things, be available to pre-fund retiree healthcare costs, reduce long-term liability, enhance City services, create business investment programs, bolster economic development efforts, and fund infrastructure improvements such as additional street/sidewalk reconstruction and/or citywide Wi-Fi.

Adoption of a Resolution Reciting the Fact of the City's November 3, 2020 General Municipal Election and Declaring the Results of the Same and Concurrently Ratify/Approve Second Reading of the Voter-Approved Ordinance Increasing the City's Existing General Purpose Half-Cent Transactions (Sales) and Use Tax by an Additional Quarter-Percent (1/4%) Such That the Rate of the City's Transactions and Use Tax Would Become Three-Quarters of One Percent (3/4%); and Adopt Resolutions Authorizing the California Department of Tax and Fee Administration to Administer and Collect the Transactions and Use Tax on Behalf of the City

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CONCLUSION:

It is recommended that the City Council move to concurrently approve the following:

- 1. Adopt Resolution No. 8046 reciting the fact of the November 3, 2020 General Election and declaring the results of the same;
- 2. Ratify adoption and second reading voter-approved Ordinance No. 1698, entitled: "An Ordinance of the City Council of the City of San Fernando, California, extending indefinitely, subject to voter approval, the General Purpose Transactions and Use Tax administered by the California Department of Tax and Fee Administration and codified under Article V (Transactions and Use Tax) of Chapter 82 (Taxation) of the San Fernando Municipal Code pursuant to Revenue and Taxation Code Sections 7251 et seq.";
- 3. Adopt Resolution No. 8047 authorizing the California Department of Tax and Fee Administration (CDTFA) as required, to administer and collect the transaction and use tax on behalf of the City; and
- 4. Adopt Resolution No. 8048 authorizing designation of the City Manager or designee to execute such standard form agreements and instruments of the California Department of Tax and Fee Administration ("CDTFA") as may be required to ensure that the City's transactions and use tax is collected by the CDTFA on the City's behalf and to insure that tax collection data collected by the CDTFA may be shared with appropriate officials of the City and City-designated financial consultants.

ATTACHMENTS:

- A. Resolution No. 8046 with Exhibit A Certificate of the Canvass of the Election Returns and Official Statement of Votes Cast
- B. Ordinance No. 1698
- C. Resolution No. 8047
- D. Resolution No. 8048
- E. Resolution No. 8010
- F. Resolution No. 8021



RESOLUTION NO. 8046

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 3, 2020, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, at its regular meeting of July 6, 2020, the City Council of the City of San Fernando ("City Council") approved Resolution No. 8010 which called for a General Municipal Election to be held on November 3, 2020 ("City Election"); and

WHEREAS, the City Election was conducted for the purpose of electing two (2) members of the City Council for the full term of four years; and one member of the City Council for the remaining two year term of a four year term due to a mid-term council vacancy that occurred in September 2019.

WHEREAS, the City Election was also conducted for purpose of presenting a Cityinitiated ballot measure referred to as "Keep Sales Tax Revenue Local" which presented the following ballot question to San Fernando voters:

Keep Sales Tax Revenues Local Measure. To ensure that the maximum of amount of sales tax revenues generated in San Fernando remain in San Fernando, and to increase funding for local business reinvestment; economic development; citywide Wi-Fi; public	[] YES
infrastructure; reduction of long-term debt; and other general municipal purposes, shall the existing transactions and use tax rate be increased by 1/4% to a new rate of 3/4% to raise approximately \$1,100,000 per year in additional revenues?	[] NO

WHEREAS, the City of San Fernando (the "City") conducted the City Election on Tuesday, November 3, 2020 which was consolidated with the Los Angeles County Registrar-Recorder/County Clerk ("County Registrar") administered Statewide General Election held on the same day; and

WHEREAS, notice of the City Election was given in time, form and manner as provided by law; the candidates were nominated to fill the vacancies as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the City Election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form, and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and **HEREAS**, pursuant to Elections Code Section 15300 et seq., the County Registrar canvassed the returns of the City Election and has certified the results and presented the Certificate of Canvass of the Election Returns for the City Election, which is attached hereto as **Exhibit "A"** and is incorporated by this reference as though fully set forth herein.

WHEREAS, pursuant to Elections Code Section 10263, upon completing the canvass and before installing new officers, the City Council must adopt a Resolution reciting the fact of the City Election and declaring the persons for whom the highest number of votes were cast for each office as well as the results of the ballot measure election.

BASED UPON THE ABOVE RECITALS, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. The Recitals stated above are true and correct and incorporated herein by this reference.

SECTION 2. On November 3, 2020, the City undertook the 2020 City Election, which was administered by the County Registrar.

SECTION 3. On December 2, 2020, the County Registrar presented the Certificate of Canvass of the Election Returns to the City Clerk as provided under Elections Code Section 10263. A true and correct copy of the Certificate of the Canvass of the Election Returns with corresponding attachments is attached and incorporated hereto as **Exhibit "A"**. The term "2020 Canvass" shall be a collective reference to the documents attached hereto as Exhibit "A". In satisfaction of Elections Code Section 10264, the City Council hereby adopts the findings, calculations, and determinations of the 2020 Canvass as it relates to the City Election, including: (1) the number of ballots cast in the City; (2) the names of the persons voted for; (3) the measure voted upon; (4) for what office each person was voted for; (5) the number of votes given at each precinct to each person, and for and against the measure; and (6) the total number of votes given to each person, and accepts the City Clerk's certification of the election results of the City's November 3, 2020 General Municipal Election as presented to the City Clerk by the County Registrar as provided under Elections Code Section 10262(b).

SECTION 4. At its November 3, 2020 General Municipal Election, two (2) of the City Council's five (5) seats were up for election with each seat having a term of four (4) years; and one (1) seat of the of the City Council for the remaining two year term of a four year term due to a mid-term council vacancy that occurred in September 2019 by the resignation of Antonio G. Lopez. The names of the incumbents for the two Councilmember seats for the four year terms are Joel Fajardo and Robert C. Gonzales, and the third seat for the balance of the unexpired four year term is presently occupied by appointed incumbent Mary Mendoza. The names of the persons voted for at the City Election for Members of the City Council for the term of four years, were as follows: Cindy Montanez, Joel Fajardo, Magaly Colelli , and Celeste Rodriguez. The names of the unexpired four year term, were as follows: Mary Mendoza and David C. Bernal.

SECTION 5. The City Council does declare and determine that: Cindy Montanez and Celeste Rodriguez were elected as Members of the City Council for the full term of four (4) years each in that they received the top two highest number of votes cast. Cindy Montanez received 3,774 votes (or 29.40% of votes cast); and Celeste Rodriguez received 3,253 votes (or 25.34% of votes cast; incumbent Joel Fajardo received 3,229 (or 25.15% of votes cast); and Magaly Colelli received 2,581 votes (or 20.11% of votes cast). The City Council does also declare and determine that: Mary Mendoza is elected to serve the unexpired 2-year balance of the City Council seat vacated in September 2019. Mary Mendoza received 4,595 votes (or 59.43% of votes cast) and David C. Bernal received 3,137 votes (or 40.57% of votes cast).

SECTION 6. At the City Election, Measure SF was passed and approved by a majority of those voting on the measure. The total number of votes cast both for and against Measure SF was 8,202. San Fernando voters approved Measure SF by the following vote count: 4,628 votes cast in favor (or 56.43% in favor) and 3,574 votes cast in opposition (or 43.57% in opposition). Ordinance No. 1698 which codifies the terms of Measure SF was approved along with this Resolution at the City Council's meeting of December 7, 2020.

SECTION 7. This Resolution shall take effect immediately upon its adoption by the City Council and the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 8. Pursuant to Elections Code Section 10265, the City Clerk shall immediately sign and deliver to each person elected a Certificate of Election and administer to each person elected the oath of office prescribed in the Constitution of the State of California.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Fernando an adjourned regular meeting held on the 7th day of December 2020.

ATTEST:

Joel Fajardo, Mayor

Julia Fritz, City Clerk

STATE OF CALIFORNIA)COUNTY OF LOS ANGELES)SSCITY OF SAN FERNANDO)

I, Julia Fritz, City Clerk of the City Council of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the City Council at its meeting held on the 7th day of December, 2020, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAINE:

Julia Fritz, City Clerk

EXHIBIT "A"

LOS ANGELES COUNTY REGISTRAR-RECORDER/COUNTY CLERK

CERTIFICATE OF CANVASS OF THE ELECTION RETURNS

AND

OFFICIAL STATEMENT OF VOTES CAST

RES. NO. 8046

Los Angeles County

CC Meeting Agenda

Registrar-Recorder/Country Clerk

Certificate of the Canvass of the Election Returns

I, DEAN C. LOGAN, Registrar-Recorder/County Clerk of the County of Los Angeles, of the State of California, DO HEREBY CERTIFY that pursuant to the provisions of Section 15300 et seq. of the California Elections Code, I did canvass the returns of the votes cast for each elective office and/or measure(s) for

Pan Fornando City

at the General Election, held on the 3rd day of November, 2020.

12/07/2020

I FURTHER CERTIFY that the Statement of Votes Cast, to which this certificate is attached, shows the total number of ballots cast in said jurisdiction, and that the whole number of votes cast for each candidate and/or measure(s) in said jurisdiction in each of the respective precincts therein, and the totals of the respective columns and the totals as shown for each candidate and/or measure(s) are full, true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 30th day of November, 2020.



anclose

DEAN C. LOGAN Registrar-Recorder/County Clerk County of Los Angeles

OUNTY OF LOS ANGELES -	GENERAL	LEGTION							11/03/20			60.1	-PAGE-	158 of 6086
FINAL OFFICIAL STATEMENT OF VOTES CAST					DO CITY GE MBER									
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COUNTY OF LOS ANGELES - GE	NERAL ELECTION								1/03/20		60.2	- PAGE -	159 of 608
FINAL OFFICIAL STATEMENT OF VOTES CAST BY PRECINCT		SAN FERNAN COUNCILM			14 Q								
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COUNTY OF LOS ANGELES - GENERAL I	ELECTION	-					11/03/20		61.1	- PAGE -	160 of 6086
FINAL OFFICIAL STATEMENT OF VOTES CAST BY PRECINCT			CNC TERM	IDO CITY SPC MUNI ENDS 12/22							
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COUNTY OF LOS ANGELES - GE	NERAL ELECTION						11/03/20		61.2	- PAGE -	161 of 608
FINAL OFFICIAL STATEMENT OF VOTES CAST BY PRECINCT		CNC TERM	NDO CITY SPC MUNI I ENDS 12/22								
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COUNTY OF LOS ANGELES - GENERAL	ELECTION							11/03/20	 	277.1	- PAGE -	721 of 6086
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COUNTY OF LOS ANGELES - GEN	ERAL ELECTION							11/03/20			277.2	- PAGE -	1722 of 608
FINAL OFFICIAL STATEMENT OF VOTES CAST BY PRECINCT			SAN FERNANDO CITY GEN MUNI MEASURE SF										
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ATTACHMENT "B"

ORDINANCE NO. 1698

AN ORDINANCE OF THE PEOPLE OF THE CITY OF SAN FERNANDO, CALIFORNIA, INCREASING THE CITY'S EXISTING GENERAL PURPOSE HALF-PERCENT (1/2%) TRANSACTIONS AND USE TAX CODIFIED UNDER ARTICLE V (TRANSACTIONS AND USE TAX) OF CHAPTER 82 (TAXATION) OF THE SAN FERNANDO MUNICIPAL CODE TO A NEW INCREASED RATE OF THREE-QUARTERS OF ONE PERCENT (3/4%)

WHEREAS, the City offers retiree medical benefits to employees hired by the City prior to July 1, 2015 and retiring from the City; and

WHEREAS, the City's reserves fell from \$7.1 million in 2006 to negative (\$5.7 million) in 2014; and

WHEREAS, in June 2015, the Government Accounting Standards Board issued Statement No. 75 (GASB 75), requiring governments providing postemployment benefits other than pensions (e.g., retiree health benefits) comprehensively measure the cost of those benefits and recognize long-term cost of those obligations as a liability; and

WHEREAS, pursuant to GASB 75, the City prepared an actuarial report measuring the cost of retiree medical benefits; and

WHEREAS, beginning with the fiscal year ending June 30, 2018, the City was required to report the total retiree medical liability on the Comprehensive Annual Financial Report (CAFR); and

WHEREAS, the total unfunded retiree medical benefit unfunded liability is \$42.8 million dollars; and

WHEREAS, as of June 30, 2018, the net position of the governmental fund, which presents information on all of the City's assets, including capital assets, and all related current liabilities and long-term obligations, was negative (\$6,227,511), due primarily to the retiree medical liability. The current annual "pay-as-you-go" retiree health cost is approximately \$1 million per year, which is paid directly from the general fund; and

WHEREAS, annual "pay-as-you-go" costs are projected to increase to approximately \$3 million per year in 2044; and

WHEREAS, according to the most recent actuarial valuation, the City should be setting aside an additional \$2 million per year to fully fund future retiree health benefits; and

WHEREAS, the City does not currently have a revenue source to fund this obligation, which means that it will need to be funded using general fund revenues; and

WHEREAS, pursuant to Article V (Transactions and Use Tax) of Chapter 82 (Taxation) of the San Fernando Municipal Code, the City currently levies a half-cent (\$0.005) or half-percent (1/2%) transactions and use tax, the proceeds of which are deposited into the general fund and may be used for any governmental purpose; and

WHEREAS, to address the financial challenges referenced, above, the City Council of the City of San Fernando by unanimous vote, and in accordance with California Constitution Article XIIIC, called a General Municipal Election held on November 3, 2020 so that qualified voters could consider, among other matters, whether to approve a ballot measure ("Measure SF") to increase the City's existing general purpose half-cent transactions and use tax by an additional quarter-percent such that the new tax rate would be three-quarter of one percent (3/4%); and

WHEREAS, pursuant to Revenue and Taxation Code Section 7285.9 et seq., the City has the authority to collect a local transactions and use tax and to increase that transactions and use tax; and

WHEREAS, pursuant to Revenue & Taxation Code Section 7285.9, this Ordinance was approved for placement on the November 3, 2020 General Municipal Election ballot for the City by at least a 2/3 vote of all members of the City Council; and

WHEREAS, at the City of San Fernando's General Municipal Eleciton of November 3, 2020, Measure SF was passed and approved by a simple majority of the total 8,202 votes cast in connection with Measure SF, both for and against; and

WHEREAS, because the tax that is the subject of Measure SF is a "general tax" within the meaning of Article XIIIC, Section 1(a) of the California Constitution, it could be approved by simple majority of votes cast at the November 3, 2020 General Municipal Election; and

WHEREAS, San Fernando voters approved Measure SF by the following vote count: 4,628votes cast in favor (or 56.43% in favor) and 3,574 votes cast in opposition (or 43.57% in opposition);

WHEREAS, this Ordinance codifies the terms of Measure SF and was approved along with City Council's Resolution reciting that fact of the November 3, 2020 General Municipal Election and declaring the results of the same at the City Council's Regular Meeting of December 7, 2020.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF SAN FERNANDO DO ORDAIN AS FOLLOWS:

<u>SECTION 1.</u> The foregoing Recitals are true and correct.

SECTION 2. All references to the terms "*state board of equalization*" or "*board of equalization*" as may be set forth under Article V (Transactions and Use Tax) of Chapter 82 (Taxation) of the San Fernando Municipal Code are hereby replaced with the term "*California Department of Tax and Fee Administration*" to reflect changes in State law.

SECTION 3. Section 82-123 (Transactions tax rate) of Article V (Transactions and Use Tax) of Chapter 82 (Taxation) of the San Fernando Municipal Code is hereby amended in its entirety to now state the following:

Sec. 82-123. - Transactions tax rate.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the city at the rate of 0.75 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this article.

SECTION 4. Section 82-125 (Use tax rate) of Article V (Transactions and Use Tax) of Chapter 82 (Taxation) of the San Fernando Municipal is hereby amended in its entirety to now state the following:

Sec. 82-125. - Use tax rate.

An excise tax is hereby imposed on the storage, use or other consumption in the city of tangible personal property purchased from any retailer on and after the operative date of this article for storage, use or other consumption in said territory at the rate of 0.75 percent of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

SECTION 5. Section 82-127 (Limitations on adoption of state law and collection of use of taxes) is hereby amended in its entirety to now state the following:

Sec. 82-127. – Limitations on adoption of state law and collection of use taxes.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

(1) Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

a. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California;

b. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against

the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.

c. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

1. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

2. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

d. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

(2) The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

a. "A retailer engaged in business in the District" shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this state or for delivery in the State by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars (\$500,000). For purposes of this section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder.

SECTION 6. The City Council is authorized to make subsequent amendments to the text of Article V (Transactions and Use Tax) of Chapter 82 (Taxation) of the San Fernando Municipal Code to reflect changes in terminology or definitions that may be established by the California Department of Tax and Fee Administration for purposes of administering and collecting the tax contemplated under this Ordinance or other amendments to State law, provided that no such amendments shall operate to increase the rate of the tax rate established under this Ordinance without first obtaining approval of San Fernando voters at a municipal election.

<u>SECTION 7.</u> <u>Severability</u>. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 8. CEQA. This Ordinance and the contemplated increase of the transactions and use tax referenced herein is not a "project" within the meaning of the California Environmental Quality Action codified at 21000 et seq. of the California Public Resources Code ("CEQA") because it will not result in a direct or reasonably foreseeable indirect physical change in the environment nor does it involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

SECTION 9. Effective Date. This Ordinance shall become effective immediately upon the following conditions: (i) approval of the ballot measure for the approval of this Ordinance by a majority of the voters casting votes at the General Municipal Election of November 3, 2020; (ii) certification of all votes cast by the City Council confirming that a majority of voters have approved this Ordinance and approving by the City Council of a resolution confirming the election results as canvassed by the Registrar-Recorder/County Clerk for the County of Los Angeles; and (iii) confirmation and approval of this Ordinance by the City Council upon certification of the election results.

SECTION 10. Execution. The Mayor shall sign this Ordinance and the City Clerk shall attest and certify to the approval thereof and cause same to be published at least once in a weekly newspaper of general circulation, published in the City of San Fernando, which newspaper is hereby designated for that purpose (Government Code Section 40806). This Ordinance shall only be in effect following the approval of a majority of the voters at an election on November 3, 2020, as certified by the election official.

PASSED, APPROVED, AND ADOPTED this 7th day of December 2020.

ATTEST:

Joel Fajardo, Mayor

Julia Fritz, City Clerk

APPROVED AS TO FORM:

Richard Padilla, City Attorney

RESOLUTION NO. 8047

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, THE CITY MANAGER TO **AGREEMENTS** EXECUTE WITH THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION FOR INCREASED **IMPLEMENTATION** OF AN Α LOCAL TRANSACTIONS AND USE TAX.

WHEREAS, on August 3, 2020 the City Council of the City of San Fernando ("City Council") approved the placement of a local sales tax ballot measure "Keep Sales Tax Revenue Local" - Measure SF ("Measure SF") to increase the City's existing general purpose transaction and use tax rate from 1/2% to 3/4%; and

WHEREAS, concurrent with the placement of Measure SF on the November 3, 2020 ballot, the City Council also approved and introduced an ordinance to effectuate the increase contemplated under Measure SF ("Ordinance No. 1698") by a vote of 56.43% Yes and 43.57% No; and

WHEREAS, at the City's General Municipal Election of November 3, 2020, San Fernando voters approved Measure SF by a vote of 4,628 (or 56.43%) in favor to 3,574 (or 43.57%) in opposition; and

WHEREAS, on December 7, 2020, along with the certification of election results from the November 3, 2021 General Municipal Election, the City Council ratified the approval and adopted Ordinance No. 1698 in light of Measure SF's approval by San Fernando voters; and

WHEREAS, the increase to the City of San Fernando's existing transactions and use tax was approved by San Fernando voters at a General Municipal Election held November 3, 2020 with said increase appearing on the ballot as Measure SF; and

WHEREAS, the City of San Fernando's existing transactions and use tax is a general tax within the meaning of Article XIIIC, Section 1(a) of the California Constitution and was approved by a majority of votes cast at the City's November 3, 2020 General Municipal Election as follows:

- The total number of votes cast both for and against Measure SF was 8,202; and
- San Fernando voters approved Measure SF by the following vote count: 4,628 votes cast in favor (or 56.43% in favor) and 3,574 votes cast in opposition (or 43.57% in opposition). Ordinance No. 1698 which codifies the terms of Measure SF was approved along with this Resolution at the City Council's meeting of December 7, 2020; and

WHEREAS, the California Department of Tax and Fee Administration (Department) administers and collects the transactions and use taxes for all applicable jurisdictions within the state; and

WHEREAS, the Department will be responsible for the continued administration and collection of the transactions and use tax for the City; and

WHEREAS, the Department requires that the City enter into a "Preparatory Agreement" and an "Administration Agreement" prior to implementation of said taxes or upon the voter-approved increase of any such tax as is the case here, and

WHEREAS, the Department requires that the City Council approve and authorize the execution of said agreements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY FIND, RESOLVE AND ORDAIN AS FOLLOWS:

<u>SECTION 1</u>. It is resolved by the City Council of the City of San Fernando that the "Preparatory Agreement" attached as Exhibit A and the "Administrative Agreement" attached as Exhibit B are hereby approved and the City Manager is hereby authorized to execute each agreement on the City's behalf. The City Manager and the Finance Director are further authorized to execute and submit such other forms, certifications or other documents for purposes of facilitating the administration and collection of the City's transactions and use tax.

SECTION 2. This resolution supersedes all prior transactions and use tax resolutions of the City of San Fernando adopted pursuant to subdivision (b) of Revenue and Taxation Section 7056.

<u>SECTION 3</u>. This Resolution shall take effect immediately upon its adoption by the City Council and the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Fernando an adjourned regular meeting held on the 7th day of December 2020.

ATTEST:

Joel Fajardo, Mayor

Julia Fritz, City Clerk

STATE OF CALIFORNIA)COUNTY OF LOS ANGELES)SSCITY OF SAN FERNANDO)

I, Julia Fritz, City Clerk of the City Council of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the City Council at its meeting held on the 7th day of December, 2020, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAINE:

Julia Fritz, City Clerk

RESO. NO. 8047 EXHIBIT "A"

AGREEMENT FOR PREPARATION TO ADMINISTER AND OPERATE CITY'S TRANSACTIONS AND USE TAX ORDINANCE

In order to prepare to administer a transactions and use tax ordinance adopted in accordance with the provision of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, the City of San Fernando, hereinafter called *City*, and the CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION, hereinafter called *Department*, do agree as follows:

1. The Department agrees to enter into work to prepare to administer and operate a transactions and use tax in conformity with Part 1.6 of Division 2 of the Revenue and Taxation Code which has been approved by a majority of the electors of the City and whose ordinance has been adopted by the City.

2. City agrees to pay to the Department at the times and in the amounts hereinafter specified all of the Department's costs for preparatory work necessary to administer the City's transactions and use tax ordinance. The Department's costs for preparatory work include costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing forms, developing instructions for the Department's staff and for taxpayers, and other appropriate and necessary preparatory costs to administer a transactions and use tax ordinance. These costs shall include both direct and indirect costs as specified in Section 11256 of the Government Code.

3. Preparatory costs may be accounted for in a manner which conforms to the internal accounting and personnel records currently maintained by the Department. The billings for costs may be presented in summary form. Detailed records of preparatory costs will be retained for audit and verification by the City.

4. Any dispute as to the amount of preparatory costs incurred by the Department shall be referred to the State Director of Finance for resolution, and the Director's decision shall be final.

5. Preparatory costs incurred by the Department shall be billed by the Department periodically, with the final billing within a reasonable time after the operative date of the ordinance. City shall pay to the Department the amount of such costs on or before the last day of the next succeeding month following the month when the billing is received.

1

RESO. NO. 8047 EXHIBIT "A"

6. The amount to be paid by City for the Department's preparatory costs shall not exceed one hundred seventy-five thousand dollars (\$175,000) (Revenue and Taxation Code Section 7272.)

7. Communications and notices may be sent by first class United States mail. Communications and notices to be sent to the Department shall be addressed to:

> California Department of Tax and Fee Administration P.O. Box 942879 MIC: 27 Sacramento, California 94279-0027

Attention: Administrator Local Revenue Branch

Communications and notices to be sent to City shall be addressed to:

City of San Fernando, City Hall 117 MacNeil Street San Fernando, California 91340

Attention: City Manager Office of the City Manager

8. The date of this agreement is the date on which it is approved by the Department of General Services. This agreement shall continue in effect until the preparatory work necessary to administer City's transactions and use tax ordinance has been completed and the Department has received all payments due from City under the terms of this agreement.

CITY OF SAN FERNANDO

CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION

By ____

Administrator Local Revenue Branch

By____

(Signature)

Nick Kimball (Typed Name)

City Manager (Title)

Rev. 11/17)

RESOLUTION NO. 8048

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA AUTHORIZING THE EXAMINATION OF TRANSACTIONS (SALES) AND USE TAX RECORDS

WHEREAS, pursuant to Ordinance No. 1698 of City of San Fernando (hereinafter called "District") and Section 7270 of the Revenue and Taxation Code, the District entered into a contract with the California Department of Tax and Fee Administration ("CDTFA") to perform all functions incident to the administration and operation of the Transactions and Use Tax Ordinance; and

WHEREAS, the District deems it desirable and necessary for authorized representatives of the District to examine confidential transactions and use tax records of the California Department of Tax and Fee Administration pertaining to transactions and use taxes collected by the Board for the District pursuant to that contract; and

WHEREAS, Section 7056 of the Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of California Department of Tax and Fee Administration records and establishes criminal penalties for the unlawful disclosure of information contained in or derived from, the transactions and use tax records of the Board;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY FIND, RESOLVE AND ORDAIN AS FOLLOWS:

<u>SECTION 1</u>. That the City Manager, the Finance Director or other officer or employee of the District designated in writing by the City Manager to the California Dept of Tax and Fee Administration (hereafter referred to as the "CDTFA") is hereby appointed to represent the District with authority to examine transactions and use tax records of the CDTFA pertaining to transactions and use taxes collected for the District by the CDTFA pursuant to the contract between the District and the CDTFA. The information obtained by examination of CDTFA records shall be used only for purposes related to the collection of the District's transactions and use taxes by the CDTFA pursuant to the contract.

<u>SECTION 2</u>. That the City Manager, the Finance Director or other officer or employee of the District designated in writing by the City Manager to the California Dept of Tax and Fee Administration is hereby appointed to represent the District with authority to examine those transactions and use tax records of the Board for purposes related to the following governmental functions of the District:

- 1. City administration;
- 2. Revenue management and budgeting;
- 3. Tracking of economic data;
- 4. Forecasting and budget related functions;
- 5. Detection of misallocations and deficiencies;
- 6. Community and economic development; and
- 7. Business license tax administration

The information obtained by examination of CDTFA records shall be used only for those governmental functions of the District listed above.

<u>SECTION 3</u>. That the City Manager or his designee is hereby designated to examine the transactions and use tax records of the California Department of Tax and Fee Administration pertaining to transactions and use taxes collected for the District by the Department. The person or entity designated by this section meets all of the following conditions:

- a) has an existing contract with the District to examine those transactions and use tax records;
- b) is required by that contract to disclose information contained in, or derived from those transactions and use tax records only to the officer or employee authorized under Section 1 (or Section 2) of this resolution to examine the information;
- c) is prohibited by that contract from performing consulting services for a retailer during the term of that contract;
- d) is prohibited by that contract from retaining the information contained in or derived from those transactions and use tax records after that contract has expired.

SECTION 4. Be it further resolved that the information obtained by examination of Board records shall be used only for purposes related to the collection of District's transactions and use taxes by the Board pursuant to the contracts between the District and Board.

SECTION 5. This resolution supersedes all prior transactions and use tax resolutions of the City of San Fernando adopted pursuant to subdivision (b) of Revenue and Taxation Section 7056.

SECTION 6. This Resolution shall take effect immediately upon its adoption by the City Council and the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Fernando an adjourned regular meeting held on the 7th day of December 2020.

ATTEST:

Joel Fajardo, Mayor

Julia Fritz, City Clerk

STATE OF CALIFORNIA)COUNTY OF LOS ANGELES)SSCITY OF SAN FERNANDO)

I, Julia Fritz, City Clerk of the City Council of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the City Council at its meeting held on the 7th day of December, 2020, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAINED:

Julia Fritz, City Clerk

CANFERNANT

CC Meeting Agenda

CITY COUNCIL

12/07/2020

Mayor Joel Fajardo

Vice Mayor Hector A. Pacheco

AUG. 31, 1911 December 2, 2020

INCORPORATED

COUNCILMEMBER Sylvia Ballin

Councilmember Robert C. Gonzales

Councilmember Mary Mendoza CA Department of Tax and Fee Administration Local Revenue Branch Attn: Warrant Desk 450 N Street, MIC: 27 Sacramento, CA 95814

Subject: City of San Fernando

Dear Ms. Anh Huang:

Resolution No. 8048, Section 1, authorizes the Mayor to designate in writing to the CA Department of Tax and Fee Administration other officers and/or employees of the jurisdiction with authority to receive and examine sales and use tax records for the jurisdiction.

Accordingly, the City Manager for the City of San Fernando is hereby authorized to receive and review sales or transactions and use tax records for the City of San Fernando from the CA Department of Tax and Fee Administration.

Sincerely,

Joel Fajardo, Mayor

OFFICE OF THE CITY COUNCIL

117 Macneil Street San Fernando California 91340

(818) 898-1201

WWW.SFCITY.ORG

RESOLUTION NO. 8010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA (1) CALLING AND GIVING NOTICE OF THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, FOR THE ELECTION OF REQUESTING **COUNCILMEMBERS;** THREE CITY (2)CONSOLIDATION SUCH **ELECTION** WITH OF THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DAY; (3) REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO ISSUE INSTRUCTIONS TO THE REGISTRAR-RECORDER/COUNTY CLERK TO TAKE ANY AND ALL STEPS NECESSARY FOR THE HOLDING OF THE CONSOLIDATED ELECTION; AND (4) ADOPTING **REGULATIONS PERTAINING TO CANDIDATE STATEMENTS**

WHEREAS, under the provision of the laws relating to General Law cities in the State of California, a General Municipal Election of the City of San Fernando (the "City") shall be conducted on Tuesday, November 3, 2020, for the purpose of electing two (2) members of the City Council for the full term of four years; and one member of the City Council for the remaining two year term of a four year term due to a mid-term council vacancy that occurred in September 2019; and

WHEREAS, it is desirable that said election be consolidated with the County-administered General Election to be held on the same date and that within the City the precincts, polling places, and election officers of the two elections be the same, and that the Registrar-Recorder/County Clerk of the County of Los Angeles ("County Registrar") canvass the returns of the City's General Municipal Election and that it be held in all respects as if it were part and parcel of the County-administered General Election; and

WHEREAS, it is necessary to secure the consent and order of the Board of Supervisors of the County of Los Angeles (the "Board of Supervisors") to effectuate such consolidation; and

WHEREAS, the City shall compensate the County Registrar for all necessary expenses incurred by the County in performing election services for the City; and

WHEREAS, the City Council approves the printing of the information for said election in the foreign languages requiring translation pursuant to the Voting Rights Act of 1965; and

WHEREAS, Elections Code Section 13307 provides that the City may adopt regulations pertaining to the recovery of certain costs associated with the printing, handling, translation, and mailing of candidate statements as filed with the elections officer; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, DOES HEREBY RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The recitals above and findings therein are true and correct and incorporated into the body of this Resolution by this reference.

SECTION 2. That pursuant to the requirements of the laws of the State of California relating to General Law cities, the City Council hereby orders and calls a General Municipal Election to be held in the City of San Fernando, California on Tuesday, November 3, 2020, to be consolidated with the County-administered General Election to be held on the same day for the purpose of electing two (2) members of the City Council for the full term of four years; and one member of the City Council for the remaining two year term which is the unexpired balance of the four year term of the Council seat vacated by former Councilman Antonio Lopez in September of 2019.

SECTION 3. Pursuant to the requirements of Section 10403 of the Elections Code, it is respectfully requested that the Board of Supervisors consent and agree to the consolidation of the City's General Municipal Election on Tuesday, November 3, 2020 with the County-administered election to be held on the same date.

SECTION 4. In connection with the County Registrar's administration of the City's November 3, 2020 General Municipal Election, the City further requests that the County Registrar be authorized and directed to: (a) review and verify vote by mail applications and signatures; (b) conduct registered voter verifications (including signature verifications) associated with the processing of any proposed General Municipal Election ballot measure; (c) provide the City with the appropriate election precinct data, to the extent required; (d) make available to the City such election facilities, ballot casting equipment and assistance as may be necessary to conduct the election returns; (f) print and supply ballots for the election; (g) mail the City's sample ballots, including ballot measure question, arguments, rebuttals and impartial analysis; and (h) administer the City's General Municipal Election in all respects as if it were part and parcel of any other County Registrar administered election, implementing all such legally required or customarily employed measures and practices as may be necessary to conduct the election in a timely and legally compliant manner.

SECTION 5. The City shall reimburse the Country Registrar for any costs associated with the administration of said election upon presentation to the City of a properly approved bill.

SECTION 6. Pursuant to Section 13307 of the Elections Code, each candidate for elective office to be voted for at the City's November 3, 2020, General Municipal Election may prepare a candidate statement on a form acceptable to the County Registrar, as applicable, and made available through the City Clerk.

SECTION 7. Pursuant to Section 13307(a)(1) of the Elections Code candidate statements <u>may</u> include the following:

(A) The name, age, and occupation of the candidate; and

(B) A brief description of no more than 200 words of the candidate's education and qualifications as expressed by the candidate himself or herself.

SECTION 8. Pursuant to Elections Code Section 13307(a)(1), candidate statements *shall not* include the following:

- (A) The party affiliation of the candidate; or
- (B) References to membership or activity in partisan political organizations.

SECTION 9. All prospective candidates should be aware of the holding in *Dean v*. *Superior Court* (1998) 62 Cal.App.4th 638, which holds that a statement prepared by a candidate for inclusion in the voters' pamphlet <u>may not</u> include comments or statements concerning the qualifications (or alleged lack of qualifications) of one's opponents. Candidates, in an abundance of caution, should avoid making any reference to opponents in their candidate statements. Candidates should seek the advice of private legal counsel if unsure as to whether their candidate statement does or does not comply with applicable law before filing.

SECTION 10. The candidate statement shall be filed in typewritten form at the Office of the City Clerk at the time the candidate's nomination papers are filed. The candidate statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 11. Subject to any logistical constraints imposed by the County Registrar by virtue of consolidation, the City Clerk shall have translated (from the English to relevant foreign languages authorized under the Voting Rights Act of 1965) and printed in the voters' pamphlet only the candidate statements of those candidates who request such translation and printing at the time of filing of the candidate statements.

SECTION 12. No candidate for any elected office of the City shall be permitted to include additional materials in the voters' pamphlet and sample ballot package.

SECTION 13. Each candidate for any of the offices to be elected at the General Municipal Election to be conducted on November 3, 2020, who files a candidate statement shall, as a condition of having his or her candidate statement included in the voters' pamphlet, concurrently deposit with the City Clerk an amount, as reasonably estimated by the City Clerk, to pay in advance his or her estimated *pro rata* share of the actual costs of printing and handling such candidate statements incurred by the City and/or the County Registrar as a result of providing such service at the time of filing such statement with the City Clerk. In the event that the amount paid as a deposit by a candidate includes overpayment of actual costs incurred by the City and/or the County Registrar, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within thirty (30) days following the date of the election.

SECTION 14. The City Clerk shall provide each candidate or candidate's representative a copy of this Resolution at the time nominating petitions are issued.

SECTION 15. The ballots to be used at the election shall be in form and content as required by law.

SECTION 16. The City Clerk is authorized, instructed and directed to coordinate with the County Registrar to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 17. The polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Elections Code Section 10242, except as provided in Section 14401 of the Elections Code.

SECTION 18. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 19. In the event of a tie vote (if any two or more persons receive an equal and the highest number of votes for an office) as certified by the County Registrar, the City Council, in accordance with Elections Code Section 15651(a), shall set a date and time and place and summon the candidates who have received the tie votes to appear and will determine the tie by lot (i.e., coin toss, draw straws, drawing of names).

SECTION 20. The City Clerk shall forward without delay, a copy of this Resolution to the appropriate public agency which shall be assisting the City with the conduct of its General Municipal Election.

SECTION 21. This Resolution shall take effect immediately upon its adoption by the City Council and the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 6th day of July, 2020.

Joil Fajardo

Joel Fajardo, Mayor

ATTEST:

Julia Fritz, City Clerk

CERTIFICATION

STATE OF CALIFORNIA)COUNTY OF LOS ANGELES) ssCITY OF SAN FERNANDO)

I, July Fritz, City Clerk of the City of San Fernando, California, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 8010 which was approved and adopted by the City Council of the City of San Fernando, California, at a regular meeting thereof held on the 6th day of July, 2020 by the following vote of the City Council:

AYES:	Fajardo, Pacheco, Ballin, Gonzales, Mendoza – 5
NAYS:	None
ABSENT:	None
ABSTAINED:	None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Fernando, California, this $\underline{\$th}$ day of July 2020.

Julia Fritz, City Clerk

RESOLUTION NO. 8021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA (1) CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF SAN FERNANDO OF A PROPOSED ORDINANCE INCREASING THE CITY'S EXISTING GENERAL PURPOSE HALF-CENT TRANSACTIONS (SALES) AND USE TAX BY AN ADDITIONAL **QUARTER-PERCENT** (1/4%); (2)**REQUESTING CONSOLIDATION OF SUCH ELECTION WITH THE** STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DAY; (3) REQUESTING FULL ELECTION SERVICES FROM THE **REGISTRAR-RECORDER/COUNTY CLERK FOR THE COUNTY OF** LOS ANGELES TO CONDUCT SAID GENERAL MUNICIPAL ELECTION; AND (4) SETTING RULES AND DEADLINES FOR ARGUMENTS AND REBUTTALS FOR AND AGAINST THE ORDINANCE

WHEREAS, pursuant to Revenue and Taxation Code Section 7285.9 et seq., the City of San Fernando ("City") has the authority to collect a local transactions and use tax and to increase that transactions and use tax; and

WHEREAS, pursuant to Elections Code Section 9222, the San Fernando City Council ("City Council") has the authority to submit to the voters measures to be considered at a municipal election; and

WHEREAS, pursuant to Article V (Transactions and Use Tax) of Chapter 82 (Taxation) of the San Fernando Municipal Code, the City currently levies a half-cent (\$0.005) or half-percent (1/2%) transactions and use tax, the proceeds of which are deposited into the general fund to pay for essential City services such as police and fire service; and street, sidewalk, park and other vital infrastructure maintenance; and

WHEREAS, the City Council now desires to submit to the voters an ordinance increasing the City's existing half-cent transactions and use tax by an additional quarter-percent (1/4%) such that the rate of the City's transactions and use tax would become Three-Quarters of One Percent (3/4%) ("Ordinance"); and

WHEREAS, on November 6, 1996, the voters of the State of California approved Proposition 218 (California Constitution, Article XIIIC, Section 2(b)), an amendment to the State Constitution which requires that all general taxes which are imposed, extended or increased must be submitted to the electorate and approved by a majority vote of the qualified electors voting in the election; and

WHEREAS, the proposed Ordinance increasing the City's existing half-cent transactions and use tax by an additional quarter-percent (1/4%) is subject to Proposition 218; and

WHEREAS, the City Council also requests that the Los Angeles County Registrar-Recorder/County Clerk provide full election services to the City in order to conduct the General Municipal Election for the Ordinance described herein to be held on November 3, 2020; and

WHEREAS, the City Council also desires to establish deadlines and rules for the submission of written arguments and rebuttals for and against the Ordinance in accordance with applicable California Elections Code procedures; and

WHEREAS, the text of the Ordinance to be submitted to the voters is attached hereto as Exhibit "A," and incorporated herein by reference; and

WHEREAS, the election contest for the ballot measure contemplated under this Resolution shall be in addition to the election contests referenced by the City Council in prior Resolution No. 8010 approved July 6, 2020 which called the November 3, 2020 General Municipal Election for the election of various members to the City Council and for said election to be consolidated with the County-administered General Election of the same date; and

WHEREAS, pursuant to Revenue & Taxation Code Section 7285.9, the Ordinance proposing the transactions and use tax increase must be approved by 2/3 vote of all members of the City Council and the underlying tax increase is approved by a majority of votes cast at the City's General Municipal Election of November 3, 2020, which is to be consolidated with the County-administered General Election of the same date.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part thereof.

SECTION 2. Submission of Ballot Measure. The City Council, pursuant to Elections Code Section 9222 hereby orders the Ordinance attached hereto as Exhibit "A" to be submitted to the qualified voters of the City at the General Municipal Election to be held on Tuesday, November 3, 2020, which is to be consolidated with the County-administered General Election of the same date. The proposed Ordinance shall be in the form attached hereto as Exhibit "A" to this Resolution and is incorporated by this reference as if fully set forth herein. **SECTION 3. Ballot Measure.** The City Council does hereby order that the Ordinance shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth herein. On the ballot to be submitted to the qualified voters at the General Municipal Election to be held on Tuesday, November 3, 2020, which is to be consolidated with the County-administered General Election of the same date, in addition to any other matters required by law, there shall be printed substantially the following:

Keep Sales Tax Revenues Local To ensure that the maximum amount of sales tax revenues generated in San Fernando remain in San Fernando, and to increase funding for street and sidewalk improvements; public infrastructure; local business	[] YES
reinvestment; public Wi-Fi; long-term debt reduction; wages and other general municipal purposes, shall the existing transactions and use tax rate be increased from the current rate of 1/2% to a new rate of 3/4% to raise approximately \$1,100,000 annually?	[] NO

The City Council further requests that the City be granted the letter designation "SF" such that the Measure may be identified on the ballot as "Measure SF". If the letter designation "SF" is unavailable, it is requested that the following alternative letter designations be given in order of preference: "Y" and "AA".

SECTION 4. Election Procedures.

- A. The ballots to be used at the election shall be in form and content as required by law.
- B. Pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of the City of San Fernando's General Municipal Election for the Ordinance described herein, with the County-administered Statewide General Election of November 3, 2020.
- C. In accordance with Section 10002 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent to having the County of Los Angeles Registrar of Voters render full election services to the City of San Fernando as may be requested by the City Clerk of said City, the County of Los Angeles to be reimbursed in full for such services as are performed.
- D. The full election services which the City of San Fernando requests the Registrar of Voters, or such other official as may be appropriate, to perform and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots and polling place cards; the establishment or appointment of precincts, polling places, and

election officers, the preparation, printing, mailing and furnishing of vote-by-mail ballots, making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths and other necessary supplies or materials for polling places; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk of the City of San Fernando; and the performance of such other election services as may be requested by the City Clerk.

- E. The City Clerk is authorized, instructed and directed to coordinate with the County of Los Angeles Registrar of Voters to procure and furnish any and all ballots, notices, printed matter and supplies, services, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.
- F. The polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, pursuant to Elections Code Section 10242, except as provided in Elections Code Section 14401.
- G. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for the holding of municipal elections in the City.
- H. Notice of the time, place, and holding of the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.
- I. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.
- J. The County of Los Angeles Registrar of Voters Office is authorized to canvass the returns of the City of San Fernando General Municipal Election.
- K. The City Clerk shall receive the canvass from the County as it pertains to the election on the measure, and shall certify the results to the City Council, as required by law.
- L. The City of San Fernando General Municipal Election will be held and conducted in accordance with the provisions of law regulating the General Municipal Election, including without limitation, Elections Code Section 10418.

SECTION 5. Arguments and Impartial Analysis.

A. The City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the City measure, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and may change the argument until and including August 14, 2020 by 5:00 p.m., after which no arguments for or against the measure may be submitted to the City Clerk.

Arguments in favor of or against the measure shall each not exceed 300 words in length. Each argument shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

- B. The City Clerk shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters, and shall take all necessary actions to cause the selected arguments to be printed and distributed to the voters.
- C. Pursuant to Section 9280 of the Elections Code, the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure. The City Attorney shall transmit such impartial analysis to the City Clerk, who shall cause the analysis to be published in the voter information guide along with the ballot measure as provided by law. The Impartial Analysis shall be filed by the deadline set for filing of primary arguments as set forth in subsection (A) above. The impartial analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: "The above statement is an impartial analysis of Ordinance or Measure. If you desire a copy of the ordinance or measure, please call the election official's office at (insert phone number) and a copy will be mailed at no cost to you."
- D. That the provisions of this Section 6 herein shall apply only to the election to be held on November 3, 2020, and shall then be repealed.

SECTION 6. Rebuttals.

A. Pursuant to Section 9285 of the Elections Code of the State of California, when the Clerk has selected the arguments for and against the various City initiated measures which will be printed and distributed to the voters, the Clerk shall send copies of the argument in favor of the measures to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk

not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than August 24, 2020 by 5:00 p.m. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

B. That the provisions of this Section 6 herein shall apply only to the election to be held on November 3, 2020.

SECTION 7. Placement on the Ballot. The full text of the Ordinance shall not be printed in the voter information guide, and a statement shall be printed in the ballot pursuant to Section 9223 of the Elections Code advising voters that they may obtain a copy of this ordinance/measure at no cost, upon request made to the City Clerk.

SECTION 8. Delivery of Resolution to County. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions. The City Council directs the City Clerk to deliver copies of this Resolution, including the Ordinance measure attached hereto as Exhibit "A," to the Clerk of the Board of Supervisors of Los Angeles County and to the Registrar of Voters of Los Angeles County.

SECTION 9. Public Examination. Pursuant to Elections Code Section 9295, this measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide. The Clerk shall post notice in the Clerk's office of the specific dates that the examination period will run.

SECTION 10. CEQA. The City Council hereby finds and determines that the ballot measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, section 15378(b)(5).

SECTION 11. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 12. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Fernando at its special meeting on this 3rd day of August, 2020.

Joel Fajardo

Joel Fajardo, Mayor

ATTEST:

lias

Julia Fritz, City Clerk

APPROVED AS TO FORM:

Richard Padilla

Richard Padilla, City Attorney

CERTIFICATION

I, City Clerk of the City of San Fernando, California, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 8021 which was adopted by the City Council of the City of San Fernando, California, at a regular meeting thereof held on the 3rd day of August, 2020, by the following vote of the City Council:

AYES:Mendoza, Gonzales, Ballin, and Fajardo - 4NAYS:Pacheco - 1ABSENT:NoneABSTAINED:None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Fernando, California, this $4\pm h$ day of August, 2020.

Julia Fritz, City Clerk

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RESO. NO. 8021 EXHIBIT "A"

ORDINANCE NO. 1698

AN ORDINANCE OF THE PEOPLE OF THE CITY OF SAN FERNANDO, CALIFORNIA, INCREASING THE CITY'S EXISTING GENERAL PURPOSE HALF-PERCENT (1/2%) TRANSACTIONS AND USE TAX CODIFIED UNDER ARTICLE V (TRANSACTIONS AND USE TAX) OF CHAPTER 82 (TAXATION) OF THE SAN FERNANDO MUNICIPAL CODE TO A NEW INCREASED RATE OF THREE-QUARTERS OF ONE PERCENT (3/4%)

WHEREAS, in accordance with California Constitution Article XIIIC Section 2(b), the City Council of the City of San Fernando ("City") by unanimous vote of its membership called a General Municipal Election held on November 3, 2020 so that qualified voters could consider whether to approve an ordinance increasing the City's existing general purpose half-cent transactions and use tax by an additional quarter-percent such that the new tax rate would be three-quarters of one percent (3/4%); and

WHEREAS, the transactions and use tax measure was presented to the voters at the November 3, 2020 General Municipal Election at which the measure received a majority of the votes cast; and

WHEREAS, the City offers retiree medical benefits to employees hired by the City prior to July 1, 2015 and retiring from the City; and

WHEREAS, the City's reserves fell from \$7.1 million in 2006 to negative (\$5.7 million) in 2014; and

WHEREAS, in June 2015, the Government Accounting Standards Board issued Statement No. 75 (GASB 75), requiring governments providing postemployment benefits other than pensions (e.g., retiree health benefits) comprehensively measure the cost of those benefits and recognize long-term cost of those obligations as a liability; and

WHEREAS, pursuant to GASB 75, the City prepared an actuarial report measuring the cost of retiree medical benefits; and

WHEREAS, beginning with the fiscal year ending June 30, 2018, the City was required to report the total retiree medical liability on the Comprehensive Annual Financial Report (CAFR); and

WHEREAS, the total unfunded retiree medical benefit unfunded liability is \$42.8 million dollars; and

8

ORD. NO. 1698

WHEREAS, as of June 30, 2018, the net position of the governmental fund, which presents information on all of the City's assets, including capital assets, and all related current liabilities and long-term obligations, was negative (\$6,227,511), due primarily to the retiree medical liability. The current annual "pay-as-you-go" retiree health cost is approximately \$1 million per year, which is paid directly from the general fund; and

WHEREAS, annual "pay-as-you-go" costs are projected to increase to approximately \$3 million per year in 2044; and

WHEREAS, according to the most recent actuarial valuation, the City should be setting aside an additional \$2 million per year to fully fund future retiree health benefits; and

WHEREAS, the City does not currently have a revenue source to fund this obligation, which means that it will need to be funded using general fund revenues; and

WHEREAS, pursuant to Article V (Transactions and Use Tax) of Chapter 82 (Taxation) of the San Fernando Municipal Code, the City currently levies a half-cent (\$0.005) or half-percent (1/2%) transactions and use tax, the proceeds of which are deposited into the general fund and may be used for any governmental purpose; and

WHEREAS, pursuant to Revenue and Taxation Code Section 7285.9 et seq., the City has the authority to collect a local transactions and use tax and to increase that transactions and use tax; and

WHEREAS, pursuant to Revenue & Taxation Code Section 7285.9, this Ordinance was approved by at least a 2/3 vote of all members of the City Council and the underlying tax increase was approved by a majority of votes cast at the City's General Municipal Election of November 3, 2020 by a margin of <u>%</u> "Yes" and <u>%</u> "No".

NOW, THEREFORE, THE PEOPLE OF THE CITY OF SAN FERNANDO DO ORDAIN AS FOLLOWS:

SECTION 1. The foregoing Recitals are true and correct.

SECTION 2. All references to the terms "state board of equalization" or "board of equalization" as may be set forth under Article V (Transactions and Use Tax) of Chapter 82 (Taxation) of the San Fernando Municipal Code are hereby replaced with the term "California Department of Tax and Fee Administration" to reflect changes in State law.

SECTION 3. Section 82-123 (Transactions tax rate) of Article V (Transactions and Use Tax) of Chapter 82 (Taxation) of the San Fernando Municipal Code is hereby amended in its entirety to now state the following:

9

ORD. NO. 1698

Sec. 82-123. - Transactions tax rate.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the city at the rate of 0.75 percent of the gross receipts of any retailer from the sale of ll tangible personal property sold at retail in said territory on and after the operative date of this article.

SECTION 4. Section 82-125 (Use tax rate) of Article V (Transactions and Use Tax) of Chapter 82 (Taxation) of the San Fernando Municipal is hereby amended in its entirety to now state the following:

<u>SECTION 5.</u> Sec. 82-125. - Use tax rate.

An excise tax is hereby imposed on the storage, use or other consumption in the city of tangible personal property purchased from any retailer on and after the operative date of this article for storage, use or other consumption in said territory at the rate of 0.75 percent of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

SECTION 6. Section 82-127 (Limitations on adoption of state law and collection of use of taxes) is hereby amended in its entirety to now state the following:

Sec. 82-127. – Limitations on adoption of state law and collection of use taxes.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

(1) Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

a. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California;

b. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.

c. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

ORD. NO. 1698

1. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

2. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

d. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

(2) The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

a. "A retailer engaged in business in the District" shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this state or for delivery in the State by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars (\$500,000). For purposes of this section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder.

SECTION 7. The City Council is authorized to make subsequent amendments to the text of Article V (Transactions and Use Tax) of Chapter 82 (Taxation) of the San Fernando Municipal Code to reflect changes in terminology or definitions that may be established by the California Department of Tax and Fee Administration for purposes of administering and collecting the tax contemplated under this Ordinance or other amendments to State law, provided that no such amendments shall operate to increase the rate of the tax rate established under this Ordinance without first obtaining approval of San Fernando voters at a municipal election.

SECTION 8. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

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ORD. NO. 1698

SECTION 9. CEQA. This Ordinance and the contemplated increase of the transactions and use tax referenced herein is not a "project" within the meaning of the California Environmental Quality Action codified at 21000 et seq. of the California Public Resources Code ("CEQA") because it will not result in a direct or reasonably foreseeable indirect physical change in the environment nor does it involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

<u>SECTION 10.</u> Effective Date. This Ordinance shall become effective immediately upon the following conditions: (i) approval of the ballot measure for the approval of this Ordinance by a majority of the voters casting votes at the General Municipal Election; (ii) certification of all votes cast by the City Council confirming that a majority of voters have approved this Ordinance; and (iii) confirmation and approval of this Ordinance by the City Council upon certification of the election results.

SECTION 11. Execution. The Mayor shall sign this Ordinance and the City Clerk shall attest and certify to the approval thereof and cause same to be published at least once in a weekly newspaper of general circulation, published in the City of San Fernando, which newspaper is hereby designated for that purpose (Government Code Section 40806). This Ordinance shall only be in effect following the approval of a majority of the voters at an election on November 3, 2020, as certified by the election official.

PASSED, APPROVED, AND ADOPTED this __day of _____ 20___.

Joel Fajardo, Mayor

ATTEST:

Julia Fritz, City Clerk

APPROVED AS TO FORM:

Richard Padilla, City Attorney

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AGENDA REPORT

То:	City Councilmembers
From:	Nick Kimball, City Manager By: Julia Fritz, City Clerk
Date:	December 7, 2020
Subject:	Annual Reorganization of the City Council - Selection of Mayor and Vice Mayor

RECOMMENDATION:

It is recommended that the City Council proceed with their annual reorganization for the selection of Mayor and Vice Mayor and follow Section 11.1 Reorganization of the City Council Procedural Manual (Attachment "A").

BACKGROUND:

- The San Fernando City Council is composed of five Councilmembers that are directly elected by the voters in the City to serve a four-year term. The City Council elects the Mayor and Vice Mayor annually in December. The terms of office of the Mayor of the City Council and Vice Mayor shall be for one year, or until their successors have been chosen. Please refer to San Fernando City Council Procedural Manual, Section 11.1 Reorganization (Attachment "A").
- 2. Government Code §36801 states, "The City Council shall meet at the meeting at which the declaration of the election results for a general municipal election is made pursuant to Elections Code Sections 10262 and 10263 and, following the declaration of the election results and the installation of elected officials, choose one of its members as Mayor and one of its members as Mayor Pro Tempore [Vice Mayor]."

ANALYSIS:

In accordance with Government Code §36801 and Section 11.1 of the City Council Procedural Manual (Attachment "A") the City Council shall meet annually to choose one of its members as Mayor and another of its members as Vice Mayor. In those years in which a general municipal election is not held, the City Council shall choose a Mayor and Vice Mayor at a regular meeting in December. The terms of office of the Mayor of the City Council and Vice Mayor shall be for one year, or until their successors have been chosen.

ADMINISTRATION DEPARTMENT 117 MACNEIL STREET, SAN FERNANDO, CA 91340 (818) 898-1202 WWW.SFCITY.ORG

Annual Reorganization of the City Council – Selection of Mayor and Vice Mayor Page 2 of 2

Any member of the City Council may make nominations for the office of Mayor and Vice Mayor. The process for selecting a Mayor and Vice Mayor is as follows:

1. Election of Mayor:

- A. City Clerk opens the nominations for the position of Mayor
- B. Nomination(s) is/are made for Mayor, and seconded
- C. Hearing no objections, motion to close nominations
- D. City Clerk conducts a roll call vote and each Councilmember announces their vote for Mayor until a Mayor is elected by majority vote
- E. City Clerk announces the results

2. Election of Vice Mayor:

- A. City Clerk opens the nominations for the position of Vice Mayor
- B. Nomination(s) is/are made for Vice Mayor, and seconded
- C. Hearing no objections, motion to close nominations
- D. City Clerk conducts a roll call vote and each Councilmember announces their vote for Vice Mayor until a Vice Mayor is elected by majority vote
- E. City Clerk announces the results

3. Council Changes Seats as Follows:

- A. Mayor takes his/her seat
- B. Vice Mayor takes his/her seat at the Mayor's right side

BUDGET IMPACT:

There is no budget impact associated with City Council reorganization. This is included in the City Clerk's regular work plan and, therefore, included in the Fiscal Year 2020-2021 Adopted Budget.

CONCLUSION:

Staff recommends that City Council select a Mayor and Vice Mayor in accordance with Government Code §36801 and Section 11.1 of the City Council Procedural Manual.

ATTACHMENT:

A. City Council Procedural Manual - Reorganization

THE CITY OF SANTERNANDO INCORPORATED

12/07/2020

31. 1911

PROCEDURAL MANUAL

CITY COUNCIL

OF THE

CITY OF SAN FERNANDO

Adopted:	July 3, 1995	Resolution No. 6434
Amended:	March 16, 1998	Resolution No. 6604
	August 7, 2000	Resolution No. 6743
	July 21, 2003	Ordinance No. 1543
	July 20, 2009	Resolution No. 7328
	December 7, 2009	Resolution No. 7346
	May 3, 2010	Resolution No. 7376
	September 19, 2011	Resolution No. 7454
	May 4, 2015	Resolution No. 7664
	October 19, 2015	Resolution No. 7704
	May 7, 2018	Resolution No. 7850
	August 20, 2018	Resolution No. 7883
	March 18, 2019	Resolution No. 7907
	August 19, 2019	Resolution No. 7916

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PREAMBLE

These rules are enacted pursuant to Government Code Section 36813 to provide decorum and order at City Council meetings and to promote the efficient conduct of those meetings. The rules govern the procedures of the City Council itself and the conduct of individual Councilmembers. It is also intended that the rules govern the conduct of City staff and members of the public who attend City Council meetings. In the event of a conflict between these rules of procedures and any provision of State or Federal law, including but not limited to the Ralph M. Brown Act codified at Section 54950 <u>et seq</u>. of the California Government Code, the State or Federal law controls.

The source for many guidelines is set forth beneath the text of the section.

Because circumstances may differ from one meeting to the next, these rules are intended as guidelines, and are not inflexible rules. Accordingly, they may be waived at any meeting, by Motion, in accordance with Robert's Rules of Order.

1. <u>MEETINGS</u>

1.1 REGULAR MEETINGS

Consistent with Section 2-61 (regular meetings) of the San Fernando Municipal Code, regular meetings of the City Council of the City of San Fernando are held in the Council Chambers of the City Hall, 117 Macneil Street, San Fernando, California, on the first and third Mondays of each month at 6:00 p.m. When the day of the regular Council meeting falls on a legal holiday, the meeting will be held at the same hour on the next succeeding day that is not a holiday. The foregoing notwithstanding, the City Council will not convene for regular City Council meetings that would otherwise occur on the third Monday in December, unless the City Council, by majority vote of the body, determines in any given year that such meeting should be held. Nothing in this section shall prevent the City Council from calling any special meeting, adjourned special meeting, adjourned regular meeting or emergency meeting in the month of December that may be deemed necessary for the conduct of City business.

1.2 ADJOURNED MEETINGS

Any meeting may be adjourned to a time, place and date certain, but not beyond the next regular meeting.

1.3 SPECIAL MEETINGS

Special meetings may be called at any time by the Mayor or three members of the City Council by a written notice as outlined in Section 1.4 below. Only matters contained in the notice may be considered.

1.4 MEETING NOTICES (REGULAR, SPECIAL AND ADJOURNED)

Notices for regular meetings are to be posted with the regular meeting in the manner prescribed under Section 2.3 and in accordance with State law. As prescribed by Government Code Sections 54955 and 54956, notices for special meeting or meetings that have been adjourned by the City Clerk shall be delivered to each member of the City Council and to each local newspaper of general circulation and radio or television station requesting such notice in writing. The notice shall be delivered personally via electronic delivery and shall be received at least 24 hours before the time of the meeting as specified in the notice. The City Clerk shall also comply with all other noticing and posting requirements set forth under Government Code Sections 54955 and 54956 as applicable.

1.5 MEETINGS TO BE PUBLIC

All regular, adjourned, and special meetings of the City Council shall be open to the public; provided, however, the City Council may hold closed sessions for purposes outlined in the following section. (Government Code Section 54953)

1.6 CLOSED SESSIONS - MATTERS OF DISCUSSION

The City Council may hold closed sessions, from which the public may be excluded, for consideration of any item for which closed sessions are permitted by State law. The following subjects are typically conducted in closed session:

- a. LICENSE/PERMIT DETERMINATION (Government Code Section 54956.7)
- b. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)
- c. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION (Government Code Section 54956.9, Subdivision (a) of Section 54956.9)
- d. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION (Subdivision (b) of Section 54956.9)
- e. LIABILITY CLAIMS (Government Code Section 54956.95)
- f. THREAT TO PUBLIC SERVICE OR FACILITIES (Government Code Section 54957)

- g. PUBLIC EMPLOYEE APPOINTMENT (Government Code Sections 54957 and 54957.6)
 - i. PUBLIC EMPLOYMENT
 - ii. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
 - iii. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
 - iv. CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6)
- h. CASE REVIEW/PLANNING (Government Code Section 54957.8)
- i. REPORT INVOLVING TRADE SECRET (Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code)
- j. Any other purpose specifically authorized by law.

The City Council shall publicly report at the public meeting during which the closed session is held any action taken and the roll call vote thereon, unless a late time is permitted for such report. In no case shall the report be delayed later than the next regular meeting of the City Council.

1.7 CLOSED SESSIONS CONFIDENTIALITY

All matters discussed during closed sessions shall be private and confidential. The disclosure by any person of the topics or details of such matters is prohibited, except by the City Attorney who is designated to make any disclosures required by State law.

- 1.8 QUORUM; VOTE REQUIREMENTS
 - a. Three of the City Council's five total members shall constitute a quorum. A quorum of the City Council shall be required for the City Council to conduct a City Council meeting and transact official business.
 - b. Except as otherwise provided by applicable State or federal law, if a quorum or more of the City Council's total membership is present for a vote on an item of business, motions on such items may be approved by a simple majority of the members present and participating in the vote, excluding those members who have recused themselves from a vote. Member who abstain on a motion but who do not recuse themselves shall be counted toward the quorum.

- c. Paragraph (b) of this Section notwithstanding, as required by Government Code Section 36936, resolutions, orders for the payment of money and ordinances shall require no less than three (3) affirmative votes of the total membership of the City Council in order to be approved.
- d. Paragraphs (b) and (c) of this Section notwithstanding, as required by State law, urgency ordinances and urgency interim zoning ordinances within the meaning of Government Code Sections 36937 and 65858, respectively shall require a minimum of (4) affirmative votes of the City Council's total membership to be approved. The City Council shall comply with all other applicable supermajority approval requirements prescribed by State or federal law for certain ordinances, resolutions or motions.

1.9 UNEXCUSED ABSENCES

- a. If a Councilmember, without the prior permission of the City Council, is absent from all regular meetings of the City Council for 60 days consecutively from the last regular meeting he/she attended, his/her office becomes vacant and shall be filled as any other vacancy, as provided by Government Code Section 36513.
- b. If a Councilmember is absent without permission for two (2) consecutive regular meetings, the City Clerk shall use his or her best efforts to send a courtesy e-mail and regular mail notice to the absent Councilmember within fourteen (14) business days of the second missed regular meeting, notifying him or her of the provisions of this policy and Government Code Section 36513. The delivery of such notice is purely a courtesy extended to members of the City Council and failure of the City Clerk to deliver or timely deliver such notice shall not operate to prevent the seat of a Councilmember who has been absent without permission from all regular meetings of the City Council for 60 or more consecutive days from being declared vacant. It is the personal responsibility of each Councilmember to keep track of his or her attendances of all meetings of the City Council so to avoid vacating his or her City Council seat.
- c. If a regular meeting of the City Council is cancelled or is otherwise rescheduled for any reason, the 60 consecutive unexcused absence period shall reset for all members of the City Council.

2. AGENDA PROCEDURES AND ORDER OF BUSINESS

2.1 AGENDA

The order of business of each City Council meeting shall be as contained in the Agenda prepared by the City Manager. The City Council shall follow the order of

business as outlined in the prepared Agenda. Items may be taken out of order by the Presiding Officer or by majority consent of the City Council.

The Agenda for all regular meetings, with all background staff reports, shall be available to the public at the meeting and 72 hours in advance of the meeting (usually on Thursday of the prior week) at the City Clerk's office.

The Agenda may be amended in accordance with State law, prior to any meeting.

2.2 AGENDA DEADLINE

a. A citizen requesting to place an item on a City Council agenda may submit a written request at any time to the City Council (or any Councilmember). The request may also be made during the public comment portion of a City Council meeting.

Items raised by the public during public comment, may be referred to staff by the City Council for follow up and possible placement on a future agenda for formal action.

A Councilmember wishing to sponsor a citizen request may place the item on an upcoming agenda under the heading "Administrative Reports."

- b. When a member of the City Council wishes to have an item placed on an agenda of an upcoming City Council meeting, the following procedures shall be followed:
 - i. The member wishing to have an item placed on an agenda for an upcoming meeting shall provide the City Clerk with an agenda report that provides a general description of the item, the desired action and includes any other relevant written materials or information which the member would like to have considered at the meeting. The agenda report and any other supplementary material must be submitted to the City Clerk by 12:00 p.m. the Wednesday preceding the City Council meeting. Except as provided in paragraph b.ii. of this Section 2.2, all items requested to be placed on an agenda by a Councilmember shall appear on the agenda for discussion and action. No items, however, shall be placed on the agenda without an agenda report.
 - ii. Items that have been previously agendized, discussed and determined by action of the City Council are discouraged from being placed on the agenda for an upcoming meeting by a Councilmember unless the Councilmember can demonstrate a change of circumstances pertaining to the item or present new

information of substantial importance that was not known at the time previous City Council action occurred. In such case, the Councilmember must follow the procedures set forth in paragraph b.i above and include in the agenda report the reason for reconsideration of the item, i.e., changed circumstances, new information, etc., with supporting information. The item shall be tentatively placed on the agenda as a repeat item under the heading "Administrative Reports." The repeat item, however, shall not be discussed nor acted upon by the City Council unless the repeat item is first approved for discussion as set forth in Section 2.5.

2.3 POSTING OF NOTICE AND AGENDA

Copies of the Notice and Agenda shall be delivered and posted in accordance with State law.

- a. Location of Posting Notices and Agendas shall be posted at the following locations:
 - i. Bulletin board at City Hall, 117 Macneil Street, San Fernando, California, 91340; and
 - ii. City's website: <u>www.sfcity.org</u>.
- 2.4 ROLL CALL

A roll call of Councilmembers shall be held at the beginning of each City Council meeting by the City Clerk, who shall enter the names of those present in the minutes.

2.5 APPROVAL OF AGENDA

The agenda shall include an item entitled "Approval of Agenda" to occur immediately after "roll call." During the "Approval of Agenda" portion of the meeting, the City Council shall determine whether to consider repeat items submitted by Councilmembers pursuant to paragraph b.2. of Section 2.2. A Councilmember may make a motion to approve the agenda as presented or make a motion to approve the agenda with the elimination of the repeat item(s) tentatively placed on the agenda under the heading "Administrative Report". If the agenda is approved as presented, the request to consider a repeat item is deemed approved and discussion and action on that item may occur during City Council items.

2.6 APPROVAL OF CONSENT CALENDAR

Consent Calendar includes agenda items that are non-controversial or routine in nature, or have been previously discussed at length and there is group consensus. These items are grouped together and voted on in one motion. Any Councilmember may request that an item on the Consent Calendar be removed to be discussed and considered separately.

If the Consent Calendar includes second reading and adoption of an Ordinance, the motion to approve the Consent Calendar shall include a statement that the City Council waive full reading and adopt the ordinance by title only, unless full reading was already waived as part of the motion to approve the ordinance for first reading.

2.7 APPROVAL OF MINUTES

Unless the reading of the minutes of the previous Council meeting is requested by a majority of the City Council, such minutes may be approved without reading if the Clerk has previously furnished each Councilmember with a copy thereof.

2.8 PUBLIC HEARINGS

The following procedure for conducting public hearings should be followed:

- a. The Presiding Officer shall introduce the public hearing matter by title and open the public hearing.
- b. At the direction of the City Manager, the appropriate staff member presents the staff report and recommendations. The City Council may pose questions to City staff.
- c. If the public hearing is a quasi judicial proceeding, the applicant or appellant whose matter is before the City Council shall be afforded the opportunity address the City Council on the matter and receive questions from the City Council before proceedings are opened up for public comment.
- d. The Presiding Officer shall open the public comment and testimony portion of the public hearing.
- e. Councilmember should refrain from interrupting or posing questions to members of the public during their allotted time to speak, however the Presiding Officer may interject if the person speaking becomes disruptive to the proceedings or otherwise fails to comply with meeting decorum rules or if the person speaking is discussing issues unrelated to the business at hand. Councilmembers may also interject with motions to raise points of privilege (e.g., to advise that the Councilmember cannot hear the speaker or that

there is some other condition of the proceedings that is disruptive or distracting).

- f. After all members of the public have been given an opportunity to comment on the public hearing matter, the Presiding Officer will announce closing of the public comment portion of the public hearing.
- g. If the public hearing is a quasi judicial proceeding, the applicant or appellant whose matter is before the City Council shall be afforded the opportunity to respond to questions posed by members of the public and/or rebut or provide clarification response to comments and other assertions made by members of the public.
- h. Councilmembers may the pose additional questions to City staff and/or project applicants or appellants before it begins deliberations on the matter.
- i. The City Council shall then deliberate on the matter until such time as the City Council is ready to entertain a motion to close the public hearing and vote on the matter.
- j. If the City Council wishes to receive additional information before taking action on the matter, the City Council may move to reopen the public hearing so that the City Council may receive additional information. The City Council may also move to continue the public hearing.

2.9 PUBLIC HEARING ITEMS

The following are typical items which require the holding of a public hearing by the City Council prior to formal action:

- a. Abandonment of Streets(Amendments to Fees and Areas of Benefit)
- b. Amendments to the Zoning and Ordinances which are Site Specific
- c. Budget Adoption
- d. Conditional Use Permit Appeals
- e. Franchises, Granting of
- f. General Plan Amendments
- g. Grant/Fund Applications When Federal/State Regulations so Mandate
- h. Housing and Community Development Act Funds
- i. Moratorium Extensions

- j. Thoroughfare Improvements
- k. Underground Utility Districts, Establishment of
- I. Vehicle Code Enforcement on Private Streets
- m. Zoning Map Changes
- n. Zone Variance Appeals

Other typical items may come before the City Council from time to time, for which State or Federal laws require the holding of a public hearing. In addition, the City Council may call for a public hearing for other items.

2.10 NON-AGENDA ITEMS

No matters other than those appearing on the posted agenda shall be acted upon by the City Council except in accordance with the procedures set forth in the Ralph M. Brown Act, codified at Section 54950 <u>et seq</u>. of the California Government Code. Any request to place a matter of business on a future agenda must be made in accordance with paragraph b of Section 2.2.

A proposal to create an Ad Hoc Committee for a matter or topic not directly related to the City Council's consideration and deliberation of an agendized action item must be agendized at a future meeting date before final action to create the Ad Hoc committee and to appoint its members can be taken.

2.11 ADJOURNMENT

To allow clarification of the record, a motion to adjourn a meeting to the next regular meeting should specify this. A motion to adjourn to an adjourned meeting shall specify the date, time and place of said adjourned meeting.

3. PRESIDING OFFICER

3.1 PRESIDING OFFICER

The Mayor shall be the Presiding Officer at all meetings of the City Council. In the absence of the Mayor, the Vice Mayor shall preside. In the absence of both the Mayor and Vice Mayor, the City Council shall elect a temporary Presiding Officer to serve until the arrival of the Mayor or Vice Mayor or until adjournment.

3.2 CALL TO ORDER

The meeting of the City Council shall be called to order by the Mayor or if the Mayor is absent, the Vice Mayor. In the absence of both the Mayor and the Vice

Mayor, the meeting shall be called to order by the City Clerk, whereupon the City Clerk shall immediately call for the selection of a temporary Presiding Officer. In the absence of a quorum of three (3) Councilmembers, the City Clerk shall call the meeting to order and declare the same adjourned to a stated day and hour.

3.3 PARTICIPATION OF PRESIDING OFFICER

The Presiding Officer is primarily responsible for the conduct of the meeting; however, may move, second and debate from the Chair, subject only to such limitations of debate as are imposed on all Councilmembers, and shall not be deprived of any of the rights and privileges of a Councilmember by reason of being the Presiding Officer.

3.4 QUESTION OR MOTION TO BE STATED

The Presiding Officer may verbally restate each question immediately prior to calling for the vote. Following the vote, the Presiding Officer (or City Clerk) shall announce whether the question was carried or defeated, and may summarize the action taken by the City Council before proceeding to the next item of business.

3.5 SIGNING OF DOCUMENTS

The Mayor shall sign ordinances, resolutions and contracts approved by the City Council. In the absence of the Mayor, the Vice Mayor shall sign all such documents as have been adopted and approved by the City Council. In the absence of the Mayor and Vice Mayor, the temporary Presiding Officer shall sign all such documents.

3.6 MAINTENANCE OF ORDER

The Presiding Officer is responsible for the maintenance of order and decorum at all time. No person shall be allowed to speak who has not first been recognized by the Presiding Officer. All questions and remarks should be addressed to the Presiding Officer.

3.7 DURATION OF MEETING

If a meeting exceeds four hours, the Presiding Officer may call for a motion to adjourn all remaining items of business to an adjourned meeting, a special meeting or to the next regular meeting. For purposes of this section, the fourhour limit is inclusive of any special meeting, adjourned regular meeting or adjourned special meeting held immediately before or after a regular meeting

4. <u>RULES, DECORUM, AND ORDER</u>

4.1 POINTS OF ORDER

The Presiding Officer shall determine all Points of Order subject to the right of any Councilmember to appeal to the City Council. If an appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" in which event a majority vote shall govern and conclusively determine such question of order.

4.2 DECORUM AND ORDER – COUNCILMEMBER

- a. Councilmembers shall accord the utmost courtesy to each other, to City employees, and to the general public appearing before the City Council and shall refrain at all times from derogatory remarks.
- b. Every Councilmember desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, shall confine discussion to the question under debate.
- c. Every Councilmember desiring to question the administrative staff should address questions to the City Manager or City Attorney who shall be entitled to either answer the inquiry directly or to designate some member of the staff for that purpose.
- d. A Councilmember, once recognized, shall not be interrupted while speaking, unless called to order by the Presiding Officer, or a Point of Order is raised by another Councilmember, or the speaker chooses to yield to questions from another Councilmember.
- e. If a Councilmember is called to order while speaking, he/she shall cease speaking immediately until the question of order is determined; and if ruled out of order shall remain silent or shall alter his remarks so as to comply with rules of the City Council.
- f. Any Councilmember may move to require the Presiding Officer to enforce the rules. A majority of the City Council shall require enforcement of the rules if the Presiding Officer has refused.

4.3 DECORUM AND ORDER – EMPLOYEES

Members of the Administrative staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the City Council. The City Manager shall insure that all City employees observe such decorum. Any staff member, including the City Manager, desiring to address the City Council or members of the public shall first be recognized by the Presiding Officer. All

remarks should be addressed to the Presiding Officer and not to any one individual Councilmember or public member.

4.4 DECORUM AND ORDER – PUBLIC

The City Council, elected by the public, must be free to discuss issues confronting the City in an orderly environment. Public members attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council. Any person making impertinent derogatory or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting may be removed from the room if the Presiding Officer so directs the sergeant-at-arms and such person may be barred from further audience before the City Council.

Unrecognized remarks from the audience, clapping, stamping of feet, whistles, yells and similar demonstrations which do not permit the meeting to proceed in an orderly manner shall not be permitted by the Presiding Officer, who may direct the sergeant at-arms to remove such offenders from the room if they do not cease upon request by the Presiding Officer. Aggravated cases shall be prosecuted by appropriate complaint signed by the Presiding Officer.

4.5 ENFORCEMENT OF DECORUM

The Chief of Police shall be ex-officer sergeant-at-arms of the City Council. He/she shall carry out all orders and instructions given him by the Presiding Officer for the purpose of maintaining decorum in the City Council Chambers. Upon instructions from the Presiding Officer, it shall be the duty of the Chief of Police or his representative to eject any person from the City Council Chambers or place such person under arrest or both. (Robert's Rules of Order)

4.6 PERSONAL INTEREST

No Councilmember disqualified from participation under State law or the City's Conflict of Interest Code shall remain at the Council dais during the debate or vote on any such matter. The Councilmember shall publicly state the grounds for disqualification on the record and upon acceptance by the Presiding Officer shall leave the Council dais during the debate or vote on the issue.

4.7 LIMITATIONS OF DEBATE

No Councilmember should be allowed to speak more than once upon any one subject until every Councilmember choosing to speak has spoken. Merely asking a question, or making a suggestion, is not considered as speaking. (Robert's Rules of Order)

4.8 DISSENTS AND PROTESTS

Any Councilmember shall have the right to express dissent from, or protest to, any action of the Council and request that the reason be entered into the minutes. (Robert's Rules of Order)

4.9 PROCEDURES IN ABSENCE OF RULES

In the absence of a rule to govern a point or procedure, Robert's Rules of Order shall govern. (Suggested League of California Cities Procedure)

5. ADDRESSING THE CITY COUNCIL

5.1 MANNER OF ADDRESSING THE CITY COUNCIL

During the public comment portion of a regular meeting, members of the public may address the City Council on agenda items before consideration or on any subject matter within the City Council's jurisdiction.

No member of the public shall enter into any discussion without first being recognized by the Presiding Officer. (Robert's Rules of Order). All remarks and questions shall be addressed to the Presiding Officer and not to any individual Councilmember, staff member or other person.

Any member of the public desiring to address the City Council shall present the City Clerk with a speaker's card, stating his/her name. For purpose of staff follow up, the speaker may also provide his/her address.

Members of the public that cannot attend the meeting may submit a letter or statement to include in the record, which must be received by the City Clerk's Office no later than 12:00 pm on the day of the meeting to be provided to City Council and made available for public review. The City Clerk will not read written comments and the member of the public must be present to address the City Council. Public comment will not be accepted via telephone or video conference, or other medium of communication.

During a public hearing, all remarks shall be limited to the subject under consideration. For a special meeting, members of the public may address the City Council concerning any item listed on the agenda before or during consideration. Unlike regular meetings, the City Council does not have to allow public comment on non-agenda matters.

5.2 TIME LIMITATION

Any public member addressing the City Council shall limit his address to three (3) minutes unless further time is granted by the Presiding Officer or majority of the City Council.

The Presiding Officer shall have the discretion but not the obligation to allow members of the public to comment on items appearing on the agenda under Administrative Reports and Consent Calendar sections of the agenda.

5.3 ADDRESSING THE CITY COUNCIL AFTER MOTION IS MADE

After a motion has been made, no member of the public shall address the City Council without securing permission of the Presiding Officer or by a majority vote of the City Council. (Suggested League of California Cities Procedure)

5.4 WRITTEN CORRESPONDENCE

The City Manager is authorized to receive and open all mail addressed to the City Council as a whole, and give it immediate attention to the end that all administrative business, not necessarily requiring City Council action, may be disposed of between City Council meetings. Any communication requiring City Council action will be reported to the City Council at its next regular meeting together with a report and recommendation of the City Manager. The City Manager is authorized to open mail addressed to individual Councilmembers, unless specifically requested otherwise from an individual member.

6. <u>MOTIONS</u>

6.1 PROCESSING OF MOTIONS

When a motion is made and seconded, it may be stated by the Presiding Officer before debate. A motion may be withdrawn by the mover without the consent of the Councilmember seconding it.

6.2 MOTIONS OUT OF ORDER

The Presiding Officer, or a majority of the City Council, may at any time permit a member to introduce an ordinance, resolution or motion presently on the agenda out of the regular agenda order. (Reference Sections 2.1) (Robert's Rules of Order)

6.3 DIVISION OF MOTION

If a motion contains two or more divisible propositions, the Presiding Officer may, and upon request of a Councilmember shall (unless appealed by another Councilmember), divide the same. (Robert's Rules of Order)

6.4 PRECEDENCE OF MOTIONS

When a motion is before the City Council, no other motion shall be entertained except the following:

- a. Adjourn
- b. Fix Hour of Adjournment
- c. Table
- d. Previous Question
- e. Amend
- f. Postpone (Robert's Rules of Order).

6.5 MOTION TO ADJOURN (NOT DEBATABLE)

A motion to adjourn shall be in order at any time except as follows:

- a. When repeated without intervening business or discussion,
- b. When made as an interruption of a Councilmember while speaking,
- c. When the previous question has been ordered, or
- d. While a vote is being taken.

A motion to adjourn "to another time" (i.e., to an adjourned meeting) shall be undebatable and unamendable, except as to the time set. (Robert's Rules of Order)

6.6 MOTION TO FIX HOUR OF ADJOURNMENT

A motion to specify a definite hour to which the subject meeting shall be adjourned is undebatable and unamendable, except as to the time set. (Robert's Rules of Order)

6.7 MOTION TO TABLE

A motion to table shall be used to temporarily bypass the subject and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next meeting. (Robert's Rules of Order)

6.8 MOTION TO CALL FOR THE PREVIOUS QUESTION

Such a motion shall be used to close debate on the main motion and shall be undebatable. If the motion fails, debate shall be reopened if the motion passes, a vote shall be taken on the main motion. (Robert's Rules of Order)

6.9 MOTION TO AMEND

A motion to amend shall be debatable only as to the amendment. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable and voted first, then the main motion as amended. (Robert's Rules of Order)

6.10 MOTION TO CONTINUE

Motions to continue to a definite time shall be amendable and debatable as to suitability of postponement and time set for postponement. (Robert's Rules of Order)

6.11 GENERAL CONSENT

Unless otherwise required as noted in Section 7.2, the City Council may by general, unanimous or silent consent do business with less regard for formal motions. Where there appears to be no objection, the formality of voting can be avoided by the Presiding Officer asking if there is any objection by any Councilmember to the proposed action, and, if there is none, the Presiding Officer shall announce the result. The action thus taken is by general consent of the City Council. (Robert's Rules of Order)

7. <u>VOTING</u>

7.1 VOTING PROCEDURE

Motions shall be adopted by voice vote, roll call vote or by the general consent/"no objection" method, as described in Section 6.11. The results of the vote shall be entered in full in the minutes.

The order of a roll call vote shall be designated by the City Clerk, with the Mayor voting last.

Except as otherwise provided herein, the "no objection" method for expediting lengthy agendas may be used unless any Councilmember requests a voice or roll call vote. The approval of the motion in the minutes shall be reflected as a "no objection" vote or that the motion "carried unanimously". (Robert's Rules of Order)

Roll call votes shall be taken on all ordinances, resolutions, or orders for the payment of money unless the vote is unanimous.

Motions requiring a 4/5ths affirmative vote shall be announced by City staff prior to City Council consideration of the motion.

7.2 VOTING

Every ordinance, resolution or order for the payment of money requires three affirmative votes (with the exception of urgency ordinances, which require four affirmative votes). Any member may change his vote on any item before the next order of business. The votes shall be lost motions and may be reconsidered. (Robert's Rules of Order)

7.3 FAILURE TO VOTE

Every Councilmember should vote unless disqualified for cause. Abstentions shall not be counted as a vote.

7.4 RECONSIDERATION

Any member who voted with the majority may move a reconsideration of any action at the same meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the City Council. (Robert's Rules of Order)

8. <u>RESOLUTIONS</u>

8.1 RESOLUTIONS PREPARED IN ADVANCE

Where a resolution has been prepared in advance, the procedure shall be: staff/City Council report (if needed), discussion (if needed), motion, second, City Council votes, and results declared. All resolutions shall be read in full, unless the full reading is waived by unanimous consent of the City Council. Items of the Consent Calendar are automatically deemed to have the full reading waived by common consent. (Suggested League of California Cities Procedure)

8.2 RESOLUTIONS NOT PREPARED IN ADVANCE

Where a resolution has not been prepared in advance, the procedure shall be to instruct the City Attorney or City Manager to prepare a resolution for presentation at the next City Council meeting. (Suggested League of California Cities Procedure)

8.3 URGENCY RESOLUTIONS

In matters of urgency, a resolution may be presented verbally in motion form together with specific instructions for written preparation for later execution. After the resolution has been verbally stated, the voting procedure for resolutions prepared in advance as stated in Section 8.1 shall be followed. Urgency resolutions shall be avoided except when absolutely necessary and shall be avoided entirely when resolutions are required by law or in improvements acts, zoning matters and force account work on public project. (Suggested League of California Cities Procedure)

9. ORDINANCES

9.1 INTRODUCTION (FIRST READING)

At the time of introduction, an ordinance shall be read in full, unless, after reading the title, reading is waived by unanimous consent of the City Council. The procedure for introduction of an ordinance shall be: reading of the title by the Presiding Officer or City staff member, motion to introduce first reading, second, discussion (if needed), City Council votes, and results declared. (Suggested League of California Cities Procedure)

9.2 ADOPTION (SECOND READING)

With the sole exception of ordinances which take effect immediately (as outlined in the following sections), no ordinance shall be adopted by the City Council on the day of introduction, nor within five days thereafter, nor at any time other than a regular or adjourned meeting.

If the Ordinance was unanimously approved at the time of introduction, adoption (second reading) of the ordinance may be placed on the Consent Calendar with the recommendation that City Council waive full reading of the ordinance and adopt by title only. If it was not unanimously approved at the time of introduction, the ordinance shall be read in full unless, after reading the title, the full reading is waived by unanimous consent of City Council. Unless approved on the Consent Calendar, the procedure for adoption of an ordinance shall be: reading of the title by the Presiding Officer or City staff member, motion to pass, second reading and adoption of ordinance second, discussion, vote and result declared. (Suggested League of California Cities Procedure)

9.3 AMENDMENT FOLLOWING INTRODUCTION

In the event that an ordinance is altered after its introduction, a motion for an amended introduction shall be required. The ordinance shall not be considered for adoption until five days thereafter and not at any meeting other than a regular or adjourned meeting. The correction of typographical or clerical errors shall not constitute making an alteration within the meaning of this Section.

9.4 EFFECTIVE DATE

All ordinances, except as listed below, shall become effective 30 days after adoption, or upon such later date as may be designated in the ordinance. The following ordinances shall become effective immediately upon adoption:

- a. Urgency Ordinances;
- b. Ordinances calling, or otherwise relating to, an election;
- c. Ordinances relating to street improvement proceedings;
- d. Ordinances relating to taxes for the usual and current expenses of the City; or
- e. Ordinances covered by particular provisions of law prescribing the manner of their passage and adoption.

9.5 PUBLISHING

It shall be the duty of the City Clerk to cause each ordinance to be published within 15 days after adoption with the names of those Councilmembers voting for and against the ordinance.

9.6 URGENCY ORDINANCES

Any ordinance declared by the City Council to be necessary as an urgency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at the same meeting. Such Ordinance must be passed by a least four affirmative votes.

10. MINUTES

10.1 PREPARATION OF MINUTES

It is the City Clerk's responsibility to maintain the record (minutes) of City Council meetings. Minutes shall be approved by the City Council, to lend further weight to the accuracy and completeness of the record. The City Clerk shall have exclusive responsibility for preparation of the minutes and any directions for changes to conform with fact shall be made by action of the City Council.

The City Clerk shall keep "Action Minutes" in order to maintain a full and true record of all proceedings of the City Council. The minutes shall consist of a clear and concise statement of each and every City Council action including the motions made and the vote thereon. Reasons for making motions or voting, City Council debate and audience reaction are generally not included in the minutes. Such items may be included if considered to be particularly relevant or otherwise necessary by the City Clerk.

10.2 ABSENCE OF CITY CLERK

If the City Clerk is absent from a City Council meeting, the Deputy City Clerk shall act. If there is none, the Mayor shall appoint one of the Councilmembers as City Clerk Pro Tem. (Government Code Section 36804)

11. <u>REORGANIZATION</u>

11.1 SELECTION OF MAYOR AND VICE MAYOR

Pursuant to Government Code Section 36801 "The City Council shall meet at the meeting at which the declaration of the election results for a general municipal election is made pursuant to Elections Code Sections 10262 and 10263 and, following the declaration of the election results and the installation of elected officials, choose one of its members as Mayor and one of its members as Mayor Pro Tempore." The terms of office of the Mayor of the City Council and Vice Mayor shall be for one year, or until their successors have been chosen. In those years in which a general municipal election is not held, the City Council shall choose a Mayor of the City Council and Vice Mayor at the first regular meeting in December. Nothing herein shall be deemed or construed to prohibit any person from serving any number of consecutive one-year terms in any office in this City.

The following procedure shall be used:

Election of Mayor:

- a. City Clerk opens the nominations for the position of Mayor
- b. Nomination(s) is/are made for Mayor, and seconded
- c. Hearing no objections, motion to close nominations
- d. City Clerk conducts a roll call vote and each Councilmember announces their vote for Mayor until a Mayor is elected by majority vote
- e. City Clerk announces the results

Election of Vice Mayor: (City Clerk to follow steps a-e above)

11.2 SELECTION OF CITY COUNCIL LIAISONS AND DELEGATES

After the procedure prescribed in Section 11.1 has been completed, the Mayor, with the consent of a majority of the City Council, may appoint new City Council liaisons/delegates to the various City Committees and Commissions, or as liaison/delegate to any other organization as may be appropriate. Nothing in this Section would prohibit the Mayor, with approval of a majority of the City Council from making changes or other appointments during any other time.

12. <u>COMMITTEES</u>

12.1 GENERAL

The Mayor may, subject to concurrence of a majority of the City Council: (a) designate standing and ad hoc committees (collectively "Committee"); and (b) make appointments to all committees.

Each standing committee shall consist of two (2) Councilmembers. An ad hoc committee may consist of either one or two Councilmembers.

12.2 PURPOSE

The primary purpose of each Committee is to provide a forum for the thorough vetting of matters within the committee's subject matter jurisdiction, before they are presented to the City Council. A secondary purpose is to provide guidance to City staff on matters within the committee's subject matter jurisdiction, enabling staff to obtain interim guidance as they develop and refine matters for presentation to the City Council. The objective is to eliminate, to the extent possible, those situations where the City Council is forced to deal with large and difficult issues at their meetings without any prior formal discussion or analytical input to guide staff's work product.

Ad hoc committees shall have a clear and definite scope and will be dissolved upon completion of the scope, unless otherwise extended by the City Council with a new scope. Ad hoc committees are less formal than standing committees and are therefore not subject to the requirements of the Ralph M. Brown Act.

12.3 LIMITATIONS ON AUTHORITY

No committee may approve a contract or expenditure of funds.

No committee may provide any direction to City staff, the City Attorney, or consultants engaged by the City, except that a City Council standing committee may provide such direction at a duly noticed meeting of a standing committee, where such direction concerns a matter that is within the subject matter jurisdiction of the standing committee, such direction does not conflict with the policies or direction established by the City Council, and where such direction will not result in an expenditure of resources in excess of the applicable amounts allocated in the approved annual budget.

12.4 APPLICABLE LAWS AND REGULATIONS

All City Council standing committees shall comply with the requirements of the Ralph M. Brown Act. All City Council standing committees shall comply with the procedures set forth in Sections 1 through 5, inclusive, of this Procedural Manual, to the extent reasonably practicable. In the event of any conflicts between the provisions of Sections 1 through 5 and the provisions of this Section 12, the latter shall control.

12.5 MEETING DATE AND TIME

By agreement of both members, each standing committee shall establish a time and place for regular meetings, as required by the Ralph M. Brown Act. In order to minimize the extra demands on City staff, and to maximize public participation, each standing committee shall, to the maximum extent possible, conduct its business at the regularly scheduled meeting.

12.6 QUORUM

Only one member of a committee must be present in order to establish a quorum. The scheduling of meetings so as to facilitate the participation of both members of a two-person committee is strongly encouraged.

12.7 STAFFING

The City Manager shall appoint a staff member to be the primary staff liaison for each standing committee. The designated staff liaison shall coordinate all meetings of the standing committee, ensure that each meeting is recorded via audio-tape and cause the recorded audio-tape(s) to be delivered to the City Clerk upon completion of the meeting. The recorded audio-tape(s) shall be retained by the City Clerk for the same period as recorded audiotapes of City Council meetings. The designated staff liaison shall work with the City Manager to ensure that the appropriate staff member(s) attend the meetings of the standing committee, and that the direction provided by the standing committee is carried out.

12.8 AGENDAS

The agenda for all regular meetings of a standing committee, with all background staff reports, shall be available to the public at the meeting and 72 hours in advance of the regular meeting (24 hours in advance of a special meeting) at the City Clerk's office. The Agenda may be amended in accordance with State law, prior to any meeting.

When the City Council desires to have an item placed on an agenda for an upcoming meeting of a standing committee, the City Council shall provide the designated staff liaison with that directive at a meeting of the City Council. At that time, the City Council may also charge the designated staff liaison with the responsibly for conducting preliminary research and collecting/preparing any written materials that may aid the Committee in its discussion of the matter.

12.9 REPORT ON ACTIVITIES OF STANDING COMMITTEES

The agendas for City Council meetings shall include a section entitled Standing Committee Updates. The Committee Chair is responsible for making a brief report on the activities of the committee to the full City Council. If there is nothing to report, then "Nothing to Report" is an acceptable comment.

All written materials presented to a standing committee are public records, and shall be maintained as directed by the City Clerk.

13. PROCEDURE FOR FILLING CITY COUNCIL VACANCIES

- 13.1 If a vacancy occurs to any City Council seat, the vacancy may be filled by appointment or by special election in compliance with Government Code Section 36512(b). The filling of vacancies by appointment shall be subject to the restrictions of Government Code section 36512(d)(1) which prohibits the filling of a vacancy by appointment if the appointment would result in a majority of the members serving on the City Council being appointees.
- 13.2 If the City Council elects to fill a vacancy to a City Council seat by appointment, any appointment shall be made in subject to the following procedures:
 - a. At a regular or special meeting of the City Council, the City Council shall direct the City Clerk to make an application available, at the earliest possible date and time, for individuals interested in being appointed to the vacant City Council seat, and establish a reasonable due date for the applications.

- b. At a regular or special meeting of the City Council, the City Council will allow all applicants to address the City Council for the purpose of stating their experience and qualifications for being granted the appointment. The City Council shall determine the uniform amount of time candidates will receive to address the City Council.
- c. Following the presentations by potential appointees, the City Council will receive comment from interested members of the public.
- d. Following public comment, the City Council may commence deliberation on one of the following options:
 - i. Make an appointment to fill the vacant City Council position and direct the City Clerk to administer the Oath of Office; or
 - ii. Defer making an appointment until Councilmembers have had additional time to consider the applicants, and a further opportunity should they wish to interview the finalists one-onone.
- e. As provided under Government Code Section 36512, if the City Council does not fill the vacancy by appointment within 60 days from the date of the vacancy or fails to call an election within 60 days from the date of the vacancy, the vacant seat shall automatically be filled by election as provided under Government Code section 36512 and other applicable laws.

14. PRIORITY GOAL SETTING MEETING

- 14.1 The City Council shall hold a special study session every year during the budget process to set priorities and goals for the subsequent fiscal year. The purpose of setting goals and priorities is to provide the City Manager with guidance for allocating funds in the City Manager's Proposed Budget.
 - a. City Council goals articulate city-wide long-term strategic goals and objectives that the organization strives to achieve over the next three to five years. Goals tend to remain relatively stable over time.
 - b. Priorities are specific short-term items that are reasonably achievable in the upcoming fiscal year. Priorities typically fit within city-wide goals but provide more specific focus for the upcoming fiscal year.
- 14.2 When setting goals and priorities, City Council shall take into consideration staff resources available to accomplish said goals and priorities. The goals and priorities should be reviewed semi-annually (i.e., twice a year) with the City Manager and updated to reflect goals and priorities that are reasonably

attainable given limited staff resources.

15. OFFICIAL LETTERHEAD AND OTHER STATIONERY USE POLICIES

15.1 AUTHORIZED USE OF LETTERHEAD

Official City letterhead or any other official Stationery of the City must be used with care to avoid misunderstandings, including but not limited to, misrepresentations of official City Council-approved policies or actions. When authorized or otherwise directed by a majority of the City Council at a duly noticed meeting of the City Council, official City letterhead and/or other official Stationery may be used by members of the City Council to communicate official City Council-approved action or policy. Without the prior approval of the City Council but subject to the restrictions and requirements of this Section below and Section 15.3, an individual Councilmember may use official City letterhead and/or other official Stationary for the following purposes, provided the Councilmember makes clear in the correspondence that he or she is communicating in his or her individual capacity and not on behalf of the City or the City Council as a body: (i) to acknowledge the receipt of communications submitted to the Councilmember by members of the public; (ii) to offer simple congratulations or appreciation to members of the public for their civic involvement or personal achievements which reflect positively on the San Fernando community; (iii) to offer simple condolences and/or best wishes to members of the public who have endured personal hardship or loss; (iv) to respond to inquires by members of the public seeking publicly available and nonprivileged information about City programs or services; or (v) to request information from other public agencies or non-City organizations. When using official letterhead or other official Stationery to communicate with others, City Councilmembers must expressly state in their communication whether or not they are communicating in their individual capacity or whether they are communicating in a representative capacity for the City Council and/or the City. In order to communicate in a representative capacity for the City Councilmember must have received formal direction or authorization from a majority of the City Council at a duly noticed meeting of the City Council.

15.2 UNAUTHORIZED USE OF OFFICIAL LETTERHEAD OR OTHER OFFICIAL STATIONERY

In addition to any other prohibition set forth under this Chapter, elsewhere in this Manual, under the San Fernando Municipal Code or State law or Federal law, no member of the City Council communicating with any other person or entity through the medium of official City letterhead or other official Stationery of the City, may represent that he or she is communicating or otherwise acting in a representative capacity for the City Council or the City or communicating a position or opinion in the name of the City Council or the City unless the City Council has been expressly authorized to do so by a majority of the City Council at a duly noticed meeting of the City Council. The City Council reserves the right to request that any communications using City letterhead or other City Stationery which are issued in the name of the City Council or the City must be reviewed and vetted by the City Council as a body at a duly noticed meeting of the City Council before the communication is disseminated. Under no circumstances may City letterhead or other official Stationary be used in any manner that (i) would constitute a violation of Government Code Section 8314, Government Code Section 82041.5 or any other applicable statute or regulation governing the use of public resources; or (ii) that discloses confidential or privileged information that a Councilmember has acquired in his or her official capacity as a member of the City Council acting as a body and such consent has not been formally granted by the City Council acting as body.

15.3 PREPARATION OF COMMUNICATIONS USING OFFICIAL LETTERHEAD OR OTHER OFFICIAL STATIONERY

It shall be the official policy of the City to have all City Councilmember communications using official City letterhead or other official Stationery prepared by secretarial staff of the City Manager's office, with prior verbal or written notice by the requesting Councilmember to the City Manager. City secretarial staff may not commence the drafting of such communications until the City Manager has confirmed either verbally or in writing that the City Manager has been notified of a Councilmember's request to communicate using official City letterhead or other official Stationery of the City. The City Manager reserves the right to review all such communications before they are disseminated to verify compliance with these policies and the City Manager further reserves the right to seek input and direction from the City Council at a duly noticed meeting of the City Council before authorizing staff to disseminate any such communications. Councilmembers shall not receive personalized official letterhead or Stationery nor shall Councilmembers be entitled to maintain their own stock of letterhead or Stationery or maintain electronic templates of such Stationery. The rights and duties of the City Manager under this Chapter shall be delegated to the person who has been formally designated by the City Manager or a majority of the City Council to act in place of the City Manager during any period time in which the City Manager is on vacation, on extended leave or is otherwise physically unable to discharge his or her duties at the time the request is made.

15.4 COUNTERFEIT LETTERHEAD OR STATIONERY

Except as may otherwise be allowed under City Council Resolution No. 6904 approved May 5, 2003, no member of the City Council may affix the City seal or any other City logo on any personal letterhead, Stationery or any other written

document, whether or not such letterhead, Stationery or document is transmitted in paper form or electronically. All such written communications improperly bearing the City seal or any other City logo shall be deemed unauthorized and counterfeit.

15.5 DEFINITIONS

 a. "City seal" shall have the same meaning as set forth under Section 1-13 of the San Fernando Municipal Code as the same may be amended from time to time. The City seal as described under Section 1-13 appears as follows:



b. "City logo(s)" shall mean and include all logos or designs used for purposes of symbolically representing the authority of the City of San Fernando and the capacity of its officers, employees and agents as representatives of the City of San Fernando. City logos include, but are not limited to this image:



16. STATEMENTS OF ECONOMIC INTEREST

16.1 FORM 700 OVERVIEW

One of the main laws designed to prevent self-dealing in governmental decisionmaking is the Political Reform Act of 1974 (the PRA). The PRA is codified under the California Government Code. The PRA requires that most state and local government officials disclose their personal income and assets, as well as disqualify themselves from participating in certain governmental decisions that may impact their personal economic interests. As required under the PRA, local elected officials must annually disclose their economic interests through a form referred to as the Form 700 – Statement of Economic Interests (the Form 700). The Form 700 is filed annually with the City Clerk. Any member of the public is permitted to inspect and copy a Form 700 during normal business hours. Members of the City Council and the Planning and Preservation Commission shall be mindful of PRA requirements to complete an annual Form 700 and to complete the same upon assuming and departing from public office also as required under the PRA.

16.2 TIMELY SUBMISSION OF ANNUAL STATEMENTS OF ECONOMIC INTEREST

The City Clerk notifies those required to file a Form 700 of the precise filing deadline. Under State law, annual Form 700's are due by or before April 1st of each year or such other date as the Fair Political Practices Commission may prescribe by regulation for local elected officials. The Form 700 must also be filed within thirty (30) days of assuming or leaving office. Irrespective of notice provided by the City Clerk or any other City official or employee, it is the individual responsibility of each member of each City Council and each member of the Planning and Preservation Commission to keep themselves aware of filing deadlines and to file a Form 700 by or before the prescribed deadline.

16.3 REVIEW BY CITY CLERK AND CITY ATTORNEY

The City Clerk, as the City's filing officer for the submission of Form 700's, shall perform those duties set forth under Government Code Section 81010 and such other tasks, duties and responsibilities as may be prescribed by the Fair Political Practices Commission. Upon request made by a City Councilmember or member of the Planning and Preservation Commission, the City Attorney shall also conduct a facial review of the requesting filer's Form 700. The City Attorney shall be given a minimum of ten (10) calendar days to complete its review. A facial review consists of reviewing statements for the following items: (a) the cover sheet includes the name and address of the filer, the period covered and the type of statement; (b) the summary page is completed and the required schedules are attached; (c) all information is legible and readable reproductions of the statement can be made; and (d) the verification is complete. Neither the City Clerk nor the City Attorney are responsible for verifying the truth of representations made by a filer in their Form 700 nor are they under any duty to perform any sort of investigation or inquiry as to the truth or accuracy of such representations or whether a filer has fully identified all disclosable interests. The filer shall be solely and exclusively responsible for any errors or omissions in the filer's Form 700, notwithstanding review by the City Clerk or the City Attorney.

12/07/2020



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AGENDA REPORT

To: Mayor and Councilmembers

From: Vice Mayor Hector A. Pacheco

Date: December 7, 2020

Subject: Consideration of the Presentation by Vice Mayor Hector A. Pacheco Related to Citywide Maintenance Standards and Trash Services

RECOMMENDATION:

I have placed this on the agenda for City Council discussion and recommend that City Council direct staff to take the following actions:

- a. Direct staff to develop and present recommendations to City Council at a future meeting to accomplish enhanced maintenance citywide, including the Downtown Mall, Maclay corridor, City parks and bike path. Include any enhancement recommendations for personnel and/or equipment that we need to better accomplish trash cleanup.
- b. Direct staff to draft a report for City Council consideration in January 2021 allocating Measure W funds toward a capital improvement project to construct new trash enclosures and other waste management improvements in the Downtown Mall area (approximately \$196,000 available).
- c. Request an update on trash services from Republic Services at a meeting in January 2021.

BACKGROUND/ANALYSIS:

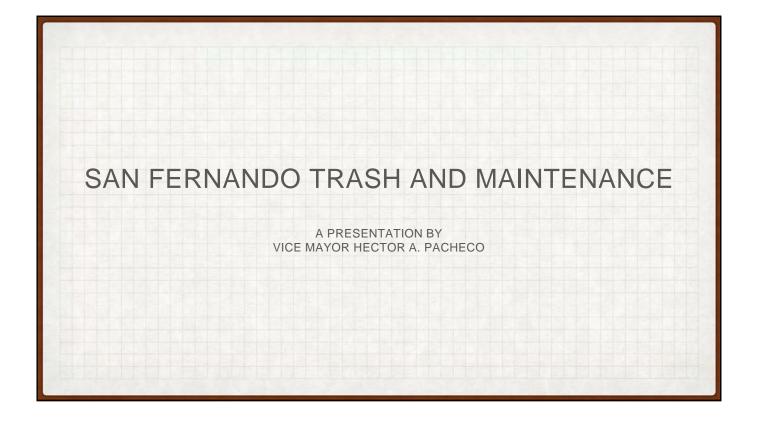
I have prepared the attached report to discuss the current trash and maintenance issues facing San Fernando, especially in the Maclay business corridor, parks, the bike path and the Downtown Mall area. I am asking City Council to support the effort to allocate additional funding and staffing resources to make increased maintenance standards and trash/waste management services a priority in these areas.

BUDGET IMPACT:

There is no impact to the budget by discussing this item. Additional future costs to be determined based on City Council direction.

ATTACHMENT:

A. PowerPoint Presentation Prepared by Vice Mayor Pacheco



TRASH IN SAN FERNANDO HAS REACHED CRISIS LEVELS

WE MUST SHOW LEADERSHIP TO CLEAN UP OUR CITY

- San Fernando, historic and visionary, has always set an example for our neighboring cities
- Now, our residents need us to stand up and take initiative to end the trash emergency taking place in our town
- Our city's charm and beauty is often clouded by trash issues that have reached critical mass



DOWNTOWN SAN FERNANDO AND MALL AREA

- Vibrancy important to our local economy already heavily impacted by COVID-19 and resulting recession
- We have made commitments to our businesses here that we will keep the area clean and tidy to the best of our ability
- Re-examine our maintenance schedules for cleaning the alleys, power-washing the sidewalks.
 Current services that need increased frequency:
- · Mall wash down: Twice a year
- · Alley wash down: Every other month
- Trash enclosure cleanup: Every Thursday



DUMPING URGENT PROBLEM FOR OUR DOWNTOWN AND MALL AREA

Inaction is no longer acceptable - status quo cannot be maintained. There is an emergency trash issue here. Health hazards from trash, especially during COVID-19 pandemic, compel us to act

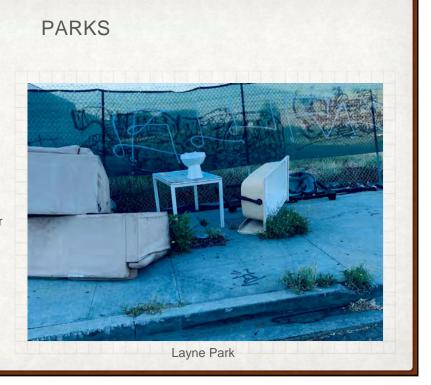
- Trash enclosures:
- Update on dumping issues: They seem to continue unabated
- · What are merchants saying?
- · What are our vendors (Republic) saying?
- Increased maintenance attention in the interim while enclosures are finalized

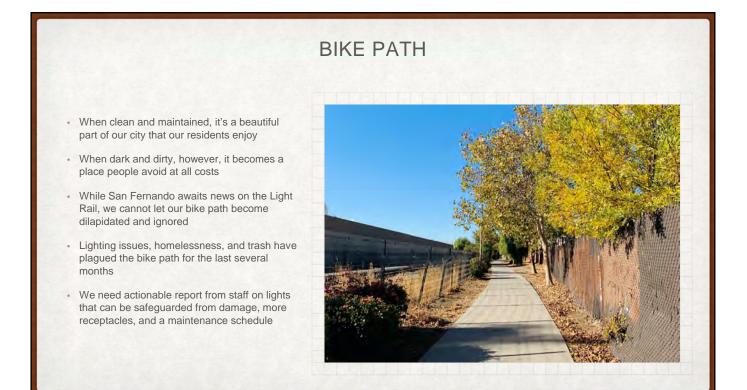






- Our parks are supposed to be inviting, welcoming, well-maintained. Dumping occurs at high levels and high frequencies
- Staff hours on trash in parks: Just as we have clear guidelines on our maintenance of the mall area, we should implement distinct schedules for graffiti and dumping
- Increased number of trash receptacles







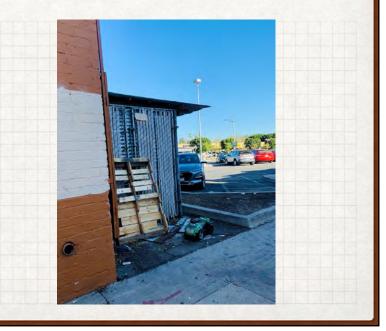




- Some issues with trash revolve around plastics and other recyclable rubbish
- What city-wide initiatives we currently need to double down on, examples from other cities that might work here in San Fernando
- E-waste/motor oil programs
- Plastic bags, plastic utensils, styrofoam prohibition

REPUBLIC SERVICES

- Let's have Republic join us soon to discuss their perspective as a vendor:
 - Areas of improvement
 - Additional services offered that we can consider
 - Ensure their route efficiencies
 - Commercial vs. Residential dynamic





PROBLEM-SOLVING AND INNOVATION

- Facts are plain question is what do we do, now?
- Do we look to technology for help? Internet of Things (IoT):
 - · Fill sensors/tipping sensors
 - CCTV of enclosures
- New information campaigns for 2021
- Small Business relief:
 - How do we make it easier on SF businesses to dispose of trash, pay less, etc.
 - · Rebates we can offer for recycling
- Do we break the residential and commercial aspects of our trash contracts, go with different vendors for one or the other, improve our contract with Republic? Can we really wait until our contract is up to renegotiate?



RECOMMENDED ACTIONS

- 1. Direct staff to develop and present recommendations to City Council to accomplish enhanced maintenance citywide, including parks, bike path, Downtown Mall, and Maclay corridor. Include any enhancement recommendations for personnel and/or equipment that we need to better accomplish trash cleanup.
- 2. Direct staff to draft a report for City Council consideration in January 2021 allocating Measure W funds toward a capital improvement project to construct new trash enclosures and other waste management improvements in the Downtown Mall area (\$196,000 available).
- 3. Request an update / presentation on trash services from Republic Services in January 2021.