



SAN FERNANDO

MAYOR/CHAIR SYLVIA BALLIN
VICE MAYOR/VICE CHAIR MARY MENDOZA
COUNCILMEMBER/BOARDMEMBER CINDY MONTAÑEZ
COUNCILMEMBER/BOARDMEMBER HECTOR A. PACHECO
COUNCILMEMBER/BOARDMEMBER CELESTE T. RODRIGUEZ

CITY OF SAN FERNANDO
CITY COUNCIL
AND SUCCESSOR AGENCY TO THE
SAN FERNANDO REDEVELOPMENT AGENCY
REGULAR MEETING AGENDA SUMMARY
MONDAY, NOVEMBER 1, 2021 – 6:00 PM

CITY HALL COUNCIL CHAMBERS
117 MACNEIL STREET
SAN FERNANDO, CALIFORNIA 91340

WATCH THE MEETING: Live stream with audio and video, via YouTube Live, at:

<https://www.youtube.com/c/CityOfSanFernando>

CALL TO ORDER/ROLL CALL

PLEDGE OF ALLEGIANCE

Led by City Clerk Julia Fritz

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. A CERTIFICATE OF PROCLAMATION DECLARING THE WEEK OF NOVEMBER 7 – 13, 2021 AS NATIONAL NURSE PRACTITIONER WEEK
Mayor Sylvia Ballin
- B. A CERTIFICATE OF PROCLAMATION DECLARING THE MONTH OF NOVEMBER AS NATIONAL VETERANS AND MILITARY FAMILIES MONTH
Mayor Sylvia Ballin

Staff Contact Nick Kimball, City Manager

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C. A PRESENTATION ON THE “TEENS FOR A BETTER COMMUNITY YOUTH LEADERSHIP PROGRAM” CANNED GOODS DRIVE

Julian J. Venegas, Director of Recreation and Community Services

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 (SF Procedural Manual). 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

There will be a three (3) minute limitation per each member of the audience who wishes to make comments relating to City Business. Anyone wishing to speak, please fill out the blue form located at the Council Chambers entrance and submit it to the City Clerk. When addressing the City Council, please speak into the microphone and voluntarily state your name and address.

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) CONSIDERATION TO APPROVE CITY COUNCIL MEETING MINUTES FOR:

- a. AUGUST 18, 2014 - SPECIAL MEETING
- b. MAY 18, 2020 - REGULAR MEETING
- c. JUNE 1, 2020 - REGULAR MEETING
- d. SEPTEMBER 7, 2021 – REGULAR MEETING
- e. SEPTEMBER 20, 2021 – REGULAR MEETING
- f. OCTOBER 18, 2021 - SPECIAL MEETING

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2) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER

Recommend that the City Council adopt Resolution No. 21-111 approving the Warrant Register.

3) SECOND READING AND ADOPTION OF ORDINANCE NO. 1703 ADDING ARTICLE IX (ORGANIC WASTE DISPOSAL REDUCTION SENATE BILL 1383) TO CHAPTER 70 OF THE SAN FERNANDO MUNICIPAL CODE, AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Recommend that the City Council adopt Ordinance No. 1703 that was introduced for first reading at the City Council meeting of October 18, 2021, in title only and waive further reading, adding Article IX (Organic Waste Disposal Reduction Senate Bill 1383) to Chapter 70 of the San Fernando Municipal Code, and making a determination of exemption under the California Environment Quality Act.

4) CONSIDERATION TO AUTHORIZE AN ADDENDUM TO A PURCHASE ORDER WITH ENVIROGEN TECHNOLOGIES, INC. FOR AN ION EXCHANGE NITRATE REMOVAL TREATMENT SYSTEM AT THE CITY'S GROUNDWATER WELL NO. 3 AND PREPARATION OF TECHNICAL AND OPERATION REPORTS

Recommend that the City Council:

- a. Authorize an Addendum with Envirogen Technologies, Inc. (Addendum to Purchase Order No. 12503), in an amount of \$152,110 for a revised not-to-exceed total \$1,652,110 for the purchase of a proprietary ion exchange nitrate removal treatment system at the City's groundwater Well No. 3 and preparation of technical and operation reports; and
- b. Authorize the City Manager to make non-substantive changes and execute the Agreement and all related documents.

5) RECEIVE AND FILE AN UPDATE REGARDING COVID-19 RESPONSE EFFORTS

Recommend that the City Council receive and file an update related to the City's COVID-19 efforts, including, but not limited to the City's COVID-19 planning, response, enforcement; education and outreach efforts; financial assistance programs and the pursuit of funding opportunities; COVID-19 related policy initiatives; and related recommendations, as appropriate.

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PUBLIC HEARINGS

6) A PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE APPROVING GENERAL PLAN AMENDMENT 2018-001 AND ZONE CHANGE 2018-001 AND THE CONDITIONS OF APPROVAL IN ORDER TO CHANGE THE CURRENT R-1 (SINGLE FAMILY RESIDENTIAL) ZONE TO M-1 (LIMITED INDUSTRIAL) ZONE AT 649 – 655 FOURTH STREET, SAN FERNANDO, CA 91340 (LOS ANGELES COUNTY ASSESSOR'S IDENTIFICATION NO: 2519-021-014 & 2519-021-015)

Recommend that the City Council:

- a. Conduct a Public Hearing; and
- b. Pending public testimony, introduce for first reading, in title only, and waive further reading of Ordinance No. 1704 "An Ordinance of the City Council of the City of San Fernando, California, approving a General Plan Amendment 2018-001 and Zone Change 2018-001 and the Conditions of Approval in order to change the current R-1 (Single Family Residential) zone to M-1 (Limited Industrial) zone for the development of a 12,300 sq. ft. industrial building located at 649 and 655 Fourth Street.

ADMINISTRATIVE REPORTS

7) CONSIDERATION AND DISCUSSION REGARDING A SMOKE-FREE MULTI-UNIT HOUSING ORDINANCE

Recommend that the City Council:

- a. Discuss the Smoke-Free Multi-Unit Housing Model Ordinance; and
- b. Provide direction to staff, as applicable

8) UPDATE REGARDING THE 2022 FOURTH OF JULY CELEBRATION EVENT

Recommend that the City Council:

- a. Receive a presentation from staff regarding the planning progress for the 2022 Fourth of July Celebration event; and
- b. Provide staff direction, as appropriate.

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9) CONSIDERATION AND DISCUSSION REGARDING SUSTAINABLE SAN FERNANDO: A CALIFORNIA NATIVE TREES AND PLANTS POLICY DIRECTION

This item was agendized by Councilmember Hector A. Pacheco.

STAFF COMMUNICATION INCLUDING COMMISSION UPDATES

GENERAL CITY COUNCIL/BOARD MEMBER COMMENTS AND LIAISON UPDATES

ADJOURNMENT The meeting will adjourn to its next regular meeting.

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: October 28, 2021 (5:00 p.m.)

The Regular Meetings of the City Council of the City of San Fernando also serves as concurrent Regular Meeting s of the Successor Agency to the San Fernando Redevelopment Agency, and, from time to time, such other bodies of the City composed exclusive of the Members of the City Council.

Agendas and complete Agenda Packets (including staff reports and exhibits related to each item) are posted on the City's `Internet website www.sfcity.org. 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 www.sfcity.org. 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 or cityclerk@sfcity.org at least 48 hours prior to the meeting.

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**Regular Meeting
San Fernando City Council
and Successor Agency to the
San Fernando Redevelopment Agency**

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**AUGUST 18, 2014 – 5:00 P.M.
SPECIAL MEETING**

City Hall Community Room
117 Macneil Street
San Fernando, CA 91340

CALL TO ORDER/ROLL CALL

Mayor Sylvia Ballin called the meeting to order at 5:00 p.m.

Present:

Council: Mayor Sylvia Ballin, Mayor Pro Tem Robert C. Gonzales, and Councilmembers Jesse H. Avila, Antonio Lopez, and Joel Fajardo

Staff: City Manager Brian Saeki, City Attorney Rick Olivarez, and City Clerk Elena G. Chávez

PLEDGE OF ALLEGIANCE

Led by Mayor Sylvia Ballin

APPROVAL OF AGENDA

Motion by Councilmember Fajardo, seconded by Councilmember Avila, to approve the agenda as amended. By consensus, the motion carried.

PUBLIC STATEMENTS – WRITTEN/ORAL

None

RECESS TO CLOSED SESSION (5:01 p.m.)

By consensus, Councilmembers recessed to the following Closed Sessions:

- A) CONFERENCE WITH REAL PROPERTY NEGOTIATOR (G.C. §54956.8)
Property: 1211 First Street, City of San Fernando (APN 2520-024-902)
Agency Negotiator: City Manager Brian Saeki, Lead Negotiator
Negotiating Parties: Sirakan Minasyan

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Under Negotiation: Price and Terms of Sale of Said Property

- B) CONFERENCE WITH REAL PROPERTY NEGOTIATOR (G.C. §54956.8)
Property: 519 So. Brand, City of San Fernando (APN 2522-012-900)
Agency Negotiator: City Manager Brian Saeki, Lead Negotiator
Negotiating Parties: Schwary Family Trust
Under Negotiation: Price and Terms of Sale of Said Property

- C) CONFERENCE WITH LABOR NEGOTIATOR (G.C. §54957.6)
Designated City Negotiator: Brian Saeki, City Manager

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 (SEIU, Local 721)
San Fernando Part-time Employees' Bargaining Unit (SEIU, Local 721)
All Unrepresented Employees

RECONVENE/REPORT OUT FROM CLOSED SESSION

City Attorney Olivarez reported the following:

- Regarding Item No.s A and B, staff gave the City Council a briefing; the City Council asked questions of staff which staff answered; the City Council gave unanimous direction to staff on how to proceed on these two matters; no final action was taken. There is nothing further to report at this time.
- Regarding Item C, the City Manager gave the City Council a briefing on this item; unanimous direction was given to staff; no final action was taken. There is nothing further to report at this time.

No other reportable action.

ADJOURNMENT (5:45 P.M.)

By consensus, the meeting was adjourned.

I do hereby certify that the foregoing is a true and correct copy of the minutes of August 18, 2014 meeting as approved by the San Fernando City Council.

*Elena G. Chávez
City Clerk*

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**MAY 18, 2020 – 6:00 P.M.
REGULAR MEETING**

Teleconference Per Governor Executive Order N-29-20

CALL TO ORDER/ROLL CALL

Mayor Joel Fajardo called the meeting to order at 6:00 P.M.

Present:

Council: Mayor Joel Fajardo, Vice Mayor Pacheco (joined via teleconference at 6:08 p.m.) and Councilmembers Sylvia Ballin, Mary Mendoza, and Robert C. Gonzales (joined via teleconference at 6:08 p.m.)

Staff: City Manager Nick Kimball, Assistant City Attorney Richard Padilla, Chief of Police Anthony Vairo, Deputy City Manager/Director of Community Development Tim Hou, and City Clerk Julia Fritz

Absent: None

PLEDGE OF ALLEGIANCE

Led by Mayor Joel Fajardo

APPROVAL OF AGENDA

Mayor Fajardo announced the content for Item No. 3 was inadvertently included in the agenda packet under Item No. 4 and vice versa.

Motion by Mayor Fajardo, seconded by Councilmember Mendoza, to approve the agenda as amended, restoring the content of Item No. 3 to Item No. 4 and the content of Item No. 4 back to Item No. 3. The motion carried with the following vote:

ROLL CALL

AYES: Fajardo, Ballin, Mendoza – 3
NOES: None
ABSTAIN: None
ABSENT: Pacheco, Gonzales - 2

PUBLIC STATEMENTS: None

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CONSENT CALENDAR

Councilmember Mendoza pulled Item No. 3 from the Consent Calendar for separate discussion.

Motion by Mayor Fajardo, seconded by Councilmember Mendoza to approve Consent Calendar Items No. 1 and 2 to approve:

- 1) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER
- 2) CONSIDERATION TO APPROVE SUBMITTAL OF A GRANT APPLICATION TO THE FARMERS MARKET PROMOTION PROGRAM FOR FUNDING OF A FARMERS MARKET IN SAN FERNANDO

The motion carried with the following vote:

AYES: Fajardo, Ballin, Mendoza – 3
NOES: None
ABSTAIN: None
ABSENT: Pacheco, Gonzales – 2

ITEM PULLED FOR DISCUSSION

- 3) CONSIDERATION TO WAIVE 2019 BUSINESS LICENSE PENALTY FEES

City Manager Kimball provided a brief report and responded to Councilmembers questions.

Motion by Councilmember Mendoza, seconded by Councilmember Ballin to approve:

- a. Consider temporarily waiving Business License Penalty Fees from 2019 and resuming the collection of Penalty Fees in February 2021;
- b. Adopt Resolution No. 8803 implementing the proposed waiving of Business License Penalty Fees from 2019 and resuming collection of fees in February 2021; and
- c. Authorize the City Manager, or designee, to finalize and execute all documents related to waiving the 2019 Business License Penalty Fees and Councilmember Ballin seconded the motion.

The motion carried with the following vote:

ROLL CALL

AYES: Fajardo, Gonzales, Ballin, Mendoza – 4
NOES: None
ABSTAIN: Pacheco - 1
ABSENT: None

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ADMINISTRATIVE REPORTS

4) DISCUSSION OF CITY'S ACTIONS REGARDING CORONAVIRUS INCLUDING FINANCIAL ASSISTANCE PROGRAMS AND FUNDING OPPORTUNITIES

City Manager Kimball discussed the need to develop ways to decrease the number of COVID-19 cases emphasized the importance of safety protocols.

Councilmembers commented on the increased number of positive cases and stricter guidelines and enforcements, such as restaurants providing pre-packaged utensils and the costs involved for the owner, increase community outreach efforts to educate and remind everyone to take necessary appropriate precautions and to follow the health order guidelines and the potential use of CDBG funds towards educational efforts.

Deputy City Manager/Director of Community Development Tim Hou displayed informational materials for distribution to local businesses; addressed Code Enforcement and spoke about efforts and resources available through the County Health Department.

It was the consensus of the City Council to bring back a report for the discussion regarding extending financial assistance programs to the special meeting on May 21, 2020.

5) DISCUSS USE OF ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS PROVIDED THROUGH THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT

City Manager Kimball presented details of the report.

Discussion followed regarding investing \$25,000 for PPE for employees and local businesses, food vouchers, hiring a consultant to coordinate COVID-19 aid and help small businesses reopen safely, continuing to work with the County in terms of testing, working with local supermarkets, putting together PPE care packages for distribution to San Fernando households and businesses, the possibility of using CDBG funds for upgrades to bandwidth and youth enrichment programs.

Motion by Mayor Fajardo, and seconded by Councilmember Mendoza to receive a presentation regarding the additional Community Development Block Grant funding allocated to the City through the Coronavirus Aid, Relief, and Economic Security Act; limit focus to Items No. 1 and 3 in the staff report and direct staff to return with a plan to implement those items.

The motion carried with the following vote:

| | |
|----------|------------------------------|
| AYES: | Fajardo, Pacheco, Ballin – 3 |
| NOES: | Gonzales, Mendoza - 2 |
| ABSTAIN: | None |
| ABSENT: | None |

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- 6) CONSIDERATION TO APPROVE A COOPERATION AGREEMENT WITH THE LOS ANGELES COUNTY DEVELOPMENT AUTHORITY TO CONTINUE PARTICIPATION IN THE LOS ANGELES URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

City Manager Kimball presented details of the report.

Motion by Councilmember Ballin, and seconded by Councilmember Gonzales to approve the Cooperation Agreement with the Los Angeles County Development Authority (Contract No. 1952) to continue participation in the Los Angeles Urban County Community Development Block Grant program; and authorize the City Manager to make non-substantive changes and execute all related documents.

The motion carried with the following vote:

| | |
|----------|--|
| AYES: | Pacheco, Gonzales, Ballin, Mendoza – 4 |
| NOES: | None |
| ABSTAIN: | None |
| ABSENT: | Fajardo - 1 |

- 7) CONSIDERATION TO APPROVE AN INCREASE TO ENVIROGEN TECHNOLOGIES' PURCHASE ORDER FOR ADDITIONAL OPERATION AND MAINTENANCE SERVICES RELATED TO THE ION-EXCHANGE SYSTEM FOR SAN FERNANDO WELL NO. 7

City Manager Kimball presented details of the report.

Motion by Councilmember Gonzales, and seconded by Councilmember Ballin to authorize the City Manager to increase Purchase Order No. 12115 with Envirogen Technologies in the amount of \$40,000 to cover the cost of additional operations and maintenance services related to the Ion-Exchange System at San Fernando Well No. 7.

The motion carried with the following vote:

| | |
|----------|--|
| AYES: | Pacheco, Gonzales, Ballin, Mendoza – 4 |
| NOES: | None |
| ABSTAIN: | None |
| ABSENT: | Fajardo - 1 |

- 8) CONSIDERATION TO ADOPT AN URGENCY ORDINANCE AMENDING SECTION 26-91(A) OF THE SAN FERNANDO CITY CODE TO PERMIT THE APPOINTMENT OF ANY MEMBER OF THE COUNCIL AS CHAIR AND VICE CHAIR OF THE DISASTER COUNCIL

This Urgency Ordinance was introduced pursuant to Government Code Sections 36934 and 36937 and requires a four-fifths (4/5th's) vote for adoption.

City Manager Kimball presented details of the report.

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Mayor Fajardo indicated his wish to continue serving on the Disaster Council through the end of his term.

Discussion followed regarding the eliminating stipends for members of the Disaster Council and the importance of having two City Council members on the Disaster Council.

Councilmember Gonzales expressed interest in serving on the Disaster Council and listed his experience and qualifications.

Discussion followed regarding including a coordinator for emergency services in the Council and someone from the Public Works Department.

It was the consensus of the City Council that lunch be provided to its members at the quarterly Disaster committee meetings.

Motion by Mayor Fajardo, seconded by Councilmember Ballin to adopt Urgency Ordinance No. 1694 by title, "An Urgency Ordinance amending Section 26-91(a) of the San Fernando City Code to permit the appointment of any member of the City Council as Chair and Vice Chair of the Disaster Council" and eliminate stipends for members of the Disaster Council.

The motion carried with the following vote:

| | |
|----------|--|
| AYES: | Fajardo, Ballin, Gonzales, Mendoza – 4 |
| NOES: | Pacheco - 1 |
| ABSTAIN: | None |
| ABSENT: | None |

City Manager Kimball clarified that the discussion to select two City Councilmembers to serve on the Disaster Committee would be brought back to City Council at the next meeting.

9) CONSIDERATION TO ADOPT AN ORDINANCE AMENDING SECTION 2-121(2) AND SECTION 2-161 OF THE SAN FERNANDO CITY MUNICIPAL CODE TO PERMIT THE APPOINTMENT OF A CITY CLERK BY THE CITY MANAGER

City Manager Kimball presented details of the report.

Motion by Mayor Fajardo, and seconded by Councilmember Gonzales to introduce for first reading, in title only, and waive full reading of Ordinance No. 1695 "An Ordinance of the City Council of the City of San Fernando, California, amending section 2-121(2) and Section 2-161 of the San Fernando Municipal Code to permit the appointment of a City Clerk by the City Manager."; and adopt Resolution No. 7973(a) amending Resolution No. 7973 to include the City Clerk in the Executive Compensation Plan for Department Head classifications.

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The motion carried with the following vote:

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

Mayor Fajardo left the meeting at 8:32 P.M.

10) CONSIDERATION OF FISCAL YEAR (FY) 2020-2021 LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT (LLAD) APPROVAL OF ENGINEER'S REPORT AND SETTING THE DATE FOR THE PUBLIC HEARING

City Manager Kimball presented details of the report.

Motion by Councilmember Gonzales to adopt Resolution No. 7999 approving the Engineer's Report for FY 2020-2021 Landscaping and Lighting Assessment District (LLAD); and adopt Resolution No. 8000 declaring the City Council's intention to order the annual assessments for FY 2020-2021 LLAD and setting the date for the Public Hearing on June 15, 2020, and seconded by Councilmember Ballin.

The motion carried with the following vote:

| | |
|----------|--|
| AYES: | Pacheco, Gonzales, Ballin, Mendoza – 4 |
| NOES: | None |
| ABSTAIN: | None |
| ABSENT: | Fajardo - 1 |

City Manager Kimball suggested hearing Items No. 11 and 12, concurrently.

11) CONSIDERATION TO ADOPT A RESOLUTION AUTHORIZING THE CITY TREASURER AND DEPUTY CITY TREASURER TO INVEST SURPLUS FUNDS

12) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE INVESTMENT POLICY FOR FISCAL YEAR 2020-21

Motion by Councilmember Ballin, seconded by Councilmember Gonzales to adopt Resolution No. 8001 authorizing the City Treasurer and Deputy City Treasurer to invest surplus funds and adopt Resolution No. 8002, approving the Annual Investment Policy for Fiscal Year 2020-2021.

The motion carried with the following vote:

| | |
|----------|--|
| AYES: | Pacheco, Gonzales, Ballin, Mendoza – 4 |
| NOES: | None |
| ABSTAIN: | None |
| ABSENT: | Fajardo - 1 |

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13) WALK-ON ITEM

Motion by Councilmember Gonzales to approve a letter of support calling on the State to secure \$7 billion in direct and flexible funding to support critical local services and secure CARES Act funding for all cities for COVIC-19 related expenditures, and the federal government to secure \$500 billion in direct and flexible funding for all cities nationwide to support critical local services and seconded by Mayor Fajardo.

The motion carried with the following vote:

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

STAFF COMMUNICATION INCLUDING COMMISSION UPDATES

City Clerk Fritz provided an update of a recent meeting of the Education Commission where it chose ten students for receipt of an educational scholarship.

Deputy City Manager/Director of Community Development Hou provided an update of a recent meeting of the Planning and Preservation Commission and announced the City received an American Planning Association award for Excellence for a Comprehensive Plan in a Small Jurisdiction.

City Manager Kimball presented updates of the construction efforts on Glen Oaks; addressed Education and Transportation Safety Commission meetings; spoke about support from the Community Investment Fund for a High School Senior banner program; thanked City Council for its support for staff and discussed closure of City parks and City Hall.

GENERAL COUNCIL COMMENTS AND LIAISON UPDATES

Councilmember Mendoza reported her appointment to the L.A. County Selection Committee for the L.A. County Library Commission and thanked Former Assemblymember Patty Lopez for the recent food distribution event at the San Fernando Swap Meet.

Councilmember Gonzales congratulated Councilmember Mendoza on her appointment; thanked City Council for supporting the letter relative to the CARES Act funding; discussed installation of banners; spoke about COVID-19 increasing case numbers and addressed organized sports.

Councilmember Ballin congratulated Deputy City Manager/Director of Community Development Hou on the recent award; discussed Nurses Appreciation Month; thanked the Shadow Hills Rotary Club for the donation of face shields to nursing homes; asked that the City send a letter of appreciation to them and spoke about moratoriums on evictions.

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Vice Mayor Pacheco presented an update on the City's tree-planting efforts; congratulated recipients of the Education Commission scholarships and thanked City staff for their work obtaining grants.

ADJOURNMENT (9:05 P.M.)

Motion by Vice Mayor Pacheco, seconded by Councilmember Mendoza to adjourn the meeting at 9:05 p.m. By consensus the motion carried, with Mayor Fajardo absent.

I do hereby certify that the foregoing is a true and correct copy of the minutes of May 18, 2020, meeting as approved by the San Fernando City Council.

Julia Fritz, City Clerk

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**JUNE 1, 2020 – 6:00 P.M.
REGULAR MEETING**

Teleconference Per Governor Executive Order N-29-20

CALL TO ORDER/ROLL CALL

Mayor Joel Fajardo called the meeting to order at 6:09 P.M.

Present:

Council: Mayor Joel Fajardo, Vice Mayor Hector A. Pacheco and Councilmembers Sylvia Ballin and Mary Mendoza

Staff: City Manager Nick Kimball, Assistant City Attorney Richard Padilla, Chief of Police Anthony Vairo, Deputy City Manager/Director of Community Development Tim Hou, and City Clerk Julia Fritz

Absent: Councilmember Robert C. Gonzales

PLEDGE OF ALLEGIANCE

Led by Mayor Joel Fajardo

INVOCATION

Led by Councilmember Sylvia Ballin

APPROVAL OF AGENDA

City Manager Kimball reported declaring a local emergency and activating the City's Local Emergency Management System relative to the recent civil unrest and implementation of curfews for today and tomorrow; noted the action must be ratified by City Council and deferred to the Assistant City Attorney for an explanation.

Assistant City Attorney Padilla explained one item concerns the affirmation of a proclamation relative to the City Manager's declaration of a local emergency and the other item concerns authorizing the City Manager's ability to declare a curfew. He discussed the County order; noted the City cannot have a more-relaxed order but can impose more-stringent orders and reported a 4/5ths vote is needed to add the items to the meeting agenda for City Council action as emergency items, as they came to the attention of the City after the agenda was published.

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MINUTES – June 1, 2020

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Motion by Mayor Fajardo, seconded by Councilmember Mendoza, to approve the agenda with the emergency item as described by the City Attorney, labeled Item No. 8, and the motion carried by roll call vote with Councilmember Gonzales, absent.

PUBLIC STATEMENTS:

City Clerk Fritz read the following public comments submitted via email:

David Govea, Chair, San Fernando Education Commission, expressed appreciation for City Councils continued support; highlighted current programs and mentioned recent Education Commission accomplishments.

Christina Bernal, Chair, San Fernando Mall Association, referenced a proposal for restaurants to offer outdoor dining to allow restaurants to continue operations at a reduced capacity during the COVID-19 pandemic protocols in place and urged City Council to support the proposal.

Adriana Gomez, San Fernando Mall Association, addressed negative impacts affecting small businesses due to COVID-19; referenced a proposal requesting to allow outdoor shopping spaces that would allow businesses to continue operations and urged the City to continue its support.

Mayor Fajardo read the above statements in Spanish.

City Clerk Fritz listed businesses that declared support declaring support for Ms. Gomez' request.

Lorena Soto expressed disappointment at having received various parking citations and indicated having her family targeted and followed by another community member, due to her contacting the City Manager for assistance to resolve any issues.

Cristal Ludena, opposed increasing the Police Department budget and suggested that the funds be redistributed back into the community and spoke about discussing the Black Lives Matter movement with the City.

Arturo Garcia-Mendoza, Field Representative with the office of Assemblywoman Luz Rivas provided resources and information to keep residents safe and informed of the COVID-19 pandemic and addressed upcoming virtual meetings hosted by the Assemblywoman.

CONSENT CALENDAR

Vice Mayor Pacheco pulled Consent Calendar Item 3 for separate discussion.

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Motion by Mayor Fajardo to approve Consent Calendar Item Nos. 1, 2 and 4, seconded by Vice Mayor Pacheco to approve:

- 1) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER
- 2) CONSIDERATION TO ADOPT A RESOLUTION APPROVING A COOPERATION AGREEMENT WITH LOS ANGELES COUNTY DEVELOPMENT AUTHORITY TO CONTINUE PARTICIPATION IN THE LOS ANGELES URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM
- 4) SECOND READING OF ORDINANCE NO. 1695 APPROVING THE AMENDMENT TO SECTION 2-121(2) AND SECTION 2-161 OF THE SAN FERNANDO CITY MUNICIPAL CODE TO PERMIT THE APPOINTMENT OF A CITY CLERK BY THE CITY MANAGER

The motion carried by roll call vote with Councilmember Gonzales, absent.

ITEM PULLED FOR DISCUSSION

- 3) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE PROJECT LIST TO RECEIVE CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE PROJECT LIST AND EXPENDITURE PLAN FOR THE ROAD MAINTENANCE AND REHABILITATION ACCOUNT (RMRA) SENATE BILL (SB 1) FUNDS FOR FISCAL YEAR (FY) 2020-2021

In response to Vice Mayor Pacheco's request, City Manager Kimball discussed the City's reliance on highway funds and gas taxes; spoke about the process for selecting streets for which the funds are allocated and noted the importance of accurate Census reporting for the allocation of State funds. Additionally, he identified the streets included in the projects list for (FY) 2020-2021.

Motion by Vice Mayor Pacheco, seconded by Councilmember Ballin to:

- a. Accept \$470,622 in Senate Bill 1 (SB 1) Funds and approve the proposed project list to be funded by the SB 1 Local Streets and Roads Program;
- b. Adopt Resolution No. 8005 approving the list of projects for Fiscal Year (FY) 2020-2021 funded by SB 1, The Road Repair and Accountability Act of 2017; and
- c. Authorize staff to submit all required documents to the California Transportation Commission.

The motion carried by roll call vote with Councilmember Gonzales, absent.

SAN FERNANDO CITY COUNCIL

MINUTES – June 1, 2020

Page 4

ADMINISTRATIVE REPORTS

- 5) STUDY SESSION NO. 1 TO REVIEW AND DISCUSS THE CITY’S PROPOSED FISCAL YEAR (FY) 2020-2021 BUDGET

City Manager Kimball presented the staff report and responded to questions from Councilmembers.

Discussion followed regarding the Police Department budget compared with other City Department budgets, the possibility of adding a line item under the Recreation Department to include a Theater Group, reducing the Councilmember travel budget from \$2,000 to \$1,000 per year, exploring funds for Community Theater, continuing to allocate funds towards the Tree fund, and the importance of continuing training.

City Manager Kimball stated that City Council’s input will be incorporated into the City’s draft Proposed Fiscal Year 2020-2021 budget and would be brought back at the June 15, 2020 City Council meeting.

- 6) EVALUATION OF CITY OF SAN FERNANDO’S COVID-19 RESPONSE EFFORT AND POLICY INITIATIVES (INCLUDING FINANCIAL ASSISTANCE PROGRAMS AND THE PURSUIT OF FUNDING OPPORTUNITIES) AND APPROVAL OF RECOMMENDATIONS, MODIFICATIONS AND/OR DIRECTION PROPOSED BY CITY STAFF OR BY COUNCILMEMBERS IN CONNECTION WITH THE SAME, INCLUDING THE CREATION OF AN AD HOC COMMITTEE AND THE APPOINTMENT OF COMMITTEE MEMBERS TO STUDY AND ADVISE ON RECOMMENDATIONS AND PROPOSED MODIFICATIONS

Mayor Fajardo presented the staff report and suggested creating a Community Development Block Grant (CDBG) Ad hoc committee to discuss recommendations for use of the funds, consideration of outdoor dining alternatives, and suggested the City subsidize the potential purchase of biodegradable utensils to help stop the spread of COVID-19 and be provided to local businesses.

Discussion followed regarding developing a pilot program for outdoor dining. Staff will return to the next City Council meeting regarding details for a pilot program.

Motion by Mayor Fajardo, seconded by Councilmember Ballin to approve formation of a CDBG Ad hoc committee and to select Mayor Fajardo and Councilmember Mendoza to serve as members of the committee.

The motion carried by roll call vote with Councilmember Gonzales, absent.

SAN FERNANDO CITY COUNCIL

MINUTES – June 1, 2020

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7) DISCUSSION REGARDING A POSSIBLE COMMERCIAL AND RESIDENTIAL RENT FREEZE

Councilmember Mendoza presented the staff report and discussed the need to help residents and businesses during the current pandemic and suggested setting an appropriate time period for a potential rent freeze.

Assistant City Attorney Padilla reported many cities have implemented an anti-eviction moratorium coupled with rent freezes tied to the pandemic; noted there are limits cities can set in terms of the scope and announced the previous eviction moratorium approved by City Council expired yesterday and that the City is subject to the County's eviction moratorium currently in place.

City Manager Kimball stated staff would return with a draft ordinance, reaffirming the County's eviction moratorium reflecting the rent freeze provision.

8) EMERGENCY ITEMS – (Added by City Council action as the items came to staff's attention after publication of the agenda.) (See Approval of Agenda.)

City Manager Kimball presented the report and responded to questions from Councilmembers.

Assistant City Attorney Padilla added this would be parallel to the prior declaration of emergency to deal specifically, with the civil unrest and listed the recommended actions below:

- a. Ratify the City Manager's emergency proclamation declaring a Local Emergency to address recent civil unrest until the next regularly scheduled City Council meeting.
- b. Authorize the City Manager to declare curfews as appropriate.

Motion by Mayor Fajardo, seconded by Councilmember Ballin to approve Assistant City Attorney Padilla's recommendations as stated.

The motion carried by roll call vote with Councilmember Gonzales, absent.

STAFF COMMUNICATION INCLUDING COMMISSION UPDATES

Deputy City Manager/Director of Community Development Hou presented an update on L.A. County orders relative to COVID-19 and encouraged the public to continue following safety protocols including social distancing and face coverings.

SAN FERNANDO CITY COUNCIL

MINUTES – June 1, 2020

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GENERAL COUNCIL COMMENTS AND LIAISON UPDATES

Councilmember Mendoza thanked event organizers, sponsors and volunteers, who provided grab-and-go meals for San Fernando residents and surrounding communities and expressed her condolences to the family and friends of George Floyd.

City Manager Kimball addressed the reopening of the San Fernando Swap Meet and Councilmember Ballin urged the public to continue following safety protocols.

Vice Mayor Pacheco commented on the recent civil unrest surrounding the tragic incident of George Floyd, on the efforts of the San Fernando Mall to obtain support for outdoor dining, and requested adjourning the meeting in memory of George Floyd.

Mayor Fajardo spoke about the tragic incident of George Floyd and stated his support in the efforts bringing awareness to racial injustices around the nation.

ADJOURNMENT (8:17 P.M.)

Motion by Councilmember Mendoza to adjourn the meeting at 8:17 p.m. in memory of Mr. George Floyd, Vice Mayor Pacheco seconded the motion. The motion carried by roll call vote with Councilmember Gonzales, absent.

I do hereby certify that the foregoing is a true and correct copy of the minutes of June 1, 2020, meeting as approved by the San Fernando City Council.

Julia Fritz, City Clerk

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**CITY OF SAN FERNANDO
CITY COUNCIL/SUCCESSOR AGENCY
TO THE SAN FERNANDO REDEVELOPMENT AGENCY
MINUTES**

**SEPTEMBER 7, 2021 – 6:00 P.M.
REGULAR MEETING**

**CITY HALL COUNCIL CHAMBER
117 MACNEIL STREET
SAN FERNANDO, CA 91340**

Teleconference Per Governor Executive Order N-29-20

CALL TO ORDER/ROLL CALL Vice Mayor Mary Mendoza called the meeting to order at 6:02 p.m.

Present:

Council: Vice Mayor Mary Mendoza and Councilmembers Cindy Montañez, Hector A. Pacheco (joined via teleconference at 6:03 p.m.) and Celeste Rodriguez (joined via teleconference at 6:10 p.m.)

Absent: Mayor Sylvia Ballin

Staff: City Manager Nick Kimball, Assistant City Attorney Blanca Pacheco, Chief of Police Anthony Vairo, Director of Public Works Matt Baumgardner, Director of Recreation and Community Services Julian Venegas, and City Clerk Julia Fritz

PLEDGE OF ALLEGIANCE

Led by City Clerk Julia Fritz

APPROVAL OF AGENDA

Motion by Councilmember Montañez, seconded by Vice Mayor Mendoza to approve the agenda. By consensus, the motion carried with Mayor Ballin absent.

PUBLIC STATEMENTS

Julissa Hernandez, Field Representative from the Offices of Assemblymember Luz Rivas provided updates on SB 9, SB 10 and AB 1363 and mentioned Assemblymember Rivas's Back to School Backpack Collection Drive that began on August 2 through August 13, 2021.

SAN FERNANDO CITY COUNCIL/SUCCESSOR AGENCY

MINUTES – September 7, 2021

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City Clerk Fritz read a public statement submitted via email by:

Adan Ortega, Board Director and City of San Fernando Liaison representative on the Metropolitan Water District Board of Directors submitted a letter in support of Councilmember Hector A. Pacheco's request that the City of San Fernando adopt a resolution declaring a drought emergency and taking proactive steps towards assuring adequate water supplies for the community of San Fernando.

CONSENT CALENDAR

Motion Councilmember Montañez, seconded by Vice Mayor Mendoza to approve:

- 1) CONSIDERATION TO APPROVE CITY COUNCIL MEETING MINUTES FOR:
 - a. JULY 27, 2021 – SPECIAL MEETING
 - b. AUGUST 2, 2021 – REGULAR MEETING
 - c. AUGUST 16, 2021 – SPECIAL MEETING
- 2) CONSIDERATION TO ADOPT RESOLUTION NO. 21-091 APPROVING THE WARRANT REGISTER
- 3) CONSIDERATION TO ADOPT RESOLUTION NO. 167 APPROVING THE SUCCESSOR AGENCY WARRANT REGISTER
- 4) CONSIDERATION TO APPROVE A MEMORANDUM OF UNDERSTANDING SIDE LETTER AGREEMENT BETWEEN THE CITY AND SAN FERNANDO PUBLIC EMPLOYEES ASSOCIATION/ SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 721 AND ADOPT RELATED RESOLUTIONS
- 5) CONSIDERATION TO ADOPT RESOLUTIONS APPROVING UPDATED JOB SPECIFICATIONS FOR THE POSITIONS OF POLICE CHIEF, ASSISTANT TO THE CITY MANAGER, AND MANAGEMENT INTERN
- 6) CONSIDERATION TO ADOPT RESOLUTIONS TO ACCEPT GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL, ALCOHOL POLICING PARTNERSHIP PROGRAM
- 7) CONSIDERATION TO APPROVE A THIRD AMENDMENT TO THE WILLDAN ENGINEERING PROFESSIONAL SERVICES AGREEMENT FOR THE SAN FERNANDO TRAFFIC SIGNAL IMPROVEMENT PROJECT
- 8) RECEIVE AND FILE AN UPDATE REGARDING COVID-19 RESPONSE EFFORTS

By consensus, the motion carried with Mayor Ballin absent.

SAN FERNANDO CITY COUNCIL/SUCCESSOR AGENCY

MINUTES – September 7, 2021

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ADMINISTRATIVE REPORTS

9) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE CITY’S 2021 MULTI-HAZARD MITIGATION PLAN

Director of Public Works Matt Baumgardner presented the staff report and Carolyn Harshman, Principal Planner with Emergency Planning Consultants (EPC) presented information regarding the City’s draft 2021 Multi-Hazard Mitigation Plan (MHMP) and responded to Councilmember questions.

Councilmember Montañez suggested that the mitigation plan include climate change and adaptation plans associated with specific hazards, such as extreme heat and air pollution arising from fires. Also mentioned adding corrected language associated with the information surrounding the COVID-19 statistics.

It was the recommendation by EPC to approve the resolution as presented and any amendments would be added to the MHMP as an ongoing living document. Further noted that funding opportunities offered by the Federal Emergency Management Agency would be missed if the MHMP was not approved and adopted at this time.

Motion by Councilmember Montañez, seconded by Councilmember Pacheco to:

- a. Adopt Resolution No. 8095, approving the City’s 2021 Multi-Hazard Mitigation Plan (MHMP);
- b. Authorize Emergency Planning Consultants (EPC) to forward the resolution of approval to Federal Emergency Management Agency (FEMA) for issuance of a Final Letter of Approval. Upon receipt, the Final Letter of Approval will be included in the Final Plan; and
- c. Direct staff to work with the consultant to incorporate a section regarding climate change and adaptation plan, updates to the COVID-19 related statistics and other language as applicable as part of ongoing continual living document of the City’s 2021 Multi-Hazard Mitigation Plan (MHMP).

By consensus, the motion carried with Mayor Ballin absent.

10) CONSIDERATION TO ACCEPT THE AMERICAN RESCUE PLAN ACT FUNDS AND ADOPT A RESOLUTION APPROPRIATING A PORTION OF THE FUNDS

City Manager Kimball presented the staff report and responded to Councilmember questions.

Motion by Councilmember Pacheco, seconded by Vice Mayor Mendoza to:

- a. Accept American Rescue Plan Act funds from the United States Department of the Treasury in the amount of \$2,909,170;

SAN FERNANDO CITY COUNCIL/SUCCESSOR AGENCY

MINUTES – September 7, 2021

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- b. Approve Resolution No. 8097 amending the Fiscal Year 2021-2022 Adopted Budget to appropriate \$2,909,170 in revenues and \$250,000 in expenses in Fund 121 – American Rescue Plan Act Fund;
- c. Authorize the City Manager to use the appropriated funds to reimburse the City for supply, equipment, cleaning, capital improvement, capital purchase and other operating costs incurred as a direct result of the City's COVID-19 response efforts in FY 2020-2021 and FY 2021-2022.

The motion carried by the following vote:

ROLL CALL

AYES: Rodriguez, Pacheco, Mendoza - 3

NOES: None

ABSTAIN: Montañez - 1

ABSENT: Ballin -1

11) CONSIDERATION TO DETERMINE A CITY POSITION ON THE 2021 LEAGUE OF CALIFORNIA CITIES PROPOSED RESOLUTIONS

By consensus, direction was provided to the City's Voting Delegate, Vice Mayor Mendoza to vote in support of the resolutions as presented by the League of California Cities.

12) CONSIDERATION TO DECLARE A DROUGHT EMERGENCY IN SAN FERNANDO

Councilmember Hector A. Pacheco presented the staff report.

Staff was directed to bring back a resolution and provide information regarding what resources are available if the City declares a drought. Additionally, schedule a meeting with the Green City/Street and Parkway Ad hoc committee and Adan Ortega to begin drought mitigation discussions.

13) CONSIDERATION TO ALLOCATE INDEPENDENT CITIES FINANCE AUTHORITY'S COMMUNITY OUTREACH PROGRAM FUNDS FOR FISCAL YEAR 2021-2022

Mayor Sylvia Ballin agendized this item for discussion. It was the consensus of the City Council to table this item due to Mayor Ballin being absent, to the September 20, 2021 City Council meeting.

STAFF COMMUNICATION INCLUDING COMMISSION UPDATES

Interim Director of Finance Garcia announced that the Measure A/SF Virtual Town Hall meeting to occur on September 21, 2021 at 6:00 p.m.

SAN FERNANDO CITY COUNCIL/SUCCESSOR AGENCY

MINUTES – September 7, 2021

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Director of Recreation and Community Services Venegas announced the Parks, Wellness and Recreation Commission will be having their next meeting on Tuesday, September 14, 2021 and mentioned that there are two Commissioner vacancy's to fill.

Director of Public Works Baumgardner commented on the installation process of the overnight parking restriction signs by the City of Los Angeles.

City Clerk Fritz announced the next Education Commission meeting is tomorrow, Wednesday at 6:00 p.m.

City Manager Kimball Nick planning a Virtual Town Hall to solicit feedback on the characteristics of the next Police Chief.

GENERAL CITY COUNCIL/BOARD MEMBER COMMENTS AND LIAISON UPDATES

Councilmember Montañez mentioned the bulky trash pick-up event this weekend, spoke about two new businesses opening in the City, recognize the outdoor market event and thanked staff for organizing the City's 110th Anniversary event. She also commented on the clean-up events success, thanked Subway for their lunch donations to all the volunteers, thanked the commissions for their support and input on the Beautification Program, and requested staff to provide a brief update from the Homelessness Ad hoc committee. Staff provided a brief update. Lastly, she thanked Commissions for their support in the Beautification Program, attended the Green City Ad hoc meeting and the Valley Economic Alliance meeting and spoke on behalf of the City and recognized Sonia Garcia's recent appointment as the City's Interim Director of Finance.

Councilmember Pacheco mentioned his support of immigrants and refugees in the City, commented on the feedback received regarding the Beautification Program and requested to close the meeting in memory of Michael K. Williams.

Councilmember Rodriguez expressed her appreciation and hard work and thanked staff, colleagues, Commissions and community volunteers.

Vice Mayor Mendoza expressed thanks to staff and community volunteers for their work at the clean-up event.

ADJOURNMENT (7:50 P.M.)

Vice Mayor Mendoza adjourned the meeting in memory of Michael K. Williams at 7:50 p.m. to the next regular meeting.

I do hereby certify that the foregoing is a true and correct copy of the minutes of September 7, 2021, meeting as approved by the San Fernando City Council.

Julia Fritz, CMC
City Clerk

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**CITY OF SAN FERNANDO
CITY COUNCIL/SUCCESSOR AGENCY
TO THE SAN FERNANDO REDEVELOPMENT AGENCY
MINUTES**

**SEPTEMBER 20, 2021 – 6:00 P.M.
REGULAR MEETING**

**CITY HALL COUNCIL CHAMBER
117 MACNEIL STREET
SAN FERNANDO, CA 91340**

Teleconference Per Governor Executive Order N-29-20

CALL TO ORDER/ROLL CALL Mayor Sylvia Ballin called the meeting to order at 6:00 p.m.

Present:

Council: Mayor Sylvia Ballin, Vice Mayor Mary Mendoza and Councilmembers Cindy Montañez, Hector A. Pacheco (joined via teleconference at 6:03 p.m.)

Absent: Councilmember Celeste Rodriguez

Staff: City Manager Nick Kimball, Assistant City Attorney Blanca Pacheco, Lt. Nicole Hanchett, Director of Public Works Matt Baumgardner, Director of Recreation and Community Services Julian Venegas, and City Clerk Julia Fritz

PLEDGE OF ALLEGIANCE

Led by City Clerk Julia Fritz

APPROVAL OF AGENDA

Motion by Councilmember Montañez, seconded by Vice Mayor Mendoza to approve the agenda, as amended to consider Agenda Item No. 9, first under Administrative Reports. By consensus, the motion carried with Councilmember Rodriguez absent.

Assistant City Attorney Padilla reported that information regarding Assembly Bill 361 would be brought back to the October 4, 2021 City Council meeting for consideration.

SAN FERNANDO CITY COUNCIL/SUCCESSOR AGENCY

MINUTES – September 20, 2021

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PRESENTATIONS

- A. A PRESENTATION FROM SOUTHERN CALIFORNIA EDISON REGARDING AN OVERVIEW OF THE CHARGE READY PROGRAM

Representatives from Southern California Edison presented information regarding the Charge Ready Program.

PUBLIC STATEMENTS

Silverio Pelayo, Community Engagement Coordinator with Pueblo y Salud, Inc. spoke via teleconference in support of Agenda Item No. 9.

Mireya Garcia, submitted a written statement via email and stated support of Agenda Item No. 9.

Julissa Hernandez, Field Representative, Office of Assemblywoman Luz Rivas announced that Assembly Bill 974 was enacted into law on September 16, 2021, regarding improving the safety and visibility of equestrian riders and their equines while on paved highways; and also made mention of upcoming community events.

Marcela Rodriguez, spoke about concerns with trash services and suggested that the trash company hire additional employees.

Dan O'Connor, spoke in opposition to the street improvements along Orange Grove Avenue.

CONSENT CALENDAR

Motion by Vice Mayor Mendoza, seconded by Councilmember Montañez to:

- 1) CONSIDERATION TO APPROVE CITY COUNCIL MEETING MINUTES FOR SEPTEMBER 7, 2021 SPECIAL MEETING
- 2) CONSIDERATION TO ADOPT RESOLUTION NO. 21-092 APPROVING THE WARRANT REGISTER
- 3) CONSIDERATION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH UTILITY SYSTEMS SCIENCE AND SOFTWARE, INC. FOR SEWER OVERFLOW MONITORING SERVICES
- 4) CONSIDERATION TO APPROVE A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH ATHENS SERVICES FOR CITYWIDE STREET SWEEPING SERVICES
- 5) RECEIVE AND FILE AN UPDATE REGARDING COVID-19 RESPONSE EFFORTS

By consensus, the motion carried with Councilmember Rodriguez absent.

SAN FERNANDO CITY COUNCIL/SUCCESSOR AGENCY

MINUTES – September 20, 2021

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It was noted that Councilmember Pacheco left the meeting at 6:59 p.m.

ADMINISTRATIVE REPORTS

This item was heard out of order.

9) CONSIDERATION AND DISCUSSION REGARDING SMOKE-FREE MULTI-UNIT HOUSING AND OTHER TOBACCO RELATED POLICIES

The City Council received a presentation from Pueblo y Salud, Inc. (PyS) regarding information associated with smoke-free multi-unit housing and urged the City to begin the process of adopting an ordinance to ban smoking in multi-unit housing.

Councilmembers discussed their views and stated concerns with community outreach efforts, and the absence of two Councilmembers for this discussion.

By consensus, the City Council requested that staff agendize this item for continued discussions to the first meeting of November, and to mail a notice to all multi-unit property owners and tobacco retailers to solicit feedback regarding a potential smoke-free multi-unit housing ordinance to be considered.

The City Council recessed the meeting at 7:57 p.m. and reconvened at 8:04 p.m. with Councilmembers Pacheco and Rodriguez absent.

6) CONSIDERATION TO REJECT A CONSTRUCTION BID AND AUTHORIZE THE FORMAL SOLICITATION OF BIDS FOR THE UPPER RESERVOIR REPLACEMENT PROJECT

Director of Public Works Matt Baumgardner presented the staff report and responded to Councilmember questions.

Motion by Councilmember Montañez, seconded by Vice Mayor Mendoza to reject the construction bid received for the Upper Reservoir Replacement Project; and authorize the formal solicitation of bids for the Upper Reservoir Replacement Project to be re-advertised at a date within the next 120 days.

The motion carried by the following vote:

ROLL CALL

| | |
|----------|-------------------------------|
| AYES: | Montañez, Mendoza, Ballin - 3 |
| NOES: | None |
| ABSENT: | Pacheco, Rodriguez - 2 |
| ABSTAIN: | None |

SAN FERNANDO CITY COUNCIL/SUCCESSOR AGENCY

MINUTES – September 20, 2021

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7) PRESENTATION AND DISCUSSION REGARDING AN INFORMATIONAL REPORT ON THE IMPLEMENTATION OF SENATE BILL 1383 REGULATIONS

Director of Public Works Baumgardner presented an informational report on the implementation process associated with Senate Bill 1383 regulations and stated that an ordinance would be presented to City Council at the next regular meeting. The report was received and filed.

8) PRESENTATION AND DISCUSSION OF THE 2021 LOCAL TRANSACTION TAX ANNUAL REPORT FOR MEASURES “A” AND “SF”

Interim Director of Finance Sonia Garcia presented an informational report regarding the 2021 Local Transaction Tax Annual Report on the collection, management, and expenditure of the City’s Local Transaction Tax as required by the City Code. City Council received and filed the staff report.

10) CONSIDERATION TO ALLOCATE INDEPENDENT CITIES FINANCE AUTHORITY’S COMMUNITY OUTREACH PROGRAM FUNDS FOR FISCAL YEAR 2021-2022

(This Item was continued from the September 7, 2021 City Council Meeting)

Mayor Sylvia Ballin presented the staff report. Motion by Mayor Ballin, seconded by Vice Mayor Mendoza to approve the Independent Cities Finance Authority’s Community Outreach Program funds of \$7,500 appropriated to the Veteran’s Banner Program, and adopt Resolution No. 8096 appropriating the funds in the Fiscal Year 2021-2022 adopted Budget.

The motion carried by the following vote:

ROLL CALL

| | |
|----------|-------------------------------|
| AYES: | Montañez, Mendoza, Ballin - 3 |
| NOES: | None |
| ABSENT: | Pacheco, Rodriguez - 2 |
| ABSTAIN: | None |

STAFF COMMUNICATION INCLUDING COMMISSION UPDATES

City Clerk Fritz reported the September 14, 2021 Gubernatorial Recall Election activities concluded, noted one reported incident involving the removal of an election sign placed in the public right of way; and stated the Education Commission Student of the Month presentation had been postponed to a future meeting due to scheduling conflicts.

Director of Public Works Baumgardner announced there will be a pop up event this Saturday at the San Fernando Mall Street Fair to seek comments towards the Safe and Active Streets program and mentioned as well as tree planting on Library Street.

SAN FERNANDO CITY COUNCIL/SUCCESSOR AGENCY

MINUTES – September 20, 2021

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Director of Recreation and Community Services Venegas reported on upcoming community events and mentioned the next Parks, Wellness and Recreation Commission meeting will be on Tuesday, September 21.

City Manager Kimball encourage all residents to participate and provide comments for the recruitment of the City's Chief of Police, in the virtual town hall event. Lastly he announced that the eviction moratorium expires on September 30 and provided information on available rent relief resources.

GENERAL CITY COUNCIL/BOARD MEMBER COMMENTS AND LIAISON UPDATES

Councilmember Montañez spoke about the movie event in the park, attended grand opening activities for The Midnight Hour Records store and Shadow Brewery; spoke about the pop up event for the Safe and Active Streets program, encouraged residents to help plant trees, spoke at the Valley Industry Commerce Association meeting on behalf of the City, and mentioned the re-opening of Sunday tours at the Lopez Adobe.

Vice Mayor Mendoza thanked staff for their work and reported she participated virtually in a meeting of the Los Angeles County Library Committee.

Mayor Ballin thanked Republic Services for the quarterly bulky pick up event.

ADJOURNMENT (8:38 p.m.)

Mayor Ballin adjourned the meeting at 8:38 p.m. to the next regular meeting.

I do hereby certify that the foregoing is a true and correct copy of the minutes of September 20, 2021, meeting as approved by the San Fernando City Council.

Julia Fritz, CMC
City Clerk

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**OCTOBER 18, 2021 – 5:00 P.M.
SPECIAL MEETING**

**City Hall Council Chambers
117 Macneil Street, San Fernando, CA 91340**

CALL TO ORDER/ROLL CALL

Mayor Ballin called the special meeting to order at 5:00 p.m.

Present:

Council: Mayor Sylvia Ballin, Vice Mayor Mary Mendoza, and Councilmember Cindy Montañez

Staff: City Manager Nick Kimball and Assistant City Attorney Richard Padilla

Absent: Councilmember Hector A. Pacheco and Celeste Rodriguez

APPROVAL OF AGENDA

Motion by Vice Mayor Mendoza, seconded by Councilmember Montañez to approve the agenda.
Motion carried with Councilmembers Pacheco and Rodriguez absent.

PUBLIC STATEMENTS - WRITTEN/ORAL None

RECESS TO CLOSED SESSION (5:01 P.M.)

By consensus, Councilmembers recessed to Closed Session.

Councilmember Celeste Rodriguez arrived at 5:14 p.m. directly into the closed session meeting.

**A) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
PURSUANT TO G.C. §54956.9(D)(1):**

Name of Case: Guzman v. City of San Fernando
WC Case No.: ADJ11275712
File No.: CL0117GV

**SAN FERNANDO CITY COUNCIL
SPECIAL MEETING MINUTES – OCTOBER 18, 2021**

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**B) CONFERENCE WITH LABOR NEGOTIATOR
PURSUANT TO G.C. §54957.6:**

Designated City Negotiators:

City Manager Nick Kimball

Employees and Employee Bargaining Units:

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)

All Unrepresented Employees

RECONVENE/REPORT OUT FROM CLOSED SESSION

Assistant City Attorney Padilla stated there was no reportable action as a result of the Closed Session meeting held on October 18, 2021, at 5:00 p.m.

ADJOURNMENT

The City Council adjourned the special meeting at 5:55 p.m. to the regular meeting at 6:00 p.m.

I do hereby certify that the foregoing is a true and correct copy of the minutes of October 18, 2021, Special Meeting, as approved by the San Fernando City Council.

Julia Fritz, CMC
City Clerk

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AGENDA REPORT

To: Mayor Sylvia Ballin and Councilmembers

From: Nick Kimball, City Manager
By: Sonia G. Garcia, Interim Director of Finance/City Treasurer

Date: November 1, 2021

Subject: Consideration to Adopt a Resolution Approving the Warrant Register

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 21-111 (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/City Treasurer 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/City Treasurer 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. 21-111

RESOLUTION NO. 21-111

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO ALLOWING AND APPROVING FOR PAYMENT DEMANDS PRESENTED ON DEMAND/ WARRANT REGISTER NO. 21-111

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 1st day of November, 2021.

Sylvia Ballin, Mayor of the City of San Fernando, California

ATTEST:

Julia Fritz, City Clerk

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. 21-111 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 1st day of November, 2021, by the following vote of the City Council:

AYES:

NAYS:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have here unto set my hand and affixed the official seal of the City of San Fernando, California, this _____ day of November, 2021.

Julia Fritz, City Clerk

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| 10/27/2021 8:58:51AM | | CITY OF SAN FERNANDO | | | | | | |
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| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount | | |
| 224500 | 11/1/2021 | 890104 ABBA TERMITE & PEST CONTROL | 47710 | | BEE REMOVAL-1037 WOODWORTH | | | |
| | | | | | 070-383-0000-4260 | 95.00 | | |
| | | | 47880 | | BEE REMOVAL-654 LAZARD | | | |
| | | | | | 001-346-0000-4260 | 95.00 | | |
| | | | 47920 | | BEE TREATMENT - N HAGAR & 3RD | | | |
| | | | | | 001-346-0000-4260 | 95.00 | | |
| | | | | | Total : | 285.00 | | |
| 224501 | 11/1/2021 | 891587 ABLE MAILING INC. | 34592 | | MAILING AND FULFILLMENT SERVICES | | | |
| | | | | 12444 | 072-360-0000-4300 | 87.68 | | |
| | | | | 12444 | 070-382-0000-4300 | 87.68 | | |
| | | | 34629 | | WATER ENVELOPE STORAGE FEE-SEI | | | |
| | | | | | 070-382-0000-4300 | 12.50 | | |
| | | | | | 072-360-0000-4300 | 12.50 | | |
| | | | | | Total : | 200.36 | | |
| 224502 | 11/1/2021 | 888356 ADVANCED AUTO REPAIR | 1521 | | VEHICLE MAINT, REPAIRS & BODY WO | | | |
| | | | | 12537 | 041-320-0390-4400 | 1,050.21 | | |
| | | | 1526 | | VEHICLE MAINT, REPAIRS & BODY WO | | | |
| | | | | 12537 | 041-320-0225-4400 | 569.10 | | |
| | | | 1530 | | VEHICLE MAINT, REPAIRS & BODY WO | | | |
| | | | 12537 | 041-320-0224-4400 | 304.90 | | | |
| | | | | | Total : | 1,924.21 | | |
| 224503 | 11/1/2021 | 891969 ADVANCED PURE WATER SOLUTIONS | 1055089 | | DRINKING WATER | | | |
| | | | | | 001-222-0000-4300 | 98.55 | | |
| | | | | | Total : | 98.55 | | |
| 224504 | 11/1/2021 | 889043 ALADIN JUMPERS | 7965 | | RENTAL OF CHAIRS & DANCE FLOORS | | | |
| | | | | | 001-424-0000-4260 | 685.70 | | |
| | | | 8034 | | RENTAL OF TABLES & CHAIRS | | | |
| | | | | | 004-2346 | 280.00 | | |
| | | | | | Total : | 965.70 | | |
| 224505 | 11/1/2021 | 891442 ALEX AUTO DETAILING | 101221 | | AUTO DETAILING | | | |
| | | | | | 001-222-0000-4320 | 100.00 | | |
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| 224505 | 11/1/2021 | 891442 ALEX AUTO DETAILING | (Continued) | | | |
| | | | 101321 | | AUTO DETAILING | |
| | | | | | 001-222-0000-4320 | 200.00 |
| | | | 101921 | | AUTO DETAILING | |
| | | | | | 001-222-0000-4320 | 300.00 |
| | | | 102021 | | AUTO DETAILING | |
| | | | | | 001-222-0000-4320 | 200.00 |
| | | | | | Total : | 800.00 |
| 224506 | 11/1/2021 | 100164 AMERICAN PLANNING ASSOCIATION | 144992-21103 | | ANNUAL ADVISORY SERVICES | |
| | | | | | 001-150-0000-4380 | 695.00 |
| | | | | | Total : | 695.00 |
| 224507 | 11/1/2021 | 100165 AMERICAN WATER WORKS, INC. | 10012021 | | MATL'S TO REPAIR PRESSURE WASHE | |
| | | | | | 001-152-0000-4300 | 329.78 |
| | | | 100821 | | POWER WASHER MAINT | |
| | | | | | 001-152-0000-4300 | 210.36 |
| | | | 31661 | | VEHICLE MAINT-CE8007 | |
| | | | | | 041-320-0152-4400 | 329.77 |
| | | | 31698 | | VEHICLE MAINT-CE8007 | |
| | | | | | 041-320-0152-4400 | 210.36 |
| | | | | | Total : | 1,080.27 |
| 224508 | 11/1/2021 | 100188 ANDY GUMP INC. | 858240 | | PORTABLE RESTROOM SERVICE | |
| | | | | 12491 | 121-390-3689-4260 | 197.17 |
| | | | 860710 | | PORTABLE RESTROOM SERVICE | |
| | | | | 12491 | 121-390-3689-4260 | 176.00 |
| | | | | | Total : | 373.17 |
| 224509 | 11/1/2021 | 893441 ARAMARK REFRESHMENT SERVICES | 5179864 | | EMPLOYEE BREAK ROOM SUPPLIES | |
| | | | | 12451 | 001-222-0000-4300 | 304.84 |
| | | | | | Total : | 304.84 |
| 224510 | 11/1/2021 | 102530 AT & T | 818-270-2203 | | PD NETWORK LINE -OCT 2021 | |
| | | | | | 001-222-0000-4220 | 221.26 |
| | | | | | Total : | 221.26 |

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| 224511 | 11/1/2021 | 892412 AT&T | 287297930559X1010202 | | MDT MODEMS - PD UNITS SEPTEMBER 001-222-0000-4220 | 537.39 |
| | | | | | Total : | 537.39 |
| 224512 | 11/1/2021 | 889037 AT&T MOBILITY | 28727793027X1008202 | | MODEM FOR ELECTRONIC MESSAGE 001-310-0000-4220 | 101.19 |
| | | | | | Total : | 101.19 |
| 224513 | 11/1/2021 | 889942 ATHENS SERVICES | 11117272 | | CITY STREET SWEEPING | |
| | | | | 12528 | 011-311-0000-4260 | 2,891.00 |
| | | | | 12528 | 001-343-0000-4260 | 14,552.40 |
| | | | | | Total : | 17,443.40 |
| 224514 | 11/1/2021 | 890980 AVILA, JESSE H. | OCT 2021 | | GLACVCD TRUSTEE MEMBER STIPEND 001-190-0000-4111 | 150.00 |
| | | | | | Total : | 150.00 |
| 224515 | 11/1/2021 | 893013 AYSON, LEILANI | 10/04/21-10/27/21 | | CONTRACTED INSTRUCTOR: ZUMBA 017-420-1337-4260 | 212.00 |
| | | | | 12546 | | Total : |
| | | | | | | 212.00 |
| 224516 | 11/1/2021 | 892784 BARAJAS, MARIA BERENICE | 10/04/21-10/28/21 | | CONTRACTED INSTRUCTOR (TBC/CYC) 017-420-1337-4260 | 725.00 |
| | | | | 12547 | | Total : |
| | | | | | | 725.00 |
| 224517 | 11/1/2021 | 893924 BUCKLEY, BRANDON | REIMB. | | UNIFORM BOOTS 001-225-0000-4325 | 100.00 |
| | | | | | Total : | 100.00 |
| 224518 | 11/1/2021 | 888800 BUSINESS CARD | 083121 | | RGSTR-SEMINAR-NEW & FUTURE CITY 001-105-0000-4370 | 600.00 |
| | | | 090121 | | ADVERTISEMENT-COMM DEV DIR REC 001-106-0000-4230 | 300.00 |
| | | | 090121-2219 | | MEMBERSHIP FEES-2219 001-190-0000-4435 | 18.00 |
| | | | 092121 | | ACROBAT PRO LICENSE 001-135-0000-4260 | 112.83 |
| | | | 092221 | | LODGING-LEAGUE OF CA. CITIES ANN | |

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| 224518 | 11/1/2021 | 888800 BUSINESS CARD | (Continued) | | | |
| | | | 092321 | | 001-101-0107-4370 | 201.49 |
| | | | 092321 | | ADVERTISEMENT-ASST TO THE CITY A 001-106-0000-4230 | 300.00 |
| | | | | | EMAIL MARKETING SUB 001-105-0000-4260 | 481.25 |
| | | | | | 001-420-0000-4260 | 481.25 |
| | | | 092421 | | LODGING-LEAGUE OF CA CITIES ANN 001-101-0107-4370 | 460.14 |
| | | | 092721-1 | | OFFICE SUPPLIES 001-105-0000-4300 | 4.95 |
| | | | 092721-2 | | OFFICE SUPPLIES 001-105-0000-4300 | 18.88 |
| | | | 092721-3 | | OFFICE SUPPLIES 001-105-0000-4300 | 21.49 |
| | | | 092921-1 | | AIR PURIFIERS & THERMOMETERS 001-420-3689-4300 | 43.98 |
| | | | 092921-2 | | AIR PURIFIERS & THERMOMETERS 001-420-3689-4300 | 522.41 |
| | | | 092921-3 | | PHONE CORDS 001-190-0000-4300 | 22.03 |
| | | | 093021-2219 | | FINANCE CHARGE 001-190-0000-4435 | 9.47 |
| | | | 100521 | | COMPUTER 001-222-0000-4300 | 1,448.59 |
| | | | 100621 | | LODGING-COMM DEV CONFERENCE 001-152-0000-4370 | 960.40 |
| | | | 100721 | | LOGO TABLECLOTH 001-420-0000-4300 | 155.45 |
| | | | 101221-1 | | RGSTR-SAFE DRINKING WATER WEBIN 070-381-0000-4360 | 150.00 |
| | | | 101221-2 | | RGSTR-SAFE DRINKING WATER WEBIN 070-381-0000-4360 | 150.00 |
| | | | 101321 | | SHIPPING BAGS 001-140-0000-4300 | 209.57 |
| | | | 101521 | | RGSTR-CONFERENCE 001-105-0000-4370 | 725.00 |

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| 224518 | 11/1/2021 | 888800 BUSINESS CARD | (Continued) 101821 | | RETIREMENT MUG 001-105-0000-4300 | 23.13 |
| | | | 101821-1 | | CITY CALENDAR-INT'L FEE 001-135-0000-4260 | 26.85 |
| | | | 101821-2 | | CITY CALENDAR 001-135-0000-4260 | 895.00 |
| | | | 101921 | | RGSTR-SAFE DRINKING WATER WEBIT 070-381-0000-4360 | 150.00 |
| | | | | | Total : | 8,492.16 |
| 224519 | 11/1/2021 | 888800 BUSINESS CARD | 101921 | | TACTICAL SLING 001-222-0000-4300 | 586.76 |
| | | | | | Total : | 586.76 |
| 224520 | 11/1/2021 | 100466 CACEO | 200018495 | | CCEO APP FEE 001-152-0000-4380 | 200.00 |
| | | | | | Total : | 200.00 |
| 224521 | 11/1/2021 | 892464 CANON FINANCIAL SERVICES, INC | 27509833 | 12470 | CANON COPIERS LEASE PAYMENT-OC 001-135-0000-4260 | 651.40 |
| | | | | | Total : | 651.40 |
| 224522 | 11/1/2021 | 893917 CBEK TILE AND STORAGE DESIGN | 000093 | | LAS PALMAS PARK RENOVATION PRO. 010-422-3709-4600 | 1,500.00 |
| | | | | | Total : | 1,500.00 |
| 224523 | 11/1/2021 | 100472 CCAC | 300000660 | | MEMBERSHIP DUES 001-310-0000-4380 | 200.00 |
| | | | | | Total : | 200.00 |
| 224524 | 11/1/2021 | 101957 CITY OF LOS ANGELES | SF220000004 | | FIRE SERVICES - NOV 2021 001-500-0000-4260 | 234,990.08 |
| | | | | | Total : | 234,990.08 |
| 224525 | 11/1/2021 | 103029 CITY OF SAN FERNANDO | 3812-3849 | | REIMB TO WORKER'S COMP ACCT 006-1038 | 11,984.59 |

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| 224525 | 11/1/2021 | 103029 103029 CITY OF SAN FERNANDO | (Continued) | | | Total : 11,984.59 |
| 224526 | 11/1/2021 | 891052 CRISTANDO HOUSE, INC | 300604 | | RGSTR-CIVILIAN PD LEADERSHIP COL 001-222-0000-4360 | 125.00 |
| | | | | | Total : | 125.00 |
| 224527 | 11/1/2021 | 893775 CSG CONSULTANTS | 39623 | 12508 | CONTRACTED BUILDING INSPECTOR 001-140-0000-4270 | 9,120.00 |
| | | | | | Total : | 9,120.00 |
| 224528 | 11/1/2021 | 892472 DE NORA WATER TECHNOLOGIES | 9200048339 | 12455 | ON-SITE SODIUM HYPOCHLORITE GE 070-384-0000-4260 | 1,589.61 |
| | | | | | Total : | 1,589.61 |
| 224529 | 11/1/2021 | 891425 DIAZ, MARISOL | REIMB. | | EVENT SUPPLIES 001-424-0000-4300 001-422-0000-4300 | 9.00 16.73 |
| | | | | | Total : | 25.73 |
| 224530 | 11/1/2021 | 893919 DPREP INC | NONPO | | RGSTR-PAS OPERATION & CALIBRATK 001-222-0000-4360 | 125.00 |
| | | | | | Total : | 125.00 |
| 224531 | 11/1/2021 | 887380 DUENAS, MARIA CONCEPCION | AUG 2021 JULY 2021 | | MMAP PROJ ASSISTANT 109-424-3692-4260 MMAP PROJ ASSISTANT 109-424-3692-4260 | 210.00 390.00 |
| | | | | | Total : | 600.00 |
| 224532 | 11/1/2021 | 101010 DUTHIE POWER SERVICES INC. | A94359 | | ANNUAL SERVICE-WELL 3 GENERATOI 070-384-0000-4260 | 712.00 |
| | | | | | Total : | 712.00 |
| 224533 | 11/1/2021 | 889121 EDGESOFT, INC. | 3254 | 12442 | MAINTENANCE OF AIMS SOFTWARE-C 055-135-0000-4260 | 2,080.00 |
| | | | | | Total : | 2,080.00 |
| 224534 | 11/1/2021 | 890879 EUROFINIS EATON ANALYTICAL, INC | L0578383 | | ENVIRONMENTAL CITY OF S.F. DRINKII | |

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| 224534 | 11/1/2021 | 890879 EUROFINS EATON ANALYTICAL, INC | (Continued) | | | |
| | | | L0578393 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 152.00 |
| | | | L0578394 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 144.00 |
| | | | L0578395 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 144.00 |
| | | | L0578396 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 152.00 |
| | | | L0579317 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |
| | | | L0579318 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |
| | | | L0579319 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 36.00 |
| | | | L0579320 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 144.00 |
| | | | L0579332 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |
| | | | L0579910 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |
| | | | L0580510 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 339.00 |
| | | | L0580820 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |
| | | | L0580821 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |
| | | | L0580824 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |
| | | | L0581870 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 144.00 |
| | | | L0581871 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 144.00 |
| | | | L0582246 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |
| | | | L0582332 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 152.00 |

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| 224534 | 11/1/2021 | 890879 EUROFINS EATON ANALYTICAL, INC | (Continued) | | | |
| | | | L0583010 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |
| | | | L0583011 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 375.00 |
| | | | L0583012 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 152.00 |
| | | | L0583013 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |
| | | | L0583033 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |
| | | | L0583235 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |
| | | | L0583653 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 144.00 |
| | | | L0583654 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 375.00 |
| | | | L0583655 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 162.00 |
| | | | L0584146 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |
| | | | L0584744 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 900.00 |
| | | | L0584745 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |
| | | | L0584998 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |
| | | | L0585875 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 144.00 |
| | | | L0585876 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 162.00 |
| | | | L0585877 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |
| | | | L0585880 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |
| | | | L0586185 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |

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| 224534 | 11/1/2021 | 890879 EUROFINS EATON ANALYTICAL, INC | (Continued) | | | |
| | | | L0586210 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 36.00 |
| | | | L0586211 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 144.00 |
| | | | L0586213 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 315.00 |
| | | | L0586604 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |
| | | | L0586605 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |
| | | | L0586952 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 319.00 |
| | | | L0587493 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 144.00 |
| | | | L0587855 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |
| | | | L0587856 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 150.00 |
| | | | L0587915 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 84.00 |
| | | | L0588121 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 162.00 |
| | | | L0588122 | 12541 | 070-384-0000-4260 ENVIRONMENTAL CITY OF S.F. DRINKII | 177.00 |
| | | | | 12541 | 070-384-0000-4260 | 150.00 |
| | | | | | Total : | 8,796.00 |
| 224535 | 11/1/2021 | 103851 EVERSOF, INC. | R2190414 | | WATER SOFTENER-WELL 2A | |
| | | | | | 070-384-0000-4260 | 87.84 |
| | | | | | Total : | 87.84 |
| 224536 | 11/1/2021 | 893800 FAJARDO, JOANNE | SEPT 2021 | | SENIOR ZUMBA INSTRUCTOR | |
| | | | | | 017-420-1322-4260 | 60.00 |
| | | | | | Total : | 60.00 |
| 224537 | 11/1/2021 | 101216 FRED PRYOR SEMINARS | 5748954 | | TRAINING REWARDS RENEWAL | |

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| 224537 | 11/1/2021 | 101216 FRED PRYOR SEMINARS | (Continued) | | | |
| | | | | | 001-310-0000-4360 | 299.00 |
| | | | | | Total : | 299.00 |
| 224538 | 11/1/2021 | 892198 FRONTIER COMMUNICATIONS | 209-150-5145-010598 | | PAC 50 TO SHERIFFS | |
| | | | 209-150-5250-081292 | | 001-222-0000-4220 RADIO REPEATER | 564.42 |
| | | | 209-151-4941-102990 | | 001-222-0000-4220 POLICE PAGING | 46.25 |
| | | | 209-151-4942-041191 | | 001-222-0000-4220 CITY YARD AUTO DIALER | 42.08 |
| | | | 209-151-4943-081292 | | 070-384-0000-4220 RADIO REPEATER | 46.25 |
| | | | 818-361-09010-051499 | | 001-222-0000-4220 SEWER FLOW MONITORING | 46.25 |
| | | | 818-361-2385-012309 | | 072-360-0000-4220 MTA PHONE LINES | 56.73 |
| | | | | | 007-440-0441-4220 | 111.95 |
| | | | | | 001-190-0000-4220 | 55.97 |
| | | | 818-361-2472-031415 | | PW PHONE LINE | |
| | | | 818-361-3958-091407 | | 070-384-0000-4220 CNG STATION PHONE LINE | 525.33 |
| | | | 818-361-7825-120512 | | 074-320-0000-4220 HERITAGE PARK IRRIG SYSTEM | 52.93 |
| | | | 818-831-5002-052096 | | 001-420-0000-4220 POLICE SPECIAL ACTIVITIES PHONE L | 57.06 |
| | | | 818-837-7174-052096 | | 001-222-0000-4220 POLICE SPECIAL ACTIVITIES PHONE LI | 55.43 |
| | | | 818-838-1841-112596 | | 001-222-0000-4220 ENGINEERING FAX MODEM | 29.27 |
| | | | 818-898-7385-0331105 | | 001-310-0000-4220 LP PARK FAX LINE | 30.39 |
| | | | | | 001-420-0000-4220 | 42.53 |
| | | | | | Total : | 1,762.84 |
| 224539 | 11/1/2021 | 887249 GALLS, LLC | 019406456 | | HOLSTER FOR PD OFFICER | |
| | | | | | 001-222-0000-4300 | 232.68 |

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| 224539 | 11/1/2021 | 887249 887249 GALLS, LLC | (Continued) | | Total : | 232.68 |
| 224540 | 11/1/2021 | 101376 GRAINGER, INC. | 9083028259 | 12482 | SUPPLIES FOR BUILDING, ELECTRICA 001-311-0000-4300 | 358.00 |
| | | | 9083616582 | 12482 | SUPPLIES FOR BUILDING, ELECTRICA 043-390-0000-4300 | 1,218.07 |
| | | | | | Total : | 1,576.07 |
| 224541 | 11/1/2021 | 890594 HEALTH AND HUMAN RESOURCE | E0255559 | | EAP-NOV 2021 001-106-0000-4260 | 243.10 |
| | | | | | Total : | 243.10 |
| 224542 | 11/1/2021 | 101529 HOME DEPOT 0609 | REFUND-1 | | CHRISTMAS TREE LOT DEP REFUND 001-2710 | 350.00 |
| | | | REFUND-2 | | CHRISTMAS TREE LOT DEP REFUND 001-2710 | 350.00 |
| | | | | | Total : | 700.00 |
| 224543 | 11/1/2021 | 101599 IMAGE 2000 CORPORATION | 473309 | | TONER SHIPPING CHRGR-ADMIN COPIE 001-190-0000-4300 | 10.50 |
| | | | | | Total : | 10.50 |
| 224544 | 11/1/2021 | 893804 INDUSTRIAL SHOEWORKE | 1100-1282083 | | WORK SHOES-CODE ENF OFFICERS 001-152-0000-4325 | 200.00 |
| | | | | | Total : | 200.00 |
| 224545 | 11/1/2021 | 101633 INTERNATIONAL CITY/COUNTY | FY 21/22 | | FY21/22 MEMBERSHIP DUES 001-105-0000-4380 | 1,400.00 |
| | | | | | Total : | 1,400.00 |
| 224546 | 11/1/2021 | 892682 IPS GROUP, INC. | INV63439 | 12513 | SMART METER CC TRANSACTION & M 001-310-0000-4270 | 764.82 |
| | | | INV64424 | 12513 | SMART METER CC TRANSACTION & M 001-310-0000-4270 | 768.59 |
| | | | | | Total : | 1,533.41 |
| 224547 | 11/1/2021 | 891777 IRRIGATION EXPRESS | 15233659-00 | 12483 | IRRIGATION SUPPLIES FOR REPAIRS # 043-390-0000-4300 | 30.65 |

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| 224547 | 11/1/2021 | 891777 IRRIGATION EXPRESS | (Continued) 15233693-00 | 12483 | IRRIGATION SUPPLIES FOR REPAIRS # 043-390-0000-4300 | 161.35 |
| | | | 15233720-00 | 12483 | IRRIGATION SUPPLIES FOR REPAIRS # 043-390-0000-4300 | 14.34 |
| | | | 15233776-00 | 12483 | IRRIGATION SUPPLIES FOR REPAIRS # 043-390-0000-4300 | 91.56 |
| | | | 15233879-00 | 12483 | IRRIGATION SUPPLIES FOR REPAIRS # 043-390-0000-4300 | 379.21 |
| | | | 15234085-00 | 12483 | IRRIGATION SUPPLIES FOR REPAIRS # 043-390-0000-4300 | 65.87 |
| | | | | | Total : | 742.98 |
| 224548 | 11/1/2021 | 887952 J. Z. LAWNMOWER SHOP | 26345 | 12465 | SMALL EQUIPMENT REPAIRS (LAWNMA 001-311-0000-4300 | 123.83 |
| | | | | | Total : | 123.83 |
| 224549 | 11/1/2021 | 102387 K.R. NIDA CORPORATION | 3002318 | 12416 | LAPTOP MOUNT FOR CODE PRESERV 001-152-0000-4300 | 393.70 |
| | | | | | Total : | 393.70 |
| 224550 | 11/1/2021 | 892833 KIM TURNER, LLC | 4570 | | RGSTR-LEADERSHIP WORKSHOP ON 001-225-0000-4360 | 599.00 |
| | | | | | Total : | 599.00 |
| 224551 | 11/1/2021 | 102007 L.A. COUNTY SHERIFFS DEPT. | 220574SG | 12484 | INMATE MEALS-SEPT 2021 001-225-0000-4350 | 585.19 |
| | | | | | Total : | 585.19 |
| 224552 | 11/1/2021 | 101971 L.A. MUNICIPAL SERVICES | 004-750-1000 | | ELECTRIC - 13003 BORDEN 070-384-0000-4210 | 127.31 |
| | | | 494-750-1000 | | WATER-12900 DRONFIELD 070-384-0000-4210 | 76.94 |
| | | | 500-750-1000 | | ELECTRIC - 13655 FOOTHILL 070-384-0000-4210 | 173.04 |
| | | | 594-750-1000 | | ELECTRIC - 12900 DRONFIELD 070-384-0000-4210 | 6,444.88 |

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| 224552 | 11/1/2021 | 101971 L.A. MUNICIPAL SERVICES | (Continued) 657-750-1000 | | ELECTRIC - 14060 SAYRE 070-384-0000-4210 | 13,301.48 |
| | | | 694-750-1000 | | ELECTRIC & WATER - 13180 DRONFIEL 070-384-0000-4210 | 6,820.81 |
| | | | 757-750-1000 | | WATER - 14060 SAYRE 070-384-0000-4210 | 115.35 |
| | | | | | Total : | 27,059.81 |
| 224553 | 11/1/2021 | 893364 LABELLA, PAUL | 100 | | OVERNIGHT SECURITY SERVICE-REC 001-424-0000-4260 | 360.00 |
| | | | | | Total : | 360.00 |
| 224554 | 11/1/2021 | 101848 LANGUAGE LINE SERVICES | 10353960 | | TRANSLATION SERVICES 001-222-0000-4260 | 5.51 |
| | | | | | Total : | 5.51 |
| 224555 | 11/1/2021 | 893907 LESAR DEVELOPMENT CONSULTANTS | PCH-1 | 12536 | HOMELESSNESS PLAN CONSULTANT : 110-422-3682-4270 | 630.00 |
| | | | PCH-3 | 12536 | HOMELESSNESS PLAN CONSULTANT : 110-422-3682-4270 | 3,482.60 |
| | | | | | Total : | 4,112.60 |
| 224556 | 11/1/2021 | 102003 LOS ANGELES COUNTY | RE-PW-21101201827 | 12485 | INDUSTRIAL WASTE CHARGES 072-360-0000-4450 | 2,832.98 |
| | | | | | Total : | 2,832.98 |
| 224557 | 11/1/2021 | 892477 LOWES | 1083 | | MATL'S FOR MAINT REPAIR-REC PARK 043-390-0000-4300 | 16.11 |
| | | | 1087 | | WATER HEATER 043-390-0000-4300 | 790.56 |
| | | | 1945 | | MATL'S FOR MAINT REPAIR-REC PARK 043-390-0000-4300 | 137.87 |
| | | | 1966 | | MISC SUPPLIES 070-384-0000-4330 | 208.93 |
| | | | | | Total : | 1,153.47 |

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| 224558 | 11/1/2021 | 887918 MARISCAL JR, MARIO | TRAVEL | | PER DIEM-LEADERSHIP WORKSHOP C 001-225-0000-4360 | 180.00 |
| | | | | | Total : | 180.00 |
| 224559 | 11/1/2021 | 888242 MCI COMM SERVICE | 7DL39365 | | ALARM LINE -1100 PICO 001-420-0000-4220 | 35.80 |
| | | | | | Total : | 35.80 |
| 224560 | 11/1/2021 | 893442 MENDOZA, MARY | REIMB. | | TRANSPORTION-LOCC CONF 001-101-0107-4370 | 66.96 |
| | | | | | Total : | 66.96 |
| 224561 | 11/1/2021 | 102214 MIRANDA, FERNANDO | REIMB. | | WORK SHOES 001-152-0000-4325 | 96.00 |
| | | | | | Total : | 96.00 |
| 224562 | 11/1/2021 | 102226 MISSION LINEN SUPPLY | 515674429 | 12457 | LAUNDRY SERVICE FOR PD 001-225-0000-4350 | 111.19 |
| | | | 515700040 | 12457 | LAUNDRY SERVICE FOR PD 001-225-0000-4350 | 107.56 |
| | | | 515717730 | 12457 | LAUNDRY SERVICE FOR PD 001-225-0000-4350 | 89.92 |
| | | | 515743160 | 12457 | LAUNDRY SERVICE FOR PD 001-225-0000-4350 | 73.69 |
| | | | | | Total : | 382.36 |
| 224563 | 11/1/2021 | 893377 MONGE, HAYERA MELANIE | 09/18/21 & 10/16/21 | | PARENT AND ME PAITING CLASS 004-2346 | 160.00 |
| | | | | | Total : | 160.00 |
| 224564 | 11/1/2021 | 102264 MORA, RODRIGO | REIMB. | | GRADE D2 CERT TRAINING 043-390-0000-4360 | 171.00 |
| | | | | | Total : | 171.00 |
| 224565 | 11/1/2021 | 102325 NAPA AUTO PARTS | 5478-075490 | | VEHICLE MAINT-WA0246 070-383-0000-4400 | 24.23 |
| | | | 5478-075908 | | VEHICLE MAINT-ME8615 074-320-0000-4400 | 253.54 |

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| 224565 | 11/1/2021 | 102325 102325 NAPA AUTO PARTS | (Continued) | | | Total : 277.77 |
| 224566 | 11/1/2021 | 102410 NORTHRIDGE HOSPITAL MEDICAL | 30151084172 | | SART EXAM | |
| | | | 30151084859 | | 001-224-0000-4270 | 318.00 |
| | | | | | SART EXAM | |
| | | | | | 001-222-0000-4270 | 1,080.00 |
| | | | | | Total : | 1,398.00 |
| 224567 | 11/1/2021 | 102423 OCCU-MED, INC. | 1021901 | | PRE-EMPLOYMENT PHYSICALS | |
| | | | | | 001-106-0000-4260 | 1,381.50 |
| | | | | | Total : | 1,381.50 |
| 224568 | 11/1/2021 | 102432 OFFICE DEPOT | 193314869001 | | OFFICE SUPPLIES | |
| | | | 194258971001 | | 001-115-0000-4300 | 91.50 |
| | | | 200113589001 | | OFFICE SUPPLIES | |
| | | | 200113589001 | | 001-222-0000-4300 | 99.89 |
| | | | 200115875001 | | OFFICE SUPPLIES | |
| | | | 200115875001 | | 001-310-0000-4300 | 105.31 |
| | | | 200115883001 | | OFFICE SUPPLIES | |
| | | | 200115883001 | | 001-310-0000-4300 | 12.22 |
| | | | 200504168001 | | OFFICE SUPPLIES | |
| | | | 200504168001 | | 001-310-0000-4300 | 197.34 |
| | | | 201100145001 | | OFFICE SUPPLIES | |
| | | | 201100145001 | | 074-320-0000-4300 | 511.54 |
| | | | 201365878001 | | OFFICE SUPPLIES | |
| | | | 201365878001 | | 001-310-0000-4300 | 79.56 |
| | | | 201368542001 | | OFFICE SUPPLIES | |
| | | | 201368542001 | | 001-106-0000-4300 | 85.49 |
| | | | 201441296001 | | OFFICE SUPPLIES | |
| | | | 201441296001 | | 001-106-0000-4300 | 15.42 |
| | | | 201451999001 | | OFFICE SUPPLIES | |
| | | | 201451999001 | | 043-390-0000-4300 | 74.02 |
| | | | 202554465001 | | OFFICE SUPPLIES | |
| | | | 202554465001 | | 043-390-0000-4300 | 30.85 |
| | | | 202705738001 | | TONER | |
| | | | 202705738001 | | 001-130-0000-4300 | 363.79 |
| | | | 202705738001 | | OFFICE SUPPLIES | |

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| 224568 | 11/1/2021 | 102432 OFFICE DEPOT | (Continued) | | | |
| | | | 202878958001 | | 001-222-0000-4300 | 165.64 |
| | | | 203067186001 | | OFFICE SUPPLIES | |
| | | | 203067186001 | | 001-222-0000-4300 | 38.11 |
| | | | 203138049001 | | OFFICE SUPPLIES | |
| | | | 203138049001 | | 001-106-0000-4300 | 306.94 |
| | | | 203139499001 | | OFFICE SUPPLIES | |
| | | | 203139499001 | | 001-130-0000-4300 | 91.52 |
| | | | 203199419001 | | OFFICE SUPPLIES | |
| | | | 203199419001 | | 001-130-0000-4300 | 93.70 |
| | | | 203203648001 | | OFFICE SUPPLIES | |
| | | | 203203648001 | | 001-222-0000-4300 | 12.68 |
| | | | 203203653001 | | OFFICE SUPPLIES | |
| | | | 203203653001 | | 001-222-0000-4300 | 39.23 |
| | | | 203213679001 | | OFFICE SUPPLIES | |
| | | | 203213679001 | | 001-222-0000-4300 | 30.85 |
| | | | 204386834001 | | CREDIT ITEMS RETURNED | |
| | | | 204386834001 | | 001-310-0000-4300 | -197.34 |
| | | | 204392767001 | | OFFICE SUPPLIES | |
| | | | 204392767001 | | 001-222-0000-4300 | 27.66 |
| | | | 2527403674 | | OFFICE SUPPLIES | |
| | | | 2527403674 | | 001-222-0000-4300 | 80.21 |
| | | | 2527618028 | | OFFICE SUPPLIES | |
| | | | 2527618028 | | 074-320-0000-4300 | 31.53 |
| | | | 2528875415 | | OFFICE SUPPLIES | |
| | | | 2528875415 | | 001-222-0000-4300 | 79.77 |
| | | | | | 001-420-0000-4300 | 124.05 |
| | | | | | Total : | 2,591.48 |
| 224569 | 11/1/2021 | 890095 O'REILLY AUTOMOTIVE STORES INC | 4605-432498 | | VEHICLE SERVICE, MAINT. AND REPAI | |
| | | | 4605-434344 | 12538 | 041-1215 | 194.81 |
| | | | 4605-435208 | 12538 | VEHICLE SERVICE, MAINT. AND REPAI | |
| | | | | | 070-383-0000-4400 | 283.78 |
| | | | | | MISC SUPPLIES | |
| | | | | | 001-152-0000-4300 | 37.46 |

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| 224569 | 11/1/2021 | 890095 890095 O'REILLY AUTOMOTIVE STORES INC | (Continued) | | | Total : 516.05 |
| 224570 | 11/1/2021 | 893918 PD PROTECT INC | 2021-OCT-SFPD | | TRANSCRIPTION SERVICES 001-222-0000-4260 | 203.96 Total : 203.96 |
| 224571 | 11/1/2021 | 890004 PTS | 2075729 | | PD PAY PHONE - NOV 2021 001-190-0000-4220 | 65.64 Total : 65.64 |
| 224572 | 11/1/2021 | 893553 QUADIENT LEASING USA, INC | N9076307 | | QRTLY LEASE PAYMENT & RENTAL 001-190-0000-4280 | 1,449.36 Total : 1,449.36 |
| 224573 | 11/1/2021 | 102738 QUINTERO ESCAMILLA, VIOLETA | OCT 2021 | 12549 | CONTRACTED INSTRUCTOR: SENIOF 017-420-1323-4260 | 240.00 Total : 240.00 |
| 224574 | 11/1/2021 | 102803 RED WING SHOE STORE | 20211010047749 | | SAFETY SHOES 070-384-0000-4310 | 139.61 Total : 139.61 |
| 224575 | 11/1/2021 | 892856 SALAS, JUAN | REIMB. | | EVENT SUPPLIES 004-2346 004-2391 | 33.31 39.85 Total : 73.16 |
| 224576 | 11/1/2021 | 891253 SAN FERNANDO SMOG TEST ONLY | 3933 | | SMOG TEST-ME9503 041-320-0000-4450 | 60.00 |
| | | | 3934 | | SMOG TEST-PW2191 041-320-0000-4450 | 60.00 |
| | | | 3935 | | SMOG TEST-PW0597 041-320-0000-4450 | 60.00 |
| | | | 3936 | | SMOG TEST-PD7863 041-320-0000-4450 | 60.00 |
| | | | 3937 | | SMOG TEST-PD2249 041-320-0000-4450 | 60.00 |
| | | | 3949 | | SMOG TEST-ME8615 | |

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| 224576 | 11/1/2021 | 891253 SAN FERNANDO SMOG TEST ONLY | (Continued) | | | |
| | | | 3965 | | 041-320-0000-4450 SMOG TEST-CE5643 041-320-0000-4450 | 60.00 60.00 Total : 420.00 |
| 224577 | 11/1/2021 | 103057 SAN FERNANDO VALLEY SUN | 11290 | | NIB-PYROTECHNICAL SERVICES 001-115-0000-4230 | 81.25 |
| | | | 11292 | | PH NOTICE-WATE MGMNT SB 1383 001-115-0000-4230 | 93.75 |
| | | | 11293 | | RFP-CITY WIDE RADIO COMM & WIREL 001-115-0000-4230 | 68.75 |
| | | | 11296 | | RFP-PAVEMENT WTR & WASTEWTR N 001-115-0000-4230 | 71.88 |
| | | | 11297 | | RFQ-CITY ENGINEERING SRVS 001-115-0000-4230 | 75.00 Total : 390.63 |
| 224578 | 11/1/2021 | 889023 SAN GABRIEL VALLEY | 2021-2022 | | FY21-22 MEMBERSHIP DUES 001-222-0000-4380 | 400.00 Total : 400.00 |
| 224579 | 11/1/2021 | 102967 SCOTT FAZEKAS & ASSOCIATES INC | 21658 | 12407 | PLAN CHECK CONSULTANT SERVICES 001-2698 | 2,805.79 Total : 2,805.79 |
| 224580 | 11/1/2021 | 103170 SIRCHIE FINGER PRINT | 0516219-IN | | SUPPLIES FOR EVIDENCE ROOM 001-222-0000-4300 | 105.33 Total : 105.33 |
| 224581 | 11/1/2021 | 103184 SMART & FINAL | 119 | | SUPPLIES FOR INMATES 001-225-0000-4350 | 39.96 |
| | | | 174 | | SUPPLIES-SENIOR CLUB MEETING 004-2380 | 150.92 |
| | | | 180 | | SUPPLIES-SENIOR CLUB MEETINGS 004-2380 | 28.70 |
| | | | 28 | | BREAK ROOM SUPPLIES | |

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| 224581 | 11/1/2021 | 103184 SMART & FINAL | (Continued) | | | |
| | | | 377 | | 001-222-0000-4300 SUPPLIES- CALLES VERDES TREE PL | 29.52 |
| | | | 457 | | 001-310-0000-4300 SUPPLIES FOR INMATES | 56.82 |
| | | | 64 | | 001-225-0000-4350 SUPPLIES FOR INMATES | 15.38 |
| | | | | | 001-225-0000-4350 | 13.79 |
| | | | | | Total : | 335.09 |
| 224582 | 11/1/2021 | 103202 SOUTHERN CALIFORNIA EDISON CO. | 700224888278 | | ELECTRIC - 801 EIGHTH | |
| | | | 7003012265711 | | 043-390-0000-4210 ELECTRIC - 1117 SECOND | 22.54 |
| | | | 700360580265 | | 043-390-0000-4210 ELECTRIC - 910 FIRST | 18.48 |
| | | | 700577150347 | | 043-390-0000-4210 ELECTRIC - 190 PARK | 10,388.62 |
| | | | | | 027-344-0000-4210 | 836.90 |
| | | | | | Total : | 11,266.54 |
| 224583 | 11/1/2021 | 103251 STANLEY PEST CONTROL | 397639 | | PEST CONTROL AT CITY FACILITIES | |
| | | | 397830 | 12532 | 043-390-0000-4330 PEST CONTROL AT CITY FACILITIES | 85.00 |
| | | | 397834 | 12532 | 043-390-0000-4330 PEST CONTROL AT CITY FACILITIES | 94.00 |
| | | | 397835 | 12532 | 043-390-0000-4330 PEST CONTROL AT CITY FACILITIES | 62.00 |
| | | | 397837 | 12532 | 043-390-0000-4330 PEST CONTROL AT CITY FACILITIES | 135.00 |
| | | | 397838 | 12532 | 043-390-0000-4330 PEST CONTROL AT CITY FACILITIES | 55.00 |
| | | | | | 043-390-0000-4330 | 95.00 |
| | | | | | Total : | 526.00 |
| 224584 | 11/1/2021 | 889149 STAPLES BUSINESS ADVANTAGE | 8063784622 | | BREAK ROOM SUPPLIES | |
| | | | | | 001-190-0000-4300 | 112.99 |

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| 224584 | 11/1/2021 | 889149 889149 STAPLES BUSINESS ADVANTAGE | (Continued) | | | Total : 112.99 |
| 224585 | 11/1/2021 | 100532 STATE OF CALIFORNIA, DEPARTMENT OF JUSTICE | 535896 | | DOJ LIVESCAN FINGERPRINTING | |
| | | | 537898 | 12459 | 004-2386 | 3,615.00 |
| | | | | 12459 | 001-222-0000-4270 FINGERPRINTS-SEPT 2021 | 32.00 |
| | | | | | 001-106-0000-4270 | 32.00 |
| | | | | | Total : | 3,679.00 |
| 224586 | 11/1/2021 | 103205 THE GAS COMPANY | 042-320-6900-7 | | GAS - 910 FIRST | |
| | | | 143-287-8131-6 | | 043-390-0000-4210 GAS - 208 PARK | 9.59 |
| | | | | | 043-390-0000-4210 | 47.59 |
| | | | | | Total : | 57.18 |
| 224587 | 11/1/2021 | 101528 THE HOME DEPOT CRC, ACCT#603532202490 | 092421 | | FINANCE CHARGES | |
| | | | 1090125 | | 070-384-0000-4300 POWER AND HAND TOOLS | 103.50 |
| | | | 1350063 | | 001-370-0000-4300 SMALL TOOLS | 479.39 |
| | | | 2121781 | | 001-311-0000-4300 SUPPLIES FOR RES #4 | 120.58 |
| | | | 2533139 | | 070-384-0000-4300 MISC SUPPLIES | 35.26 |
| | | | 3020849 | | 070-384-0000-4340 SUPPLIES FOR RES #3A | 22.02 |
| | | | 4208712 | | 070-384-0000-4300 DEPT SUPPLIES | 327.78 |
| | | | 4974211 | | 070-383-0000-4310 SALT-WELL SITES | 224.46 |
| | | | 7861144 | | 070-384-0000-4300 PATIO UMBRELLAS-PW OPS | 2,500.53 |
| | | | 8020372 | | 043-390-0000-4300 SMALL TOOLS | 377.94 |
| | | | 8533879 | | 001-311-0000-4300 SMALL TOOLS | 83.58 |
| | | | | | 001-311-0000-4300 | 167.25 |

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| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---------|-----------|--|--------------|-------|----------------------------------|------------------|
| 224587 | 11/1/2021 | 101528 THE HOME DEPOT CRC, ACCT#603532202490 | (Continued) | | | |
| | | | 8533880 | | MAINT SUPPLIES | |
| | | | | | 043-390-0000-4300 | 71.53 |
| | | | 8545669 | | MAINT SUPPLIES | |
| | | | | | 043-390-0000-4300 | 16.52 |
| | | | | | Total : | 4,530.34 |
| 224588 | 11/1/2021 | 103903 TIME WARNER CABLE | 10328100521 | | CABLE - 10/05/21 - 11/04/21 | |
| | | | | | 001-190-0000-4220 | 139.70 |
| | | | 283057100521 | | LP PARK CABLE - 10/05-11/04 | |
| | | | | | 001-420-0000-4260 | 227.67 |
| | | | | | Total : | 367.37 |
| 224589 | 11/1/2021 | 887591 TOM BROHARD & ASSOCIATES | 2021-30 | 12545 | ON- CALL TRAFFIC ENGINEERING SER | |
| | | | | | 001-310-0000-4270 | 13,750.00 |
| | | | | | Total : | 13,750.00 |
| 224590 | 11/1/2021 | 893747 TOOLE DESIGN GROUP LLC | G0047_SEP08 | | TRANSPORTATION PLANNING AND DE | |
| | | | | 12382 | 010-311-0628-4600 | 13,774.83 |
| | | | | 12382 | 001-310-0628-4270 | 1,784.67 |
| | | | | | Total : | 15,559.50 |
| 224591 | 11/1/2021 | 893905 TORRES-GAHM, GRACIELA | 10/15/21 | 12531 | CLEANING SERVICES FOR LOPEZ ADC | |
| | | | | | 001-424-0000-4260 | 125.00 |
| | | | | | Total : | 125.00 |
| 224592 | 11/1/2021 | 103413 TRANS UNION LLC | 09104681 | | CREDIT CHECKS | |
| | | | | | 001-222-0000-4260 | 85.00 |
| | | | | | Total : | 85.00 |
| 224593 | 11/1/2021 | 103463 U.S. POSTMASTER | OCT 2021 | | PRESORTED FIRST CLASS POSTAGE-(| |
| | | | | | 070-382-0000-4300 | 540.68 |
| | | | | | 072-360-0000-4300 | 540.68 |
| | | | | | Total : | 1,081.36 |
| 224594 | 11/1/2021 | 893746 UNISHIELD | INV-106801 | | MASKS | |
| | | | | | 070-383-0000-4310 | 175.52 |

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| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---------|-----------|-----------------------------------|-------------|-------|-------------------------|---------------|
| 224594 | 11/1/2021 | 893746 893746 UNISHIELD | (Continued) | | | |
| | | | | | Total : | 175.52 |
| 224595 | 11/1/2021 | 103439 UPS | 831954401 | | COURIER SERVICE | |
| | | | | | 001-190-0000-4280 | 132.00 |
| | | | | | Total : | 132.00 |
| 224596 | 11/1/2021 | 103449 USA BLUE BOOK | 737196 | 12447 | MISC. WATER SUPPLIES | |
| | | | | | 070-384-0000-4300 | 836.97 |
| | | | | | Total : | 836.97 |
| 224597 | 11/1/2021 | 889644 VERIZON BUSINESS | 61878777 | | CITY HALL LONG DISTANCE | |
| | | | | | 001-190-0000-4220 | 54.12 |
| | | | 61878778 | | PARKS LONG DISTANCE | |
| | | | | | 001-420-0000-4220 | 16.24 |
| | | | 61878779 | | CITY HALL LONG DISTANCE | |
| | | | | | 001-190-0000-4220 | 27.10 |
| | | | 61878780 | | POLICE LONG DISTANCE | |
| | | | | | 001-222-0000-4220 | 127.98 |
| | | | 61878781 | | CITY YARD LONG DISTANCE | |
| | | | | | 070-384-0000-4220 | 10.82 |
| | | | 61878783 | | PARKS LONG DISTANCE | |
| | | | | | 001-420-0000-4220 | 16.50 |
| | | | 61879318 | | CITY YARD LONG DISTANCE | |
| | | | | | 070-384-0000-4220 | 4.25 |
| | | | 61879329 | | CITY HALL LONG DISTANCE | |
| | | | | | 001-190-0000-4220 | 59.53 |
| | | | | | Total : | 316.54 |
| 224598 | 11/1/2021 | 100101 VERIZON WIRELESS-LA | 9890263829 | | PUBLIC WORKS | |
| | | | | | 072-360-0000-4220 | 50.29 |
| | | | | | 001-101-0102-4220 | 50.29 |
| | | | | | 001-101-0108-4220 | 41.00 |
| | | | | | 001-105-0000-4220 | 54.15 |
| | | | | | Total : | 195.73 |
| 224599 | 11/1/2021 | 888390 WEST COAST ARBORISTS, INC. | 175609 | 12540 | CITY-WIDE TREE TRIMMING | |
| | | | | | 011-311-0000-4260 | 6,440.00 |

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| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|------------------------------------|-----------|-----------------------------------|-----------------------|-------|---|-----------------------------|
| 224599 | 11/1/2021 | 888390 WEST COAST ARBORISTS, INC. | (Continued) 176086 | 12540 | CITY-WIDE TREE TRIMMING 011-311-0000-4260 | 26,810.00 |
| | | | 177301 | 12540 | CITY-WIDE TREE TRIMMING 011-311-0000-4260 | 28,630.00 |
| Total : | | | | | | 61,880.00 |
| 224600 | 11/1/2021 | 890534 WHENTOWORK, INC. | 60694185-60-12-21 | | ONLINE SCHEDULING SERVICE 001-420-0000-4260 | 315.00 |
| Total : | | | | | | 315.00 |
| 224601 | 11/1/2021 | 891531 WILLDAN ENGINEERING | 00335356 | 12522 | ON-CALL ENGINEERING SERVICES 001-310-0000-4270 | 7,605.00 |
| | | | | 12522 | 024-371-0562-4600 | 1,755.00 |
| | | | 00335368 | 12346 | NPDES CONSULTANT SERVICES 023-311-0000-4270 | 8,070.20 |
| Total : | | | | | | 17,430.20 |
| 102 Vouchers for bank code : bank3 | | | | | | Bank total : 500,377.91 |
| 102 Vouchers in this report | | | | | | Total vouchers : 500,377.91 |

Voucher Registers are not final until approved by Council.

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EB75; 3 > 5: 75=**EXHIBIT "A"**
RES. NO. 21-111

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Bank code : bank3

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|----------------------------------|------------|-------------------------------|----------------|------|---|---------------------------|
| 224497 | 10/19/2021 | 891825 UNITED STATES TREASURY | JULY-SEPT 2021 | | EXCISE TAX QRTL PYMNT-09/30/21 074-320-0000-4457 | 2,114.61 |
| Total : | | | | | | 2,114.61 |
| 1 Vouchers for bank code : bank3 | | | | | | Bank total : 2,114.61 |
| 1 Vouchers in this report | | | | | | Total vouchers : 2,114.61 |

Voucher Registers are not final until approved by Council.

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SPECIAL CHECK

EXHIBIT "A"
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Bank code : bank3

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---------|------------|---------------------------------------|----------|-------|---------------------------------|--------|
| 224499 | 10/21/2021 | 890879 EUROFINS EATON ANALYTICAL, INC | L0557177 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 150.00 |
| | | | L0557633 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 150.00 |
| | | | L0557824 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 150.00 |
| | | | L0558241 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 319.00 |
| | | | L0558246 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 150.00 |
| | | | L0558293 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 144.00 |
| | | | L0558375 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 152.00 |
| | | | L0558741 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 36.00 |
| | | | L0558742 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 150.00 |
| | | | L0558941 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 144.00 |
| | | | L0559420 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 152.00 |
| | | | L0559421 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 150.00 |
| | | | L0559584 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 150.00 |
| | | | L0560004 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 150.00 |
| | | | L0560006 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 150.00 |
| | | | L0561096 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 150.00 |
| | | | L0561098 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 144.00 |
| | | | L0561119 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 150.00 |

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Bank code : bank3

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---------|------------|---------------------------------------|-------------|-------|---------------------------------|--------|
| 224499 | 10/21/2021 | 890879 EUROFINS EATON ANALYTICAL, INC | (Continued) | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | L0561535 | | 070-384-0000-4260 | 150.00 |
| | | | L0561536 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 152.00 |
| | | | L0562041 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 150.00 |
| | | | L0562045 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 144.00 |
| | | | L0562147 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 150.00 |
| | | | L0562600 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 152.00 |
| | | | L0562601 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 144.00 |
| | | | L0562602 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 152.00 |
| | | | L0562603 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 150.00 |
| | | | L0563103 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 150.00 |
| | | | L0563531 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 150.00 |
| | | | L0563532 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 12.00 |
| | | | L0563991 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 219.00 |
| | | | L0563992 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 150.00 |
| | | | L0563993 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 150.00 |
| | | | L0564228 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 152.00 |
| | | | L0564799 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 152.00 |
| | | | L0564800 | | FULL-SERVICE ENVIRONMENTAL DRIN | |
| | | | | 12245 | 070-384-0000-4260 | 150.00 |

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Bank code : bank3

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---------|------------|---------------------------------------|-------------------------|-------|--|--------|
| 224499 | 10/21/2021 | 890879 EUROFINS EATON ANALYTICAL, INC | (Continued) L0564801 | | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 36.00 |
| | | | L0565076 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0565077 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 144.00 |
| | | | L0565496 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0566063 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 375.00 |
| | | | L0566064 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0566274 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0566519 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 900.00 |
| | | | L0566794 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 319.00 |
| | | | L0567042 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 144.00 |
| | | | L0567043 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0567044 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0567239 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 162.00 |
| | | | L0567240 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0567874 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 144.00 |
| | | | L0568095 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0568098 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0568314 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |

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Bank code : bank3

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---------|------------|---------------------------------------|-------------------------|-------|--|--------|
| 224499 | 10/21/2021 | 890879 EUROFINS EATON ANALYTICAL, INC | (Continued) L0568315 | | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 36.00 |
| | | | L0569053 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 144.00 |
| | | | L0569502 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0569505 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0569506 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 152.00 |
| | | | L0570056 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 144.00 |
| | | | L0570343 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 319.00 |
| | | | L0570344 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0570622 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0570623 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0571376 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 144.00 |
| | | | L0571377 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 162.00 |
| | | | L0571378 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0571908 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0572298 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0572299 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 144.00 |
| | | | L0572300 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0573017 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 152.00 |

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CITY OF SAN FERNANDO

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Bank code : bank3

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---------|------------|---------------------------------------|-------------------------|-------|--|--------|
| 224499 | 10/21/2021 | 890879 EUROFINS EATON ANALYTICAL, INC | (Continued) L0573018 | | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0573472 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0573738 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 36.00 |
| | | | L0573739 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 48.00 |
| | | | L0573742 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0573743 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 152.00 |
| | | | L0574282 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 44.00 |
| | | | L0574283 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0574456 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 144.00 |
| | | | L0574472 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0575408 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 144.00 |
| | | | L0575409 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0575625 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 22.00 |
| | | | L0575628 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0576211 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0576215 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 24.00 |
| | | | L0576235 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 144.00 |
| | | | L0576236 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |

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CITY OF SAN FERNANDO

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Bank code : bank3

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|----------------------------------|------------|---------------------------------------|-------------------------|-------|--|----------------------------|
| 224499 | 10/21/2021 | 890879 EUROFINS EATON ANALYTICAL, INC | (Continued) L0576245 | | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0576777 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 339.00 |
| | | | L0576782 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0576992 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0577519 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| | | | L0577742 | 12245 | FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260 | 150.00 |
| Total : | | | | | | 15,038.00 |
| 1 Vouchers for bank code : bank3 | | | | | | Bank total : 15,038.00 |
| 1 Vouchers in this report | | | | | | Total vouchers : 15,038.00 |

Voucher Registers are not final until approved by Council.

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AGENDA REPORT

To: Mayor Sylvia Ballin and Councilmembers

From: Nick Kimball, City Manager
By: Matt Baumgardner, Director of Public Works

Date: November 1, 2021

Subject: Second Reading and Adoption of Ordinance No. 1703 Adding Article IX (Organic Waste Disposal Reduction Senate Bill 1383) to Chapter 70 of the San Fernando Municipal Code, and Making a Determination of Exemption Under the California Environmental Quality Act

RECOMMENDATION:

It is recommended that the City Council adopt Ordinance No. 1703 (Attachment "A") that was introduced for first reading at the City Council meeting of October 18, 2021, in title only and waive further reading, adding Article IX (Organic Waste Disposal Reduction Senate Bill 1383) to Chapter 70 of the San Fernando Municipal Code, and making a determination of exemption under the California Environment Quality Act.

BACKGROUND:

1. On September 20, 2021, staff presented an informational report to the City Council on the implementation of the SB 1383 organic waste reduction regulations, including the need to adopt an ordinance to effectuate them by January 1, 2022.
2. On October 18, 2021, the City Council approved for first reading, in title only, and waive further reading of Ordinance No. 1703 (Attachment "a") "An ordinance of the City Council of the City of San Fernando, California, adding Article IX (Organic Waste Disposal Reduction Senate Bill 1383) to Chapter 70 of the San Fernando Municipal Code, and making a determination of exemption under the California Environment Quality Act."

ANALYSIS:

The purpose of the proposed Ordinance is to formally add a section in the City Code to comply with the organic waste reduction regulations outlined in Senate Bill 1383 (Attachment "B") to reduce methane production in California.

Second Reading and Adoption of Ordinance No. 1703 Adding Article IX (Organic Waste Disposal Reduction Senate Bill 1383) to Chapter 70 of the San Fernando Municipal Code, and Making a Determination of Exemption Under the California Environmental Quality Act

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All California cities are required to comply with these new regulations. Consequently, the City must take this initial step of adopting an ordinance that puts these regulations into effect by January 1, 2022.

BUDGET IMPACT:

As a result of these State-mandated regulations, costs associated with implementation of SB 1383 regulations will eventually result in higher solid waste collection fees for Republic Services customers, as the time needed for changing out lids on containers, compliance, education, monitoring, and reporting will be extensive. There are also going to be additional staff time and costs related to enforcement of these regulations over the next couple of years, which will impact future budget cycles. There is not enough information available at this time to accurately project the ultimate costs of SB 1383, but staff will work on estimating these costs and including them in the Fiscal Year 2022-2023 budget.

CONCLUSION:

Staff recommends that the City Council adopt Ordinance No. 1703 (Attachment "A") that was introduced for first reading at the City Council meeting of October 18, 2021, adding Article IX (Organic Waste Disposal Reduction Senate Bill 1383) to Chapter 70 of the San Fernando Municipal Code, and making a determination of exemption under the California Environmental Quality Act. This allows the City to implement the organic waste reduction regulations outlined in Senate Bill 1383 which is effective January 1, 2022.

ATTACHMENTS:

- A. Ordinance No. 1703
- B. Senate Bill 1383

ORDINANCE NO. 1703

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, ADDING ARTICLE IX (ORGANIC WASTE DISPOSAL REDUCTION SENATE BILL 1383) TO CHAPTER 70 OF THE SAN FERNANDO MUNICIPAL CODE, AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENT QUALITY ACT

WHEREAS, the City of San Fernando ("City") is a municipal corporation, duly organized under the Constitution and laws of the State of California; and,

WHEREAS, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in the City to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.

WHEREAS, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires City to implement a Mandatory Commercial Recycling program.

WHEREAS, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires City to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires City to implement a Mandatory Commercial Organics Recycling program.

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including City, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires City to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

WHEREAS, this Ordinance implements the requirements of AB 341, AB 1826, and the SB 1383 Regulations.

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

SECTION 1. Chapter 70 of the San Fernando Municipal Code is hereby amended to add Article IX (Organic Waste Disposal Reduction) to read as follows:

“Article IX - Organic Waste Disposal Reduction

SECTION 2. DEFINITIONS.

For the purposes of this Article, the following words, terms, phrases, and their derivations have the meanings given herein. Terms defined elsewhere in Chapter 70 shall have the same meanings herein unless expressly defined in this Article. When consistent with the context, words used in the present tense include the future tense, and words in the singular number include the plural number.

- (a) “Blue Container” has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.
- (b) “CalRecycle” means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on City of San Fernando (and others).
- (c) “California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this article are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).
- (d) “City Enforcement Official” means the city manager, or other executive in charge or their authorized Designee(s) who is/are partially or wholly responsible for enforcing this article.
- (e) “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this article.

- (f) “Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Sections 3(ooo) and 3(ppp) of this article or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- (g) “Compliance Review” means a review of records by a City of San Fernando to determine compliance with this article.
- (h) “Community Composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- (i) “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this article, that “Compost” means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.
- (j) “Compostable Plastics” or “Compostable Plastic” means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).
- (k) “Container Contamination” or “Contaminated Container” means a container or bin, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- (l) “C&D” means construction and demolition debris.
- (m) “Designated Source Separated Organic Waste Facility”, as defined in 14 CCR Section 18982(14.5), means a Solid Waste facility that accepts a Source Separated Organic Waste collection stream as defined in 14 CCR Section 17402(a)(26.6) and complies with one of the following:
 - (1) The facility is a “transfer/processor,” as defined in 14 CCR Section 18815.2(a)(62), that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d), and meets or exceeds an annual average Source Separated organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024 and 75 percent on and after January 1, 2025 as calculated pursuant to 14 CCR Section 18815.5(f) for Organic Waste received from the Source Separated Organic Waste collection stream.
 - (A) If a transfer/processor has an annual average Source Separated organic content Recovery rate lower than the rate required in Paragraph 1 of this

definition for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a "Designated Source Separated Organic Waste Facility".

- (2) The facility is a "composting operation" or "composting facility" as defined in 14 CCR Section 18815.2(a)(13), that pursuant to the reports submitted under 14 CCR Section 18815.7 demonstrates that the percent of the material removed for landfill disposal that is Organic Waste is less than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), whichever is applicable, and, if applicable, complies with the digestate handling requirements specified in 14 CCR Section 17896.5.
 - (A) If the percent of the material removed for landfill disposal that is Organic Waste is more than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a "Designated Source Separated Organic Waste Facility." For the purposes of this article, the reporting periods shall be consistent with those defined in 14 CCR Section 18815.2(a)(49).
- (n) "Designee" means an entity that the City contracts with or otherwise arranges to carry out any of the City's responsibilities of this article as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.
- (o) "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this article or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this article or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
- (p) "Enforcement Action" means an action of the City to address non-compliance with this article including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- (q) "Excluded Waste" means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or article, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in City, or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose City, or its

Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded Waste does not include used motor oil and filters, household batteries, universal wastes, and/or latex paint when such materials are defined as allowable materials for collection through the City's collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by City or its Designee for collection services.

- (r) "Food Distributor" means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- (s) "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.
- (t) "Food Recovery" means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- (u) "Food Recovery Organization" means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
 - (1) A food bank as defined in Section 113783 of the Health and Safety Code;
 - (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
 - (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this article and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this article.

- (v) "Food Recovery Service" means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this

article and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

- (w) “Food Scraps” means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- (x) “Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- (y) “Food-Soiled Paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.
- (z) “Food Waste” means Food Scraps, Food-Soiled Paper, and Compostable Plastics.
- (aa) “Gray Container” has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Gray Container Waste.
- (bb) “Gray Container Waste” means Solid Waste that is collected in a Gray Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste in the Gray Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).
- (cc) “Green Container” has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.
- (dd) “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- (ee) “Hauler Route” means the designated itinerary or sequence of stops for each segment of the City’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).
- (ff) “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the

- “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- (gg) “Inspection” means a site visit where the City reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this article, or as otherwise defined in 14 CCR Section 18982(a)(35).
- (hh) “City of San Fernando Enforcement Official” means the city manager, county administrative official, chief operating officer, executive director, or other executive in charge or their authorized Designee(s) who is/are partially or whole responsible for enforcing the ordinance.
- (hh) “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this article.
- (jj) “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this article and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this article and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this article.
- (kk) “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- (ll) “Mixed Waste Organic Collection Stream” or “Mixed Waste” means Organic Waste collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion Organic Waste Processing Facility or as otherwise defined in 14 CCR Section 17402(a)(11.5).
- (mm) “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not

include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

- (nn) “MWELO” refers to the Model Water Efficient Landscape Ordinance (MWELO), 23 CCR, Division 2, Chapter 2.7.
- (oo) “Non-Compostable Paper” includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).
- (pp) “Non-Local Entity” means the following entities that are not subject to the City’s enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42):
 - (1) Federal facilities located within the boundaries of the City;
 - (2) State agencies located within the boundaries of the City, including all public school locations.
- (qq) “Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).
- (rr) “Notice of Violation (NOV)” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.
- (ss) “Organic Waste” means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).
- (tt) “Organic Waste Generator” means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- (uu) “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- (vv) “Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).

- (ww) “Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the City’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the City’s Green Container; (iii) discarded materials placed in the Gray Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in City’s Green Container and/or Blue Container; and, (iv) Excluded Waste placed in any container.
- (xx) “Recovered Organic Waste Products” means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- (yy) “Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- (zz) “Recycled-Content Paper” means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).(aaa) “Renewable Gas” means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).
- (bbb) “Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- (ccc) “Route Review” means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).
- (ddd) “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.
- (eee) “SB 1383 Eligible Mulch” means mulch eligible to meet the Annual Recovered Organic Waste Product Procurement Target, pursuant to 14 CCR Chapter 12 of Division 7. This SB 1383 Eligible Mulch shall meet the following conditions for the duration of the applicable procurement compliance year, as specified by 14 CCR Section 18993.1(f)(4):

(1) Produced at one of the following facilities:

- a. A compostable material handling operation or facility as defined in 14 CCR Section 17852 (a)(12), that is permitted or authorized under 14 CCR Division 7, other than a chipping and grinding operation or facility as defined in 14 CCR section 17852 (a)(10);
- b. A transfer/processing facility or transfer/processing operation as defined in 14 CCR sections 17402 (a)(30) and (31), respectively, that is permitted or authorized under 14 CCR Division 7; or,
- c. A solid waste landfill as defined in Public Resources Code section 40195.1 that is permitted under 27 CCR Division 2.

Meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in 14 CCR Sections 17852 (a)(24.5)(A)(1)-(3), as enforced by Section 6-3-708(a).

- (fff) “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this article, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR as the same may be amended from time to time.
- (ggg) “Self-Hauler” means a Commercial Business, excluding Multi-Family Residential Dwelling, that hauls Solid Waste, Organic Waste or recyclable material it has generated to another person. Self-hauler also includes a Commercial Business, excluding Multi-Family Residential Dwelling, that back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).
- (hhh) “Single-Family” means of, from, or pertaining to any residential premises with four (4) or less units.
- (iii) “Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:
 - (1) Hazardous waste, as defined in the State Public Resources Code Section 40141.

- (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
- (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.
- (jjj) "Source Separated" means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the article, Source Separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Gray Container Waste.
- (kkk) "Source Separated Green Container Organic Waste" means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator.
- (III) "Source Separated Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.
- (mmm) "State" means the State of California.
- (nnn) "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).
- (ooo) "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:
 - (1) Supermarket.
 - (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
 - (3) Food Service Provider.

- (4) Food Distributor.
- (5) Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this article.

(ppp) “Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- (2) Hotel with an on-site Food Facility and 200 or more rooms.
- (3) Health facility with an on-site Food Facility and 100 or more beds.
- (4) Large Venue.
- (5) Large Event.
- (6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- (7) A Local Education Agency facility with an on-site Food Facility.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this article.

(qqq) “Uncontainerized Green Waste and Yard Waste Collection Service” or “Uncontainerized Service” means a collection service that collects green waste and yard waste that is placed in a pile or bagged for collection on the street in front of a generator’s house or place of business for collection and transport to a facility that recovers Source Separated Organic Waste, or as otherwise defined in 14 CCR Section 189852(a)(75).

(rrr) “Wholesale Food Vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

SECTION 3. REQUIREMENTS FOR SINGLE-FAMILY GENERATORS (STANDARD COMPLIANCE APPROACH)

Single-Family Organic Waste Generators shall comply with the following requirements: except Single-Family generators that meet the Self-Hauler requirements in Section 11 of this ordinance:

- (a) Shall subscribe to City's Organic Waste collection services for all Organic Waste generated as described below in Section 3(b). City shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust its service level for its collection services as requested by the City. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- (b) Shall participate in the City's Organic Waste collection service(s) by placing designated materials in designated containers as described below, and shall not place Prohibited Container Contaminants in collection containers.

Generator shall place Source Separated Green Container Organic Waste, including Food Waste in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

SECTION 4. REQUIREMENTS FOR SINGLE-FAMILY GENERATORS (PERFORMANCE-BASED COMPLIANCE APPROACH)

Single-Family Organic Waste Generators except Single-Family generators that meet the Self-Hauler requirements in Section 11 of this ordinance:

- (a) Shall be automatically enrolled in the City of San Fernando's three-container Organic Waste collection services with a minimum Source Separated Recyclable Materials service level of 32 gallons per week, and with a minimum Source Separated Green Container Organic Waste service level of 32 gallons per week, approved by the Director of Public Works. City of San Fernando shall have the authority to change this minimum required level of service over time. City of San Fernando shall have the right to review the number, size, and location of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, generator shall adjust its service level for its collection services as requested by the City of San Fernando.
- (b) Shall participate in the City of San Fernando's three-container system for Source Separated Recyclable Materials, Source Separated Green Container organic materials, and Gray Container Waste collection services. Generator participation in the collection programs requires that generators place Source Separated Green Container Organic

Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.

- (c) Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

SECTION 5. REQUIREMENTS FOR COMMERCIAL BUSINESSES (STANDARD-COMPLIANCE APPROACH)

Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

- (a) Subscribe to City of San Fernando's three containers, collection services and comply with requirements of those services as described below in Section 5(b), except Commercial Businesses that meet the Self-Hauler requirements in Section 11 of this ordinance. City of San Fernando shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the City of San Fernando.
- (b) Except Commercial Businesses that meet the Self-Hauler requirements in Section 11 of this ordinance, participate in the City of San Fernando's Organic Waste collection service(s) by placing designated materials in designated containers as described below.
 - (1) A three-collection service (Blue Container, Green Container, and Gray Container).
 - (A) Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generator shall not place materials designated for the Gray Container into the Green Container or Blue Container.

SECTION 6. REQUIREMENTS FOR COMMERCIAL BUSINESSES (PERFORMANCE-BASED COMPLIANCE APPROACH) COMMERCIAL BUSINESSES, WHICH INCLUDES MULTI-FAMILY RESIDENTIAL DWELLINGS, SHALL:

- (a) Except Commercial Businesses that meet the Self-Hauler requirements in Section 11 of this article be automatically enrolled in the City's three-container Organic Waste collection services with a Source Separated Recyclable Materials service level of 32 gallons, and with a Source Separated Green Container Organic Waste service level of 32 gallons, and a 32 gallon garage container approved by the Public Works Director. City shall have the authority to change the minimum required service levels over time. The

Commercial Business' Source Separated Recyclable Materials service level and Source Separated Green Container Organic Waste service level must be sufficient for the amount of Source Separated Recyclable Materials and Source Separated Green Container Organic Waste generated by the Commercial Business. City shall have the right to review the number, size, and location of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Business shall adjust its service level for its collection services as requested by the City.

- (b) Except Commercial Businesses that meet the Self-Hauler requirements in Section 11 of this article, participate in and comply with the three-container (Blue Container, Green Container, and Gray Container) collection service by placing designated materials in designated containers as described below. Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Gray Container Waste in the Gray Container. Generators shall not place materials designated for the Gray Container into the Green Container or Blue Container.
- (c) Supply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors (conforming with Section 6(d)(1) and 6(d)(2) below), for employees, contractors, tenants and customers, consistent with City's Blue Container, Green Container, and Gray Container collection service.
- (d) Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste, and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:
 - (1) A body or lid that conforms with the container colors provided through the collection service provided by City, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
 - (2) Container labels that include language or graphic images or both indicating the primary material accepted and the primary materials prohibited in that container or containers with imprinted text or graphic images that indicate the primary

materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labels are required on new containers commencing January 1, 2022.

- (e) Excluding Multi-Family Residential Dwellings, comply with container placement requirements or labeling requirement in Section 6(d), above, pursuant to 14 CCR Section 18984.9 (b).
- (f) Excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the City's Organic Waste, Non-Organic Recyclables, and non-Organic Waste collection service to the extent practical through education, training, Inspection, and/or other measures.
- (g) Excluding Multi-Family Residential Dwellings, periodically inspect Blue Container, Green Container, and Gray Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
- (g) Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.
- (h) Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable Materials separate from Gray Container Waste (when applicable) and the location of containers and the rules governing their use at each property.
- (i) Provide or arrange access for City or its agent to their properties during all Inspections conducted in accordance with Section 15 of this article, to confirm compliance with the requirements of this Article.
- (m) Excluding Multi-Family Residential Dwellings, for those Commercial Business that want to self-haul, meet the Self-Hauler requirements in Section 11 of this article.
- (n) Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- (o) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 8.

SECTION 7. WAIVERS FOR GENERATORS

- (a) De Minimis Waivers: The City may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste

requirements of this article if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in Section 7(a)(2) below. Commercial Businesses requesting a de minimis waiver shall:

- (1) Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in Section 7(a)(2) below.
 - (2) Provide documentation that either:
 - (A) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
 - (B) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.
 - (3) Notify City if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.
 - (4) Provide written verification of eligibility for de minimis waiver every 5 years, if City has approved de minimis waiver.
- (b) Physical Space Waivers: City may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of Section 5 or 6.

A Commercial Business or property owner may request a physical space waiver through the following process:

- (1) Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
- (2) Provide documentation that the premises lack adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.
- (3) Provide written verification to City that it is still eligible for physical space waiver every five years, if City has approved application for a physical space waiver.

- (c) Collection Frequency Waiver: City of San Fernando, at its discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the City of San Fernando's three container Organic Waste collection service to arrange for the collection of their Blue Container, Gray Container or both once every fourteen days, rather than once per week.
- (d) Review and Approval of Waivers by City of San Fernando (Optional)

SECTION 8. REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section 8 commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2023, pursuant to 14 CCR Section 18991.3.
- (b) Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2023.
- (c) Commercial Edible Food Generators shall comply with the following requirements:
 - (1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
 - (2) Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
 - (3) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
 - (4) Allow City's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.
 - (5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - (A) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
 - (B) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).

- (C) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - (iii) The established frequency that food will be collected or self-hauled.
 - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
- (6) No later than 30 days following the end of each calendar year commencing no later than January 1, 2022 for Tier One Commercial Edible Food Generators and January 1, 2024 for Tier Two Commercial Edible Food Generators provide an annual Food Recovery report to the City that includes the following information:
 - (i) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
 - (ii) The quantity of food, measured in annual pounds recovered, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
 - (iii) The name, address, and contact information of the Food Recovery Service or Food Recovery Organization.
- (d) Nothing in this article shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

SECTION 9. REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND SERVICES.

- (a) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
 - (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 - (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
- (b) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
 - (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- (c) Food Recovery Organizations and Food Recovery Services shall inform generators about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established under 14 CCR Section 18991.3(b).
- (d) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City of San Fernando and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City of San Fernando it is located in the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than January 31st of each year.
- (e) Food Recovery Capacity Planning
- (1) Food Recovery Services and Food Recovery Organizations. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the County, City, special district that provides solid waste collection services, or its designated entity, Food Recovery Services and Food Recovery Organizations

operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the City.

SECTION 10. REQUIREMENTS FOR HAULERS AND FACILITY OPERATORS

(a) Requirements for Haulers

- (1) Exclusive franchised hauler providing residential, Commercial, or industrial Organic Waste collection services to generators within the City's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the City to collect Organic Waste:
 - (A) Through written notice to the City annually on or before January 30th, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials, Source Separated Green Container Organic Waste, and Mixed Waste.
 - (B) Transport Source Separated Recyclable Materials, Source Separated Green Container Organic Waste, and Mixed Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
 - (C) Obtain approval from the City to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, Section 12 of this article, and City of San Fernando's C&D article.
- (2) Exclusive franchised hauler shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, license or other agreement entered into with City.

(b) Requirements for Facility Operators and Community Composting Operations

- (1) Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon City request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted

capacity necessary for planning purposes. Entities contacted by the City shall respond within 60 days.

- (2) Community Composting operators, upon City request, shall provide information to the City to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the City shall respond within 60 days.

SECTION 11. SELF-HAULER REQUIREMENTS

- (a) Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that City otherwise requires generators to separate for collection in the City's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- (b) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- (c) Self-Haulers shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the City. The records shall include the following information:
 - (1) Delivery receipts and weight tickets from the entity accepting the waste.
 - (2) The amount of material in cubic yards or tons transported by the generator to each entity.
 - (3) If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- (d) Self-Haulers shall provide information collected in Section 11(c) to City, if requested.
- (e) A residential Organic Waste Generator that self-hauls Organic Waste is not required to record or report information in Section 11(c) and (d).
- (f) Self-Haulers shall comply with the self-hauling procedures and permit requirements set forth in Section 70-56 of the San Fernando Municipal Code.

SECTION 12. COMPLIANCE WITH CALGREEN RECYCLING REQUIREMENTS

- (a) Persons applying for a permit from the City for new construction and building additions and alternations shall comply with the requirements of this Section and all required components of the California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended, if its project is covered by the scope of CALGreen or more stringent requirements of the City of San Fernando. If the requirements of CALGreen are more stringent than the requirements of this Section, the CALGreen requirements shall apply.

Project applicants shall refer to City's building and/or planning code for complete CALGreen requirements.

- (b) For projects covered by CALGreen or more stringent requirements of the City, the applicants must, as a condition of the City's permit approval, comply with the following:
- (1) Where five (5) or more Multi-Family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and are identified for the storage and collection of Blue Container and Green Container materials, consistent with the three--container collection program offered by the City, or comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.
 - (2) New Commercial construction or additions resulting in more than 30% of the floor area shall provide readily accessible areas identified for the storage and collection of Blue Container and Green Container materials, consistent with the three-container collection program offered by the City, or shall comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.
 - (3) Comply with CALGreen requirements and applicable law related to management of C&D, including diversion of Organic Waste in C&D from disposal. Comply with City's C&D article, Section 70 of City's municipal code, and all written and published City policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D.

SECTION 13. MODEL WATER EFFICIENT LANDSCAPING ORDINANCE REQUIREMENTS

- (a) Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the City, who are constructing a new (Single-Family, Multi-Family, public, institutional, or Commercial) project with a landscape area greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELO, including sections related to use of Compost and mulch as delineated in this Section 13.
- (b) The following Compost and mulch use requirements that are part of the MWELO are now also included as requirements of this article. Other requirements of the MWELO are in effect and can be found in 23 CCR, Division 2, Chapter 2.7.
- (c) Property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in Section 13(a) above shall:
 - (1) Comply with Sections 492.6 (a)(3)(B)(C),(D) and (G) of the MWELO, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:
 - (A) For landscape installations, Compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.
 - (B) For landscape installations, a minimum three- (3-) inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife up to five percent (5%) of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.
 - (C) Organic mulch materials made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.
 - (2) The MWELO compliance items listed in this Section are not an inclusive list of MWELO requirements; therefore, property owners or their building or landscape designers that meet the threshold for MWELO compliance outlined in Section 13(a) shall consult the full MWELO for all requirements.

- (d) If, after the adoption of this article, the California Department of Water Resources, or its successor agency, amends 23 CCR, Division 2, Chapter 2.7, Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWWELO September 15, 2015 requirements in a manner that requires City to incorporate the requirements of an updated MWELO in a local ordinance, and the amended requirements include provisions more stringent than those required in this Section, the revised requirements of 23 CCR, Division 2, Chapter 2.7 shall be enforced.

SECTION 14. PROCUREMENT REQUIREMENTS FOR CITY DEPARTMENTS, DIRECT SERVICE PROVIDERS, AND VENDORS

- (a) Direct service providers of landscaping maintenance, renovation and construction shall:
- (1) Use Compost and SB 1383 Eligible Mulch, as practicable, produced from recovered Organic Waste, for all landscaping renovations, construction or maintenance performed for the City, whenever available, and capable of meeting quality standards and criteria specified. SB 1383 Eligible Mulch used for land application shall comply with 14 CCR, Division 7, Chapter 12, Article 12, and must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852 (a)(24.5)(A)(1) through (3).
 - (2) Keep and provide records of Procurement of Recovered Organic Waste Products (either through purchase or acquisition) to City, upon completion of projects. Information to be provided shall include:
 - a. General description of how and where the product was used and if applicable, applied;
 - b. Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;
 - c. Type of product;
 - d. Quantity of each product; and,
 - e. Invoice or other record demonstrating purchase or procurement.
- (b) All vendors providing Paper Products and Printing and Writing Paper shall:
- (1) If fitness and quality are equal, provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber instead of non-recycled products whenever recycled Paper Products and Printing and Writing Paper are available at the same or lesser total cost than non-recycled items or at a total cost of no more than 10% of the total cost for non-recycled items.

- (2) Provide Paper Products and Printing and Writing Paper that meet Federal Trade Commission recyclability standard as defined in 16 Code of Federal Regulations (CFR) Section 260.12.
- (3) Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the City. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.
- (4) Certify in writing, on invoices or receipts provided, that the Paper Products and Printing and Writing Paper offered or sold to the City is eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations (CFR) Section 260.12 (2013).
- (5) Provide records to the City's Recovered Organic Waste Product procurement recordkeeping Designee, in accordance with the City's Recycled-Content Paper procurement policy (ies) of all Paper Products and Printing and Writing Paper purchases within thirty (30) days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by any division or department or employee of the City. Records shall include a copy (electronic or paper) of the invoice or other documentation of purchase, written certifications as required in Sections 14(b)(3) and 14(b)(4) of this article for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-recycled content Paper Products or Printing and Writing Papers are provided, include a description of why Recycled-Content Paper Products or Printing and Writing Papers were not provided.

SECTION 15. INSPECTIONS AND INVESTIGATIONS BY CITY

- (a) City representatives and/or its designated entity, including Designees, are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this article by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow City to enter the interior of a private residential property for Inspection
- (b) Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the City's employee or its designated entity/Designee during such Inspections and investigations. Such

Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this article described herein. Failure to provide or arrange for: (i) access to an entity's premises; or (ii) access to records for any Inspection or investigation is a violation of this article and may result in penalties described.

- (c) Any records obtained by a City during its Inspections, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- (d) City representatives, its designated entity, and/or Designee are authorized to conduct any Inspections, or other investigations as reasonably necessary to further the goals of this article, subject to applicable laws.
- (e) City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

SECTION 16. ENFORCEMENT

- (a) Violation of any provision of this article shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by a City Enforcement Official or representative. Enforcement Actions under this article are issuance of an administrative citation and assessment of a fine. The City's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this article and any rule or regulation adopted pursuant to this article, except as otherwise indicated in this article.
- (b) Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. City may choose to delay court action until such time as a sufficiently large number of violations or cumulative size of violations exists such that court action is a reasonable use of City staff and resources.
- (c) Responsible Entity for Enforcement
 - (1) Enforcement pursuant to this article may be undertaken by the City Enforcement Official, which may be the City Manager or their designated entity, legal counsel, or combination thereof.
- (d) Process for Enforcement
 - (1) City Enforcement Officials will monitor compliance with the article randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an

Inspection program (that may include Remote Monitoring). Section 15 establishes City's right to conduct Inspections and investigations.

- (2) City may issue an official notification to notify regulated entities of its obligations under the article.
- (3) With the exception of violations of generator contamination of container contents addressed under Section 16(d)(3), City shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.
- (4) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, City shall commence an action to impose penalties, via an administrative citation and fine, pursuant to the City's Municipal Code, Chapter 1, Article III.

Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the City or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information

(e) Penalty Amounts for Types of Violations

The penalty levels are as follows:

- (1) For a first violation, the amount of the base penalty shall be \$50 per violation.
- (2) For a second violation, the amount of the base penalty shall be \$100 per violation.
- (3) For a third or subsequent violation, the amount of the base penalty shall be \$250 per violation.

(f) Compliance Deadline Extension Considerations

The City may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 16 if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

- (1) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
- (2) Delays in obtaining discretionary permits or other government agency approvals; or,

- (3) Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the City of San Fernando is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

(g) Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with City's procedures in the City's codes for appeals of administrative citations. Evidence may be presented at the hearing. The City will appoint a hearing officer who shall conduct the hearing and issue a final written order.

(h) Education Period for Non-Compliance

Beginning January 1, 2022 and through December 31, 2023, City will conduct Inspections, Remote Monitoring, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if City determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this article and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

(i) Civil Penalties for Non-Compliance

Beginning January 1, 2024, if the City determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this article, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to Section 16, as needed.

SECTION 17. EFFECTIVE DATE

This Article shall be effective commencing on January 1, 2022.

SECTION 18. CEQA.

The City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15308 on the grounds that it can be seen with certainty that the enhanced solid waste regulations, as provided for in this Ordinance, will not have a significant effect on the environment and that the new requirements, which strengthen requirements for the handling of solid waste, represent actions by a regulatory agency (the City) for the protection of the environment.

SECTION 19. SEVERABILITY.

If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 20. EFFECTIVE DATE.

This Ordinance shall take effect and be in force thirty (30) days after its passage.

SECTION 21. PUBLICATION.

The City Clerk shall certify to the adoption of this Ordinance and shall post or publish this Ordinance as required by law.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of San Fernando this 1st day of November, 2021.

ATTEST:

Julia Fritz, City Clerk

Sylvia Ballin, Mayor of the City of San Fernando, California

APPROVED AS TO FORM:

Richard A. Padilla, Assistant
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 Ordinance No. 1703 which was introduced on October 18, 2021, and adopted by the City Council of the City of San Fernando, California at a regular meeting thereof held on the 1st day of November, 2021, 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 _____, ____.

Julia Fritz, City Clerk


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SB-1383 Short-lived climate pollutants: methane emissions: dairy and livestock: organic waste: landfills. (2015-2016)

SHARE THIS:



Senate Bill No. 1383

CHAPTER 395

An act to add Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and to add Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, relating to methane emissions.

[Approved by Governor September 19, 2016. Filed with Secretary of State September 19, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1383, Lara. Short-lived climate pollutants: methane emissions: dairy and livestock: organic waste: landfills.

(1) The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020. The state board is also required to complete a comprehensive strategy to reduce emissions of short-lived climate pollutants, as defined, in the state.

This bill would require the state board, no later than January 1, 2018, to approve and begin implementing that comprehensive strategy to reduce emissions of short-lived climate pollutants to achieve a reduction in methane by 40%, hydrofluorocarbon gases by 40%, and anthropogenic black carbon by 50% below 2013 levels by 2030, as specified. The bill also would establish specified targets for reducing organic waste in landfills.

This bill would require the state board, in consultation with the Department of Food and Agriculture, to adopt regulations to reduce methane emissions from livestock manure management operations and dairy manure management operations, as specified. The bill would require the state board to take certain actions prior to adopting those regulations. This bill would require the regulations to take effect on or after January 1, 2024, if the state board, in consultation with the department, makes certain determinations.

This bill would require the state board, the Public Utilities Commission, and the State Energy Resources Conservation and Development Commission to undertake various actions related to reducing short-lived climate pollutants in the state. The bill would require state agencies to consider and, as appropriate, adopt policies and incentives to significantly increase the sustainable production and use of renewable gas.

(2) The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, establishes an integrated waste management program that requires each county and city and county to prepare and submit to the department a countywide integrated waste management plan.

The bill would require the department, in consultation with the state board, to adopt regulations that achieve the specified targets for reducing organic waste in landfills. The bill would authorize local jurisdictions to charge and

collect fees to recover the local jurisdiction's costs incurred in complying with the regulations. The bill would require, no later than July 1, 2020, the department, in consultation with the state board, to analyze the progress that the waste sector, state government, and local governments have made in achieving the specified targets for reducing organic waste in landfills. The bill would authorize the department, depending on the outcome of that analysis, to amend the regulations to include incentives or additional requirements, as specified. By adding to the duties of local governments related to organic waste in landfills, this bill would impose a state-mandated local program.

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

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

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Short-lived climate pollutants, such as black carbon, fluorinated gases, and methane, are powerful climate forcers that have a dramatic and detrimental effect on air quality, public health, and climate change.

(2) These pollutants create a warming influence on the climate that is many times more potent than that of carbon dioxide.

(3) Short-lived climate pollutants that are toxic air contaminants also are a significant environmental risk factor for premature death.

(4) Reducing emissions of these pollutants can have an immediate beneficial impact on climate change and on public health.

(5) To the extent possible, efforts to reduce emissions of short-lived climate pollutants should focus on areas of the state that are disproportionately affected by poor air quality.

(b) It is the intent of the Legislature to support the adoption of policies that improve organics recycling and innovative, cost effective, and environmentally beneficial uses of biomethane derived from solid waste facilities.

(c) It is intent of the Legislature that the disposal reduction targets established pursuant to Section 39730.6 of the Health and Safety Code shall serve as a statewide average target and not as a minimum requirement for each jurisdiction.

SEC. 2. Section 39730.5 is added to the Health and Safety Code, to read:

39730.5. (a) No later than January 1, 2018, the state board shall approve and begin implementing the comprehensive short-lived climate pollutant strategy developed pursuant to Section 39730 to achieve a reduction in the statewide emissions of methane by 40 percent, hydrofluorocarbon gases by 40 percent, and anthropogenic black carbon by 50 percent below 2013 levels by 2030.

(b) Prior to approving the short-lived climate pollutant strategy pursuant to subdivision (a), the state board shall do all of the following:

(1) Coordinate with other state and local agencies and districts to develop measures identified as part of the strategy.

(2) Provide a forum for public engagement by holding at least three public hearings in geographically diverse locations throughout the state.

(3) Evaluate the best-available scientific, technological, and economic information to ensure that the strategy is cost effective and technologically feasible.

(4) Incorporate and prioritize, as appropriate, measures and actions that provide the following cobenefits:

(A) Job growth and local economic benefits in the state.

(B) Public health benefits.

(C) Potential for new innovation in technology, energy, and resource management practices.

(c) The state board shall publicly notice the strategy described in subdivision (a) and post a copy of that strategy on the state board's Internet Web site at least one month prior to the state board approving the strategy pursuant to subdivision (a).

SEC. 3. Section 39730.6 is added to the Health and Safety Code, to read:

39730.6. (a) Consistent with Section 39730.5, methane emissions reduction goals shall include the following targets to reduce the landfill disposal of organics:

(1) A 50-percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020.

(2) A 75-percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025.

(b) Except as provided in this section and Section 42652.5 of the Public Resources Code, the state board shall not adopt, prior to January 1, 2025, requirements to control methane emissions associated with the disposal of organic waste in landfills other than through landfill methane emissions control regulations.

SEC. 4. Section 39730.7 is added to the Health and Safety Code, to read:

39730.7. (a) For purposes of this section, the following terms have the following meanings:

(1) "Department" means the Department of Food and Agriculture.

(2) "Commission" means the Public Utilities Commission.

(3) "Energy commission" means the State Energy Resources Conservation and Development Commission.

(4) "Strategy" means the strategy to reduce short-lived climate pollutants developed pursuant to Section 39730.

(b) (1) The state board, in consultation with the department, shall adopt regulations to reduce methane emissions from livestock manure management operations and dairy manure management operations, consistent with this section and the strategy, by up to 40 percent below the dairy sector's and livestock sector's 2013 levels by 2030.

(2) Prior to adopting regulations pursuant to paragraph (1), the state board shall do all of the following:

(A) Work with stakeholders to identify and address technical, market, regulatory, and other challenges and barriers to the development of dairy methane emissions reduction projects. The group of stakeholders shall include a broad range of stakeholders involved in the development of dairy methane reduction projects, including, but not limited to, project developers, dairy and livestock industry representatives, state and local permitting agencies, energy agency representatives, compost producers with experience composting dairy manure, environmental and conservation stakeholders, public health experts, and others with demonstrated expertise relevant to the success of dairy methane emissions reduction efforts.

(B) Provide a forum for public engagement by holding at least three public meetings in geographically diverse locations throughout the state where dairy operations and livestock operations are present.

(C) In consultation with the department, do both of the following:

(i) Conduct or consider livestock and dairy operation research on dairy methane emissions reduction projects, including, but not limited to, scrape manure management systems, solids separation systems, and enteric fermentation.

(ii) Consider developing and adopting methane emissions reduction protocols.

(3) The state board shall make available to the public by posting on its Internet Web site a report on the progress made in implementing paragraph (2). Pursuant to Section 9795 of the Government Code, the state board shall notify the Legislature of the report.

(4) Notwithstanding the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the regulations adopted pursuant to paragraph (1) shall be implemented on or after January 1, 2024, if the state board, in consultation with the department, determines all of the following:

(A) The regulations are technologically feasible.

(B) The regulations are economically feasible considering milk and live cattle prices and the commitment of state, federal, and private funding, among other things, and that markets exist for the products generated by dairy manure management and livestock manure management methane emissions reduction projects, including composting, biomethane, and other products. The analysis shall include consideration of both of the following:

(i) Electrical interconnection of onsite electrical generation facilities using biomethane.

(ii) Access to common carrier pipelines available for the injection of digester biomethane.

(C) The regulations are cost effective.

(D) The regulations include provisions to minimize and mitigate potential leakage to other states or countries, as appropriate.

(E) The regulations include an evaluation of the achievements made by incentive-based programs.

(c) No later than July 1, 2020, the state board, in consultation with the department, shall analyze the progress the dairy and livestock sector has made in achieving the goals identified in the strategy and specified in paragraph (1) of subdivision (b). The analysis shall determine if sufficient progress has been made to overcome technical and market barriers, as identified in the strategy. If the analysis determines that progress has not been made in meeting the targets due to insufficient funding or technical or market barriers, the state board, in consultation with the department and upon consultation with stakeholders, may reduce the goal in the strategy for the dairy and livestock sectors, as identified pursuant to paragraph (1).

(d) (1) (A) No later than January 1, 2018, the state board, in consultation with the commission and the energy commission, shall establish energy infrastructure development and procurement policies needed to encourage dairy biomethane projects to meet the goal identified pursuant to paragraph (1) of subdivision (b).

(B) The state board shall develop a pilot financial mechanism to reduce the economic uncertainty associated with the value of environmental credits, including credits pursuant to the Low-Carbon Fuel Standard regulations (Subarticle 7 (commencing with Section 95480) of Title 17 of the California Code of Regulations) from dairy-related projects producing low-carbon transportation fuels. The state board shall make recommendations to the Legislature for expanding this mechanism to other sources of biogas.

(2) No later than January 1, 2018, the commission, in consultation with the state board and the department, shall direct gas corporations to implement not less than five dairy biomethane pilot projects to demonstrate interconnection to the common carrier pipeline system. For the purposes of these pilot projects, gas corporations may recover in rates the reasonable cost of pipeline infrastructure developed pursuant to the pilot projects.

(e) No later than January 1, 2018, the state board shall provide guidance on credits generated pursuant to the Low-Carbon Fuel Standard regulations (Subarticle 7 (commencing with Section 95480) of Title 17 of the California Code of Regulations) and the market-based compliance mechanism developed pursuant to Part 5 (commencing with Section 38570) of Division 25.5 from the methane reduction protocols described in the strategy and shall ensure that projects developed before the implementation of regulations adopted pursuant to subdivision (b) receive credit for at least 10 years. Projects shall be eligible for an extension of credits after the first 10 years to the extent allowed by regulations adopted pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500)).

(f) Enteric emissions reductions shall be achieved only through incentive-based mechanisms until the state board, in consultation with the department, determines that a cost-effective, considering the impact on animal productivity, and scientifically proven method of reducing enteric emissions is available and that adoption of the enteric emissions reduction method would not damage animal health, public health, or consumer acceptance. Voluntary enteric emissions reductions may be used toward satisfying the goals of this chapter.

(g) Except as provided in this section, the state board shall not adopt methane emissions reduction regulations controlling the emissions of methane from dairy operations or livestock operations to achieve the 2020 and 2030 greenhouse gas emissions reduction goals established pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500)).

(h) Nothing in this section shall limit the authority of the state board to acquire planning and baseline information, including requiring the monitoring and reporting of emissions.

(i) This section does not in any way affect the state board's or districts' authority to regulate emissions of criteria pollutants, toxic air contaminants, or other pollutants pursuant to other provisions of this division.

SEC. 5. Section 39730.8 is added to the Health and Safety Code, to read:

39730.8. (a) For purposes of this section, the following terms have the following meanings:

(1) "Commission" means the Public Utilities Commission.

(2) "Energy commission" means the State Energy Resources Conservation and Development Commission.

(3) "Strategy" means the strategy to reduce short-lived climate pollutants developed pursuant to Section 39730.

(b) The energy commission, in consultation with the state board and the commission, shall develop recommendations for the development and use of renewable gas, including biomethane and biogas, as a part of its 2017 Integrated Energy Policy Report prepared pursuant to Section 25302 of the Public Resources Code. In developing the recommendations, the energy commission shall identify cost-effective strategies that are consistent with existing state policies and climate change goals by considering priority end uses of renewable gas, including biomethane and biogas, and their interactions with state policies, including biomethane and all of the following:

(1) The Renewables Portfolio Standard program (Article 16 (commencing with Section 399.11) of Chapter 2.3 of Part 1 of Division 1 of the Public Utilities Code).

(2) The Low-Carbon Fuel Standard regulations (Subarticle 7 (commencing with Section 95480) of Title 17 of the California Code of Regulations).

(3) Waste diversion goals established pursuant to Division 30 (commencing with Section 40000) of the Public Resources Code.

(4) The market-based compliance mechanism developed pursuant to Part 5 (commencing with Section 38570) of Division 25.5.

(5) The strategy.

(c) Based on the recommendations developed pursuant to subdivision (b), and to meet the state's climate change, renewable energy, low-carbon fuel, and short-lived climate pollutants goals, including black carbon, landfill diversion, and dairy methane targets identified in the strategy, state agencies shall consider and, as appropriate, adopt policies and incentives to significantly increase the sustainable production and use of renewable gas, including biomethane and biogas.

(d) Based on the recommendations developed pursuant to subdivision (b), the commission, in consultation with the energy commission and the state board, shall consider additional policies to support the development and use in the state of renewable gas, including biomethane and biogas, that reduce short-lived climate pollutants in the state.

(e) In implementing this section, priority shall be given to fuels with the greatest greenhouse gas emissions benefits, including the consideration of carbon intensity and reduction in short-lived climate pollutants, as appropriate.

SEC. 6. Chapter 13.1 (commencing with Section 42652) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 13.1. Short-Lived Climate Pollutants

42652. The Legislature finds and declares all of the following:

(a) The organic disposal reduction targets are essential to achieving the statewide recycling goal identified in Section 41780.01.

(b) Achieving organic waste disposal reduction targets requires significant investment to develop organics recycling capacity.

(c) More robust state and local funding mechanisms are needed to support the expansion of organics recycling capacity.

42652.5. (a) The department, in consultation with the State Air Resources Board, shall adopt regulations to achieve the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The regulations shall comply with all of the following:

(1) May require local jurisdictions to impose requirements on generators or other relevant entities within their jurisdiction and may authorize local jurisdictions to impose penalties on generators for noncompliance.

(2) Shall include requirements intended to meet the goal that not less than 20 percent of edible food that is currently disposed of is recovered for human consumption by 2025.

(3) Shall not establish a numeric organic waste disposal limit for individual landfills.

(4) May include different levels of requirements for local jurisdictions and phased timelines based upon their progress in meeting the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The department shall base its determination of progress on relevant factors, including, but not limited to, reviews conducted pursuant to Section 41825, the amount of organic waste disposed compared to the 2014 level, per capita disposal rates, the review required by Section 42653, and other relevant information provided by a jurisdiction.

(5) May include penalties to be imposed by the department for noncompliance. If penalties are included, they shall not exceed the amount authorized pursuant to Section 41850.

(6) Shall take effect on or after January 1, 2022, except the imposition of penalties pursuant to paragraph (1) shall not take effect until two years after the effective date of the regulations.

(b) A local jurisdiction may charge and collect fees to recover the local jurisdiction's costs incurred in complying with the regulations adopted pursuant to this section.

42653. (a) No later than July 1, 2020, the department, in consultation with the State Air Resources Board, shall analyze the progress that the waste sector, state government, and local governments have made in achieving the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The analysis shall include all of the following:

(1) The status of new organics recycling infrastructure development, including the commitment of state funding and appropriate rate increases for solid waste and recycling services to support infrastructure expansion.

(2) The progress in reducing regulatory barriers to the siting of organics recycling facilities and the timing and effectiveness of policies that will facilitate the permitting of organics recycling infrastructure.

(3) The status of markets for the products generated by organics recycling facilities, including cost-effective electrical interconnection and common carrier pipeline injection of digester biomethane and the status of markets for compost, biomethane, and other products from the recycling of organic waste.

(b) If the department determines that significant progress has not been made on the items analyzed pursuant to subdivision (a), the department may include incentives or additional requirements in the regulations described in Section 42652 to facilitate progress towards achieving the organic waste reduction goals for 2020 and 2025 established in Section 39730.6 of the Health and Safety Code. The department may, upon consultation with stakeholders, recommend to the Legislature revisions to those organic waste reduction goals.

42654. This chapter shall not limit the authority of a local jurisdiction to adopt, implement, or enforce requirements in addition to those set forth in the regulations adopted pursuant to this chapter.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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AGENDA REPORT

To: Mayor Sylvia Ballin and Councilmembers

From: Nick Kimball, City Manager
By: Matt Baumgardner, Director of Public Works

Date: November 1, 2021

Subject: Consideration to Authorize an Addendum to a Purchase Order with Envirogen Technologies, Inc. for an Ion Exchange Nitrate Removal Treatment System at the City's Groundwater Well No. 3 and Preparation of Technical and Operation Reports

RECOMMENDATION:

It is recommended that the City Council:

- a. Authorize an Addendum with Envirogen Technologies, Inc. (Envirogen) (Attachment "A" – Addendum to Purchase Order No. 12503), in an amount of \$152,110 for a revised not-to-exceed total \$1,652,110 for the purchase of a proprietary ion exchange nitrate removal treatment system at the City's groundwater Well No. 3 and preparation of technical and operation reports; and
- b. Authorize the City Manager to make non-substantive changes and execute the Agreement and all related documents.

BACKGROUND:

1. In May 2007, the nitrate concentration at Well No. 7A exceeded the Maximum Contaminant Level (MCL), at which time the Well No. 7A water production was stopped.
2. In November 2009, Well No. 3 had a nitrate reading in excess of the MCL and water production ceased at this location.
3. On May 16, 2011, the City Council approved an agreement for the purchase of an ion exchange nitrate removal treatment system with Envirogen for Well No. 7A.
4. On December 13, 2013, the City Council approved a maintenance, repair, and warranties water services agreement with Envirogen to provide operation and oversight of the nitrate removal system installed at Well No. 7A.

Consideration to Authorize an Addendum to a Purchase Order with Envirogen Technologies, Inc. for an Ion Exchange Nitrate Removal Treatment System at the City's Groundwater Well No. 3 and Preparation of Technical and Operation Reports

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5. On October 29, 2018, the Nitrate Removal System Project at Well No. 7A was completed and brought on line.
6. On June 15, 2019, the City Council Approved Contract No. 1920 with Envirogen to continue to provide Operations and Maintenance Services for the nitrate removal system at Well No. 7A.
7. On August 16, 2021, the City Council authorized waiving formal bidding requirements under Section 2-801(a) of the City's Purchasing Ordinance and authorized a Purchase Order with Envirogen (Attachment "B") in an amount not-to-exceed \$1,484,000 for the purchase of a proprietary ion exchange nitrate removal treatment system at the City's groundwater Well No. 3.
8. On October 25, 2021, Envirogen submitted a supplemental proposal (Attachment "A" – Exhibit "A") which added professional services tasks, which includes preparing technical and operation reports along with providing a proprietary ion exchange nitrate removal treatment system at the City's groundwater Well No. 3. The revised proposal also includes the addition of sales tax, which was not included in the original proposal amount.

ANALYSIS:

After City Council authorized the purchase of an ion-exchange system for non-operational Well No. 3 at the August 16, 2021 City Council meeting, the Department of Drinking Water notified the City that technical and operation reports must be prepared prior to receiving an operational permit for the Well No. 3 treatment system. These reports are required to provide detailed technical information on how the system is engineered from a mechanical standpoint and how the chemistry of the treatment media works to remove nitrate from the untreated water. An additional report is also required that discusses the operation and maintenance of the system and treatment media. Preparing a technical and operation report was not a deliverable within Envirogen's initial \$1,484,000 proposal to design, manufacture, and supply a packaged Ion Exchange system for Well No. 3.

Per the City's request, Envirogen revised their initial proposal to include preparation of a technical and operation report and submitted to the City on October 22, 2021. The additional tasks increased the cost of project by \$16,000 bringing the total cost of project to \$1,500,000. Sales tax was not included in the original proposal and staff requested that an additional 10.25 percent on top of the cost of the equipment be included in the revised proposal, for an additional increase of \$152,110. The new not-to-exceed amount for the proposal is \$1,652,110.

Consideration to Authorize an Addendum to a Purchase Order with Envirogen Technologies, Inc. for an Ion Exchange Nitrate Removal Treatment System at the City's Groundwater Well No. 3 and Preparation of Technical and Operation Reports

Page 3 of 4

Nitrate Treatment Removal.

The City has four groundwater extraction wells (Well No. 2A, Well No. 3, Well No. 4, and Well No. 7A) that are responsible for providing sufficient water supply to residents and businesses. Currently, there are three wells on line (Well No. 2A, Well No. 4, and Well No. 7A). Nitrates have been successfully removed from groundwater extracted from Well No. 7A since October 2018, when the ion-exchange treatment system developed by Envirogen came on line. Well No. 3 has been out of operation since November 2009.

The three operational wells have been able to keep up with water demand (currently 925 million gallons of water per year), but staff believes it is prudent to bring more resiliency to the system by bringing Well No. 3 back on line. The following table illustrates the maximum production possible at each of the well sites:

| | Maximum Pump Rate | Annual Maximum Yield | Percentage of Annual Water Demand |
|-----------------------|--------------------------|-----------------------------|--|
| Well No. 2A | 2,000 gpm | 1.05 billion gallons | 114% |
| Well No. 3 (off line) | 1,100 gpm | 578 million gallons | 63% |
| Well No. 4 | 300 gpm | 158 million gallons | 17% |
| Well No. 7A | 920 gpm | 484 million gallons | 52% |

A Fully Resilient Water System.

By having all four wells operational, the City has full resiliency of its system. If any one of the wells goes down, the system will have sufficient back-up capabilities to keep up with the water demand. It will also allow for more flexible and sustainable operations, instead of putting maximum stress on well pumping equipment at all times. Staff will be able to switch between wells and allow certain ones to have off days. This will result in extending the life of all of the well components.

BUDGET IMPACT:

Funds for the purchase of the Well No. 3 nitrate removal treatment system and preparation of reports are appropriated in the Fiscal Year 2021-2022 Adopted Budget under account 070-385-0857-4600 as a one-time enhancement request from the Water Enterprise Fund balance.

CONCLUSION:

It is recommended that the City Council authorize an amendment to Purchase Order No. 12503 with Envirogen Technologies, Inc. in an amount not to exceed \$1,652,110.

Consideration to Authorize an Addendum to a Purchase Order with Envirogen Technologies, Inc. for an Ion Exchange Nitrate Removal Treatment System at the City's Groundwater Well No. 3 and Preparation of Technical and Operation Reports

Page 4 of 4

ATTACHMENTS:

- A. Addendum to Purchase Order No. 12503 (includes Exhibit A – Supplemental Proposal dated October 25, 2021)
- B. Purchase Order No. 12503

ADDENDUM TO SAN FERNANDO PURCHASE ORDER 12503
(Parties: Envirogen Technologies, Inc. and the City of San Fernando)

THIS ADDENDUM ("Addendum") to San Fernando Purchase Order No. 12503 (the "PO") by and between the CITY OF SAN FERNANDO, a municipal corporation and general law city ("CITY") and ENVIROGEN TECHNOLOGIES, INC. (hereinafter, "VENDOR") is made and entered into this 1st day of November 2021 ("Effective Date"). For purposes of this Addendum, the capitalized term "Parties" shall be a collective reference to both CITY and VENDOR. The capitalized term "Party" may refer to either CITY or VENDOR interchangeably as appropriate.

RECITALS

WHEREAS, at its meeting of August 16, 2021, the City Council of the City of San Fernando ("City Council") approved by way of the PO that certain proposal of VENDOR dated June 30, 2021 and entitled "San Fernando Packaged Well 3 Nitrate Treatment System and Well 7A Controls Upgrade, Envirogen Proposal #24166" (the "Proposal"); and

WHEREAS, the City Council's approval of the Proposal was subject to certain proposed terms, modifications and exceptions set forth in the Proposal; and

WHEREAS, the Parties wish to memorialize the terms, modifications and exceptions set forth in the Proposal by way of this Addendum to the PO; and

NOW, THEREFORE, in consideration of the mutual agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, the Parties agree as follows:

SECTION 1. The Parties further agree as follows:

- A. Sections 16 and 17 of the PO are repealed and shall be of no force or effect and shall be superseded and replaced by the text of Section 7.1 and 7.2 of Appendix A of the Proposal. The foregoing notwithstanding, the last sentence of Section 7.2 of Appendix A of the Proposal commencing with the words "Anything in the Order..." is amended in its entirety to state: "Anything in the Order or these General Conditions notwithstanding, any liability of Envirogen under the Order shall not exceed in the cumulative aggregate sum of \$1,500,000."
- B. Work performed by the following subcontractors and/or subconsultants of Vendor in the furtherance of Vendor's performance under the Agreement shall not constitute an assignment within the meaning of Section 14 (Assignment of Contract) of the PO.
- C. Section 7 (Invoices) of the PO notwithstanding, the Parties agree that invoices may be submitted by Vendor to City via electronic mail delivered to the following electronic mail address or such other address as the City may redesignate from time to time: PublicWorks@sfcity.org. The words "no later than the 5th day after shipment is made" are amended to "no later than the 30th day after shipment is made."
- D. The text of Section 5 Force Majeure of Appendix A of the Proposal is hereby incorporated by this reference into the agreement.

- E. Section 12 (Warranty) of the PO is repealed and shall be of no force or effect and shall be superseded and replaced by the text of Section 6 (Warranties) of Appendix A of the Proposal.
- F. In addition to the equipment, tasks and services contemplated under the PO and the Proposal, the Parties agree that Vendor shall also provide those supplemental services and tasks set forth in Exhibit "A" to this Addendum (hereinafter, the "Supplemental Services"). In consideration for Vendor's performance of the Supplemental Services, City shall pay Vendor a sum of One Million, Six Hundred-Fifty Two Thousand, One Hundred and Ten Dollars (\$1,652,110) payable per the schedule outlined in the Proposal.

SECTION 2. In the event of any conflict or inconsistency between the provisions of this Addendum and the provisions of the PO or the Proposal, the provisions of this Addendum shall govern and control, but only in so far as such provisions conflict with the PO and the Proposal and no further.

SECTION 3. The PO and the Proposal as modified by way of this Addendum, constitute the entire, complete, final and exclusive expression of the Parties with respect to the matters address in those documents and supersedes all other agreements or understandings, whether oral or written, or entered into between City and Vendor prior to the execution of this Addendum. The capitalized term "Agreement" as used herein shall refer to the PO, the Proposal and this Addendum, collectively. 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 amendment, modification or supplement to the Agreement shall be valid and binding unless in writing and duly executed by the Parties in the form of a written amendment.

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

[SIGNATURE PAGE TO FOLLOW]

CITY:

City of San Fernando

By: _____
Nick Kimball, City Manager

Date: _____

APPROVED AS TO FORM

By: _____
Richard Padilla, Assistant City Attorney

Date: _____

VENDOR:

Envirogen Technologies, Inc.

By: _____

Name: _____

Title: _____

Date: _____



Exhibit A (10/25/2021)

1.0 INTRODUCTION

Envirogen Technologies, Inc. (Envirogen) has prepared this Exhibit A as a supplemental document to the Proposal 24166 (dated June 30, 2021). It contains four additions to the Proposal and defines a price adder for additional services requested by the City of San Fernando.

2.0 ADDITIONS

2.1 PERMIT ASSISTANCE

Envirogen was requested to provide assistance with the local regulatory authority in providing technical and operational documents to enable the Well 3 treatment system to be permitted. Envirogen's engineering staff will provide up to 80 hours of labor assisting City of San Fernando staff in crafting of the required technical documents required by the regulator to achieve the permit of operation. If more time is needed or special travel arrangements required to fulfil this obligation, a change order will be required to continue and complete the work. If a California professional engineer's stamp is required on any documents, Envirogen can offer a California Civil PE stamp. If another discipline of engineering is demanded by the regulator, then a change order will be required to cover such specific additional costs. Envirogen's scope of work for this effort will be:

- Attend up to two preliminary telephonic/virtual meetings for initial questions and discussions with the State regulator.
- Prepare DRAFT technical documents for the City of San Fernando in support of their permitting efforts.
- After submittal of DRAFT documents, attend up two additional telephonic/virtual meetings for follow-up questions and discussions with the State regulator.
- Prepare FINAL technical documents for the City of San Fernando in support of their permitting efforts.
- If required, provide a State of California Civil Engineering stamp on submitted documents.

2.2 TAXES ON EQUIPMENT

For the equipment provided in the Proposal 24166, priced at \$1,484,000.00, this must be taxed based on the City of San Fernando tax rate of 10.25%. Hence, this added pricing is provided in Section 3.0.

2.3 MODIFICATION OF ESCALATION FORMULA

Within Section 4.3 (ESCALATION CONCERNS & CLAUSE) of Proposal 24166, the wording is updated to read:

Envirogen's price shall be adjusted upward, if there is an increase in price equal to or exceeding 3% and the increase shall be measured using the formula and indices from the base date of this proposal. The increase shall be calculated as:

$$((PO \text{ Value} * .85 * \%Metals) * (Metals Index_{PO} - Metals Index_{Prop}) / Metals Index_{Prop}) + ((PO \text{ Value} * .85 * \%Plastic) * (Plastics Index_{PO} - Plastics Index_{Prop}) / Plastics Index_{Prop})) + PO \text{ value}$$

Where:

- *Metals Index_{PO} is the Metals index value for the month of release of purchase orders to suppliers.*
- *Metals Index_{Prop} is the Metals index value for the month of this proposal.*
- *Plastics Index_{PO} is the Plastics index value for the month of release of purchase orders to suppliers.*
- *Plastics Index_{Prop} is the Plastics index value for the month of this proposal.*

2.4 PERFORMANCE TESTING

For clarity, a Commercial Operation Date is now defined and shall mean that date upon which the SimPACK™ system is fully installed and operational, has been tested and is capable of treating water within the design specifications described per Proposal 24166. The SimPACK™ system when installed, maintained and operated in strict compliance with the plans, specifications and instructions of Envirogen, shall, at the time of performance testing immediately following the Commercial Operation Date, be capable of consistently treating Influent Raw Water at the flow rate and water chemistry as defined in Tables 1a and 1b of the Proposal 24166, such that the target effluent concentration for nitrate is met. Once this performance testing is demonstrated and the target effluent criteria achieved, Envirogen will have met its obligation under this PO and its scope of work/services will be considered complete.

3.0 PRICING

The pricing for the original equipment from Proposal 24166 and the updated adders to the pricing per the details of Sections 2.1 and 2.2 of this Exhibit A are:

| | |
|---|----------------|
| Ion Exchange System Well 3 (with nitrate selective resin) and SimPACK | |
| Control Upgrade for Well 7A..... | \$1,484,000.00 |
| Taxation on Equipment (10.25% on \$1,484,000.00)..... | \$152,110.00 |
| Permit Assistance..... | \$16,000.00* |

*This amount is for 80 hours of labor and no associated travel. Any time or expenses beyond this amount will require a change order based on Envirogen's published/prevaling rates, with expenses at Cost plus 15%.

This "adder pricing" is part of the overall pricing of the Proposal 24166, with Section 4.2 TERMS & CONDITIONS applicable.



GENERAL TERMS & CONDITIONS

1. **PURCHASE OF GOODS & SERVICES:** City agrees to purchase, and Vendor agrees to sell, the goods ("Goods") and to provide the services related to the installation or delivery of such goods ("Services") set forth in (I) the City's Notice Inviting Bids, requisition request, or other written or verbal solicitation of bids by the Purchasing Officer ("City's Bid Documents") and (II) Vendor's Bid in response thereto ("Vendors Bid"). The City's Bid Documents and the Vendor's Bid shall be referred to collectively as the "Bid Documents." The Goods shall be in compliance with all of the standards and specifications set forth in the Bid Documents, and the Services shall be provided in a manner consistent with that level of care and skill ordinarily exercised by members in the same profession, practicing in the same locality under similar conditions. In the event of any conflict, the order of precedent shall be as follows: (I) specifications set forth in this Purchase Order, (II) City's Bid Documents; and (III) Vendor's Bid. There shall be no substitution of Goods or Services, without the prior written authorization of the Purchasing Officer.
2. **ACCEPTANCE OF PURCHASE ORDER:** This Purchase Order constitutes the entire agreement between the Vendor and the City covering the Goods and/or Services described herein except as otherwise noted in the Purchase Order. Failure to decline to perform in writing constitutes agreement to the terms of the Purchase Order. Time is of the essence.
3. **PURCHASE PRICE:** The purchase price for the Goods and Services shall be the amount set forth in this Purchase Order. Vendor represents that the prices quoted to or paid by the City will not exceed current prices charged to any other customer by the Vendor on the Execution Date for items that are the same or substantially similar to the Goods, taking into consideration the quantity under consideration, and the Vendor will forthwith refund any amounts paid by the City in excess of the price.
4. **PACKING AND SHIPPING:** Deliveries shall be made as specified without charge for boxing, crating, or storage unless otherwise specified, and Articles shall be suitably packed to secure lowest transportation cost, and in accordance with the requirements of common carriers, and in such a manner as to assure against damage from weather or transportation. Articles shall be described on bills of lading in accordance with current Motor Freight or Uniform Freight Classification, whichever is applicable. The City's order numbers and symbols must be plainly marked on all invoices, packages, bills of lading and shipping orders. Packing lists shall accompany each box or package shipment. The City's count or weight shall be final and conclusive on shipments not accompanied by packing slips. Shipments for two or more destinations when so directed by the City shall be shipped in separate boxes or container for each destination, at no extra charge.
5. **DELIVERY DATE:** The Goods must be shipped and must arrive at the destination specified on the Purchase Order as "Ship To" and Services must be provided by the Vendor by the request date specified therein ("Required Delivery Date"). Any failure by the Vendor to meet the Required Delivery Date will constitute a material default of this Purchase Order and the City may cancel any Goods not delivered in a timely manner without liability. The Vendor must notify the City immediately if the Vendor reasonably believes the Vendor will not be able to meet the Required Delivery Date for any reason and provide the City with a schedule that the Vendor reasonably believes it will be able to meet. It is within the City's discretion whether it will accept the revised schedule.
6. **DELIVERY RISK OF LOSS:** All orders will be F.O.B. Destination if not otherwise specified in the Purchase Order. Risk of loss or damage to the Goods must remain with the Vendor until the Goods have been delivered to and accepted by the City. All Goods and Services will be received by the City subject to its right of inspection, rejection, and revocation of acceptance under the Uniform Commercial Code. The City will be allowed a reasonable period of time to inspect the Goods and Services and to notify the Vendor of any nonconformance with the terms and conditions of the specifications. The City may reject any Goods and Services that do not conform to the terms and conditions of the Bid Documents. Any Goods and Services rejected may be returned to the Vendor at the Vendor's risk and expense.
7. **INVOICES:** An invoice must be mailed to the City at the address specified in the Purchase Order as "Bill To" no later than the 5th day after shipment is made. Individual invoices must be issued for each shipment against each Purchase Order. Invoices must contain the Purchase Order number, description of Goods and Services, unit price, quantities billed, extended totals, and applicable taxes as set forth in Section 9 of these Terms & Conditions.
8. **CASH DISCOUNTS:** The date used as the basis for cash discount calculation is the date the Articles are received or the date an acceptable invoice is received, whichever is later.
9. **TAXES:** Vendor shall separately state on all invoices any taxes imposed by federal or state government applicable to furnishing of the articles; provided, however where a tax exemption is available, such tax shall be subtracted from the total price and identified. Municipalities are exempt from federal excise and transportation taxes. Total prices quoted are to exclude federal taxes. Unless otherwise set forth in the Purchase Order, the purchase price will be considered to include state and city sales or use tax.
10. **CANCELLATION:** The City reserves the right to terminate this Purchase Order, or any part of it, at any time even though Vendor is not in default. On receipt of notice of termination, Vendor shall, unless such notice otherwise directs, immediately discontinue its performance under the Purchase Order and deliver, if and as directed, to City all completed and partially completed Goods and Services in process. This section shall not limit or affect the right of City to terminate immediately upon Vendor's breach.
11. **CHANGES:** This Purchase Order shall not be amended, modified or rescinded, except by written agreement signed by the parties and expressly referring to this Purchase Order.
12. **WARRANTY:** The Vendor warrants that all Goods will conform to applicable specifications, drawings, descriptions, and samples, and will be merchantable, of good workmanship in material, and free from defect. Unless manufactured pursuant to a detailed design furnished by the City, the Vendor assumes design responsibility and warrants the Goods to be free from design defect and suitable for the purposes intended by the City, and that such Goods if installed by the Vendor shall conform to applicable specifications. The Vendor's warranties, together with its service guarantees, must run to the City and its customers or users of the Goods and Services and must not be deemed exclusive. The City's inspection, approval, acceptance, use of, and payment for all or any part of the Goods and Services must in no way affect its warranty rights whether or not a breach of warranty had become evident in time.
13. **BUSINESS LICENSE:** The Vendor must obtain a City business license, unless the Vendor qualifies for an exemption.
14. **ASSIGNMENT OF CONTRACT:** None of the sums due or to become due nor any of the work to be performed under this contract shall be assigned nor shall Vendor subcontract for completed or substantially completed Articles or major components thereof without the City's prior written consent. Any assignments to which the City consents shall be subject to set off or recoupment for any present or future claim which the City may have against the Vendor.
15. **INSURANCE:** Vendor shall maintain at its expense, until completion of performance and acceptance by City, insurance from an insurer acceptable to the City for: comprehensive general liability coverage of \$1,000,000 combined single limit for each occurrence or \$2,000,000 general aggregate; automobile liability coverage of \$500,000 combined single limit per accident for bodily injury and property damage covering owned, non-owned and hired vehicles; and workers' compensation coverage as required by the California Labor Code. The City's Risk Manager may waive or modify certain requirements in writing in the form of an addendum to this Purchase Order.
16. **INDEMNITY:** Except as to the sole negligence, or willful misconduct of the City, Vendor shall indemnify, defend and hold the City and City's elected and appointed officials, employees, officers, agents and volunteers (collectively "City Indemnitees") harmless from any and all loss, damage, claim for damage, liability, expense or cost, including attorneys' fees, which arises out of, or is related to, or is in any manner connected with the Goods and Services provided pursuant to this Purchase Order and/or the performance of work, activities, operations or duties of the Vendor, or anyone employed by or working under Vendor, and from all claims by anyone employed by or working under Vendor for services rendered to Vendor in performance of this Agreement, notwithstanding that the City may have benefited from their services. This indemnification provision shall apply to any acts or omissions, willful misconduct or negligent conduct, whether active or passive, on the part of Vendor or of anyone employed by or working under Vendor. The parties agree that any payment, attorneys' fees, costs or expense that the City incurs or makes to or on behalf of an injured employee under the City's self-administered workers' compensation in included as a loss, expense or cost for the purposes of this Section, and that this Section shall survive the expiration or early termination of the Agreement.
17. **DUTY TO DEFEND:** Vendor agrees, at its cost and expense, to promptly defend the City and the City Indemnitees from and against any and all claims, allegations, lawsuits or other legal proceedings which arise out of, or are related to, or are in any manner connected with (I) the Goods and Services provided pursuant to this Purchase Order; (II) allegations that the Goods are defective in manufacture or design; (III) any patent related to the Goods; and (IV) the work, activities, operations, or duties of Vendor, or of anyone employed by or working under the Vendor, or (2) any breach of this Agreement by Vendor. This duty to defend shall apply whether or not such claims, allegations, lawsuits or proceedings have merit or are meritless, or which involve claims or allegations that any of the Parties to be defended were actively, passively or concurrently negligent, or which otherwise assert that the parties to be defended are responsible, in whole or in part, for any loss, damage or injury. Vendor agrees to provide this defense immediately upon written notice from the city, and with well qualified, adequately insured experienced legal counsel acceptable to the City.
18. **INTERPRETATION:** The terms of this Purchase Order should be construed in accordance with the meaning of the language used and should not be construed for or against either party by reason of the authorship of this Purchase Order or any other rule of construction that might otherwise apply.
19. **COMPLIANCE WITH LAW:** Vendor shall comply with all applicable federal, state and local laws, rules, regulations and ordinances pertaining to the subject matter hereof, including the procurement of all necessary licenses and permits related to the items, work or services.
20. **REMEDIES:** The City's remedies herein are cumulative and in addition to any other remedies at law or in equity. The waiver of any breach of the Purchase Order shall not be deemed a waiver of any other subsequent breach. City's failure to object to provisions contained in any communication from Vendor shall not be deemed an acceptance of such provisions or a waiver of the provisions of this Purchase Order.
21. **INDEBTEDNESS:** Any indebtedness of Vendor to City may, at the City's option, be credited against amounts owing by City hereunder.
22. **INDEPENDENT AGENTS:** Vendor, its employees and agents shall be considered independent contractors and not employees or agents of City.
23. **GRANTS DEBARMENT POLICY:** Vendor guarantees that it, its employees, contractors, subcontractors or agents (collectively "Vendor") are not suspended, debarred, excluded, or ineligible for participation in Medicare, Medi-Cal or any other federal or state-funded health care program, or from receiving Federal funds as listed in the List of parties Excluded from Federal Procurement or Non-procurement Programs issued by the Federal General Services Administration. Vendor must within 30 calendar days advise the City if, during the term of this Agreement, Vendor becomes suspended, debarred, excluded or ineligible for participation in Medicare, Medi-Cal or any other federal or state-funded health care program, as defined by 42 U.S.C. 1320a-7b(f), or from receiving Federal funds as listed in the List of parties Excluded from Federal Procurement or Non-procurement Programs issued by the Federal General Services Administration. Vendor will indemnify, defend and hold the City harmless for any loss of damage resulting from the conviction, debarment, exclusion or ineligibility of the Vendor.



A Lifecycle Performance Company

SAN FERNANDO PACKAGED WELL 3 NITRATE TREATMENT SYSTEM

CITY OF SAN FERNANDO PROPOSAL



6/30/2021

Envirogen Proposal # 24166

877-312-8950
2627 Chestnut Ridge Rd, Suite 260, Kingwood, TX 77339
P.O. Box 5419, Kingwood, TX 77325-5419

www.envirogen.com

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1.0 PROJECT SUMMARY AND APPROACH

1.1 INTRODUCTION

Envirogen Technologies, Inc. (Envirogen) has prepared this proposal for the design and supply of a SimPACK™ package Ion Exchange system for the City of San Fernando (City), California Well 3. This proposal was prepared based on the request from the City for an additional system to complement the existing Envirogen SimPACK™ system used for treatment of the City's Well 7A groundwater. In addition, this proposal also describes and incorporates a controls package upgrade for the existing Well 7A SimPACK™ unit.

1.2 PROPOSED APPROACH AND NEEDS

Feed water quality data from 2018 for Well 3 was provided by the City of San Fernando staff on June 16, 2021 in a document entitled "714946-1910143 - San Fernando-City, Water Dept. -2018 Gen Min., Gen Phy. & In-Org. (LR)." Currently, the City has one existing SimPACK treatment system at Well 7A. In the future, the City intends to blend the combined water sources from Well 3 and Well 7A, treating the combined nitrate concentration using the two SimPACK systems (existing and new). The ratio of water flow from each well is still being determined, but Well 3 has higher concentrations of nitrate (and many of the other water chemistry parameters) compared to Well 7A. Hence, Envirogen has designed the Well 3 treatment system assuming these higher Well 3 water quality parameters will require treatment (as provided in Tables 1a and 1b).

| Table 1a – Influent and Target Effluent Concentrations | | | |
|--|-------|----------------|-----------------|
| Analyte | Units | Influent Range | Effluent Target |
| Flow Rate | gpm | 1,100 | 1,100 |
| Nitrate (as N) | mg/L | ≤14 | ≤ 8 |

| Table 1b - Influent Water Modeling Assumptions | | |
|--|-------|----------------|
| Analyte | Units | Influent Range |
| Sulfate | mg/L | ≤71 |
| Chloride | mg/L | ≤46 |
| Bicarbonate (asHCO ₃) | mg/L | ≤260 |
| Chrome (as Cr VI) | µg/L | ≤3.0 |
| Arsenic (Total) | µg/L | ≤2.0 |
| TDS | mg/L | ≤470 |
| Hardness (as CaCO ₃) | mg/L | ≤330 |
| pH | SU | 6.7 -7.1 |
| Iron | µg/L | ≤880 |
| Manganese | µg/L | ≤6.7 |

Note: Chrome (as Cr VI) was shown to be ≤3.0 µg/L in 2018. A Well 3 sample should be retested in 2021.

2.0 TECHNICAL OVERVIEW

2.1 PACKAGED ION EXCHANGE SYSTEM

Envirogen's SimPACK ion exchange system allows for continuous on demand treatment with the use of regenerable ion exchange resins. Our automated system controls the flow of water for treatment, as well as regeneration and rinse cycles for exhausted bed vessels, to maintain a set number of beds for treatment of the target contaminant.

The major components of the system include:

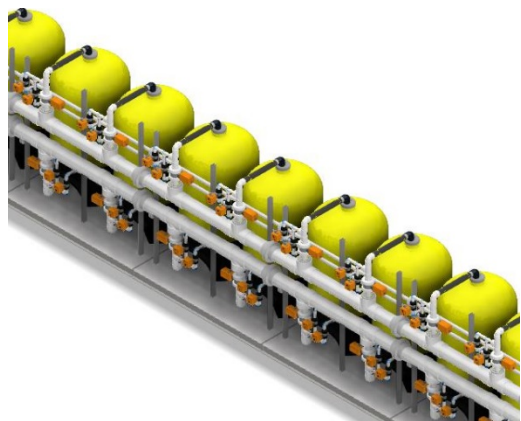
- pre-filtration,
- ion exchange (IX) treatment vessels inside an engineered, equipment shelter container,
- regeneration system all controlled and monitored by a programmable logic controller (PLC) utilizing Envirogen SimPACK control logic.

The process begins with raw water, sent from the City's well field, to the pre-filtration unit where suspended solids greater than 5 microns are removed using standard bag-type filters. The prefiltration unit removes a large amount of Total Suspended Solids (TSS) and eliminates the need to backwash the IX vessels.

After being filtered, the water is then sent to Envirogen's SimPACK IX system where the nitrate is removed using proven IX technology. Envirogen uses a multi-bed design operated in a staggered mode process. The staggered bed is Envirogen's N+3 method which means that all but three of the vessels are online while two vessels are being regenerated and one vessel is in standby. This design provides the system treatment redundancy that is required by the California Water Resources Board (CWRB)-Division of Drinking Water, while producing a consistent effluent water quality that meets the target water quality requirements. Nitrate levels are monitored using an online nitrate analyzer that can measure alternately between the influent and effluent sample points.

Nitrates are exchanged for chlorides on the IX resin. Once a vessel is exhausted and removed from service, regeneration of the SimPACK system is controlled by the SimPACK PLC controller that regulates the flow of the regenerate, a sodium chloride (brine) solution, and rinse water into IX vessel(s). The concentrated (26%) brine is injected into the bottom of the IX vessel using a brine pump. Dilution water is injected into the IX vessel to reduce the brine concentration to approximately 12%. The brine is applied in counter-current process and is cascaded across two vessels to use the chloride ions most effectively in the solution.

Once the regeneration process is complete, the vessels are rinsed using the treated effluent



Proposal 24166

City of San Fernando

water in a cascading arrangement to minimize waste. The rinse water is partially recovered and used as make-up water for the brine tank. The remaining rinse water, along with the brine waste, is sent to the waste equalization tank. All steps in the regeneration process are designed to minimize waste generation. The actual daily volume of waste will be determined based on the final process set points and treatment system utilization.

The SimPACK system is controlled and monitored using a PLC controller accessed via a human machine interface (HMI) panel located inside the system container. The PLC monitors all key performance criteria, including nitrate levels, and provides all system notifications and alarms. In the event of a process issue or equipment failure, the PLC triggers an alarm, which can trigger a well(s) shutdown, ensuring that water quality is always maintained. The PLC is also capable of being remotely monitored and can be tied into the customer's SCADA system if desired. This system allows for minimal operator interaction for general operational conditions.



June 30, 2021

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Envirogen Technologies Confidential – Trade Secret and Proprietary Information

3.0 DESIGN, SCOPE AND MANAGEMENT

Envirogen's proposed scope of supply is outlined below.

3.1 ION EXCHANGE SYSTEM EQUIPMENT

Envirogen will design, manufacture, and supply a packaged Ion Exchange system with support equipment for the treatment of well water as noted in Table 1a above. Table 2 below summarizes the major equipment included in Envirogen's proposed scope of supply.

| Table 2 - Major Equipment List | | |
|--|-----|------------------------|
| Description of Item | Qty | Description (or equal) |
| Pre-Filter Skid Assembly Flange Common Inlet/Outlet Manifold, 304 Stainless Steel Ten (10)- #2 bag filter housing, each with 304 Stainless Steel Construction Swing Bolt Quick Release Covers with Vent port Isolation and Drain Valves Epoxy Coated Steel Skid Frame | 1 | Rosedale or Equal |
| SimPACK Ion Exchange System 8'-0" x 53'-0" Modified shipping container as Equipment Shelter 10- Ø48" X 72" FRP IX vessels Motor operated Flow Valve for Flow, Regen and Rinse Control Internal Piping & Manifolds – Sch80 PVC 600 ft ³ of Strong Base Gel Anion Resin (Certified NSF-61) Main System PLC based Control Panel. NEMA 4 Wall Mount Enclosure 10" Color Touch Screen HMI Uninterruptable Power Supply for PLC, HMI and Comms Ethernet connection for plant integration Nitrate Sensor and Analyzer Miscellaneous, Instruments and transmitters for process measurement and control. Brine pump and filter assembly | 1 | Envirogen |

| Table 2 - Major Equipment List | | |
|---|-----|------------------------|
| Description of Item | Qty | Description (or equal) |
| Briner Maker Tank Assembly, 42 Ton Nominal 9,100 gallon 12' 0" ø x 12'-11" Rotational Molded HDXLPE Tank, SG 1.35 Natural Translucent Color Salt Fill Tube with Floor Stand, 304 Stainless Steel Tank Vent with Dust Bag Filter and Stand Seismic restraint assembly Miscellaneous process level control/ transmitters | 1 | Envirogen |
| SimPACK Control System Upgrade for Existing Well 7A unit This upgrade includes: One (1) Replacement Main Control Panel PLC with HMI Wall Mountable NEMA 4 Enclosure Allen Bradley Based PLC Control System Allen Bradley Touch Screen HMI Eight (8) Bed Control Panel Upgrades Wall Mountable NEMA 4 Enclosures Remote I/O Modules with Ethernet Connections Terminal Strips for Valve Wiring Connections. | 1 | Envirogen |
| <u>OPTION 1</u> 600 ft ³ of Nitrate Selective Resin (Certified NSF-61) | 1 | Envirogen |

3.2 PROJECT ENGINEERING DELIVERABLES

The engineering deliverables for the system will include the following documents:

- General Arrangement Drawings
- Detailed Process Specification
- Process Flow Diagrams
- Piping and Instrumentation Diagrams
- Utility Requirements
- General Process Piping Layouts
- Schematic Wiring Diagrams
- Project Schedule

3.3 OVERSIGHT OF SUBCONTRACTED SERVICES

Envirogen will have oversight of various subcontracted services. Responsibilities will be to ensure the quality of the work and that the required schedules are maintained. The following subcontracted services will be managed:

- Pre-manufacturing of components
- Skid assembly
- Equipment inspections (prior to delivery)

3.4 OPERATING AND MAINTENANCE MANUAL

Equipment manuals as well as data and specifications will be compiled into binders. One electronic copy of the final O&M Manual will be delivered in final form no later than 120 working days after process startup. The O&M Manuals will include the following sections:

- Table of Contents
- Operating and Maintenance instructions
- Copies of Equipment Layout Drawings with record comments
- Detailed process description
- Copy of the "Bill of Material"
- Copies of component equipment O&M manuals supplied by the manufacturer.
- Recommended Operator Log Sheet

3.5 EQUIPMENT NOTES & CLARIFICATION

- The proposed unit is a modern-day equivalent of the existing SimPACK treating Well 7A water. Although the physical configuration of the unit is different, the unit will have the same general process and functionality as the existing unit.
- All material in contact with the water shall be food grade or NSF 61 compliant.
- All commodity items (valves, motor driven equipment, instruments, equipment skids, etc.) will be manufacturer's standard or as stated in catalog cuts.
- All motors will be TEFC.

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- All items located inside the SimPACK Equipment Shelter will be piped and wired together for ease of installation at site. Connections to external wiring or piping shall be done by installing contractors.
- The Supplied Uninterruptable Power Supply (UPS) is design to provide power to just the PLC, HMI and network communication. It does not supply power to outputs external instruments or valves.
- The Pad for the installation of the SimPACK unit should be flat and level. Shimming of the container may be required to ensure the container frame sits proper and square.
- The Control System Upgrade only includes the supply of the control panels. Removal of the existing main panel and bed control panels, as well as the installation and wiring to the existing unit shall be by the installing contractor. Envirogen will provide site supervision for this activity, with one person on site for up to ten (10) man-days.
- Motor selection will be by the equipment manufacturer based on the performance requirements of the equipment. For pumps, motors will be sized for end of curve horsepower rating.
- PLC, HMI and I/O modules will be Allen Bradley. Ethernet communication will be AB TCP/IP protocol.

3.6 FIELD AND TECHNICAL SERVICES

This proposal includes the following for Technical Support for assistance during installation, review of installation, and start-up. All services to be provided during normal business hours Monday thru Friday between 7am and 3pm.

Envirogen has included time for One (1) Technician for up to two (2) trips for five (5) days each for a total of ten (10) days onsite. We estimate the trips to involve the activities:

- Mechanical installation check-out
- Supervision of initial loading of media (by others)
- Start-up support assistance
- Operator training, 1 session 4 hours

Any additional services or time, if requested by the Owner or contractor, shall be invoiced based on Envirogen's published or prevailing rates. Expenses associated with any additional Envirogen labor including travel, will be invoiced at Cost plus 15%.

3.7 CLIENT-FURNISHED ITEMS

- Coordination of information that may impact Envirogen's ability to fulfill its obligations as set forth in this Proposal and attachments hereto.
- All required permits including construction and environmental permits.
- Space for storage and on-site equipment staging.
- Site security fencing, lighting, safety, and fire prevention equipment (eyewash, showers, fire extinguishers, etc.).
- Design and Construction of a concrete foundation for the supplied equipment
- Offloading of all equipment upon arrival at the site.
- Installation of the Envirogen supplied system including interconnecting piping and electrical, as well as loading of media.
- Designated area for equipment installation.
- Site piping to and from the individual system equipment limits.
- Supply and hook-up of electrical power feed, 3 phase 460 volt and single phase 120-volt systems.
- Provide influent feed water flow meter to each IX treatment unit.
- Provide for wiring of customer-supplied influent water flow meter to provide a signal to each IX treatment unit.
- Initial disinfection and associated testing prior after installation.
- Salt / Brine supply for start-up and post start-up operations.
- Provide information and definition of site hazardous area classification.
- Piping insulation or freeze protection (if required).
- Connection and integration to Plant SCADA or RTU system.
- Performance Testing equipment rental and analytical services.
- Provide for Contractor to perform system hydro test and any necessary repairs, to perform disinfection and obtain necessary permitting of system prior to performance testing, and labor required to correct deficiencies in the installation of the equipment during acceptance and performance testing.
- Provide flow-to-waste capability and disposal of water, chemical and other waste produced during start-up, testing and demonstration of the treatment system.
- Provide all necessary well pump controls for staging, sequencing, blending controls and interface with SimPACK unit.
- Provide necessary piping, valves and equipment to limit feed pressure to less than 150 psi and to protect the SimPACK unit from damage as the result of over-pressurization, surge and water hammer.
- Provide necessary equipment to maintain a minimum of 35 psi backpressure on the discharge side of the SimPACK unit.
- Characterize waste profile of generated brine.
- Prepare and submit CWRB-DoD permit package.
- For the Well 7A Control Package Upgrade Scope, removal and disposal of existing Control panels from Well 7A unit.

4.0 PRICING

4.1 ION EXCHANGE SYSTEM EQUIPMENT

The pricing for the Scope of Work and Equipment in Section 3 is:

| | |
|---|----------------|
| Ion Exchange System Well 3 and SimPACK Control Upgrade for Well 7A..... | \$1,408,000.00 |
| Option 1 (Adder)- Supply of Nitrate Selective Resin | \$76,000.00 |

4.2 TERMS & CONDITIONS

- This proposal is valid for 30 days.
- Payments are NET 30 from invoice issuance.
- Except as otherwise noted herein, this price(s) stated does not include any sales, use, excise or similar taxes, fees, permit costs, etc.
- Pricing provided includes delivery as DAP (INCO 2013) job site.
- Envirogen Standard Terms and Conditions shall apply (See Appendix A).
- This Proposal/Offer and its appendices must be attached to or incorporated by reference in any purchase/change order
- Payment Milestones shall be as shown in Table 3.
- Refer to Section 4.3 for escalation clause requirements.

| Table 3 – Payment Milestones | | |
|------------------------------|--|---------------------------|
| Milestone # | Event | Percent of Contract Value |
| 1 | Upon Submittal of the Project-Specific Drawings Submittals will occur in stages and will be invoiced as 1) Process Submittal – 10% 2) Mechanical Submittal – 10% 3) Electrical Submittal – 10% <i>One invoice will be submitted as each submittal occurs.</i> | 30% |
| 2 | Upon the Issuance of Major Equipment Purchase Orders This milestone shall be invoice upon presentation of unpriced copies of Envirogen’s Purchase orders for major Component (Container, Vessels, Controls Panels and Resin) to be supplied. <i>One invoice will be issued for this milestone.</i> | 35% |
| 3 | Upon the Notification to Ship Equipment This milestone shall be invoiced Upon the earlier of (i) Shipment of the Equipment or (ii) 30 calendar days following the date buyer is notified the equipment is ready to ship. <i>This invoice may be prorated based on the equipment shipped or available to ship.</i> | 30% |
| 4 | Upon Commissioning of System This milestone shall be invoiced upon the earlier of (i) successful commissioning/start-up of the system, or (ii) 60 calendar days following the installation of the equipment or (iii) 120 calendar days following the date that Envirogen provides notice that the major equipment was ready to ship. | 5% |

4.3 ESCALATION CONCERNS & CLAUSE

Due to the current market volatility, at any time before client release for fabrication, the price of materials significantly increases, through no fault of Envirogen, the price (for the Ion Exchange System) shall be equitably adjusted by an amount reasonable and necessary to cover such increase. As used herein, a significant price increase shall mean any increase in price equal to or exceeding 3% experienced by Envirogen from the date of this proposal.

Escalation of Envirogen's price shall apply in the event of an increase in prices of metals, metal products, PVC products and Fiberglass Reinforced products as measured by the following indices:

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1. **Index:** PPI Commodity data for Metals and metal products-Hot rolled steel bars, plates, and structural shapes, not seasonally adjusted.

Issuer: Bureau of Labor Statistics / United States Department of Labor.

Series ID: WPU101704

<http://data.bls.gov/timeseries/wpu101704>

2. **Index:** PPI Commodity data for Plastics Material and Resins Manufacturing, not seasonally adjusted.

Issuer: Bureau of Labor Statistics / United States Department of Labor.

Series ID: PCU

<https://data.bls.gov/timeseries/PCU325211325211>

Envirogen's price shall be adjusted upward, if there is an increase in price equal to or exceeding 3% and the increase shall be measured using the formula and indices from the base date of this proposal. The increase shall be calculated as:

$$[\text{PO value} * .85 * ((16\% * \text{Metals Index}_{\text{PO}} / \text{Metals Index}_{\text{Prop}}) + (40\% * \text{Plastics Index}_{\text{PO}} / \text{Plastics Index}_{\text{Prop}}))] - (\text{PO value} * .85)$$

Where:

- 16% is the percentage of the total proposed value represented by the affected metal products.
- Metals Index_{PO} is the Metals index value for the month of release of purchase orders to suppliers.
- Metals Index_{Prop} is the Metals index value for the month of this proposal.
- 40% is the percentage of the total proposed value represented by the affected plastic products.
- Plastics Index_{PO} is the Plastics index value for the month of release of purchase orders to suppliers.
- Plastics Index_{Prop} is the Plastics index value for the month of this proposal.

No upward adjustment shall apply to supplies or services that are required to be delivered or performed before the effective date of the adjustment, unless Envirogen's failure to deliver or perform according to the delivery schedule results from causes beyond Envirogen's control and without its fault or negligence, within the meaning of the Default clause.

The aggregate of the increases to the contract price made under this clause shall not exceed 10 percent of the original price.

5.0 SCHEDULE

Envirogen will engineer and submit required drawings as shown in Table 4 below.

| Table 4- Estimated Schedule | |
|--------------------------------------|--------------------------------------|
| Task Milestone | Estimated Dates |
| Submittal of Engineering Drawing | 12 weeks After Receipt of Order |
| Client Review Period | 2 Weeks (10 days) After Submittal |
| Notice of "Ready" to Ship | 24-28 Weeks after Submittal Approval |
| Completion of Site Testing / Startup | 1 Week |

While drawings are issued for approval, they are intended for informational purposes only.

All drawings will remain the property of Envirogen and may not be used by others for fabrication.

Submittal documentation shall be provided electronically in PDF including the operations and maintenance documentation.

Any request by Client to either accelerate or delay a deliverable date described above for any reason other than an event of force majeure, shall require a mutually acceptable change order pursuant to Section 12.5 of Envirogen's General Conditions attached as Appendix A. Such change order shall include the new schedule of deliverable due date(s) and any price adjustment occasioned by the change in schedule.

APPENDIX A

GENERAL CONDITIONS FOR THE SALE OF PRODUCTS AND SERVICES
BY ENVIROGEN TECHNOLOGIES, INC. (ETIGC #180131)

GENERAL CONDITIONS FOR THE SALE
OF PRODUCTS AND SERVICES BY ENVIROGEN TECHNOLOGIES, INC.

ETIGC #180131

The following General Conditions are and shall be an integral part of any Order to which these terms and conditions are attached and/or referenced. In no event shall any term or condition attached to or made part of any purchase order or other contract document issued by Purchaser, or any shipping document or other document associated with the services or Products described in the Order to which these General Conditions apply have any controlling effect whatsoever unless specifically adopted in writing by an authorized representative of both Envirogen Technologies, Inc. ("Envirogen") and Purchaser.

1. Definitions. Throughout these General Conditions or any Order or other document to which they apply, the following words and phrases, when printed with the initial letter capitalized (unless shown below without capitalization), shall have the meanings ascribed to them below, unless the context requires otherwise:

"Cost" shall mean all expenses incurred by Envirogen for materials, supplies, energy, regulatory permitting, labor, outside contractors and professionals, transportation, supervision, excise, sales and similar taxes. For all purchases of materials, supplies and services, "Costs" shall include an additional ten percent (10%) of the direct expense to reimburse Envirogen for purchasing and accounting activities. Labor charges for Envirogen's personnel will be at rates shown in any Order or attachment, exhibit or schedule incorporated therein. In the absence of any such specification of rate(s), labor charges for Envirogen's personnel will be at the individual's hourly wage rate (or equivalent) plus forty percent (40%) for employee and group benefits and employee taxes.

"Purchaser" shall mean the person or entity purchasing Products or services from Envirogen.

"Day" or "day" shall mean a calendar day unless otherwise indicated.

"Party" or "Parties" shall mean either Envirogen or Purchaser or both.

"Products" shall mean products, equipment, parts, goods, media or materials meeting the description or specifications set forth in the Order.

"Order" shall mean any purchase order, work order, change order, letter agreement or similar contract document issued by Purchaser and accepted in writing by Envirogen or issued by Envirogen and accepted in writing by Purchaser which either references or attaches these General Conditions and/or all attachments, amendments or any ancillary documents to any such contract document.

"Owner" shall mean the ultimate end user of the Product or service where the end user if not the Purchaser. Normally this would occur where the Purchaser is a prime contractor and Envirogen is a subcontractor.

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In addition to the definitions set forth above, embedded within these General Conditions or any Order, there may be additional defined terms which are designated as such in a parenthetical and highlighted with quotation marks.

2. Cooperation of Purchaser. To assist Envirogen in providing Products and/or performing services, Purchaser shall (i) provide Envirogen with all relevant material, data, and information in its possession pertaining to the specific project or activity, (ii) consult with Envirogen when requested, (iii) permit Envirogen reasonable access to relevant Purchaser or Owner controlled sites, (iv) ensure reasonable cooperation of Purchaser's employees and the Owner, and (v) unless a longer period is provided for in the Order, return all drawings or other documents submitted by Envirogen to Purchaser for review, comment and/or approval within a commercially reasonable time following submission not to exceed ten (10) business days. Any failure to return documents within the time prescribed shall be considered a waiver by Purchaser of its right to review and approve or comment on the documents.

3. Price, Costs and Payments.

3.1 Unless otherwise stated therein, the price(s) and charges for Products and/or services specified in any Order are exclusive of any sales, use, value added, excise, gross receipts, business and occupation or similar present or future taxes imposed by any governmental entity on the sale, delivery, use or other handling of the Product or service or in connection with any transactions contemplated by the Order to which these General Conditions apply. If any such taxes are incurred by Envirogen, Purchaser shall reimburse Envirogen the amount of such taxes.

3.2 Whenever rates or prices in any Order include transportation or when transportation is charged separately by Envirogen, such rates, prices or charges shall be exclusive of (i) material increases in the cost of transportation occasioned by significant increases in the costs of fuel or weather, road or access conditions which could not have been reasonably anticipated in advances of pricing the cost of transportation or (ii) any extraordinary or excess demurrage charges incurred by Envirogen from third party carriers which arise from delays or demurrage at the delivery point. Demurrage will be charged to Purchaser except to the extent such demurrage primarily results from the negligence or other fault on the part of Envirogen or its carrier.

3.3 Unless otherwise specifically indicated in the Order, all prices (or other values) in the Order are stated in U.S. dollars and all payments are to be made in U.S. dollars.

3.4 Invoices may be provided to Purchaser, at the option of Envirogen, by mail, delivery service, electronic mail or fax and payments by Purchaser shall, at the election of Envirogen, be made by mail, overnight delivery service or electronic funds transfer. Purchaser shall provide Envirogen with contact information for delivery of invoices. Invoices shall be due and payable within thirty (30) days of receipt by Purchaser of the invoice. TIME IS OF THE ESSENCE for payment of all fees and charges. Interest on delinquent payments shall accrue until paid at the greater rate of (i) twelve percent (12%) per annum or (ii) the prime interest rate as quoted by the Wall Street Journal plus 500 basis points (adjusted on the first day of each calendar quarter.) In the event that the interest rate described above exceeds the maximum interest rate chargeable under law for such transactions, such maximum legal rate shall apply.

3.5 Should any portion of an Envirogen invoice be disputed by Purchaser, Purchaser will pay the undisputed portion and within the payment period prescribed above shall provide Envirogen with written notice of the disputed portion of the invoice and the reasons for the dispute. In no event shall Purchaser withhold payment of any undisputed portion of a Envirogen invoice based on the set-off of a Purchaser claim against Envirogen or as a back-charge for monies claimed to be owed Purchaser by Envirogen. At the request of Purchaser, Envirogen shall provide Purchaser with a written partial release of statutory liens utilizing Envirogen's standard form which shall be conditioned on actual receipt of payment of a particular invoice.

3.6 Envirogen may, from time to time, establish such credit terms as it shall, in the sole judgment of Envirogen, deem

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reasonably necessary, including, but not limited to, credit limits.

3.7 In the event that Envirogen should incur Costs, including, but not limited to, attorney's fees and collection agency fees, to collect overdue invoices and accounts, Purchaser shall reimburse Envirogen for all such reasonable Costs whether or not litigation has been initiated to collect the overdue account.

3.8 When fees or charges are based in whole or in part on a reimbursement by Purchaser of Envirogen's actual costs, with or without a mark-up, such costs shall be determined at the time of invoicing whether or not the cost has already been paid by Envirogen or has, as of that time, accrued as an expense for purposes of accounting. Any future rebate or credit to Envirogen which may be associated either directly or indirectly with the cost or expense, shall not give rise to a similar rebate or credit from Envirogen to Purchaser.

4. Delivery and Risk of Loss.

4.1 Except as otherwise set forth in the Order, delivery of Product shall be DAP work/installation site (Incoterms 2010).

4.2 Except as otherwise set forth in the Order, Purchaser agrees to take delivery of Product upon notice from Envirogen that the Product is ready for delivery. If for any reason Purchaser is either unable or unwilling to accept delivery, Purchaser shall be responsible to pay or reimburse Envirogen for all additional Costs incurred for storage, insurance and/or transportation.

4.3 Title to and risk of loss with respect to Products shall pass from Envirogen to Purchaser at the time the Product is delivered to Purchaser. Product shall be deemed to be delivered when the Product has been loaded to Purchaser's carrier or if delivered by Envirogen to Purchaser's or Owner's work site, upon arrival at the work site. (See Section 4.1) Offloading from the Envirogen carrier is the responsibility of Purchaser. Damages to the Product incurred during offloading shall be the responsibility of Purchaser. To qualify for a credit, any shortage or damages (other than those incurred after delivery DAP) to the Product shall be reported in writing to Envirogen by Purchaser within five (5) business days of the date of delivery of the Product.

5. Force Majeure. If Envirogen is rendered unable to perform its obligations under the Order by an event beyond the reasonable control of Envirogen, Envirogen shall not be liable to Purchaser for failure or delay in such performance to the extent that the failure or delay is due to such force majeure event. Force majeure events shall include, but shall not be limited to, war (whether declared or undeclared), fire, flood, lightning, earthquake, hurricane, storm or any other act of God; strikes, lockouts or other labor difficulties; civil disturbances, riots, sabotage, accident not involving fault on the part of Envirogen or explosion; inability to secure necessary fuel, power, equipment, transportation or raw materials and/or any other reason beyond the reasonable control of Envirogen.

6. Warranties. The following warranties are in addition to any other warranties specifically set forth in the Order:

6.1 Products. Envirogen warrants to Purchaser that (i) Envirogen will have title to all Products delivered to Purchaser, free and clear of all liens, encumbrances and security interests, and (ii) that all Product will conform at the time of delivery to the written mechanical product description and/or specifications set forth or otherwise referenced in the Order. In the event of a failure by Envirogen to materially meet the terms of the warranty set forth in this Subsection 6.1, Envirogen, at its own expense, shall remove the defective, non-conforming product and replace it with a like quantity of conforming Product meeting the description or specifications.

6.2 Equipment, Parts and Goods. Except as otherwise provided for in the Order, Envirogen warrants as follows:

A. Equipment and systems which are the subject of the Order shall, when constructed, installed, used, maintained and operated in strict compliance with the plans, specifications and instructions of Envirogen, meet the performance criteria specifically set forth in the Order during the performance testing period described therein.

B. At the time of delivery, equipment and parts will be free from any and all material defects which would reasonably interfere with their use by Purchaser. In the event such defect is reported to Envirogen within twelve (12) months from date of installation of the equipment or part or within fourteen (14) months following delivery by Envirogen, whichever comes first, Envirogen will repair or replace the defective component without charge.

6.3 Services. Envirogen warrants as follows:

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- A. In providing services under the Order, Envirogen will comply with all federal, state and local laws.
- B. The services to be provided by Envirogen shall be performed utilizing the same generally accepted standards of due diligence, skill, reasonable care and safety ordinarily employed by service providers similarly situated in the same geographic region and at the same time.
- C. All Envirogen personnel engaged in providing the services pursuant to the Order (i) shall be appropriately supervised by qualified persons in Envirogen's employ, (ii) shall be appropriately skilled to perform the work to which they are assigned, and (iii) shall have met appropriate licensing and certification requirements of the state in which the service are to be provided.

6.4 Media and Resins. Unless otherwise set forth in the Order, Envirogen warrants that media supplied by Envirogen meets or exceeds Envirogen's specifications for the media and manufacturer's specifications for the media at the time of shipment.

6.5 Patents. Envirogen warrants that neither its Products nor its services shall infringe upon any patent(s) or copyright(s), or misappropriate or misuse trade secret(s) or other confidential information unless such Product or service is provided in compliance with Purchaser provided specifications. In the event of a default under this patent and intellectual property warranty, upon notice of the default by Purchaser, Envirogen shall obtain on behalf of Purchaser such releases, licenses or other appropriate authorizations as shall be necessary to prevent the infringement.

6.6 ENVIROGEN MAKES NO WARRANTY, EXPRESSED OR IMPLIED, PURSUANT TO THESE GENERAL CONDITIONS, THE ORDER OR OTHERWISE OTHER THAN AS IS SPECIFICALLY SET FORTH IN THIS WARRANTIES PARAGRAPH AND THE ORDER AND NONE SHALL BE IMPLIED. THE WARRANTIES AND ANY REMEDIES SET FORTH IN THIS WARRANTIES PARAGRAPH AND/OR THE ORDER ARE EXCLUSIVE. THE WARRANTIES ARE GIVEN AND ACCEPTED BY PURCHASER IN LIEU OF ANY AND ALL OTHER WARRANTIES, WHETHER EXPRESSED OR IMPLIED, INCLUDING WITHOUT LIMITATION ALL WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, ALL SUCH WARRANTIES BEING HEREBY EXPRESSLY DISCLAIMED BY ENVIROGEN AND WAIVED BY PURCHASER. ANY REMEDIES PROVIDED FOR IN THIS WARRANTIES PARAGRAPH AND OR THE ORDER ARE IN LIEU OF ALL OTHER REMEDIES AT LAW OR IN EQUITY FOR BREACH OF A WARRANTY.

6.7 Purchaser may assign Envirogen's warranty obligations to the Owner without the consent of Envirogen and shall provide Envirogen with written notice of such an assignment.

7. Indemnification.

7.1 Each Party hereby agrees to defend, indemnify and hold the other Party and their respective partners, affiliates and subsidiaries, and their respective directors, officers, partners, members, employees and agents (collectively "Indemnified Parties"), harmless from and against any and all claims, liabilities, suits, proceedings, judgments, orders, fines, penalties, damages, losses, Costs and expenses (including, without limitation, costs of defense, settlement and reasonable attorneys' fees and expenses) (all of the foregoing herein collectively called "Liabilities"), arising out of (i) the indemnifying Party's negligence or willful misconduct; and, (ii) failure of the indemnifying Party or any of its employees or agents to observe or comply with any of the indemnifying Party's duties or obligations under these General Conditions or the Order, including, without limiting the generality of the foregoing, any failure to observe or comply with any applicable laws, ordinances, codes, orders, rules or regulations; violation or breach of any provision in these General Conditions or the Order including, but not limited to, any warranty for which a remedy is not specified. The foregoing obligations of indemnity will include, but not be limited to, any and all Liabilities for or relating to (i) injury to or death of any person (including, without limitation, employees or agents of the Parties), (ii) damage to or loss or destruction of any property (including, without limitation, property of the Parties, or their respective employees or agents), and (iii) any spill, release or leak of any hazardous substance or waste or any contamination of, injury or damage to or adverse effect on the environment. The indemnifying Party shall be liable, however, only for that percentage of total Liabilities that corresponds to the indemnifying Party's percentage of total negligence or fault as compared to that of the indemnified Party.

7.2 Neither Party shall have any liability to the other Party for any indirect, incidental, aggravated, exemplary, punitive, or consequential damages incurred by the other Party, whether brought on an action for breach of contract,

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breach of warranty, tort, strict liability, or otherwise and irrespective of whether caused or allegedly caused by either Party's negligence or willful misconduct and none shall be awarded by any tribunal against a Party hereto in favor of a Party hereto; provided, however, that the limitations on liability contained in this Section 7.2 shall not apply to damages which are part of a third party claim for which a Party is claiming an indemnity obligation under this agreement from the other Party and the Party entitled to indemnity protection under this agreement is seeking an indemnity or other relief against the payment of such damages from the Party required to provide such indemnity or other relief. Anything in the Order or these General Conditions notwithstanding, any liability of Envirogen under the Order shall not exceed in the cumulative aggregate, the lesser of the total fee or charges invoiced under the Order or \$1,000,000.

8. Confidential Information.

8.1 Purchaser agrees that all information related to Envirogen's systems, services, Products, methods, procedures, techniques, and equipment ("Confidential Information") is and shall remain Envirogen's exclusive proprietary and confidential information, know-how and property. Purchaser agrees to use Confidential Information solely for the purposes set forth in the Order. Purchaser agrees to keep Confidential Information confidential in accordance with the provisions of Section 8.2, and Purchaser shall not disclose, use or exploit for its benefit or the benefit of any third party Confidential Information other than in furtherance of the purpose of the Order. Purchaser shall not reverse engineer, disassemble, chemically or biologically analyze or decompile any Product or other tangible objects which embody Envirogen's Confidential Information.

8.2 Disclosure of Confidential Information may be in tangible form, by electronic media, by visual display or inspection or it may be provided orally. Confidential Information need not be marked "confidential", "secret" or the like. Purchaser shall not use or disclose Confidential Information for any purpose other than as specified in the Order. Purchaser will use at least the same degree of care to avoid disclosure or unauthorized use of Confidential Information as Purchaser uses with respect to its own confidential information, but in no event less than a reasonable standard of care. Purchaser shall require in writing that the Owner agree to be contractually bound to Envirogen by the provisions of this Section 7.2. Envirogen may seek injunctive relief to enforce its rights under this Section without any requirement of proving irreparable injury. Confidential Information does not include the following: (a) information which prior to receipt by Purchaser was either generally available to the public or in Purchaser's possession free of any restrictions on its use or disclosure from a source other than Envirogen; or (b) information which after the receipt thereof by the Purchaser either becomes available to the public through no fault of Purchaser or is acquired by Purchaser from a third party who has the legal right to transfer the information to Purchaser; or (c) information required to be disclosed by Purchaser pursuant to law but only after reasonable notice of the requirement of disclosure is provided to Envirogen.

9. Termination for Convenience. If the Order provides that the Purchaser may terminate the Order for its convenience and without cause, such termination shall be accomplished by written notice from the Purchaser to Envirogen. Upon such a termination for convenience, Purchaser shall pay Envirogen (i) for all Products and services delivered prior to the date of termination, and (ii) any and all Costs incurred by Envirogen prior the date of Termination incurred by Envirogen in the engineering, design, production, acquisition, transportation or otherwise for any Product or service as yet undelivered plus a mark-up of 25% and (iii) all reasonable Costs associated with the demobilization of Envirogen following the termination.

10. Insurance. If the services and/or the delivery of the Products require Envirogen or its contractors or carriers to enter on to any property owned or occupied by Purchaser, then Envirogen shall procure and maintain the following insurance coverages:

| <u>Coverage</u> | <u>Policy Limits</u> |
|-----------------------|----------------------|
| Workers' Compensation | Statutory |

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| <u>Coverage</u> | <u>Policy Limits</u> |
|--------------------------------|--|
| Employer's Liability Insurance | \$1,000,000 per accident or disease |
| Commercial General Liability | \$1,000,000 per occurrence and including contractual liability; and \$1,000,000 in the aggregate |
| Automobile Liability Policy | \$1,000,000 per occurrence (including owned, non-owned, and hired vehicles) non-owned, and hired vehicles) |

All such policies shall name Purchaser and Owner as an additional insured as respects liability arising from work or operations performed by or on behalf of Envirogen (excluding the workers' compensation policy). Envirogen shall promptly furnish Purchaser with certificates of insurance evidencing the required insurance coverage.

11. Miscellaneous Provisions.

11.1 For all purposes of the Order, Envirogen is and shall remain an independent contractor. There are no intended third party beneficiaries to these General Conditions or the Order and nothing in this Contract will entitle any person other than Envirogen or Purchaser to any claim, cause of action, remedy or right of any kind under the Order.

11.2 Purchaser agrees that during the term of the Order and for a period of twelve (12) months thereafter, Purchaser will not, directly or indirectly, solicit, request or otherwise induce any Envirogen employee or personnel to terminate his or her employment with Envirogen if such employee has been materially engaged in providing Product or services to Purchaser under the Order. Nothing herein shall be construed to prohibit the hiring of Envirogen employees who have responded without any direct inducement by Purchaser to publically available employment advertisements by Purchaser.

11.3 Those provisions of these General Conditions or the Order which by their nature are intended to survive the termination, cancellation, completion or expiration of these general conditions or the Order to which they apply shall continue as valid and enforceable obligations of the Parties, notwithstanding any such termination, cancellation, completion or expiration. Such provisions include, but are not limited to, provisions concerning warranties, indemnifications and confidentiality.

11.4 The validity, interpretation and performance of these General Conditions shall be governed exclusively in accordance with and by the laws of the State of Texas, save and except those Texas laws governing choice of laws which would result in the choice of a law or laws of another jurisdiction.

11.5 In the event of any dispute between the parties arising under these General Conditions or the Order, the parties agree that (i) the civil courts in and for the County of Montgomery, State of Texas, shall have exclusive jurisdiction and venue to determine such dispute(s) and each party hereby waives any objection to such jurisdiction and venue in any such court and any claim that such forum is an inconvenient forum and (ii) the prevailing Party shall be awarded its costs of suit, including reasonable attorney's fees.

11.6 The Order and these General Conditions set forth the entire agreement of the Parties regarding the services and Products described in the Order and supersede all prior discussions and agreements of the Parties, whether written or verbal other than prior confidentiality or non-disclosure agreements between Purchaser and Envirogen. The Order and these General Conditions may not be modified, amended, rescinded, canceled or waived in whole or in part by amendment or change order, except by written instrument, signed by both Parties, which makes specific reference to the Order and which specifies that the Order or these General Conditions are being amended, modified or otherwise altered. All change orders shall make specific reference to the Order and shall be signed by both Parties. All change orders shall indicate any modifications or amendment to the pricing or delivery schedule resulting from the change in scope. Any request by Purchaser to either accelerate or delay a deliverable date described in the Order for any reason shall require a mutually acceptable change order pursuant to this Section. Such change order shall include the new schedule of deliverable due date(s) and any price adjustment occasioned by the change in schedule.

June 30, 2021

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Envirogen Technologies Confidential – Trade Secret and Proprietary Information

Proposal 24166

City of San Fernando

11.7 Any waiver by either Party of any provision or condition of the Order or these General Conditions shall not be construed or deemed to be a waiver of any other provision or condition of the Order or these General Conditions, nor a waiver of any subsequent breach of the same provision or condition.

11.8 If any section, subsection, paragraph, clause or sentence of the Order or these General Conditions shall be adjudged illegal, invalid or unenforceable, such event shall not affect the legality, validity or enforceability of the remaining portions of the Order and these General Conditions as a whole or any portion thereof.

11.9 The covenants and agreements contained herein shall be binding on and inure to the benefit of the Parties hereto and their respective successors and assigns.

11.10 The Order (or any amendment) may be executed in two or more identical counterparts, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute the Order when a duly authorized representative of each Party has signed a counterpart. Photographic, facsimiled and scanned copies of such executed counterparts may be used in lieu of the originals for any purpose.

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AGENDA REPORT

To: Mayor Sylvia Ballin and Councilmembers

From: Nick Kimball, City Manager

Date: November 1, 2021

Subject: Recieve and File an Update Regarding COVID-19 Response Efforts

RECOMMENDATION:

Receive and file an update related to the City's COVID-19 efforts, including, but not limited to the City's COVID-19 planning, response, enforcement; education and outreach efforts; financial assistance programs and the pursuit of funding opportunities; COVID-19 related policy initiatives; and related recommendations, as appropriate.

BACKGROUND/ANALYSIS:

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

Staff Updates.

Los Angeles County Department of Public Health (LACDPH) A Safer Return Together at Work and in the Community Beyond the Blueprint for a Safer Economy.

As of June 15, 2021, California retired its Blueprint for a Safer Economy and California's economy is now fully open. Restaurants, shopping malls, movie theaters, and most everyday places are operating as normal – with no capacity limits or physical distancing required. However, everyone is still required to follow masking guidelines in select settings and proof of vaccination is required to enter bars, breweries, wineries, distilleries and nightclubs. Some restrictions also still exist for large events. More information is provided below.

Since reopening on June 15, 2021, LACDPH has updated the Health Officer Order on July 16, 2021, July 22, 2021, July 30, 2021, August 23, 2021, September 17, 2021, and most recently on September 28, 2021 to include:

- Clarifying that, beginning November 1, 2021, operators of Outdoor Mega Events are requirued to cross-check proof of full vaccination or negative COVID-19 viral test result against a photo identification for all attendees who are 18 years of age or older.

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- Effective October 7, 2021 (11:59 p.m.), bars, breweries, wineries and distilleries must require patrons 12 years and older to provide proof of COVID-19 vaccination status with a photo ID for entry. Between October 7 and November 3, 2021, all patrons must provide proof they received at least one dose of COVID-19 vaccination for entry to obtain indoor service. And, beginning November 4, 2021, all patrons 12 and older must provide proof of full vaccination against COVID-19 for entry into the facility indoor service. Children under age of two years are exempt. Additionally, by November 4, 2021, all on-site employees must provide their employer with proof of full vaccination against COVID-19.
- Effective October 7, 2021 (11:59 p.m.), nightclubs and lounges that are only open to persons 18 years and older, must require patrons and on-site personnel to provide proof of COVID-19 vaccination status with a photo ID for entry. Between October 7 and November 3, 2021, patrons must provide proof they received at least one dose of COVID-19 vaccination for entry to obtain indoor service at a nightclub or lounge. And, beginning November 4, 2021, all patrons must provide proof of full vaccination against COVID-19 for entry into the facility indoor service. Additionally, by November 4, 2021, all on-site employees must provide their employer with proof of full vaccination against COVID-19.

On September 30, 2021, LACDPH provided visual guidance on verifying Proof of a Negative COVID-19 Test and Proof of COVID-19 Vaccination.

In addition to the above revisions to the Health Officer Order, LACDPH instituted a separate Health Care Worker Vaccination Requirement on August 12, 2021 (effective at 11:59 pm on August 12, 2021, with compliance required by September 30, 2021), mandating employers of Health Care and Home Care workers who work in or routinely visit high-risk or residential care settings to document their fully vaccinated status; for those with approved medical or religious exemptions, document weekly or twice weekly regular testing for COVID-19.

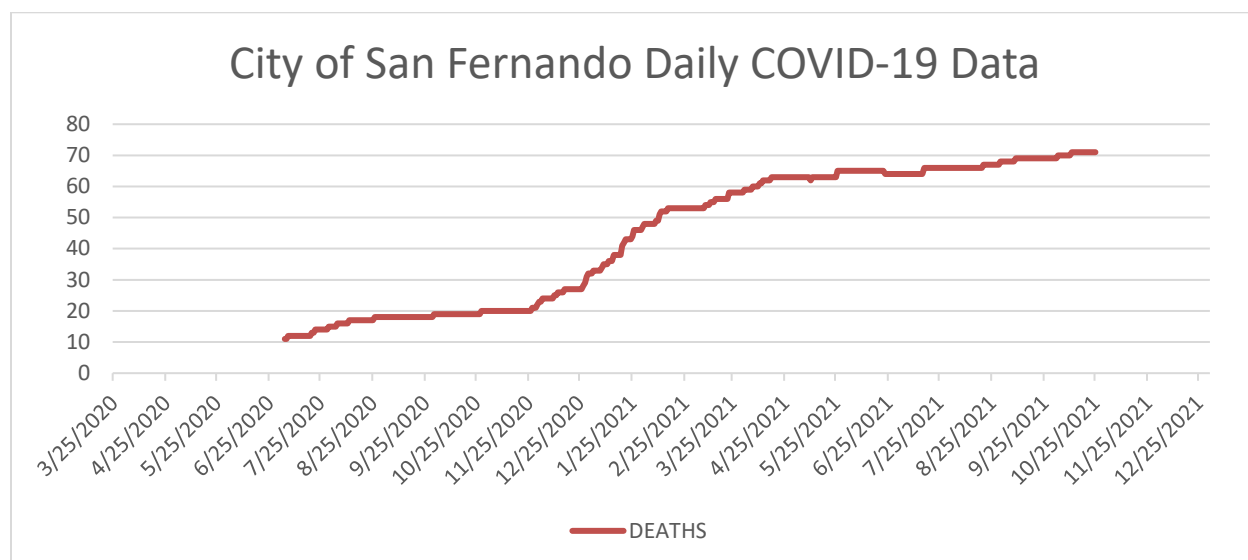
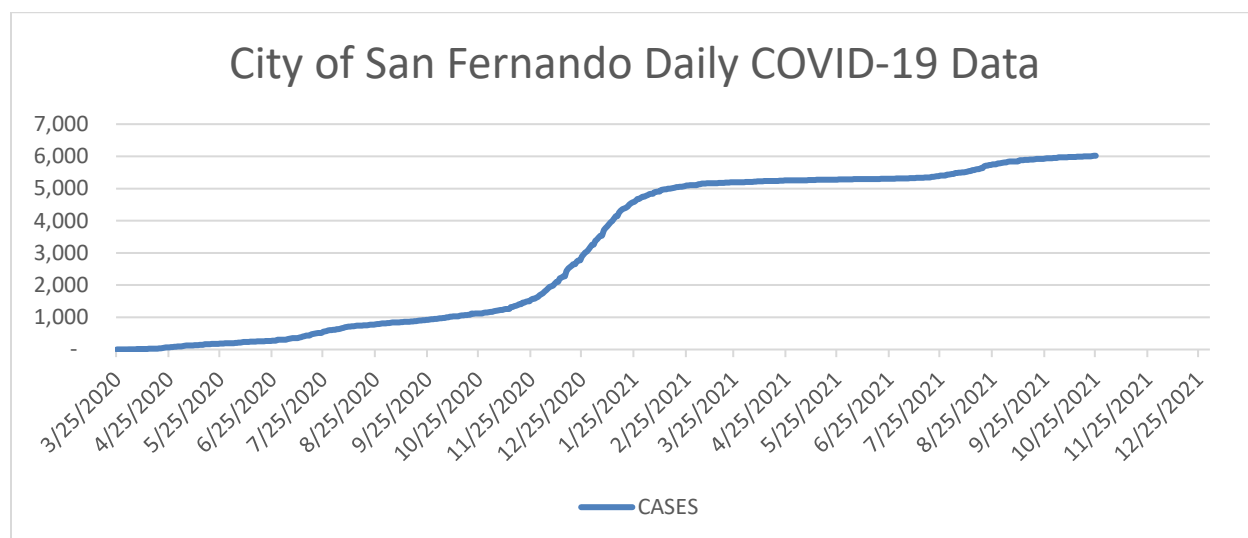
Please visit the City's website for current Health Orders issued by the LACDPH: SFCITY.ORG/Coronavirus/#Health-Officer-Order.

Daily COVID-19 Cases and Deaths in the City of San Fernando.

As of October 26, 2021, the City of San Fernando has experienced a total of 6,018 cases of COVID-19 and a total of 71 residents have lost their lives to the pandemic.

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**Masking Guidance.**

Effective July 22, 2021, there are places where everyone two years of age and older must continue to wear a mask, regardless of their vaccination status. Note that in the workplace, workers have to follow Cal/OSHA mask requirements.

Fully vaccinated individuals are not required to wear a mask, except in places where EVERYONE is required to wear a mask. Businesses can ask for proof of vaccination and deny entry to anyone that does not provide it. A digital COVID-19 vaccination card that can be stored on a mobile phone is available at <https://myvaccinerecord.cdph.ca.gov/>.

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EVERYONE, regardless of vaccination status, must wear a mask:

- In all indoor public settings, venues, gatherings, and public and private businesses in Los Angeles County.
- On planes, trains, buses, ferries, taxis and ride-shares, and all other forms of public transport.
- In transportation hubs like airports, bus terminals, train stations, marinas, seaports or other ports, subway stations, or any other area that provides transportation.
- Healthcare settings (including long-term care facilities).
- State and local correctional facilities and detention centers.
- Shelters and cooling centers.
- Indoors at any youth-serving facility (such as K-12 schools, childcare, day camps, etc.)
- At outdoor Mega Events (events with over 10,000 attendees like concerts, sports games, and parades).
- In any outdoor location where it is the policy of the business or venue.

Please visit the City's website for additional masking guidance issued by the LACDPH: SFCITY.ORG/Coronavirus/#Face-Masks

Health Order Enforcement.

Staff will provide an update on current enforcement efforts during the meeting, if requested.

COVID-19 Vaccine Distribution.

Since May 13, 2021, all California residents age 12 and older have been eligible to be vaccinated. On August 14, 2021 and October 21, 2021, a third (booster) dose of the Pfizer, Moderna and Johnson & Johnson vaccines, respectively, became available to residents with the following recommendations:

| | PFIZER AND MODERNA | JOHNSON & JOHNSON (J&J) |
|---|--|---|
| Booster Dose^{1 2} A booster dose may be any COVID-19 vaccine (Pfizer, Moderna, or J&J) | Recommended if you are: <ul style="list-style-type: none">• Age 65+.• Age 18+ and live in a long-term care facility. | Recommended for everyone who got the J&J for their primary series. This includes if you are immunocompromised. |

¹ Moderna doses vary. The initial series and the additional dose are a full dose. The booster is a half dose.

² Booster doses. You may choose which vaccine you receive as a booster dose. It can be a booster dose of Pfizer, Moderna, or J&J COVID-19 vaccine. Talk to your doctor if you have questions about the risks and benefits of a booster or about what vaccine to get as a booster.

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| | PFIZER AND MODERNA | JOHNSON & JOHNSON (J&J) |
|-------------|---|--|
| | <ul style="list-style-type: none"> Age 50-64 years and have an underlying medical condition or at risk of social inequities. <p>Consider if you are:</p> <ul style="list-style-type: none"> Age 18-49 years and you have an underlying medical condition. Ages 18-64 years and are higher risk of exposure due to your occupational or institutional setting; this includes all essential workers. Moderately to severely immunocompromised and have already received your third dose. | |
| When | At least six months after your second dose. ³ | At least two months after your J&J dose. |

Los Angeles County residents in have multiple options to register for an appointment to receive the COVID-19 vaccine:

- California Department of Public Health Online portal: [MyTurn.ca.gov](https://myturn.ca.gov)
- LACDPH Online portal: [VaccinateLACounty.com](https://vaccinate.lacounty.gov)
- Los Angeles Fire Department Online portal: [CarbonHealth.com/COVID-19-Vaccines](https://carbonhealth.com/COVID-19-Vaccines)
- LACDPH Call Center (between 8 am and 8:30 pm): (833) 540-0473

This information is also available on the City's website: SFCITY.ORG/Coronavirus/#COVID-19-Vaccine.

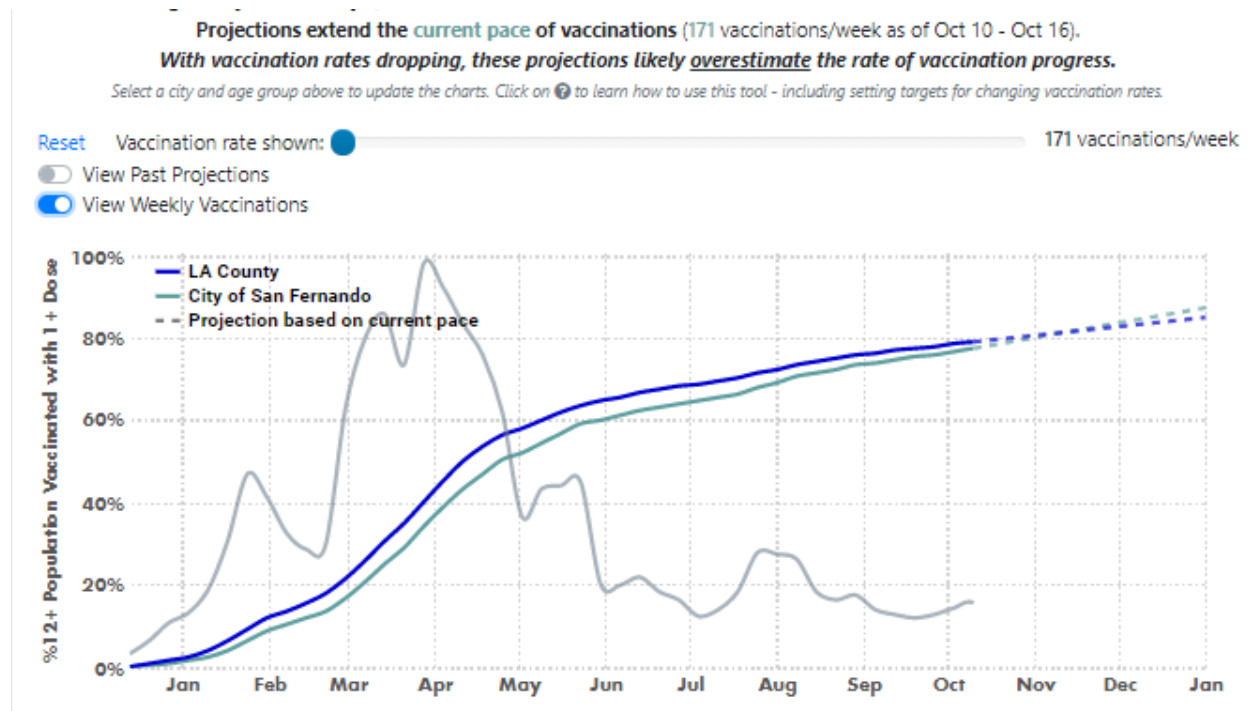
Per data provided by LACDPH as of October 21, 2021: 16,370 (78.1%) of San Fernando residents over the age of 12 and 2,451 (95.2%) of San Fernando residents over the age of 65 have received at least one dose of the COVID-19 Vaccine. The chart below (solid gray line) shows the uptick in vaccinations in July and August 2021 while a digital ad campaign was being run. Although there were undoubtedly other factors that contributed to the increase in vaccinations, it is reasonable

³ If you are immunocompromised, this will be six months after your additional (third) dose.

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to assume that the digital ad campaign assisted those interested in getting the vaccination with easy access to registration sites.



San Fernando Recreation Park Vaccination and Testing SuperSite.

In November 2020, the City partnered with the City of Los Angeles Fire Department and the non-profit organization Community Organized Relief Effort (CORE), to offer walk-up testing at San Fernando Recreation Park. On December 30, 2020, COVID-19 vaccinations were added to the services provided at the San Fernando Recreation Park site.

As of July 31, 2021, the vaccination and testing SuperSite operated by the Los Angeles Fire Department and CORE closed and vacated San Fernando Recreation Park.

While the San Fernando Recreation Park SuperSite was open, there were 159,888 tests and 111,832 vaccinations administered at the site. Of that total, 9,159 tests and 4,544 vaccinations were administered to individuals in the 91340 zip code. Below, please find additional statistics:

| | Tests | Vaccinations |
|--------------------------------|-------------------|-------------------|
| Start Date | November 24, 2020 | December 30, 2020 |
| Total | 159,888 | 111,832 |
| Administered on the First Day | 2,087 | 352 |
| High in a Single Day | 3,751 | 2,310 |
| Approximate Number of Days | 196 | 162 |
| Average Per Day | 815 | 690 |
| Total 91340 Individuals | 9,159 | 4,544 |

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As a result of the SuperSite closing, Recreation and Community Services staff collaborated with CORE staff to bring back a smaller-scale mobile unit. Although the new pilot program is significantly scaled down, there is more flexibility to change days and hours of service as needed, and there will also be a much smaller impact on the surrounding neighborhood and park services. An additional service that CORE is providing to the community at this mobile site is information related to eligibility for public assistance programs and health screenings (i.e., CalFresh/SNAP, WIC, Medi-Cal, LIHEAP, and General Relief).

Upcoming Vaccination Opportunities and Testing Site.

The City has been working with many community and healthcare partners to provide opportunities for eligible San Fernando residents to receive the vaccine and testing. Residents may register online (SFCITY.ORG/CORONAVIRUS/#COVID-19-Vaccine) to receive vaccine specific updates.

The following vaccination opportunities are available in the City of San Fernando in November 2021:

- San Fernando Recreation Park (208 Park Ave., San Fernando): Currently, new smaller-scale pilot program is open from 8 am to 4 pm and no appointment is necessary. The daily schedule is as follows:
 - Testing – Monday through Saturday, 8 am to 4 pm
 - Vaccine (Pfizer), including Booster Dose for eligible residents – Tuesday, Wednesday, Friday, and Saturday, 8 am to 4 pm
 - Public Assistance Program Information – Monday through Saturday, 8 am to 4 pm
 - Free Wellness Checks – Tuesday, Wednesday, Friday, and Saturday, 8 am to 4 pm
- San Fernando Community Health Center (732 Mott St., San Fernando): On November 13, 2021, there will be a mobile vaccination clinic offering the Pfizer and Johnson & Johnson vaccines. Walk-ins are welcome. Residents may register online at MyTurn.ca.gov.
- Vaughn International Studies Academy Vaccination Clinic for Seniors Age 65+ (11505 Herrick Ave., Pacoima): There will be a mobile vaccination clinic every Monday, Wednesday and Friday. Residents may call (818) 847-3860 to schedule an appointment.
- San Fernando Community Health Center and Northeast Valley Health Corporation: Both of these federally qualified health centers receive a limited supply of vaccine. Residents may contact the following vaccination hotlines for additional information:
 - San Fernando Community Health Center: Call (818) 963-5690.
 - Northeast Valley Health Corp: Call (818) 792-4949 to check availability.

As usually happens during a crises, misinformation is circulating about vaccines and scammers are at work trying to cheat people out of their money. The DPH has developed COVID-19 Vaccine Frequently Asked Questions and Vaccine Misinformation sheets. Please visit the City's website for

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the current versions, as well as additional information: SFCITY.ORG/Coronavirus/#COVID-19-Vaccine.

Vaccine Third Dose and Booster Shots.

Per information provided by the LACDPH, the difference between third doses and booster doses is more than just a language issue. Third doses are meant to elicit an antibody response where there was an inadequate antibody response before, while booster doses are meant to increase antibody levels that have waned after a robust increase in the months after vaccination.

With emerging data indicating that certain populations will need more support to be protected, the CDC's Advisory Committee on Immunization Practices on August 13, 2021, recommended a third dose of mRNA vaccines for immunocompromised people, including transplant recipients, people with advanced or untreated HIV infection, people actively receiving cancer treatment, and people taking immunosuppressive medications. Third doses have been available to eligible individuals at vaccination sites across Los Angeles County since Saturday, August 14, 2021.

Additionally, following the CDC's announcement that booster doses of mRNA vaccines will be offered to all vaccinated people, LACDPH is continuing to work with staff and residents at skilled nursing facilities to prioritize these most vulnerable residents for booster doses so they are prepared to administer these as soon as the Food and Drug Administration gives their approval.

FDA Approves License for Pfizer-BioNTech COVID-19 Vaccine.

On August 25, 2021, the U.S. Food and Drug Administration (FDA) approved the license for the Pfizer-BioNTech COVID-19 vaccine for the prevention of COVID-19 disease in individuals 16 years of age and older. The Pfizer COVID-19 vaccine continues to be available under emergency use authorization (EUA) for those 12 through 15 years old and for a third dose in certain immunocompromised individuals. The licensing approval was made after another thorough evaluation of safety and effectiveness data by a panel of scientific and medical experts. FDA-approved vaccines undergo the agency's standard process for reviewing the quality, safety and effectiveness of medical products.

COVID-19 Relief Programs.

The City Council approved a number of COVID-19 Relief Programs and is working with staff to develop additional relief programs. Please visit the City's website: SFCITY.ORG/Coronavirus/#Business-Resources for more information on the City's COVID-19 Relief Programs.

City Facilities Reopening.

Effective, April 19, 2021, City Hall reopened to the public with normal hours (i.e., Monday through Thursday, 7:30 am to 5:30 pm). City Hall will remain closed on Fridays and certain services will be by appointment only through the end of December 2021.

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All visitors to City Hall and the San Fernando Police Department must wear a cloth face covering at all times, until further notice.

Limited outdoor recreation programming and service have resumed at most of the City parks with the condition that the County of Los Angeles Protocols for Organized Activities are implemented. Las Palmas Park and Recreation Park are currently offering limited indoor recreational programs and services. For more information regarding the programs and services being offered please visit the Recreation and Community Services webpage ([SFCITY.ORG/SFRecreation](https://sfcity.org/SFRecreation)) or call (818) 898-1290.

LiveSan services and the Court Commitment Program have both resumed at the Police Department. Customers are urged to contact the Police Department at (818) 898-1267 or Police@sfcity.org prior to visiting to check on availability of services.

BUDGET IMPACT:

American Rescue Plan Act.

On March 12, 2021, President Biden signed the American Rescue Plan Act into law which provides fiscal stimulus funding paid directly to state and local governments. The City's total allocation is approximately \$5.8 million, which is being distributed in two equal installments of \$2.9 million in July 2021 and July 2022. City Council will be considering appropriation of these funds through separate City Council action items.

Prior Coronavirus Relief Funds.

The overall total that the City of San Fernando received from the Coronavirus Relief Funds (CRF) from the Department of Finance of the State of California through the first CARES Act was \$311,234. City Council appropriated these funds to reimburse the City for COVID-19 response costs in FY 2020-2021.

Additionally, the City received \$136,000 in special CDBG Coronavirus (CV) funds that were used to fund a residential food distribution program and small business PPE program.

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AGENDA REPORT

To: Mayor Sylvia Ballin and Councilmembers

From: Nick Kimball, City Manager
By: Gerardo Marquez, Acting Senior Planner

Date: November 1, 2021

Subject: A Public Hearing to Consider Adoption of an Ordinance Approving General Plan Amendment 2018-001 and Zone Change 2018-001 and the Conditions of Approval in Order to Change the Current R-1 (Single Family Residential) zone to M-1 (Limited Industrial) Zone at 649 – 655 Fourth Street, San Fernando, CA 91340 (Los Angeles County Assessor's Identification No: 2519-021-014 & 2519-021-015)

RECOMMENDATION:

It is recommended that the City Council:

- a. Conduct a Public Hearing; and
- b. Pending public testimony, introduce for first reading, in title only, and waive further reading of Ordinance No. 1704 "An Ordinance of the City Council of the City of San Fernando, California, approving a General Plan Amendment 2018-001 and Zone Change 2018-001 and the Conditions of Approval in order to change the current R-1 (Single Family Residential) zone to M-1 (Limited Industrial) zone for the development of a 12,300 sq. ft. industrial building located at 649 and 655 Fourth Street (Attachment "A").

BACKGROUND:

1. On June 18, 2018, Victor Pena (the "Applicant"), submitted entitlement applications seeking the development of a 12,300 sq. ft. industrial building that would include approximately 524 sq. ft. of office area. The applicant proposes to operate his general building contractor firm here to serve as headquarters, storage facility, and ancillary office.
2. Public notice of the project was made available for public review from December 10, 2019 to December 30, 2019. The Notice of Intent to adopt a mitigated negative declaration was posted at the County Clerk's Office, at the Project Site, mailed out to all adjacent property owners within a 500 foot radius of the site, and on the City of San Fernando website.

Consideration to Adopt an Ordinance Approving General Plan Amendment 2018-001 and Zone Change 2018-001 and the Conditions of Approval in Order to Change the Current R-1 (Single Family Residential) zone to M-1 (Limited Industrial) Zone at 649 – 655 Fourth Street, San Fernando, CA 91340 (Los Angeles County Assessor's Identification No: 2519-021-014 & 2519-021-015)

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3. The Planning and Preservation Commission (the Commission) held a public hearing for this item on December 9, 2019 and continued it to the next regularly scheduled meeting of January 13, 2020, where it was subsequently approved with minimal public comments. The Commission approved Variance 2018-001 and Site Plan Review 2018-018 via Resolution No. 2019-011. The Commission also recommended approval of General Plan Amendment 2018-001 and Zone Change 2018-001 to the City Council via Resolution No 2019-010 (Attachment "B").
4. On May 7, 2021 the applicant brought forward site plan modifications to the Commission for their review. The Commission received and filed these modifications without any comments.
5. On October 21, 2021, a public hearing notice was published in the print and online versions of the legal advertisement section of the *San Fernando Sun Newspaper* (Attachment "C"). Notices of the public hearing for this request were also mailed to all property owners of record within 500 feet of the Project Site.

ANALYSIS:

The Planning and Preservation Commission has the authority to review and approve Variance and Site Plan Review applications. However, the City Council has the ultimate discretionary authority for General Plan amendments and zone change entitlements through a public hearing and ordinance adoption. The Commission recommends that the City Council approve the proposed ordinance amending the general plan and zone change.

General Plan Consistency.

The proposed development of a new 12,300 sq. ft. industrial building with a side yard setback of six inches would necessitate changes to the City's general plan land use map to facilitate the Project's development.

Several factors warrant the approval of the requested general plan amendment to facilitate development of the undeveloped parcels that will complement adjacent land uses. Approval of the proposed general plan amendment would allow for the Project's compliance with the goals and objectives of the City's General Plan Land Use Element:

Consideration to Adopt an Ordinance Approving General Plan Amendment 2018-001 and Zone Change 2018-001 and the Conditions of Approval in Order to Change the Current R-1 (Single Family Residential) zone to M-1 (Limited Industrial) Zone at 649 – 655 Fourth Street, San Fernando, CA 91340 (Los Angeles County Assessor's Identification No: 2519-021-014 & 2519-021-015)

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(San Fernando General Plan Land Use Element, Pg. IV-6)

- ✓ *Promote economic viability within the area.* The general plan amendment shall enable for economic vitality within the vicinity by creating employment opportunities within the vicinity. The applicant currently operates a construction company that has been established in the City of San Fernando since 1999 and employs approximately 25 individuals. The applicant has stated that he intends to operate and grow his business out of the proposed facility.
- ✓ *Retain the small town character of San Fernando.* The proposed amendment to the general plan will maintain the established identity directly adjacent to the Project site areas which are also M-1 zoned properties. Within the immediate vicinity of the Project site are existing neighboring (Limited Industrial) M-1 Lots, (Single Family Residential) R-1 Lots and (Multifamily Residential) R-3 Lots. Virtually all properties along Jessie Street on this block are M-1 zoned lots. Allowing for the General Plan Amendment would allow for greater consistency of land uses along this section of Jessie Street, promotes infill development of unimproved lots and also provides improvements to the public right of way.

Consideration of Zone Change.

Pursuant to San Fernando City Code Section 106-20 (Zoning Map Amendments) the City Council may amend the City's official zoning map whenever required by public necessity, convenience and general welfare. As part of the review process, the Commission shall review all proposed zone change requests and provide recommendation to the City Council to approve, approve with conditions, or deny the application. Subsequent to Commission consideration, the City Council shall review the zone change request and approve the application only if the following two findings of fact can be made in a positive manner.

- a. The proposed amendment is consistent with the objectives, policies, general land uses and programs of the City's general plans.**

The present zoning designation of the subject sites are both R-1 (Single Family Residential) which allows for single family residential development as well as other uses usually found in low density zones such as churches and schools. Although the proposed Project will not provide any housing units and change the zoning to a non-residential designation, the proposed off-site improvements will satisfy Policy 1.6 of the San Fernando General Plan Housing Element. Policy 1.6 calls for the maintenance of quality of life within neighborhoods by providing adequate maintenance of streets, sidewalks and alleys, parks and other public facilities. The 7,908 sq. ft. dedication shall allow for a 60 foot wide public right of way access providing two-way vehicular access on Jessie Street, a new sidewalk,

Consideration to Adopt an Ordinance Approving General Plan Amendment 2018-001 and Zone Change 2018-001 and the Conditions of Approval in Order to Change the Current R-1 (Single Family Residential) zone to M-1 (Limited Industrial) Zone at 649 – 655 Fourth Street, San Fernando, CA 91340 (Los Angeles County Assessor's Identification No: 2519-021-014 & 2519-021-015)

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curb and gutter directly adjacent to the subject site. In addition, a new ADA accessible ramp on the northwestern corner of Fourth Street and Jessie Street shall also be constructed.

The proposed Zone Change from R-1 (Single Family Residential) to M-1 (Limited Industrial) for the two subject properties would facilitate the development of the new 12,300 sq. ft. industrial building. Directly across Jessie Street to the east are exclusively M-1 zoned lots as well as directly north of the subject site along Jessie Street all the way up to Fifth Street. The requested zone change would maintain the already existing zoning patterns within the area and make use of vacant land by yielding significant physical improvements to the Project site and adjacent right of ways in the form of a 7,908 sq. ft. dedication to the City that will widen Jessie Street.

Approval of the proposed general plan amendment would ensure the Projects, compliance with the goals and objectives of the City's General Plan Circulation Element by providing traffic improvements in order to respond to changes in traffic patterns. The 7,908 sq. ft. dedication that this Project provides will immediately improve the circulation of traffic within the vicinity. Currently Jessie Street at this location is approximately 22.11' wide (Attachment "D"), only allows for one-way traffic southbound to Fourth Street and only provides a single pedestrian sidewalk on the eastern side of Jessie Street. The proposed dedication shall allow for a 60 foot wide public right of way access providing two-way vehicular access on Jessie Street, a new sidewalk, curb and gutter directly adjacent to the subject site. In addition, the Project will also construct a new ADA accessible ramp on the northwestern corner of Fourth Street and Jessie.

(San Fernando General Plan Circulation Element, Pg. V-5, 6)

Objective:

- ✓ Provide traffic improvements in order to respond to changes in traffic patterns.

Goals:

- ✓ To provide a safe and efficient street system that allows maximum accessibility.
- ✓ To provide easy access for residents to facilities within the City of San Fernando.

These improvements to the public right of way will provide a new sidewalk for pedestrian foot traffic along Jessie Street. These improvements will provide ease of access for residents to facilities within the City of San Fernando by creating additional paths of travel. The improved circulation to the area will increase the ease of access to and from City facilities.

Consideration to Adopt an Ordinance Approving General Plan Amendment 2018-001 and Zone Change 2018-001 and the Conditions of Approval in Order to Change the Current R-1 (Single Family Residential) zone to M-1 (Limited Industrial) Zone at 649 – 655 Fourth Street, San Fernando, CA 91340 (Los Angeles County Assessor's Identification No: 2519-021-014 & 2519-021-015)

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Additionally, the requested zone change would make use of undeveloped land and would comply with the goals and objectives of the General Plan Land Use Element. With the requested general plan amendment, this Project would ensure compliance with the goals of maintaining an identity that is distinct from surrounding communities, promote economic viability as well as retaining the small-town character of San Fernando (San Fernando General Plan Land Use Element Goals I, II and III, Pg. IV-6).

The proposed development of a 12,300 sq. ft. industrial building would maintain the established identity given that within the immediate vicinity of the Project site are existing neighboring M-1 and R-1 Lots. The applicant currently operates a construction company that has been established in the City of San Fernando since 1999 and employs approximately 25 individuals. The zone change will enable this local business to stay and grow in San Fernando. The Project will provide significant physical improvements to the Project site and adjacent public right of way, eliminate blight associated with the existing physical conditions of the subject properties which will help retain and enhance the small town character of San Fernando. Thus, it is staff's assessment that this finding can be made in this case.

b. The adoption of the proposed amendment would not be detrimental to the public interest, health safety, convenience, or welfare.

The granting of a zone change to change the zoning designation of these lots from R-1 (Single Family Residential) to M-1 (Limited Industrial) will not be detrimental to the public interest, health, safety, convenience of welfare due to the fact that the proposed use will complement established industrial uses within the vicinity and would allow for the development of a new 12,300 sq. ft. industrial building. In addition, the proposed use would allow for the ongoing development and creation of jobs within the general area. With the adoption of the recommended conditions of approval for the proposed zone change, the applicant would be required to provide sufficient safeguards to deter any potential public nuisance issues and protect public interest, health, safety, convenience or welfare. Noncompliance with the conditions of approval for an approved Zone Change would require corrective action on behalf of the owner.

As a result of the development, significant improvements to the site and adjacent public rights of way will eliminate existing blight conditions. These physical improvements will come as the widening of Jessie Street, incorporation of a new curb and gutter along Jessie Street, the placement of an additional sidewalk adjacent to the subject site, curb cuts as well as the installation of ADA accessible ramp on the corner of Fourth Street and Jessie Street. The Project would also be responsible for making the necessary upgrades to the existing water and sewer infrastructure required to accommodate the Projects potential

Consideration to Adopt an Ordinance Approving General Plan Amendment 2018-001 and Zone Change 2018-001 and the Conditions of Approval in Order to Change the Current R-1 (Single Family Residential) zone to M-1 (Limited Industrial) Zone at 649 – 655 Fourth Street, San Fernando, CA 91340 (Los Angeles County Assessor's Identification No: 2519-021-014 & 2519-021-015)

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demand per Public Works Departments specifications (Attachment "E"). Conditions of approval shall be implemented as part of the entitlement to deter adverse effects to adjacent residentially zoned lots. For example, conditions will be placed on hours of operation, lighting, perimeter fencing as well as overall property maintenance. Therefore, the on-site and off-site physical improvement that would result as part of the Project would not be detrimental to the public interest, health, safety, convenience or welfare. Thus, it is staff's assessment that this finding can be made.

Owner Initiated Merger of Parcels

Pursuant to section 66499.20 ¾ of the Subdivision Map Act, the merger of contiguous parcels under common ownership may be merged without reverting to acreage upon application by the owner of record.

An Owner Initiated Merger of Parcels is an administrative process (approved at staff level) that will not require a parcel map pursuant to San Fernando Municipal Code Section 78-37(3). The applicants have submitted in writing evidence of title for both of the parcels in question.

| <u>Property</u> | <u>AIN.</u> | <u>Existing Lot Size</u> | <u>Proposed Lot Size</u> | <u>Change</u> |
|--------------------|--------------|--------------------------|--------------------------|----------------|
| 649 Fourth Street | 2519-021-015 | 19,618.75 Sq. Ft. | 22,146 Sq. Ft. | -7,908 Sq. Ft. |
| 655 Fourth Street | 2519-021-014 | 10,435.5 Sq. Ft. | | |
| Dedication to City | | | 7,908 Sq. Ft. | +7,908 Sq. Ft. |

The proposed merger of the existing lots will yield a 30,054.25 sq. ft. lot; 7,908 sq. ft. of the newly created merged lot shall be dedicated to the City for public right of way improvements. This will include widening of Jessie Street as well as providing a new sidewalk, curb and gutter per City standards. The remaining 22,146 sq. ft. shall be utilized for the proposed development.

Environmental Review.

This project has been reviewed by the City for compliance with the California Environmental Quality Act (CEQA). Based on the City's environmental assessment, staff has decided to adopt a mitigated negative declaration. The environmental assessment cites possible environmental impacts that shall be mitigated in order to provide a less than significant impact to the environment.

BUDGET IMPACT:

There is no budget impact for discussing this item. The project will provide a dedication of 7,908 sq. ft. in public right of way improvements to the City. This will include widening of Jessie Street as well as providing a new sidewalk, curb and gutter per City standards

Consideration to Adopt an Ordinance Approving General Plan Amendment 2018-001 and Zone Change 2018-001 and the Conditions of Approval in Order to Change the Current R-1 (Single Family Residential) zone to M-1 (Limited Industrial) Zone at 649 – 655 Fourth Street, San Fernando, CA 91340 (Los Angeles County Assessor's Identification No: 2519-021-014 & 2519-021-015)

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CONCLUSION:

Based on the above findings, City Planning staff recommends that the City Council approve General Plan Amendment 2018-001 and Zone Change 2018-001 to change the current zone of R-1 (Single Family Residential) zone to M-1 (Limited Industrial) zone via Ordinance No 1704 (Attachment "A") with Conditions of Approval attached as Exhibit "A" in order to change the current R-1 (Single Family Residential) zone to M-1 (Limited Industrial) zone for the development of a 12,300 sq. ft. industrial building.

ATTACHMENTS:

- A. Ordinance No. 1704 and Exhibit "A": Conditions of Approval
- B. Planning and Preservation Commission Resolutions 2019-010 and 2019-011
- C. Public Notice and Vicinity Map
- D. Architectural Plans/Renderings
- E. Public Works Comments/Checklist

ORDINANCE NO. 1704

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT 2018-001 AND ZONE CHANGE 2018-001 AND THE CONDITIONS OF APPROVAL IN ORDER TO CHANGE THE CURRENT R-1 (SINGLE FAMILY RESIDENTIAL) ZONE TO M-1 (LIMITED INDUSTRIAL) ZONE FOR THE DEVELOPMENT OF A 12,300 SQ. FT. INDUSTRIAL BUILDING LOCATED AT 649 AND 655 FOURTH STREET

WHEREAS, an application has been filed by Victor Pena (the "Applicant"), to request for the approval of a General Plan Amendment and Zone Change for the development of a 12,300 sq. ft. industrial building project within the existing R-1 (Single Family Residential) zone which is proposing to change to M-1 (Limited Industrial) zone; and

WHEREAS, notice of public hearing of the City Council of the City of San Fernando to consider the requested General Plan Amendment and Zone Change was given in accordance with Government Code §66451.3; and

WHEREAS, the Applicant has requested approval of the requested Zone Change Pursuant to section 106-20 of the San Fernando Municipal Code which would allow for a zone change to designate the site from an R-1 Single Family Residential lot to an M-1 Limited Industrial lot, the proposed use meets the minimum development standards. Based on the foregoing, it is staff's assessment that the request is consistent with the General Plan and applicable development standards; and

WHEREAS, the Applicant has requested approval of the requested General Plan Amendment Pursuant to section 106-20 of the San Fernando Municipal Code which would allow for a zone change to designate the site from an R-1 Single Family Residential lot to an M-1 Limited Industrial lot, the proposed use meets the minimum development standards. Based on the foregoing, it is staff's assessment that the request is consistent with the General Plan and applicable development standards; and

WHEREAS, pursuant to Government Code §66452.3, City staff prepared a written report recommending that the proposed subdivision be approved, and served a copy of that report upon the subdivider at least three (3) days prior to the aforementioned hearing; and

WHEREAS, pursuant to Government Code §66412.3, the Planning Commission has considered the effect of the proposed development, on the housing needs of the region in which San Fernando is situated and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources; the approval of the proposed development represents the balance of these respective needs in a manner which is consistent with the City's obligation pursuant to its powers to protect the public health, safety and welfare; and

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

SECTION 1: This project has been reviewed by the City for compliance with the California Environmental Quality Act (CEQA). Based on that assessment, the project has been determined to require a mitigated negative declaration adoption in order to provide a less than significant impact to the environment; and

SECTION 2: The Project is consistent with the objectives, policies, and general land uses and programs provided in the City's General Plan and the applicable development standards for M-1 Limited Industrial Zone; and

SECTION 3: Pursuant to City Code Section 106-20, the City Council finds that the following findings for Zone Change 2018-001 have been justified and upheld in the affirmative in concurrence with the recommended conditions of approval regarding the development of an industrial building. The City Council findings are as follows:

1. The proposed amendment is consistent with the objectives, policies, general land uses and programs of the City's general plans.

The present zoning designation of the subject sites are both R-1 (Single Family Residential) which allows for single family residential development as well as other uses usually found in low density zones such as churches and schools. Although the proposed Project will not provide any housing units and change the zoning to a non-residential designation, the proposed off-site improvements will satisfy Policy 1.6 of the San Fernando General Plan Housing Element. Policy 1.6 calls for the maintenance of quality of life within neighborhoods by providing adequate maintenance of streets, sidewalks and alleys, parks and other public facilities. The 7,908 sq. ft. dedication shall allow for a 60 foot wide public right of way access providing two-way vehicular access on Jessie Street, a new sidewalk, curb and gutter directly adjacent to the subject site. In addition, a new ADA accessible ramp on the northwestern corner of Fourth Street and Jessie Street shall also be constructed.

The proposed Zone Change from R-1 (Single Family Residential) to M-1 (Limited Industrial) for the two subject properties would facilitate the development of the new 12,300 sq. ft. industrial building. Directly across Jessie Street to the east are exclusively M-1 zoned lots as well as directly north of the subject site along Jessie Street all the way up to Fifth Street. The requested zone change would maintain the already existing zoning patterns within the area and make use of vacant land by yielding significant physical improvements to the Project site and adjacent right of ways in the form of a 7,908 sq. ft. dedication to the City that will widen Jessie Street.

Approval of the proposed general plan amendment would ensure the Projects, compliance with the goals and objectives of the City's General Plan Circulation Element by providing traffic improvements in order to respond to changes in traffic patterns. The 7,908 sq. ft. dedication that this Project provides will immediately improve the circulation

of traffic within the vicinity. Currently Jessie Street at this location is approximately 22.11' wide (Attachment "D"), only allows for one-way traffic southbound on to Fourth Street and only provides a single pedestrian sidewalk on the eastern side of Jessie Street. The proposed dedication shall allow for a 60 foot wide public right of way access providing two-way vehicular access on Jessie Street, a new sidewalk, curb and gutter directly adjacent to the subject site. In addition, the Project will also construct a new ADA accessible ramp on the northwestern corner of Fourth Street and Jessie.

(San Fernando General Plan Circulation Element, Pg. V-5, 6)

Objective:

- ✓ Provide traffic improvements in order to respond to changes in traffic patterns.

Goals:

- ✓ To provide a safe and efficient street system that allows maximum accessibility.
- ✓ To provide easy access for residents to facilities within the City of San Fernando.

These improvements to the public right of way will provide a new sidewalk for pedestrian foot traffic along Jessie Street. These improvements will provide ease of access for residents to facilities within the City of San Fernando by creating additional paths of travel. The improved circulation to the area will increase the ease of access to and from City facilities.

Additionally, the requested zone change would make use of undeveloped land and would comply with the goals and objectives of the General Plan Land Use Element. With the requested general plan amendment, this Project would ensure compliance with the goals of maintaining an identity that is distinct from surrounding communities, promote economic viability as well as retaining the small-town character of San Fernando (San Fernando General Plan Land Use Element Goals I, II and III, Pg. IV-6).

The proposed development of a 12,300 sq. ft. industrial building would maintain the established identity given that within the immediate vicinity of the Project site are existing neighboring M-1 and R-1 Lots. The applicant currently operates a construction company that has been established in the City of San Fernando since 1999 and employs approximately 25 individuals. The zone change will enable this local business to stay and grow in San Fernando. The Project will provide significant physical improvements to the Project site and adjacent public right of way, eliminate blight associated with the existing physical conditions of the subject properties which will help retain and enhance the small town character of San Fernando. Thus, it is staff's assessment that this finding can be made in this case.

2. The adoption of the proposed amendment would not be detrimental to the public interest, health safety, convenience, or welfare.

The granting of a zone change to change the zoning designation of these lots from R-1 (Single Family Residential) to M-1 (Limited Industrial) will not be detrimental to the public

interest, health, safety, convenience of welfare due to the fact that the proposed use will complement established industrial uses within the vicinity and would allow for the development of a new 12,300 sq. ft. industrial building. In addition, the proposed use would allow for the ongoing development and creation of jobs within the general area. With the adoption of the recommended conditions of approval for the proposed zone change, the applicant would be required to provide sufficient safeguards to deter any potential public nuisance issues and protect public interest, health, safety, convenience or welfare. Noncompliance with the conditions of approval for an approved Zone Change would require corrective action on behalf of the owner.

As a result of the development, significant improvements to the site and adjacent public rights of way will eliminate existing blight conditions. These physical improvements will come as the widening of Jessie Street, incorporation of a new curb and gutter along Jessie Street, the placement of an additional sidewalk adjacent to the subject site, curb cuts as well as the installation of ADA accessible ramp on the corner of Fourth Street and Jessie Street. The Project would also be responsible for making the necessary upgrades to the existing water and sewer infrastructure required to accommodate the Projects potential demand per Public Works Departments specifications (Attachment "E"). Conditions of approval shall be implemented as part of the entitlement to deter adverse effects to adjacent residentially zoned lots. For example, conditions will be placed on hours of operation, lighting, perimeter fencing as well as overall property maintenance. Therefore, the on-site and off-site physical improvement that would result as part of the Project would not be detrimental to the public interest, health, safety, convenience or welfare. Thus, it is staff's assessment that this finding can be made.

SECTION 4: Pursuant to Government Code §66474, with the incorporation of those conditions attached as Exhibit "A":

- a. The proposed map is consistent with the applicable general and specific plans as specified in Government Code §65451.
- b. The design and improvements of the proposed subdivision are consistent with the General Plan.
- c. The site is physically suitable for the type of development contemplated by the proposed subdivision.
- d. The site is physically suitable for the proposed density of the development contemplated by the proposed subdivision.
- e. The design of the development and improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.
- f. The design of the development and improvements is not likely to cause serious public health problems.

- g. The design of the development or the type of improvements will not conflict with easements acquired by the public at large for access through or use of the property within the proposed development.

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

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

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Fernando this ____ day of _____, ____.

ATTEST:

Julia Fritz, City Clerk

Sylvia Ballin, Mayor of the City of
San Fernando, California

APPROVED AS TO FORM:

Richard A. Padilla, Assistant 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 Ordinance No. 1704 which was introduced on November 1, 2021 and adopted by the City Council of the City of San Fernando, California at a regular meeting thereof held on the ____ day of _____, ____, 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 _____, ____.

Julia Fritz, City Clerk

EXHIBIT "A"
CONDITIONS OF APPROVAL

PROJECT NO.: **General Plan Amendment 2018-001,
Zone Change 2018-001**

PROJECT ADDRESS: 649 – 655 Fourth Street San Fernando, CA 91340
(Los Angeles County Assessor Identification No.: 2519-021-014 &
2519-021-015)

PROJECT Description: Approval of General Plan Amendment 2018-001 and Zone
Change 2018-001

The following conditions shall be made a part of the approval of the project, and shall be complied with in their entirety, as determined by the Community Development Department:

1. Indemnification. The property owner and the project applicant, shall indemnify, protect, hold harmless and defend the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the property owner and developer of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense. The property owner and developer shall defend, indemnify and hold harmless the City for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as an environmental impact report or related environmental assessment) if made necessary through the initiation of the project.
2. Revocation. Violation of, or noncompliance with, any of these conditions of approval may constitute grounds for revocation of this conditional use permit, as provided below:

Where conditions and activities associated with the operation of the future tenant, as defined herein, interfere with the quiet enjoyment of life and property in the neighborhood, or are or tend to be, injurious to health and safety of persons in the neighborhood. These include, but are not limited to the following:

Excessive noise, noxious smells or fumes, loitering, littering, disturbing the peace, illegal drug activity, public vandalism, graffiti, lewd conduct, gambling, illegal parking, traffic violations, theft, assaults, batteries;
Police detention, citation, and/or arrests for these or any other unlawful activity attributed to the sale and/or consumption of illegal items declared by the City to be a public nuisance;

3. Property Maintenance. The subject site and its immediate surrounding area shall be maintained in a clean, neat and orderly manner at all times and shall comply with the property maintenance standards as set forth in the San Fernando City Code.
4. Landscape. All proposed on-site and off-site plantings shall be kept in a healthy and growing condition, consistent with the design of a landscaping and irrigation plan approved by the Community Development Department. Fertilization, cultivation, tree pruning shall be a part of regular maintenance. Good horticultural practices shall be followed in all instances. The landscape design shall be further refined as necessary to improve the level of design quality by focusing on important design principles. Further landscape design refinements shall address, but not be limited to, the following:
 - a) The landscaping shall be provided with an appropriate low-maintenance landscape design and material selection that is attractive, durable and drought-tolerant. All proposed landscaping shall be arranged to emphasize visual attractiveness as viewed from the public right-of-way.
 - b) All proposed landscaped areas shall be served by well-balanced automatic irrigation system operated by an electrically timed controller station set for early morning irrigation and maintained in a manner consistent with the approved landscape plan. The final landscaping/irrigation plan shall identify the size and location of all landscape materials and irrigation equipment. Water conservation measures shall be incorporated in the irrigation plan;
 - c) The landscape plan shall provide specifications for the following: design of hardscape elements, including pedestrian walkways, paved areas, common areas, seating, landscape planters, lighting, etc.; planting materials, including, trees, shrubs, ground cover, grass, miscellaneous plant materials, landscape containers and soil preparation; and, automatic irrigation plans, including materials and details.
5. SCAQMD. South Coast Air Quality Management District ("SCAQMD") must be contacted prior to any demolition or renovation. Call (909) 396-2000 for further information. Failure to comply with the provisions of Rule 1403 may result in a penalty of up to \$25,000 per day. Once approval from SCAQMD has been obtained, a City of San Fernando Demolition Permit is required for any existing buildings or structures which are to be demolished and must be obtained prior to any work commencing.
6. Surface Runoff. All requirements of the National Pollutant Discharge Elimination System (NPDES) shall be complied with and an NPDES permit, including but not limited to the installation of any required clarifiers and/or on-site infiltration system, must be obtained prior to any occupation or use of the site. During construction, the project site shall comply with all applicable Best Management Practices (BMPs).

7. Construction Hours. Construction activity on Mondays through Fridays shall comply with the current San Fernando City Code standards for construction of 7:00 a.m. to 6:00 p.m. In addition, any construction on Saturday shall be from 8:00 a.m. to 6:00 p.m. Unless otherwise allowed in the City's Noise Ordinance, no construction shall be allowed on Sundays and Federal Holidays.
8. Graffiti Removal. Unless otherwise specified in the conditions of approval, the property owner(s), operator and all successors shall comply with the graffiti removal and deterrence requirements of the San Fernando City Code. The property owner(s), operator and all successors shall provide for the immediate removal of any graffiti vandalism occurring on the property and, where applicable, the restoration of the surface on which the graffiti exists. Such restoration shall entail repainting or refinishing of the surface with a color or finish that matches the color or finish of the remaining portions of the structure being painted, and including treatment of the surface or site with measures to deter future graffiti vandalism as approved or required by the community development department. Property owner(s), operator and all successors shall maintain an additional stock of exterior paints and finishes for immediate execution of graffiti removal. Unless removed by the property owner or their designee within the specified time frame required by city code, property owner(s), operator and all successors shall grant the right of access to authorized agents of the City of San Fernando to remove graffiti from any surface on the property that is open and accessible from city property or public right-of-way, at the expense of the owner(s) or operator and all successors.
9. The proposed Final Tract Map shall be in compliance with all of the provisions of Chapter 78 (Subdivisions) of the San Fernando Municipal Code and the State of California Subdivision Map Act (Government Code §66410 et seq.). The Tentative Tract Map shall be valid for a period of two (2) years from the date of approval, unless an extension is approved by the Community Development Director. The applicant shall also comply with all other requirements of any applicable federal, state, or local law, ordinance, or regulation.
10. The existing structures shall be removed pursuant to a demolition permit obtained from the Building and Safety Supervisor. The demolition shall comply with all applicable building and safety code requirements and clearance shall be obtained from the Air Quality Management District ("AQMD") prior to demolition.
11. All on-site utilities shall be located underground. Applicant shall provide any easements as necessary. Overhead utility facilities and distribution lines located on the site or off-site adjacent to the perimeter of the site shall be removed and/or placed underground unless determined to be unfeasible by Community Development Department. The applicant shall comply with all development standards and health and safety requirements or guidelines of any relevant utility company, the Public Utilities Commission and the City of San Fernando ("City") relating to construction or residential occupancy in proximity to any remaining overhead utility distribution facilities, and to the design of new utilities placed underground or elsewhere.

12. Electrical distribution facilities/equipment (transformers, load centers, panel boxes and meters, major conductors, underground conduits, etc.) shall be designed/located in conformance with California Public Utilities Commission recommendations for "prudent avoidance" of exposures of dwelling unit occupants to power frequency electromagnetic fields (EMF) that are above background levels.
13. The applicant shall verify to the City's satisfaction that there is no existing contamination of soil on the site.
14. The Final Tract Map shall be prepared in accordance with the policies and procedures of the City of San Fernando. Final Tract Map approval shall be contingent upon compliance with all the conditions of approval for Site Plan Review 2015-19. Such map shall be submitted to the Community Development Department and shall be approved for recording by the City Engineer and be recorded with the County Recorder prior to expiration of the Tentative Parcel Map.
15. The applicant shall comply with the requirements for subdivision of the site as listed in the attached "Public Works Department Development/Improvement Review Checklist." Also, any approved revisions to the proposed Subdivision shall be incorporated into the site plan submitted prior to approval of the Final Tract Map.
16. The applicant shall pay in full a fee in-lieu for parkland acquisition or enhancement ("Quimby fee") as a condition of approval of a final tract map for residential subdivision. The required development fee is calculated with a formula: fair market land value per square foot times number of dwelling units times 235 square foot per unit. Staff will establish land value determination before second reading of Ordinance 1686.
17. A drainage study of the site shall be performed and any improvements necessary to prevent runoff from any future development onto adjacent properties shall be provided or ensured by a bond.
18. A landscape plan shall be reviewed and approved by the City Engineer.
19. Within thirty (30) days of approval of Tentative Tract Map 2018-002, the applicant shall certify his or her acceptance of the conditions of approval or modifications thereto by signing a statement that he or she accepts and shall be bound by all of the conditions.
20. General Compliance. The applicant shall comply with all requirements of applicable federal, state, or local law, ordinance, or regulation.
21. Occupancy per Approval. The subject property shall be improved in substantial conformance with the site plan, exterior elevations, floor plans, and landscape plan, as reviewed by the Planning and Preservation Commission on March 05, 2019, except as herein modified to comply with these Conditions of Approval.

22. Trash Receptacles. All trash receptacles shall be placed in a confined area within the property out of sight of the public right of way as well as off of public property except for trash collection activities.
23. Site Inspections. The Community Development Department shall have the authority to inspect the site to assure compliance with these conditions of approval. The applicant and all successors shall grant the right of access to authorized agents of the City of San Fernando to conduct periodic inspections of the property.
24. Modifications. Unless the Community Development Director deems a proposed change to the approved plans and operation a minor modification, any and all other modifications to the development plan, including these conditions of approval, shall require review and approval by the Planning and Preservation Commission. Expansion or enlargement of the activity beyond the thresholds permitted by this entitlement shall be subject to the CUP modification approval process.
25. Covenants Conditions and Restrictions. CC&R's shall be reviewed by the Community Development Department and shall be recorded before the issuance of a Certificate of Occupancy.
26. Building Code Requirements. The applicant shall comply with all applicable building and construction requirements of the City of San Fernando's building codes, as specified by the City's Community Development Department.
27. Expiration. This conditional use permit shall become null and void unless exercised by obtaining building permits to implement the construction granted by this entitlement within twelve (12) months of final approval. Additional time in increments of six (6) months at a time may be granted, at the discretion of the Community Development Department Director.

RESOLUTION NO. 2019-010

A RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO RECOMMENDING APPROVAL TO THE CITY COUNCIL FOR GENERAL PLAN AMENDMENT 2018-001 AND ZONE CHANGE 2018-001 TO ALLOW FOR THE GENERAL PLAN AMENDMENT AND ZONE CHANGE TO CHANGE THE CURRENT ZONE OF R-1 (SINGLE FAMILY RESIDENTIAL) ZONE TO M-1 (LIMITED INDUSTRIAL) ON THE PARCELS ZONE LOCATED AT 649 AND 655 FOURTH STREET.

WHEREAS, an application has been filed by Victor Pena (the "Applicant"), to request approval of a General Plan Amendment and Zone Change to change the current zone of R-1 (Single Family Residential) zone to M-1 (Limited Industrial) zone, Setback Variance and Site Plan Review for the development of a 12,300 square foot industrial building which would include approximately 524 square feet of office area within the M-1 Limited Industrial Zone. The project site is approximately a 30,055 square foot lot located on the northwestern corner of Jessie and Fourth Street;

WHEREAS, General Plan Amendment 2018-001 and Zone Change 2018-001 would allow for the construction of a 12,300 square foot industrial building which would include approximately 524 square feet of office area within the M-1 Limited Industrial Zone;

WHEREAS, the Planning and Preservation Commission has considered all of the evidence presented in connection with the Project, written and oral at the public hearing held on the 13th day of January 2020;

NOW, THEREFORE, BE IT RESOLVED that the Planning and Preservation Commission finds as follows:

SECTION 1: This project has been reviewed by the City for compliance with the California Environmental Quality Act (CEQA). Based on the City's environmental assessment, staff has decided to adopt a mitigated negative declaration. The environmental assessment cites possible environmental impacts that shall be mitigated in order to provide a less than significant impact to the environment. These possible impacts include the creation of dust, debris, and runoff during the demolition and construction of the project. Public notice of the project was made available for public review from December 10, 2019 to December 30, 2019;

SECTION 2: The Project is consistent with the objectives, policies, and general land uses and programs provided in the City's General Plan and the applicable development standards for industrially zoned property within the M-1 Light Industrial Zone; and

SECTION 3: Pursuant to San Fernando City Code Section 106-20 (Zoning Map Amendments) the City Council may amend the City's official zoning map whenever required by public necessity, convenience and general welfare. As part of the review process, the Planning and Preservation Commission shall review all proposed zone change requests and provide

recommendation to the City Council to approve, approve with conditions, or deny the application. Subsequent to Commission consideration, the City Council shall review the zone change request and approve the application only if the following two findings of fact can be made in a positive manner.

a. The proposed amendment is consistent with the objectives, policies, general land uses and programs of the City's general plans.

The present zoning designation of the subject sites are both R-1 (Single Family Residential) which allows for single family residential development as well as other uses usually found in low density zones such as churches and schools. Although the proposed Project will not provide any housing units and change the zoning to a non-residential designation, the proposed off-site improvements will satisfy Policy 1.6 of the San Fernando General Plan Housing Element. Policy 1.6 calls for the maintenance of quality of life within neighborhoods by providing adequate maintenance of streets, sidewalks and alleys, parks and other public facilities. The 7,908 sq. ft. dedication shall allow for a 60 foot wide public right of way access providing two-way vehicular access on Jessie Street, a new sidewalk, curb and gutter directly adjacent to the subject site. In addition, a new ADA accessible ramp on the northwestern corner of Fourth Street and Jessie Street shall also be constructed.

The proposed Zone Change from R-1 (Single Family Residential) to M-1 (Limited Industrial) for the two subject properties would facilitate the development of the new 12,300 sq. ft. industrial building. Directly across Jessie Street to the east are exclusively M-1 zoned lots as well as directly north of the subject site along Jessie Street all the way up to Fifth Street. The requested zone change would maintain the already existing zoning patterns within the area and make use of vacant land by yielding significant physical improvements to the Project site and adjacent right of ways in the form of a 7,908 sq. ft. dedication to the City that will widen Jessie Street.

Approval of the proposed general plan amendment would ensure the Projects, compliance with the goals and objectives of the City's General Plan Circulation Element by providing traffic improvements in order to respond to changes in traffic patterns. The 7,908 sq. ft. dedication that this Project provides will immediately improve the circulation of traffic within the vicinity. Currently Jessie Street at this location is approximately 22.11' wide (Attachment "D"), only allows for one-way traffic southbound on to Fourth Street and only provides a single pedestrian sidewalk on the eastern side of Jessie Street. The proposed dedication shall allow for a 60 foot wide public right of way access providing two-way vehicular access on Jessie Street, a new sidewalk, curb and gutter directly adjacent to the subject site. In addition, the Project will also construct a new ADA accessible ramp on the northwestern corner of Fourth Street and Jessie.

(San Fernando General Plan Circulation Element, Pg. V-5, 6)

Objective:

- ✓ Provide traffic improvements in order to respond to changes in traffic patterns.

Goals:

- ✓ To provide a safe and efficient street system that allows maximum accessibility.
- ✓ To provide easy access for residents to facilities within the City of San Fernando.

These improvements to the public right of way will provide a new sidewalk for pedestrian foot traffic along Jessie Street. These improvements will provide ease of access for residents to facilities within the City of San Fernando by creating additional paths of travel. The improved circulation to the area will increase the ease of access to and from City facilities.

Additionally, the requested zone change would make use of undeveloped land and would comply with the goals and objectives of the General Plan Land Use Element. With the requested general plan amendment, this Project would ensure compliance with the goals of maintaining an identity that is distinct from surrounding communities, promote economic viability as well as retaining the small-town character of San Fernando (San Fernando General Plan Land Use Element Goals I, II and III, Pg. IV-6).

The proposed development of a 12,300 sq. ft. industrial building would maintain the established identity given that within the immediate vicinity of the Project site are existing neighboring M-1 and R-1 Lots. The applicant currently operates a construction company that has been established in the City of San Fernando since 1999 and employs approximately 25 individuals. The zone change will enable this local business to stay and grow in San Fernando. The Project will provide significant physical improvements to the Project site and adjacent public right of way, eliminate blight associated with the existing physical conditions of the subject properties which will help retain and enhance the small town character of San Fernando. Thus, it is staff's assessment that this finding can be made in this case.

b. The adoption of the proposed amendment would not be detrimental to the public interest, health safety, convenience, or welfare.

The granting of a zone change to change the zoning designation of these lots from R-1 (Single Family Residential) to M-1 (Limited Industrial) will not be detrimental to the public interest, health, safety, convenience or welfare due to the fact that the proposed use will complement established industrial uses within the vicinity and would allow for the development of a new 12,300 sq. ft. industrial building. In addition, the proposed use would allow for the ongoing development and creation of jobs within the general area. With the adoption of the recommended conditions of approval for the proposed zone change, the applicant would be required to provide sufficient safeguards to deter any potential public nuisance issues and protect public interest, health, safety, convenience or welfare. Noncompliance with the conditions of approval for an approved Zone Change would require corrective action on behalf of the owner.

As a result of the development, significant improvements to the site and adjacent public rights of way will eliminate existing blight conditions. These physical improvements will come as the widening of Jessie Street, incorporation of a new curb and gutter along Jessie Street, the placement of an additional sidewalk adjacent to the subject site, curb cuts as well as the installation of ADA accessible ramp on the corner of Fourth Street and Jessie Street. The Project would also be responsible for making the necessary upgrades to the existing water and sewer infrastructure required to accommodate the Projects potential demand. Conditions of approval shall be implemented as part of the entitlement to deter adverse effects to adjacent residentially zoned lots. For example, conditions will be placed on hours of operation, lighting, perimeter fencing as well as overall property maintenance. Therefore, the on-site and off-site

physical improvement that would result as part of the Project would not be detrimental to the public interest, health, safety, convenience or welfare. Thus, it is staff's assessment that this finding can be made.

BE IT FURTHER RESOLVED that based upon the foregoing, the Planning and Preservation Commission recommends approval to the City Council for General Plan Amendment 2018-001 and Zone Change 2018-001, subject to the Conditions of Approval attached as Exhibit "A".

(SIGNATURE PAGE TO FOLLOW)

PASSED, APPROVED AND ADOPTED this 13th day of January 2020.

_____,
ALVIN DURHAM, CHAIRPERSON

ATTEST:

TIMOTHY T. HOU, AICP, SECRETARY TO THE PLANNING
AND PRESERVATION COMMISSION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF SAN FERNANDO)

I, TIMOTHY T. HOU, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said City at a meeting held on the 13th day of January 2020; and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

TIMOTHY T. HOU, AICP, SECRETARY TO THE PLANNING
AND PRESERVATION COMMISSION

EXHIBIT “A”
CONDITIONS OF APPROVAL

- PROJECT NO.** : **General Plan Amendment 2018-001 and Zone Change 2018-001**
- PROJECT ADDRESS** : 649 and 655 Fourth Street, San Fernando, CA 91340
(Los Angeles County Assessor’s Parcel No: 2519-021-014 & 2519-021-015)
- PROJECT DESCRIPTION** : The proposed “Project” is a request for review and approval of a General Plan Amendment and Zone Change to change the current zone of R-1 (Single Family Residential) zone to M-1 (Limited Industrial) zone, Setback Variance and Site Plan Review for the development of a 12,300 square foot industrial building which would include approximately 524 square feet of office area within the M-1 (Limited Industrial) zone.

The following conditions shall be made a part of the approval of the Project, and shall be complied with in their entirety, as determined by the Community Development Department:

1. Indemnification. The property owner and the project applicant, shall indemnify, protect, hold harmless and defend the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the property owner and developer of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense. The property owner and developer shall defend, indemnify and hold harmless the City for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as an environmental impact report or related environmental assessment) if made necessary through the initiation of the project.
2. Off-Site/On-Site Parking of Vehicles. Delivery vehicles shall park on-site, within the designated loading/unloading wells and parking stalls. Delivery vehicles will not, under any circumstance, park or remain idle in any public right of way. Vehicles of patrons and operators of said location will also be subject to the same restrictions. It shall be the responsibility of the operator of the subject property to disclose to the drivers of delivery vehicles that parking within the City of San Fernando public right of way is not permitted. Any parking stall that does not provide a curb stop shall require a parking stop or bollard for safety purposes.
3. Owner Initiated Lot Merger. Prior to the issuance of a building permit, the applicant shall complete a lot merger to adjust the boundary lines in conformance with the set of plans reviewed by the City.
4. Deliveries. All deliveries must occur on-site and only within the designated staging area identified on the set of plans; no vehicles shall be standing or parked in the right-of-way. All deliveries must occur

during non-peak hours of operation. There shall be no staging in the public right-of-way.

5. Path of Travel of Commercial Vehicles. Commercial vehicles that travel to and from the subject site shall do so by either traveling from Jessie Street via Fifth Street or east of the site via Fourth Street.
6. Compliance with Federal, State, and Local Regulations. The applicant and any future successors shall comply with all applicable Federal, State, and local regulations pertaining to the industrial uses.
7. Signage. Any future proposed signage shall comply with the City's applicable sign regulation and shall require the submittal, review, and approval of a sign permit application prior to the placement or any signage on the property.
8. Surveillance. A security camera system shall be installed on the premises and shall be maintained in proper working order at all times. The security camera system shall be subject to inspection by the police department in the event of incident at or near the subject property. The system must be capable of producing retrievable images on film or tape that can be enlarged through projection or other means. The video or digital recordings generated by the system shall be maintained for a period of 30 days. Special security measures such as security guards, door monitors, and burglar alarms systems may be required as a condition of approval with final determination made by the chief of police and the chief planning official on a case-by-case basis.
9. Lighting. Adequate lighting shall be provided within the parking lot of the subject property. All exterior lighting shall be decorative cut-off fixtures (where no light is emitted above the horizontal plane) with the light source fully shielded or recessed to preclude light trespass or pollution up into the night sky. Also, any building-mounted luminaries shall be attached to walls or soffits, and the top of the fixture shall not exceed the height of the roof. All proposed light fixtures shall be designed in a manner that is consistent with the overall design of the building and shall not disturb or create glare towards neighboring properties. In addition, any decorative uplighting, such as those that illuminate building facades or landscaping, shall be operated on timers that turn off illumination no later than 12 midnight, nightly. The Community Development Department shall review and approve all light fixtures prior to installation. In addition, all lighting shall also comply with the following requirements:
 - a) The equivalent of one foot-candle of illumination shall be provided throughout the parking area;
 - b) All lighting shall be on a time-clock or photo-sensor system;
 - c) All lighting shall be designed to confine direct rays to the premises. No spillover beyond the property line shall be permitted; and,
 - d) All lighting shall consist of metal halide type lighting or similar. Illumination shall not include low or high pressure sodium lighting.
 - e) No light shall illuminate into adjacent residential properties
10. Trash Enclosure. The applicant shall construct a new trash enclosure on the subject property and ensure that all trash bins are kept free of trash overflow and maintained in a clean manner at all times.

Litter and trash receptacles shall be located at convenient locations both inside and outside the establishment, and trash and debris shall be removed on a daily basis.

11. Fencing. Fencing with the adjacent residential property owner shall consist of a decorative slump stone material. All fencing shall adhere to section 106-970 of the San Fernando Municipal Code. Any modifications to the fencing shall be reviewed by the Community Development Department for its approval.
12. Glazing. There shall be no glazing that faces adjacent residential properties. Any proposed window signage shall be reviewed by the Community Development Department for its approval.
13. Property Maintenance. The subject site and its immediate surrounding area shall be maintained in a clean, neat and orderly manner at all times and shall comply with the property maintenance standards as set forth in the San Fernando City Code.
14. Street Trees. The developer shall provide all required off-site public improvements as listed on the attached Public Works Improvement Checklist. The species of parkway trees shall be determined by the Public Works Department.
15. Landscape. All proposed on-site and off-site plantings shall be kept in a healthy and growing condition, consistent with the design of a landscaping and irrigation plan approved by the Community Development Department. Fertilization, cultivation, tree pruning shall be a part of regular maintenance. Good horticultural practices shall be followed in all instances. The landscape design shall be further refined as necessary to improve the level of design quality by focusing on important design principles. Further landscape design refinements shall address, but not be limited to, the following:
 - a) The landscaping shall be provided with an appropriate low-maintenance landscape design and material selection that is attractive, durable and drought-tolerant. All proposed landscaping shall be arranged to emphasize visual attractiveness as viewed from the public right-of-way.
 - b) All proposed landscaped areas shall be served by well-balanced automatic irrigation system operated by an electrically timed controller station set for early morning irrigation and maintained in a manner consistent with the approved landscape plan. The final landscaping/irrigation plan shall identify the size and location of all landscape materials and irrigation equipment. Water conservation measures shall be incorporated in the irrigation plan;
 - c) The landscape plan shall provide specifications for the following: design of hardscape elements, including pedestrian walkways, paved areas, common areas, seating, landscape planters, lighting, etc.; planting materials, including, trees, shrubs, ground cover, grass, miscellaneous plant materials, landscape containers and soil preparation; and, automatic irrigation plans, including materials and details;
 - d) A backflow preventer device shall be installed, tested, and inspected by the Public Works Department to protect water supplies from contamination or pollution;
16. Mechanical and Utility Equipment. All ground mounted mechanical and utility equipment, including

but not limited to transformers, terminal boxes, risers, backflow devices, gas meters, electric meters, meter cabinets, and heating, ventilation, and air conditioning (HVAC) units shall be screened from public view and treated to match the materials and colors of the building. All Electrical service facilities and equipment on or adjacent to the site shall be planned and located, relocated or modified in a manner consistent with Southern California Edison Company guidelines to minimize human exposure to electromagnetic fields on the site and on adjacent properties, and with any other applicable requirements or guidelines of the California Public Utilities Commission or any other agency with jurisdiction, unless otherwise specified by the Community Development Department. All mechanical and utility equipment locations and screening/treatment shall be approved by the Community Development Department prior to installation or modification.

17. Utilities. Unless otherwise approved by the Community Development Department, all utilities shall be located underground. The applicant shall comply with all applicable requirements or guidelines of any relevant utility company, the California Public Utilities Commission, or any other agency with jurisdiction, relating to construction and/or occupancy of structures in proximity to any over-head or underground utility lines which are adjacent to or extend through the subject property, unless otherwise specified by the Community Development Department. Applicant shall provide any utility easements as necessary.
18. SCAQMD. South Coast Air Quality Management District ("SCAQMD") must be contacted prior to any demolition or renovation. Call (909) 396-2000 for further information. Failure to comply with the provisions of Rule 1403 may result in a penalty of up to \$25,000 per day. Once approval from SCAQMD has been obtained, a City of San Fernando Demolition Permit is required for any existing buildings or structures which are to be demolished and must be obtained prior to any work commencing.
19. Surface Runoff. All requirements of the National Pollutant Discharge Elimination System (NPDES) shall be complied with and an NPDES permit, including but not limited to the installation of any required clarifiers and/or on-site infiltration system, must be obtained prior to any occupation or use of the site. During construction, the project site shall comply with all applicable Best Management Practices (BMPs).
20. Construction Hours. Construction activity on Mondays through Saturday shall be limited to 8:00 a.m. to 6:00 p.m. No construction shall be allowed on Sundays and Federal Holidays.
21. Graffiti Removal. Unless otherwise specified in the conditions of approval, the property owner(s), operator and all successors shall comply with the graffiti removal and deterrence requirements of the San Fernando City Code. The property owner(s), operator and all successors shall provide for the immediate removal of any graffiti vandalism occurring on the property and, where applicable, the restoration of the surface on which the graffiti exists. Such restoration shall entail repainting or refinishing of the surface with a color or finish that matches the color or finish of the remaining portions of the structure being painted, and including treatment of the surface or site with measures to deter future graffiti vandalism as approved or required by the community development department. Property owner(s), operator and all successors shall maintain an additional stock of exterior paints and finishes for immediate execution of graffiti removal. Unless removed by the property owner or their designee within the specified time frame required by city code, property owner(s), operator and all successors shall grant the right of access to authorized agents of the City of San Fernando to

- remove graffiti from any surface on the property that is open and accessible from city property or public right-of-way, at the expense of the owner(s) or operator and all successors.
22. Site Inspections. The Community Development Department shall have the authority to inspect the site to assure compliance with these conditions of approval. The applicant and all successors shall grant the right of access to authorized agents of the City of San Fernando to conduct periodic inspections of the property.
 23. Modifications. Unless the chief planning official deems a proposed change to the approved plans and operation a minor modification, any and all other modifications to the development plan, including these conditions of approval, shall require review and approval by the Planning and Preservation Commission.
 24. Building Code Requirements. The applicant shall comply with all applicable building and construction requirements of the City of San Fernando's building codes, as specified by the City's Community Development Department.
 25. Hours of Operation: Monday through Friday 8:00 AM to 5:30 PM.
 26. Personal Vehicles: There shall be no storage of personal vehicles on this site.
 27. Outdoor Storage: There shall be no outdoor storage of materials. All storage shall be maintained within the building.
 28. Public Works Checklist: The applicant shall comply with the requirements for subdivision of the site as listed in the attached "Public Works Department Development/Improvement Review Checklist."
 29. Public Review of Conditions of Approval. A copy of these conditions of approval shall be retained on-site at all times during the hours of operation of the industrial building and shall be made available for viewing upon public request or upon request by any city official. Employees of the business shall not prohibit a request of the public to view the conditions of approval for this entitlement.
 30. Expiration. This entitlement shall become null and void unless exercised by obtaining building permits to implement the construction within twelve (12) months of final approval. Additional time in increments of six (6) months at a time may be granted, at the discretion of the Community Development Department Director, upon receipt of a request for an extension received 30 days prior to such expiration date. The operator will obtain and exercise an active business occupancy permit within twelve (12) months from when Certificate of Occupancy is obtained.

RESOLUTION NO. 2019-011

A RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION OF THE CITY OF SAN FERNANDO APPROVING VARIANCE 2018-001 AND SITE PLAN REVIEW 2018-018 TO ALLOW FOR THE DEVELOPMENT OF A 12,300 SQUARE FOOT INDUSTRIAL BUILDING WITH A SETBACK OF 6 INCHES INSTEAD OF THE REQUIRED 20 FEET LOCATED AT 649 AND 655 FOURTH STREET.

WHEREAS, an application has been filed by Victor Pena (the “Applicant”), to request approval of a General Plan Amendment and Zone Change to change the current zone of R-1 (Single Family Residential) zone to M-1 (Limited Industrial) zone, Setback Variance and Site Plan Review for the development of a 12,300 square foot industrial building which would include approximately 524 square feet of office area within the M-1 Limited Industrial Zone. The project site is approximately a 30,055 square foot lot located on the northwestern corner of Jessie and Fourth Street;

WHEREAS, General Plan Amendment 2018-001 and Zone Change 2018-001 would allow for the construction of a 12,300 square foot industrial building which would include approximately 524 square feet of office area requiring a setback Variance of 6 inches within the M-1 Limited Industrial Zone;

WHEREAS, Variance 2018-001 and Site Plan Review 2018-018 would require Planning and Preservation Commission approval in order to develop the site for a 12,300 square foot industrial building which would include approximately 524 square feet of office area requiring a setback Variance of 6 inches instead of the standard 20 foot setback from adjacent residential lots within the M-1 Limited Industrial Zone;

WHEREAS, the Planning and Preservation Commission has considered all of the evidence presented in connection with the Project, written and oral at the public hearing held on the 13th day of January 2020;

NOW, THEREFORE, BE IT RESOLVED that the Planning and Preservation Commission finds as follows:

SECTION 1: This project has been reviewed by the City for compliance with the California Environmental Quality Act (CEQA). Based on the City’s environmental assessment, staff has decided to adopt a mitigated negative declaration. The environmental assessment cites possible environmental impacts that shall be mitigated in order to provide a less than significant impact to the environment. These possible impacts include the creation of dust, debris, and runoff during the demolition and construction of the project. Public notice of the project was made available for public review from December 10, 2019 to December 30, 2019;

SECTION 2: The Project is consistent with the objectives, policies, and general land uses and programs provided in the City’s General Plan and the applicable development standards for industrially zoned property within the M-1 Light Industrial Zone; and

SECTION 3: A variance is a discretionary permit issued by the Planning and Preservation Commission allowing a property owner to deviate from a development standard or to build a structure not otherwise permitted under the applicable development standards. The statutory justification for a variance is that the owner would otherwise suffer a unique hardship under the general zoning regulations because the particular parcel is different from the others to which the regulation applies due to its size, shape, topography, location and/or surroundings.

A variance is subject to discretionary review by the Planning and Preservation Commission. Conditions of approval imposed on the applicant through the discretionary review process may call for any measures that are reasonably related to the project. This principle is applied in the form of seven (7) findings of fact, which the commission must consider in making its decision. All findings must be justified and upheld in the affirmative for approval of the variance; a negative determination on any single finding will uphold a denial.

If the Commission concurs with staff's assessment, it would be the Commission's determination that the findings for approval of the variance could be made in this instance based on the aforementioned discussion, and as explained below:

- **There are special circumstances or exceptional characteristics applicable to the property involved, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.**

This lot has a special circumstance given that there had never been a dedication given previously to the City of San Fernando. The proposed dedication of approximately 7,908 sq. ft. is a significant reduction to the applicant's Project lot and is a factor on the placement of the structure. The new dedication of 7,908 sq. ft. shall provide a 60 foot wide public right of way access providing two-way vehicular access on Jessie Street, a new sidewalk, curb and gutter. In order to comply with landscape, on-site parking, aisle and loading area requirements to the greatest extent possible, the applicant is proposing a building setback along the adjacent residentially zoned parcel of 6 inches instead of the required 20 foot setback. The proposed industrial building is in compliance with all other applicable setback requirements. The development of the lot and providing the dedication to the City will be consistent with the goals and objectives of the San Fernando General Plan Circulation Element:

(San Fernando General Plan Circulation Element, Pg. V-5,6)

Objective:

- ✓ Provide traffic improvements in order to respond to changes in traffic patterns.

Goals:

- ✓ To provide a safe and efficient street system that allows maximum accessibility.
- ✓ To provide easy access for residents to facilities within the City of San Fernando.

The request for a reduction in setback for the development of a 12,300 sq. ft. industrial

building will enhance the circulation viability of the area located along Fourth Street and Jessie Street and will comply with the Goals and Objectives of the Circulation Element of the General Plan. Thus, it is staff's assessment that this finding can be made.

- **The granting of such Variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone in which the property is located.**

The granting of a variance for a reduction in setback for the development of a 12,300 sq. ft. industrial building will not be detrimental to the public interest, health, safety, convenience of welfare do to the fact that the proposed use will coincide with established industrial uses within the vicinity. In addition, the proposed use would allow for the ongoing development and creation of jobs within the general area. With the adoption of the recommended conditions of approval for the requested Variance, the applicant would be required to provide sufficient safeguards to deter any potential public nuisance issues and protect public interest, health, safety, convenience or welfare. Noncompliance with the conditions of approval for an approved Variance would require corrective action on behalf of the owner and may result in revocation of the granted Variance. Thus, it is staff's assessment that this finding can be made.

- **The granting of such Variance will not be contrary to or in conflict with the general purposes and intent of the zoning ordinance, nor to the goals and programs of the General Plan.**

The request for approval of a new 12,300 sq. ft. industrial building with a reduction in setback from 20 feet to 6 inches to an adjacent residential lot will not be contrary to the zoning ordinance given that the applicant has concurrently applied for the zone change of this site to M-1 and the proposed use of the development shall be an allowed use per Section 106-582 of the San Fernando Municipal Code. This Project meets all of the other development standards for industrial zoned properties pursuant to San Fernando Municipal Code Section 106-969.

Further, the applicant's request for a reduction in setback in conjunction with the construction of a new 12,300 sq. ft. industrial building will not be contrary to or in conflict with the goals and programs of the General Plan, as one of the goals set forth in the Land Use Element:

(San Fernando General Plan Circulation Element, Pg. IV-6)

Goals:

- ✓ To retain a small-town character of San Fernando.
- ✓ To maintain an identity that is distinct from surrounding communities.

Additionally, virtually all properties along Jessie Street on this block are M-1 zoned lots. Allowing for the General Plan Amendment would allow for greater consistency of land uses along this section of Jessie Street, promotes infill development of unimproved lots and also

provides improvements to the public right of way thus it is staff's assessment that this finding can be made.

- **The Variance request is consistent with the purpose and intent of the zone in which the site is located.**

The applicant has concurrently applied for a General Plan Amendment and Zone Change of the site. The request for a reduction in setback is necessary in order for the Project to satisfy all of the other development standards pursuant to section 106-969 of the municipal code. The proposed Project would change the General Plan Land Use Element designation to a light industrial land use area, where future uses that are envisioned for the area include the operation of similar industrial activities. This Project provides areas for the location and operation of light manufacturing and related services and uses. It is also intended to provide for those uses which are supportive of or provide a direct service to the permitted industrial uses. Thus, it is staff's assessment that this finding can be made.

- **The subject site is physically suitable for the proposed Variance.**

The subject site will consist of a single lot after the lot merger is complete. The new lot will be 106.11 ft. (wide) x 208.71 ft. (deep) which will provide approximately a 22,146 sq. ft. lot. Given that the maximum allowed lot coverage for an M-1 Zoned lot is 60 percent, the proposed industrial building will not exceed the lot coverage as the building footprint only covers 8,078 sq. ft., or 36 percent of the lot. The site is suitable for the proposed setback variance given that the proposed development meets all other development standards and the applicant has proposed to construct the building at the rear of the 208.71 ft. lot. This is intended to maximize the separation distance from any existing residential structure. Thus, it is staff's assessment that this finding can be made.

- **There are adequate provisions for water, sanitation and public utilities and services to ensure that the proposed Variance would not be detrimental to public health and safety.**

The current site provides a single family residence which will be demolished. Per the City's Public Works Department, there is an existing private sewer lateral as well as a ¾" water meter. Any required future improvements to infrastructure and public utilities with the change of occupancy would be required to be developed in compliance with the requirements of the city's building and health and safety codes, including any requirements for off-site improvements and utility connections from the City's Public Works Department. Thus, it is staff's assessment that this finding can be made.

- **There will be adequate provisions for public access to service the property which is the subject of the Variance.**

The dedication of 7,908 sq. ft. for public right of way improvements along Jessie Street will help enable two points of access for ingress and egress. One point of access will be along Jessie Street while the other will be along Fourth Street. The Public Works Department has provided conditions of approval that call for a new sidewalk, and curb and gutter to be

constructed along Jessie Street as well as a new ADA accessible ramp on the northwest corner of Fourth Street and Jessie Street (Attachment “J”). Thus, it is staff’s assessment that this finding can be made in this case.

BE IT FURTHER RESOLVED that based upon the foregoing, the Planning and Preservation Commission approves Variance 2018-001 and Site Plan Review 2018-018, subject to the Conditions of Approval attached as Exhibit “A”.

SECTION 4. The entitlements approved by this Resolution shall only take effect upon the approval by the San Fernando City Council of General Plan Amendment 2018-001. If the City Council rejects the approval of General Plan Amendment 2018-001, then this Resolution and the entitlements authorized herein shall be of no force and effect.

(SIGNATURE PAGE TO FOLLOW)

PASSED, APPROVED AND ADOPTED this 13th day of January 2020.

_____,
ALVIN DURHAM, CHAIRPERSON

ATTEST:

TIMOTHY T. HOU, AICP, SECRETARY TO THE PLANNING
AND PRESERVATION COMMISSION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF SAN FERNANDO)

I, TIMOTHY T. HOU, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said City at a meeting held on the 13th day of January 2020; and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

TIMOTHY T. HOU, AICP, SECRETARY TO THE PLANNING
AND PRESERVATION COMMISSION

**EXHIBIT “A”
CONDITIONS OF APPROVAL**

PROJECT NO. : **Variance 2018-001 and Site Plan Review 2018-001**

PROJECT ADDRESS : 649 and 655 Fourth Street, San Fernando, CA 91340
(Los Angeles County Assessor’s Parcel No: 2519-021-014 & 2519-021-015)

PROJECT DESCRIPTION : The proposed “Project” is a request for review and approval of a General Plan Amendment and Zone Change to change the current zone of R-1 (Single Family Residential) zone to M-1 (Limited Industrial) zone, Setback Variance and Site Plan Review for the development of a 12,300 square foot industrial building which would include approximately 524 square feet of office area within the M-1 (Limited Industrial) zone.

The following conditions shall be made a part of the approval of the project, and shall be complied with in their entirety, as determined by the Community Development Department:

1. Indemnification. The property owner and the project applicant, shall indemnify, protect, hold harmless and defend the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the property owner and developer of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense. The property owner and developer shall defend, indemnify and hold harmless the City for all costs and fees incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending, any document (such as an environmental impact report or related environmental assessment) if made necessary through the initiation of the project.
2. Off-Site/On-Site Parking of Vehicles. Delivery vehicles shall park on-site, within the designated loading/unloading wells and parking stalls. Delivery vehicles will not, under any circumstance, park or remain idle in any public right of way. Vehicles of patrons and operators of said location will also be subject to the same restrictions. It shall be the responsibility of the operator of the subject property to disclose to the drivers of delivery vehicles that parking within the City of San Fernando public right of way is not permitted. Any parking stall that does not provide a curb stop shall require a parking stop or bollard for safety purposes.
3. Owner Initiated Lot Merger. Prior to the issuance of a building permit, the applicant shall complete a lot merger to adjust the boundary lines in conformance with the set of plans reviewed by the City.
4. Deliveries. All deliveries must occur on-site and only within the designated staging area identified on the set of plans; no vehicles shall be standing or parked in the right-of-way. All deliveries must occur

during non-peak hours of operation. There shall be no staging in the public right-of-way.

5. Path of Travel of Commercial Vehicles. Commercial vehicles that travel to and from the subject site shall do so by either traveling from Jessie Street via Fifth Street or east of the site via Fourth Street.
6. Compliance with Federal, State, and Local Regulations. The applicant and any future successors shall comply with all applicable Federal, State, and local regulations pertaining to the industrial uses.
7. Signage. Any future proposed signage shall comply with the City's applicable sign regulation and shall require the submittal, review, and approval of a sign permit application prior to the placement or any signage on the property.
8. Surveillance. A security camera system shall be installed on the premises and shall be maintained in proper working order at all times. The security camera system shall be subject to inspection by the police department in the event of incident at or near the subject property. The system must be capable of producing retrievable images on film or tape that can be enlarged through projection or other means. The video or digital recordings generated by the system shall be maintained for a period of 30 days. Special security measures such as security guards, door monitors, and burglar alarms systems may be required as a condition of approval with final determination made by the chief of police and the chief planning official on a case-by-case basis.
9. Lighting. Adequate lighting shall be provided within the parking lot of the subject property. All exterior lighting shall be decorative cut-off fixtures (where no light is emitted above the horizontal plane) with the light source fully shielded or recessed to preclude light trespass or pollution up into the night sky. Also, any building-mounted luminaries shall be attached to walls or soffits, and the top of the fixture shall not exceed the height of the roof. All proposed light fixtures shall be designed in a manner that is consistent with the overall design of the building and shall not disturb or create glare towards neighboring properties. In addition, any decorative uplighting, such as those that illuminate building facades or landscaping, shall be operated on timers that turn off illumination no later than 12 midnight, nightly. The Community Development Department shall review and approve all light fixtures prior to installation. In addition, all lighting shall also comply with the following requirements:
 - a) The equivalent of one foot-candle of illumination shall be provided throughout the parking area;
 - b) All lighting shall be on a time-clock or photo-sensor system;
 - c) All lighting shall be designed to confine direct rays to the premises. No spillover beyond the property line shall be permitted; and,
 - d) All lighting shall consist of metal halide type lighting or similar. Illumination shall not include low or high pressure sodium lighting.
 - e) No light shall illuminate into adjacent residential properties
10. Trash Enclosure. The applicant shall construct a new trash enclosure on the subject property and ensure that all trash bins are kept free of trash overflow and maintained in a clean manner at all times.

Litter and trash receptacles shall be located at convenient locations both inside and outside the establishment, and trash and debris shall be removed on a daily basis.

11. Fencing. Fencing with the adjacent residential property owner shall consist of a decorative slump stone material. All fencing shall adhere to section 106-970 of the San Fernando Municipal Code. Any modifications to the fencing shall be reviewed by the Community Development Department for its approval.
12. Glazing. There shall be no glazing that faces adjacent residential properties. Any proposed window signage shall be reviewed by the Community Development Department for its approval.
13. Property Maintenance. The subject site and its immediate surrounding area shall be maintained in a clean, neat and orderly manner at all times and shall comply with the property maintenance standards as set forth in the San Fernando City Code.
14. Street Trees. The developer shall provide all required off-site public improvements as listed on the attached Public Works Improvement Checklist. The species of parkway trees shall be determined by the Public Works Department.
15. Landscape. All proposed on-site and off-site plantings shall be kept in a healthy and growing condition, consistent with the design of a landscaping and irrigation plan approved by the Community Development Department. Fertilization, cultivation, tree pruning shall be a part of regular maintenance. Good horticultural practices shall be followed in all instances. The landscape design shall be further refined as necessary to improve the level of design quality by focusing on important design principles. Further landscape design refinements shall address, but not be limited to, the following:
 - a) The landscaping shall be provided with an appropriate low-maintenance landscape design and material selection that is attractive, durable and drought-tolerant. All proposed landscaping shall be arranged to emphasize visual attractiveness as viewed from the public right-of-way.
 - b) All proposed landscaped areas shall be served by well-balanced automatic irrigation system operated by an electrically timed controller station set for early morning irrigation and maintained in a manner consistent with the approved landscape plan. The final landscaping/irrigation plan shall identify the size and location of all landscape materials and irrigation equipment. Water conservation measures shall be incorporated in the irrigation plan;
 - c) The landscape plan shall provide specifications for the following: design of hardscape elements, including pedestrian walkways, paved areas, common areas, seating, landscape planters, lighting, etc.; planting materials, including, trees, shrubs, ground cover, grass, miscellaneous plant materials, landscape containers and soil preparation; and, automatic irrigation plans, including materials and details;
 - d) A backflow preventer device shall be installed, tested, and inspected by the Public Works Department to protect water supplies from contamination or pollution;
16. Mechanical and Utility Equipment. All ground mounted mechanical and utility equipment, including

but not limited to transformers, terminal boxes, risers, backflow devices, gas meters, electric meters, meter cabinets, and heating, ventilation, and air conditioning (HVAC) units shall be screened from public view and treated to match the materials and colors of the building. All Electrical service facilities and equipment on or adjacent to the site shall be planned and located, relocated or modified in a manner consistent with Southern California Edison Company guidelines to minimize human exposure to electromagnetic fields on the site and on adjacent properties, and with any other applicable requirements or guidelines of the California Public Utilities Commission or any other agency with jurisdiction, unless otherwise specified by the Community Development Department. All mechanical and utility equipment locations and screening/treatment shall be approved by the Community Development Department prior to installation or modification.

17. Utilities. Unless otherwise approved by the Community Development Department, all utilities shall be located underground. The applicant shall comply with all applicable requirements or guidelines of any relevant utility company, the California Public Utilities Commission, or any other agency with jurisdiction, relating to construction and/or occupancy of structures in proximity to any over-head or underground utility lines which are adjacent to or extend through the subject property, unless otherwise specified by the Community Development Department. Applicant shall provide any utility easements as necessary.
18. SCAQMD. South Coast Air Quality Management District ("SCAQMD") must be contacted prior to any demolition or renovation. Call (909) 396-2000 for further information. Failure to comply with the provisions of Rule 1403 may result in a penalty of up to \$25,000 per day. Once approval from SCAQMD has been obtained, a City of San Fernando Demolition Permit is required for any existing buildings or structures which are to be demolished and must be obtained prior to any work commencing.
19. Surface Runoff. All requirements of the National Pollutant Discharge Elimination System (NPDES) shall be complied with and an NPDES permit, including but not limited to the installation of any required clarifiers and/or on-site infiltration system, must be obtained prior to any occupation or use of the site. During construction, the project site shall comply with all applicable Best Management Practices (BMPs).
20. Construction Hours. Construction activity on Mondays through Saturday shall be limited to 8:00 a.m. to 6:00 p.m. No construction shall be allowed on Sundays and Federal Holidays.
21. Graffiti Removal. Unless otherwise specified in the conditions of approval, the property owner(s), operator and all successors shall comply with the graffiti removal and deterrence requirements of the San Fernando City Code. The property owner(s), operator and all successors shall provide for the immediate removal of any graffiti vandalism occurring on the property and, where applicable, the restoration of the surface on which the graffiti exists. Such restoration shall entail repainting or refinishing of the surface with a color or finish that matches the color or finish of the remaining portions of the structure being painted, and including treatment of the surface or site with measures to deter future graffiti vandalism as approved or required by the community development department. Property owner(s), operator and all successors shall maintain an additional stock of exterior paints and finishes for immediate execution of graffiti removal. Unless removed by the property owner or their designee within the specified time frame required by city code, property owner(s), operator and all successors shall grant the right of access to authorized agents of the City of San Fernando to

remove graffiti from any surface on the property that is open and accessible from city property or public right-of-way, at the expense of the owner(s) or operator and all successors.

22. Site Inspections. The Community Development Department shall have the authority to inspect the site to assure compliance with these conditions of approval. The applicant and all successors shall grant the right of access to authorized agents of the City of San Fernando to conduct periodic inspections of the property.
23. Modifications. Unless the chief planning official deems a proposed change to the approved plans and operation a minor modification, any and all other modifications to the development plan, including these conditions of approval, shall require review and approval by the Planning and Preservation Commission.
24. Building Code Requirements. The applicant shall comply with all applicable building and construction requirements of the City of San Fernando's building codes, as specified by the City's Community Development Department.
25. Hours of Operation: Monday through Friday 8:00 AM to 5:30 PM.
26. Personal Vehicles: There shall be no storage of personal vehicles on this site.
27. Outdoor Storage: There shall be no outdoor storage of materials. All storage shall be maintained within the building.
28. Public Works Checklist: The applicant shall comply with the requirements for subdivision of the site as listed in the attached "Public Works Department Development/Improvement Review Checklist."
29. Public Review of Conditions of Approval. A copy of these conditions of approval shall be retained on-site at all times during the hours of operation of the industrial building and shall be made available for viewing upon public request or upon request by any city official. Employees of the business shall not prohibit a request of the public to view the conditions of approval for this entitlement.
30. Expiration. This entitlement shall become null and void unless exercised by obtaining building permits to implement the construction within twelve (12) months of final approval. Additional time in increments of six (6) months at a time may be granted, at the discretion of the Community Development Department Director, upon receipt of a request for an extension received 30 days prior to such expiration date. The operator will obtain and exercise an active business occupancy permit within twelve (12) months from when Certificate of Occupancy is obtained.



**NOTICE OF A
PUBLIC HEARING
THE CITY OF SAN FERNANDO CITY COUNCIL**

A public hearing on this matter and associated potential environmental impacts, if any, will be conducted by the City of San Fernando City Council Meeting on:

DATE: November 1, 2021

TIME: 6:00 p.m.

HEARING LOCATION: City Hall Council Chambers, 117 Macneil Street, San Fernando, CA 91340

PROJECT LOCATION: 649 Fourth Street, San Fernando, CA
(Los Angeles County Assessor's Parcel No's: 2519-021-014 and 2519-021-015)

APPLICATION: Zone Change 2018-001; General Plan Amendment 2018-001

PROJECT DESCRIPTION:

The project consists of a request for the approval of a General Plan Amendment and Zone Change to change the current zone of R-1 (Single Family Residential) zone to a M-1 (Limited Industrial) zone and a Site Plan Review for the construction of a 12,300 square foot industrial building which would include approximately 524 square feet of office area within the M-1 (Limited Industrial) zone. The project site is located on a 30,059 square foot lot and is located on the corner of Jessie Street and Fourth Street.

Pursuant to the California Environmental Quality Act (CEQA) of 1970, a Mitigated Negative Declaration of Environmental Impact has been prepared indicating the project will not have a significant effect on the environment. A copy of the Mitigated Negative Declaration of Environmental Impact is on file in the Planning Department. Members of the public are invited to submit written comments regarding said report by or before the close of the public hearing.

Interested members of the public may also provide verbal comments or written comments regarding any aspect of the proposed project (including the environmental documents referenced above) during the public comment portion of the public hearing on this matter. Please note that interested parties who may later wish to appeal or otherwise challenge any findings made or action taken by the City Council may be limited to appealing or challenging only those issues or concerns that were raised orally or in writing by or before the close of the public hearing conducted by the Council.

For further information regarding this proposal, please contact Gerardo Marquez, Interim Senior Planner at (818) 837-1540 or gmarquez@sfcity.org or by written correspondence to: City of San Fernando, Community Development Department, 117 Macneil Street, San Fernando, CA 91340-2993.



Nick Kimball
City Manager

500' Radius Map
655 4th Street, San Fernando



NotificationMaps.com

Radius Maps Owner and Occupant Lists Mailing Services

866-752-6266 toll free
 949-613-8343 fax
 sales@notificationmaps.com

Mailing Address Only
 668 N Coast Hwy, #201
 Laguna Beach, CA 92651

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ATTACHMENT "D"

FOURTH STREET WAREHOUSE
FACADADE AND PERSPECTIVE
655 4Th ST SAN FERNANDO CA 91340

MACLAY DESIGN
1108 5Th ST SUITE 103 SAN FERNANDO CA 91340
OFFICE PHONE 747 246 4338
JUNE 15 2021
OWNER: VICTOR PENA
655 4Th ST SAN FERNANDO CA 91340



BIRD'S EYE VIEW

MACLAY DESIGN

*1108 5th ST SUITE 103 SAN FERNANDO CA 91340
OFFICE PHONE: 747 246 4338
JUNE 15 2021*

FOURT STREET WAREHOUSE

*655 4th ST SAN FERNANDO CA 91340
OWNER: VICTOR PENA
JUNE 15 2021*



MACLAY DESIGN

1108 5Th ST SUITE 103 SAN FERNANDO CA 91340

OFFICE PHONE: 747 246 4338

JUNE 15 2021

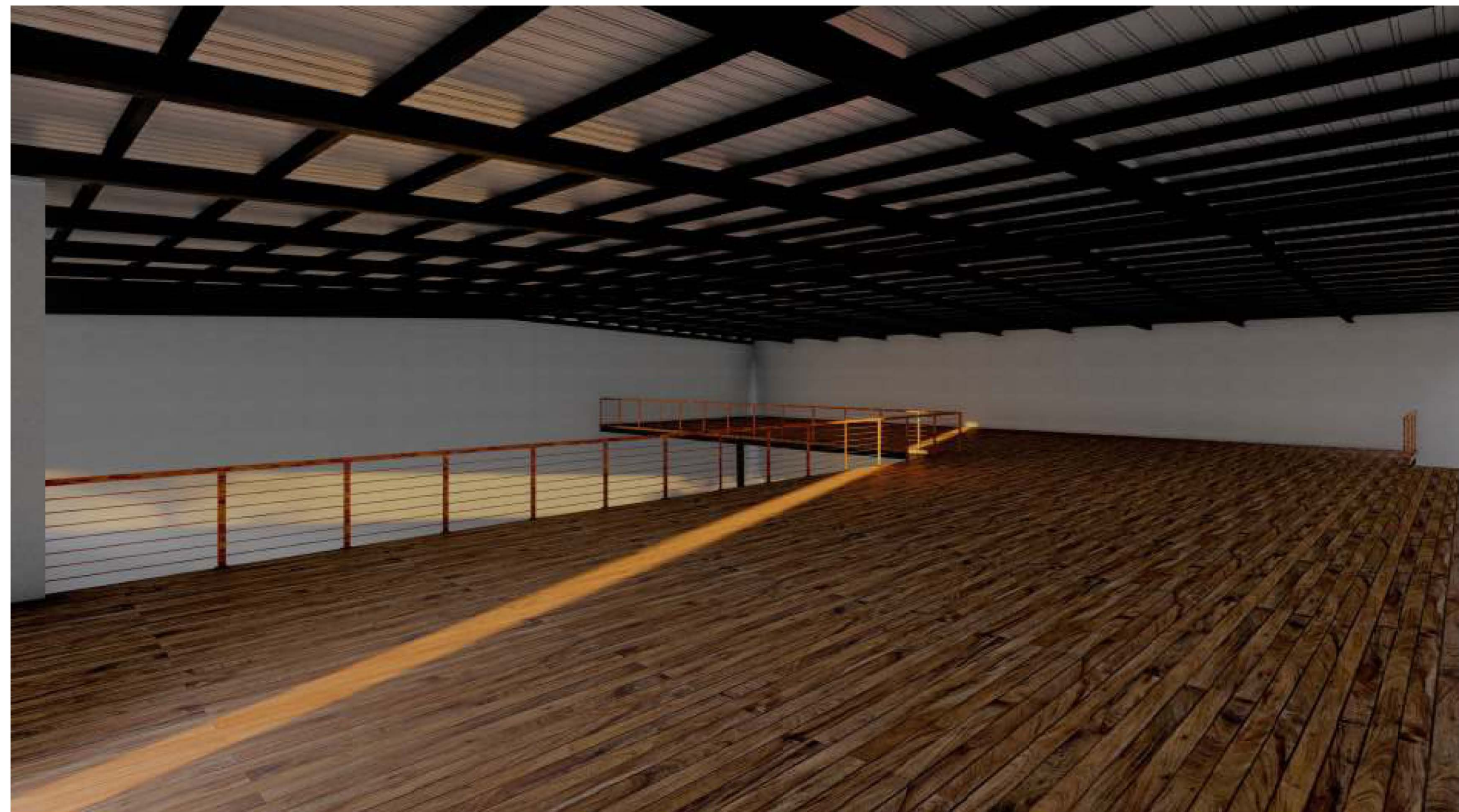
FOURT STREET WAREHOUSE

655 4Th ST SAN FERNANDO CA 91340

OWNER: VICTOR PENA

JUNE 15 2021

PERSPECTIVE



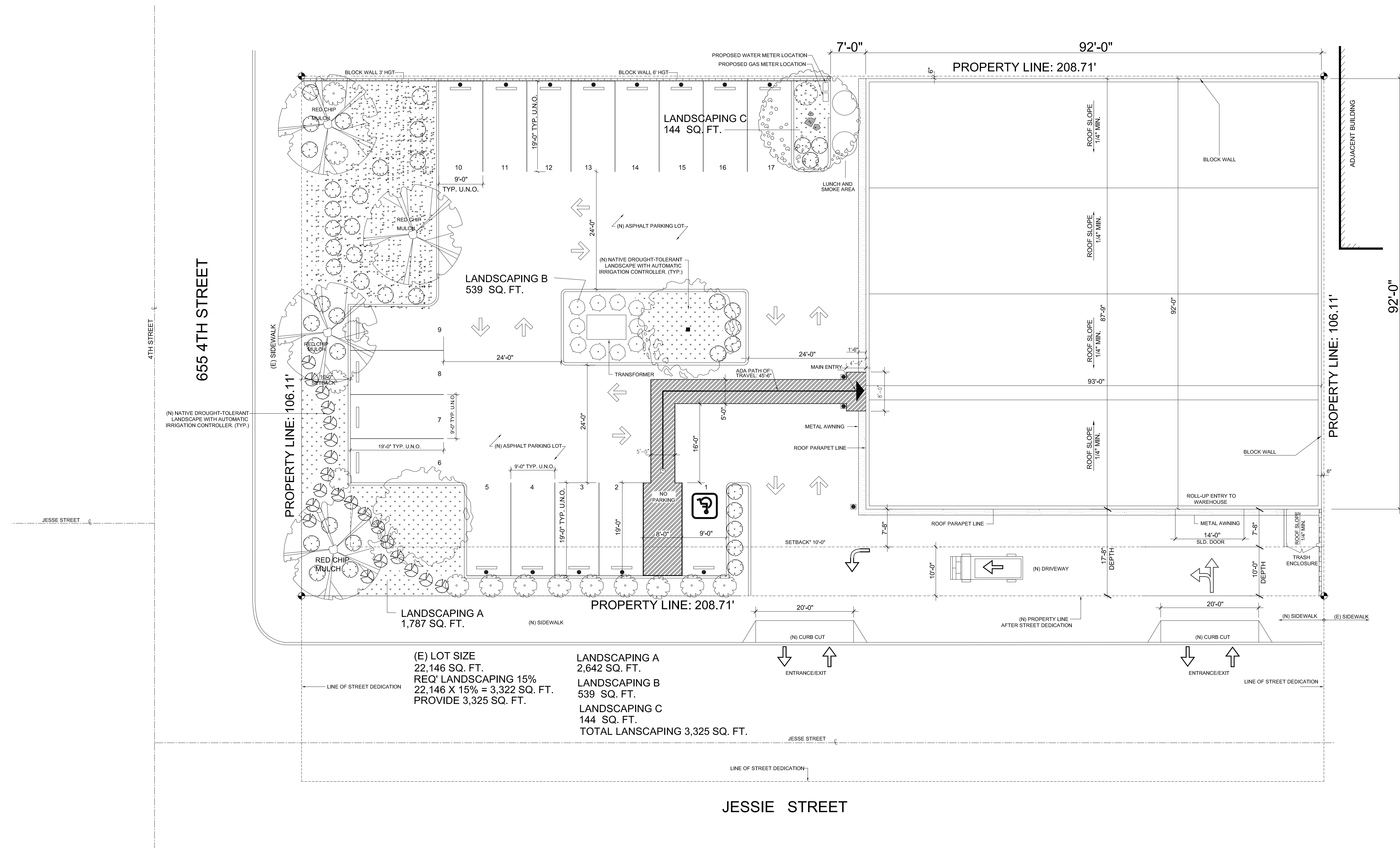
BUILDING SECTION

MACLAY DESIGN

1108 5th ST SUITE 103 SAN FERNANDO CA 91340
OFFICE PHONE: 747 246 4338
JUNE 15 2021

FOURT STREET WAREHOUSE

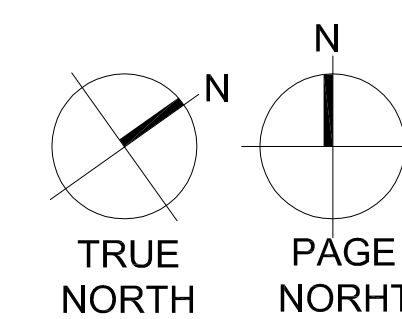
655 4th ST SAN FERNANDO CA 91340
OWNER: VICTOR PENA
JUNE 15 2021



PLOT PLAN

PROPOSED PLOT PLAN

SCALE: 1/8" = 1'-0"



MACLAY DESIGN

1108 5Th ST SUITE 103 SAN FERNANDO CA 91340

OFFICE PHONE: 747 246 4338

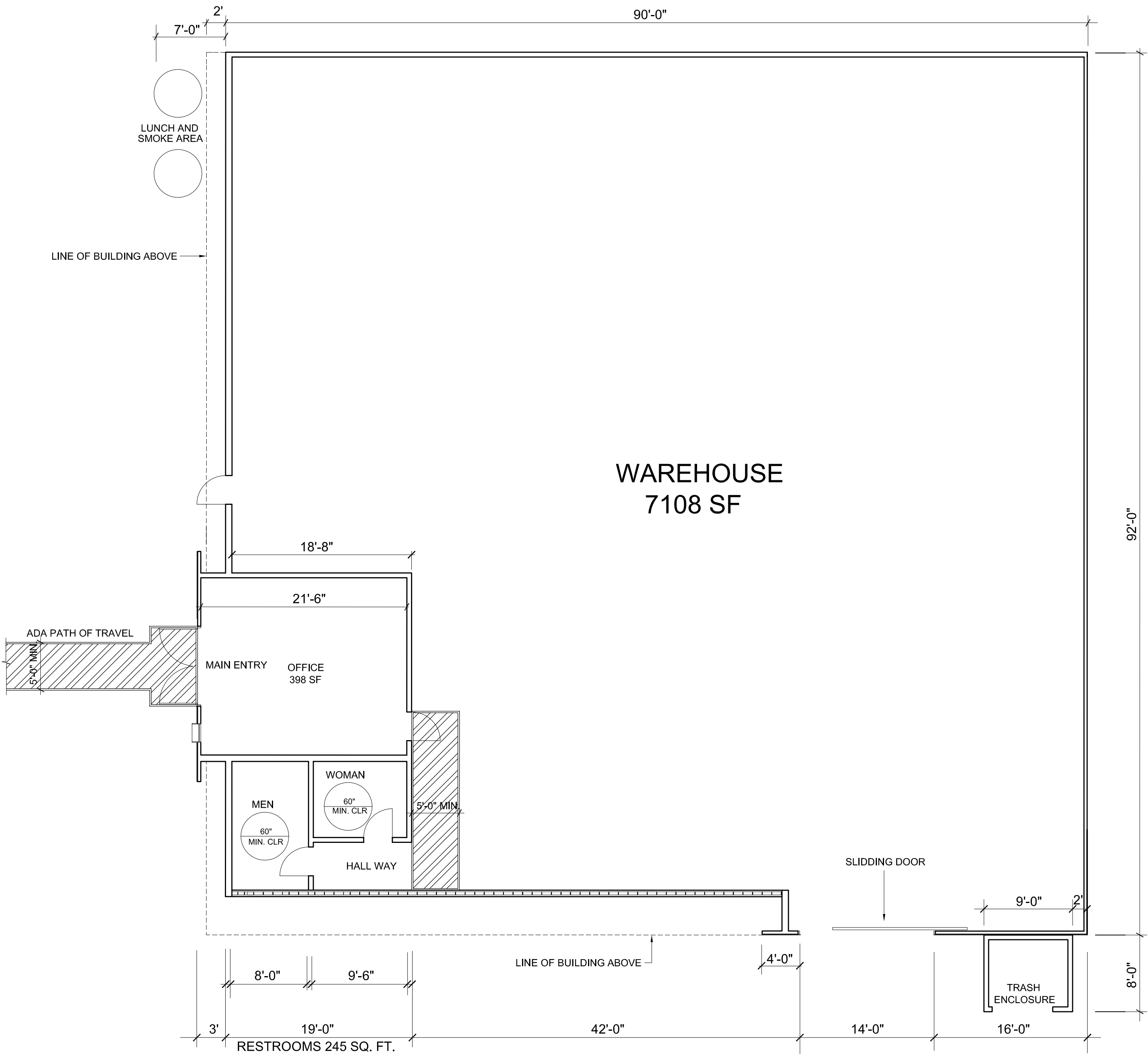
JUNE 15 2021

FOURTH STREET WAREHOUSE

655 4Th ST SAN FERNANDO CA 91340

OWNER: VICTOR PENA

JUNE 15 2021



FLOOR PLAN

Scale 1/8"= 1'-0"

FLOOR PLAN

MACLAY DESIGN

1108 5th ST SUITE 103 SAN FERNANDO CA 91340

OFFICE PHONE: 747 246 4338

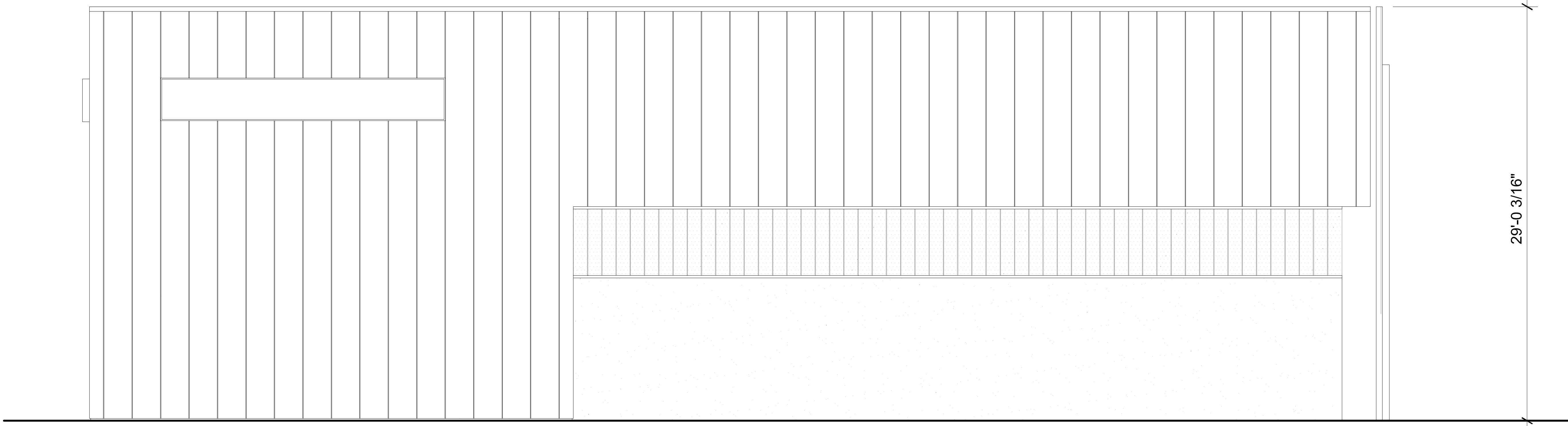
JUNE 15 2021

FOURT STREET WAREHOUSE

655 4th ST SAN FERNANDO CA 91340

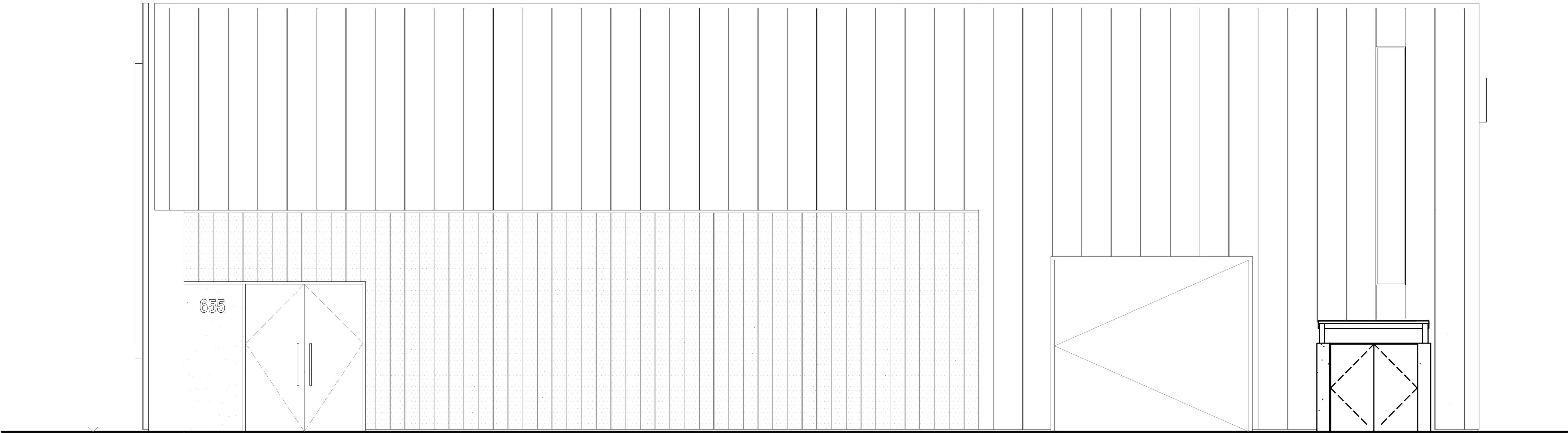
OWNER: VICTOR PENA

JUNE 15 2021



BUILDING ELEVATION - SOUTH

SCALE: 1/4" = 1'-0"



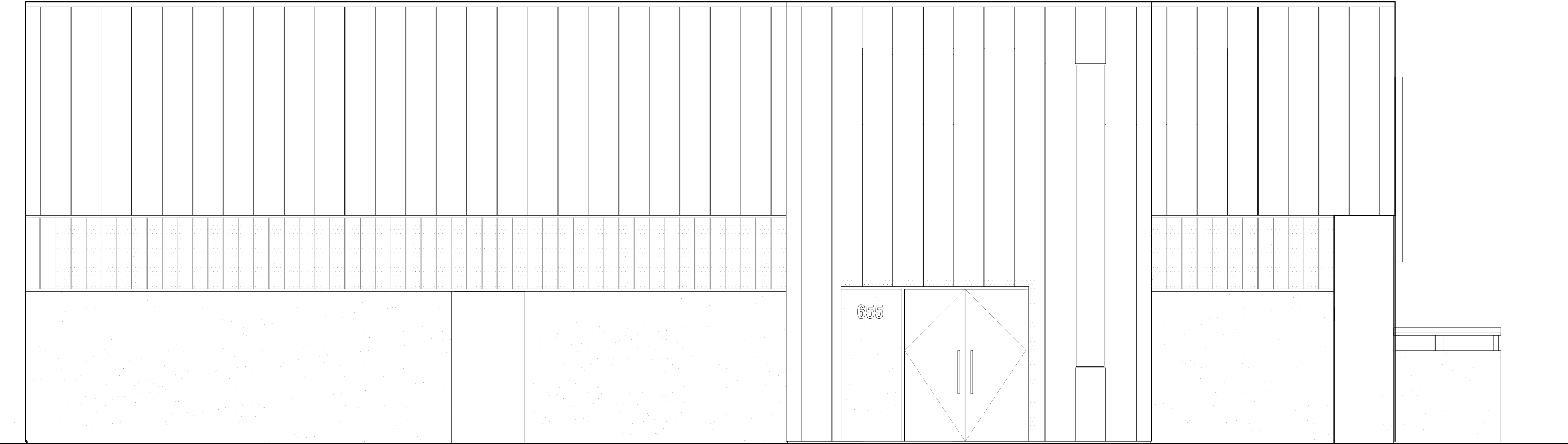
BUILDING ELEVATION - NORTH

SCALE: 1/4" = 1'-0"

ELEVATIONS
SOUTH AND NORTH

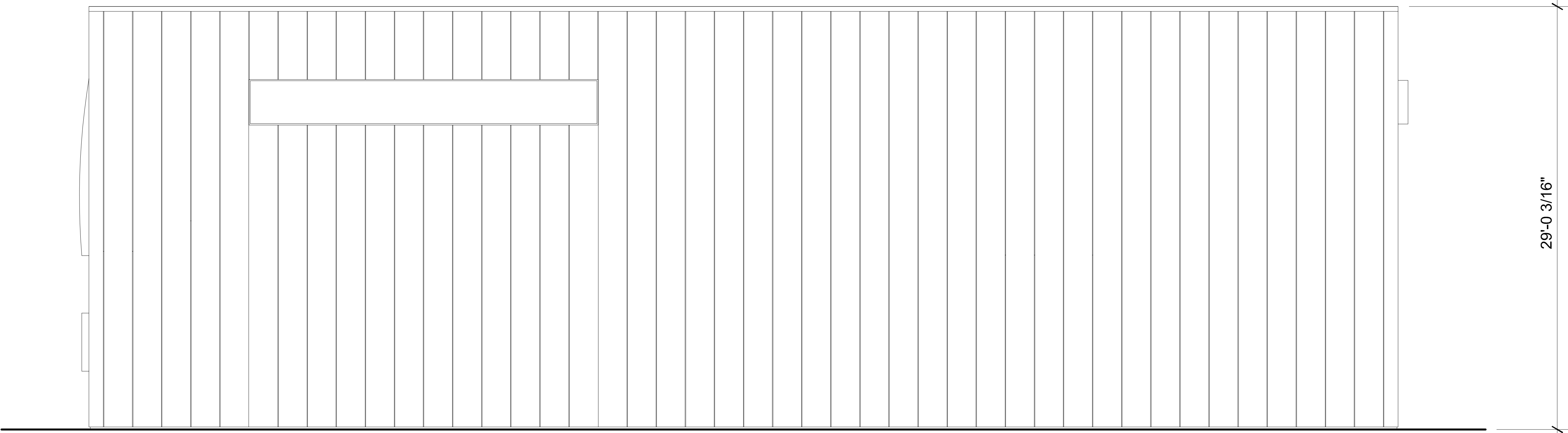
MACLAY DESIGN
1108 5Th ST SUITE 103 SAN FERNANDO CA 91340
OFFICE PHONE: 747 246 43 38
JUNE 15 2021

FOURT STREET WAREHOUSE
655 4Th ST SAN FERNANDO CA 91340
OWNER: VICTOR PENA
JUNE 15 2021



BUILDING ELEVATION - EAST

SCALE: 1/4" = 1'-0"



BUILDING ELEVATION - WEST

SCALE: 1/4" = 1'-0"

ELEVATIONS
EAST AND WEST

MACLAY DESIGN
1108 5Th ST SUITE 103 SAN FERNANDO CA 91340
OFFICE PHONE: 747 246 43 38
JUNE 15 2021

FOURT STRET WAREHOUSE
655 4Th ST SAN FERNANDO CA 91340
OWNER: VICTOR PENA
JUNE 15 2021

CITY OF SAN FERNANDO PUBLIC WORKS DEPARTMENT

DEVELOPMENT / IMPROVEMENT REVIEW CHECK LIST

PROJECT: SPR 2018-05

New Warehouse Building

DATE: 9/13/18

| PROJECT ADDRESS: <u>655 Fourth Street</u> | | | | | |
|---|---|----------|----|-----------|---|
| ITEM | | REQUIRE? | | COMPLIED? | COMMENTS |
| | | YES | NO | | |
| 1. | Site plan must show: | | | | |
| | a. Existing building or structure | ✓ | | | |
| | b. Existing public improvements (concrete sidewalk driveways, curbs and gutters, parkway trees, street lights, hydrants, etc.) including existing and proposed dimensions, square footage, etc. | ✓ | | | |
| | c. Existing utilities (gas, sewer, water, storm drains, catch basins, power poles). | ✓ | | | |
| 2. | Submit offsite improvement plan. | ✓ | | | |
| 3. | Prior to issuance of building permit: | | | | |
| | a. Pay sewer capital facility charge. | ✓ | | | <i>Based on Warehouse</i> $11,776 \text{ sf} \times \$132^*/1,000 \text{ sf} = \$1,554.43^*$ <i>Office</i> $524 \text{ sf} \times \$923^*/1,000 \text{ sf} = \483.65^* \$2,038.08* |
| | b. Pay water capital facility charge. | ✓ | | | <i>Existing 3/4" inch water meter. See attached fee schedule for additional water meters or upgrades.</i> |
| | c. Pay water service installation charge. | ✓ | | | <i>Existing 3/4" inch water meter. See attached fee schedule for additional water meters or upgrades.</i> |
| | d. Pay fire service installation deposit. | ✓ | | | <i>Proposed fire service shall be submitted to Fire Marshall for review and approval.</i> |
| | e. Pay fire hydrant installation deposit. | | ✓ | | <i>Unless City of Los Angeles Fire Department requires one for proposed development.</i> |
| | f. Pay plan check fee (Offsite). | ✓ | | | |
| | g. Pay inspection fee (Offsite). | ✓ | | | |
| | h. Provide labor and material bond. | | ✓ | | |
| | i. Provide performance bond. | | ✓ | | |
| 4. | Is there existing sewer house connection to property? | ✓ | | | <i>Yes, property has existing private sewer lateral connections on Fourth Street. Please see attached map.</i> |
| 5. | Is there existing water service to the property? | ✓ | | | <i>Yes, property has existing 3/4" water meter.</i> |
| 6. | Provide separate water service for each building or separate ownership. | | ✓ | | |
| 7. | Provide separate sewer connection for each building. | | ✓ | | |
| 8. | Underground all utilities to each unit/building. | ✓ | | | <i>Underground all lighting and utilities.</i> |
| 9. | Cap off existing sewer connection that will no longer be used. | ✓ | | | <i>Locate sewer laterals noted on sewer map and notify City prior to capping connection(s).</i> |
| 10. | Replace existing old and substandard water service. | | ✓ | | |

| PROJECT ADDRESS: <u>655 Fourth Street</u> | | | | | |
|--|--|----------|----|-----------|--|
| ITEM | | REQUIRE? | | COMPLIED? | COMMENTS |
| | | YES | NO | | |
| 11. | Upgrade existing substandard hydrant to 6-inch wet barrel hydrant (4"X 2.5" outlet). | | ✓ | | <i>Unless City of Los Angeles Fire Department requires it for proposed development.</i> |
| 12. | Install new hydrant per City standard. | | ✓ | | <i>Unless City of Los Angeles Fire Department requires one for proposed development.</i> |
| 13. | Satisfy City of Los Angeles Fire Dept. fire flow requirements. | ✓ | | | <i>Obtain clearance from City of Los Angeles Fire Department.</i> |
| 14. | Provide City approved backflow device for the domestic water service and/or landscape irrigation, and provide proof that said equipment has been tested by a certified tester. | ✓ | | | <i>Provide <u>one</u> backflow device for every water service. Provide <u>additional</u> backflow device for irrigation/landscaping.</i> |
| 15. | Remove existing driveway approach that will no longer be used. Replace depressed curb. | ✓ | | | <i>Remove driveways on Fourth Street that will no longer be used and construct new sidewalk/parkway.</i> |
| 16. | Construct PCC driveway approach 6-inch thick per City Standard. | ✓ | | | <i>Construct new driveways on Fourth Street and Jessie Street per City Standards to comply with ADA.</i> |
| 17. | Construct wheel chair ramp per City Standard. | ✓ | | | <i>Construct <u>2 curb ramps with yellow truncated domes</u> (embedded in concrete) at the n/e and n/w corners of Fourth Street and Jessie Street per attached City Standards.</i> |

PROJECT ADDRESS: 655 Fourth Street

| ITEM | | REQUIRE? | | COMPLIED? | COMMENTS |
|------|--|----------|----|-----------|---|
| | | YES | NO | | |
| 18. | Remove and replace broken/damaged/deteriorated concrete sidewalk adjacent to property. | ✓ | | | <p>Remove and replace sidewalk approximately 100 s.f. on Fourth Street. Construct new sidewalk approximately 2,187 s.f. on Jessie Street.</p> <p><i>The following will require submittal of plans signed and stamped by a registered engineer and/or registered land surveyor where applicable:</i></p> <p><i>On Jessie Street, dedicate approximately 37.89 ft x 208.71 ft notch to City of San Fernando and construct new sidewalk and curb & gutter per City Standards. This dedication must be recorded in LA County Assessor's Office. Submit proof of said recordation to City prior to issuance of Certificate of Occupancy.</i></p> <p><i>Said Right-Of-Way dedication to the City will also require designing, constructing and paving new street extension on Jessie Street, from the existing AC and extending it to new curb face per approved plans. A minimum 4 inch PG 64-10 AC will be required. In addition, new street will also require new striping and signage. All striping and legends shall be thermoplastic paint. All signage shall be Super Engineering Grade. Developer's engineer must design, sign and stamp proposed street improvements.</i></p> <p><i>On Fourth Street plant landscape in new parkway per layout and plant species approved by Public Works department.</i></p> <p><i>On Jessie Street developer has the option to either provide cast iron tree grates for tree wells as noted in Commercial Tree Planting Standards or construct parkway with landscape. All parkway layout and plant species shall be reviewed and approved by Public Works department.</i></p> |
| 19. | Remove and replace broken curb/gutter adjacent to property. | ✓ | | | <p>Remove and replace curb & gutter approximately 40 l.f. on Fourth Street. Construct new monolithic curb & gutter approximately 218.71 l.f. on Jessie Street per City approval and dedication noted in #18.</p> |

| PROJECT ADDRESS: 655 Fourth Street | | | | | |
|---|--|----------|----|-----------|--|
| ITEM | | REQUIRE? | | COMPLIED? | COMMENTS |
| | | YES | NO | | |
| 20. | Plant parkway trees per City Standard and City Master Tree Plan. | ✓ | | | Plant <u>4</u> trees along Fourth Street and <u>8</u> along Jessie Street. Species of trees shall be determined by Public Works department and planted per City Standards. Developer shall provide irrigation to each parkway tree. |
| 21. | Construct tree wells per City Standard with tree grates. | ✓ | | | Please see attached City Tree Planting Standards and #18. In-lieu of tree grates, the developer may landscape parkways with drought tolerant plants. All parkway landscaping shall be submitted to Public Works for review and approval. Please see attached Residential Parkway Landscaping Guidelines as well as Design #4 Corner Lot attachments. Irrigation must be provided for all parkways and trees. |
| 22. | A permit from the Public Works Dept. (Engineering Division) is required for all offsite improvements. | ✓ | | | |
| 23. | All on-site pavement shall be minimum of 3-inch AC on 4 inch CAB or 6-inch PCC pavement without soil recommendation. | ✓ | | | |
| 24. | Construct trash enclosure, nominal size 5 feet X 9 feet with PCC slab and 6-inch PCC curb with 6-inch PCC apron. | ✓ | | | |
| 25. | Verify that clarifier/grease trap intercepts effluent before entry into the sewer lateral. | ✓ | | | Obtain clearance from Los Angeles County of Industrial Waste or comply with their requirements. |
| 26. | Federal NPDES Requirements | | | | |
| | a. Submit SWPPP Owners' Certification (form OC1 attached) that incorporates construction BMP's in compliance with Federal NPDES. | ✓ | | | |
| | b. Provide a SUSMP that incorporates design elements and facility BMP's in compliance with Federal NPDES. | | ✓ | | |
| 27. | Comply with all applicable existing conditions of approval for the proposed development. | ✓ | | | |

PROJECT ADDRESS: **655 Fourth Street**

| ITEM | REQUIRE? | | COMPLIED? | COMMENTS |
|------|--|----|-----------|----------|
| | YES | NO | | |
| 28. | <p>Additional requirements: <i>*Sewer and Water Capital and Installation fees are subject to change. The latest fee will be assessed prior to sign off for building permit.</i></p> <ul style="list-style-type: none">• Submit Public Right-Of-Way Improvement Plan with quantities and cost estimate. Plan must show all existing and proposed utilities and improvements in the public right-of-way including but not limited to roadway, sidewalks, driveways, curb and gutter, curb drains, wheel chair ramps/curb ramps, parkway trees, street improvements, striping, signage, traffic signals, street lighting, water, sewer, storm drain, etc. Cost Estimate to be prepared by a California Registered Civil Engineer based on mutually agreed unit prices.• Submit ALTA survey and incorporate as part of the project drawings. Perform full property survey. Include any vacation and dedication description.• Submit Grading and Drainage Plan for on-site as well as elevations along the adjacent lots and transition zones. Show how development will drain to Fourth Street/Jessie Street and how the differential flow will be mitigated.• Submit Soils Report for on-site.• Submit Water and Sewer Study to ensure current systems meet proposed developments future demand. Developer's registered engineer should provide calculations to show number and size of water meters required to meet development's demand.• Submit Utility Plan showing <u>all existing utilities and any proposed relocations/realignments</u>. Show any proposed relocation of sewer laterals, water service, water meter, and fire hydrant and how they line up with development.• Provide a Traffic Study, evaluating adequacy of existing roadway configuration for the projected traffic, as well as any proposed mitigations.• For Right-Of-Way dedication and lot merger, please submit Parcel Map for review and approval. Final Parcel Map must be recorded and a <u>MYLAR COPY OF THE RECORDED PARCEL MAP</u> must be submitted to Public Works PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.• The developer is responsible for protecting in place all existing street trees. All street tree removal, pruning, and trimming are not allowed without the consent of the Director of Public Works or his representative. All tree replacements shall be at the discretion of the Director of Public Works of his representative per the current City replacement policy.• Comply with applicable federal NPDES requirements.• IT IS THE RESPONSIBILITY OF THE DEVELOPER TO SUBMIT ANY STUDIES OR PLANS NOTED ON THIS CHECKLIST PRIOR TO ISSUANCE OF BUILDING PERMIT AND INCORPORATE ALL THESE ITEMS OIN THE FINAL SET OF PLANS AND COMPLY WITH SAID REQUIREMENTS PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY. | | | |

PUBLIC WORKS DEPARTMENT

DATE

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AGENDA REPORT

To: Mayor Sylvia Ballin and Councilmembers

From: Nick Kimball, City Manager

Date: November 1, 2021

Subject: Consideration and Discussion Regarding a Smoke-Free Multi-Unit Housing Ordinance

RECOMMENDATION:

It is recommended that the City Council:

- a. Discuss the Smoke-Free Multi-Unit Housing Model Ordinance (Attachment “A”); and
- b. Provide direction to staff, as applicable.

BACKGROUND:

1. On May 25, 2021, Mayor Ballin requested to agendize an item to a future meeting regarding a presentation by Pueblo y Salud (PyS) about the benefits associated with a smoke-free housing policy.
2. On September 3, 2021, PyS attended the Green City/Street and Parkway Tree Ad Hoc Committee meeting and presented information regarding the organization’s background and purpose, including, but not limited to, assisting cities with recommendations on steps towards enacting tobacco policies relating to Smoke-Free Multi-Unit Housing. .
3. On September 20, 2021, the City Council received a presentation from PyS regarding information on educating communities regarding civic participation, public health, culture, and drug, alcohol and tobacco prevention services and discussed a proposed smoke-free multi-unit housing policy. After a robust discussion, the City Council continued the discussion to the first City Council meeting in November 2021 and directed staff to send out notices to residents and owners of multi-unit housing properties in the City notifying them of the upcoming agenda item.
4. On October 25, 2021, staff mailed approximately 800 notices to residents and owners of multi-unit housing properties in the City (Attachment “B”).

Consideration and Discussion Regarding a Smoke-Free Multi-Unit Housing Ordinance

Page 2 of 5

ANALYSIS:

To protect and promote the public health, the City of San Fernando currently regulates smoking in accordance with state and local regulations. State law prohibits smoking on public school property and in vehicles with minors. Chapter 23 – OUTDOOR SMOKING REGULATIONS of the San Fernando City Code currently prohibits all forms of vaping, smoking and the use of tobacco products in the unenclosed areas of the following places within the City:

- (1) Recreational areas (e.g., streets, sidewalks, parks, picnic areas, playgrounds, sports fields, walking paths, gardens, hiking trails, bike paths, and swimming pools);
- (2) Service areas (e.g., areas including or adjacent to information kiosks, ATMs, ticket lines, bus stops or shelters, mobile vendor lines or cab stands);
- (3) Dining areas (e.g., any area accessible by the public, including streets and sidewalks, that is designed, established, or regularly used for consuming food or drink);
- (4) Places of employment (e.g., any area under the control of an employer, that an employee or the general public may have cause to enter in the normal course of the operations); and
- (5) Other public places, when being used for a public event, including but not limited to a farmers' market, parade, craft fair, festival, or any other event which may be attended by the general public.

For tenants and owners of multi-unit housing, such as apartments and common interest communities, tobacco smoke from a neighboring unit that infiltrates their homes can pose a daily problem. As a result, many local governments have taken proactive steps to prevent or eliminate secondhand smoke from infiltrating living spaces. Attachment “C” includes a list of California cities that have adopted smoke-free multi-unit housing ordinances.

An effective smoke-free housing ordinance typically includes the following elements:

- An introduction that explains the ordinance’s purpose.
- Clear, consistent definitions of important terms, such as “smoking,” “smoke,” “premises,” and “common area,” to help ensure that the ordinance is interpreted, implemented, and enforced in ways that effectively protect the entire community within a building or complex.
 - A comprehensive definition of smoking would include the use of electronic cigarettes and lighted or heated tobacco, nicotine, or other plant products, including hookah and marijuana.
- Description of who must comply, such as tenants, guests, employees, and business visitors.

Consideration and Discussion Regarding a Smoke-Free Multi-Unit Housing Ordinance

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- Disclaimers that the landlord, management company, or homeowners association is not acting as a guarantor of the ordinance. This provision helps protect landlords, management companies, or homeowners associations of smoke-free buildings from claims brought by tenants injured as a result of unknown policy violations.
- A provision allowing one tenant to bring a claim directly against another tenant based on secondhand smoke intrusion. The non-smoking tenant could get a court order requiring the tenant who smokes to take action to stop the smoke infiltration.
- Graduated enforcement provisions that provide warnings, cessation information and opportunities for residents to remedy violations before more punitive measures are taken, such as fines or evictions.
- Clear guidelines related to enforcement, including the following:
 - Where the ordinance will be enforced (e.g., in common areas, units, balconies, patios, outdoor areas, and/or setbacks from entrances).
 - How it will be enforced (e.g., through verbal warnings, warning letters, fines, and/or eviction).
 - The responsibilities of property managers, including requirements to post warning signs and consistently enforce the ordinance.
 - The responsibilities of tenants, including an obligation to notify guests and visitors of the policy and to report violations.
 - A requirement that smoke-free leases and agreements be signed by both landlords and tenants.

Local Smoke-free Ordinance Considerations.

- *Limited Exceptions.* Consider a limited exception for use of traditional, sacred tobacco as part of an Indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice.
- *Where to Restrict/Allow Smoking.* The strongest approach from a public health standpoint is to prohibit smoking anywhere on the premises. However, if a jurisdiction wants to allow some outdoor smoking, the narrowest way to do so would be to include a designated smoking area (DSA). Again, from a public health standpoint, the preferable approach would be to allow on the premises only one DSA that is required to be at least 25 feet from interior areas and from areas frequented by children.

Consideration and Discussion Regarding a Smoke-Free Multi-Unit Housing Ordinance

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- *Phase-in Period.* Smoke-free ordinances typically include a phase-in period (90 – 180 days) to allow time for public officials to educate tenants and management about the requirements of the ordinance.
- *Enforcement Responsibilities.* The City will need to provide mechanisms for enforcing the ordinance, including who has standing to initiate enforcement actions and who is responsible for enforcing the ordinance (e.g., landlords, management companies).

Community Outreach.

Pursuant to City Council direction, staff mailed a “Notice of Upcoming Agenda Item” on October 25, 2021 to approximately 800 residents and owners of multi-family housing properties. The notice included, among other information, a brief description of the item being considered, the date, place, and time of the City Council meeting, and multiple methods for submitting comments.

Additionally, PyS conducted independent outreach to residents of multi-unit housing properties in San Fernando in May, August and October 2021. As of the date of this report, PyS collected 98 cards from residents in support of a smoke-free multi-unit housing ordinance in San Fernando.

Note: Most of the information in this report, including the model ordinance, was proved by the Public Health Law Center at the Mitchell Hamilton School of Law in Saint Paul, Minnesota pursuant to a grant from Clean Air for All: The Smoke-Free Public Housing Project and the Robert Wood Johnson Foundation.

BUDGET IMPACT:

If City Council directs staff to move forward with preparing a smoke free multi unit housing ordinance, there will be City Attorney costs associated with preparing the ordinance. City Attorney expenditures for ordinance preparation are included in the Fiscal Year 2021-2022 Budget. There will also be costs associated with preparing and distributing educational materials as well as staff time to educate and enforce the ordinance. The costs of education and enforcement are unknown at this time.

CONCLUSION:

It is recommended that the City Council discuss the Smoke-Free Multiunit Housing Model Ordinance and provide direction to staff.

Consideration and Discussion Regarding a Smoke-Free Multi-Unit Housing Ordinance

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ATTACHMENTS:

- A. Smoke-Free Multiunit Housing Model Ordinance.
- B. Notice of Upcoming Agenda Item.
- C. List of California cities with smoke-free multiunit housing ordinances.

Smoke-free Multiunit Housing Model Ordinance

Introduction

This Smoke-free Multiunit Housing Model Ordinance was prepared for California cities and counties interested in creating smoke-free multiunit residences by prohibiting smoking on the premises. This 2020 model ordinance builds on the ordinance developed by ChangeLab Solutions and released in 2018. The Public Health Law Center acknowledges the excellent work done by ChangeLab Solutions in creating the original ordinance.

This model ordinance is based on an independent and objective analysis of the relevant law, evidence, and available data, as well as work done for the California Tobacco Control Program. The model offers cities and counties a variety of options to tailor the ordinance to meet local needs. Readers should consider all the evidence and decide for themselves which approach is appropriate for their multiunit housing needs.

Customizing the Ordinance

Context boxes are included throughout the ordinance to explain some key provisions. These boxes are not meant to be included in any final ordinance. A city or county wishing to adopt all or part of this ordinance should keep this in mind and remove the context boxes.

In some instances, blanks (such as [_____]) prompt you to customize the language to fit your community’s needs. In other instances, the ordinance offers you a choice of options (such as [choice one / choice two]). Some options are followed by a comment that describes the legal provisions in more detail. A degree of customization is always necessary to make sure the ordinance is consistent with a community’s existing laws. Such customization also ensures that communities are using this model ordinance to address local needs and engender health equity.

This ordinance is drafted in the form prescribed by state law for statutory cities. Statutory cities must publish their ordinances — or a summary thereof — in the city’s official newspaper before they become effective. Home rule charter cities may have to follow the formatting or other procedural requirements found in their city’s charter. Charter cities should consult their charter and their city attorney to ensure that they comply with all charter requirements.

Tips for Using This Model Ordinance

The best possible world is one without the death and health harms associated with tobacco use. Communities differ on their readiness and willingness to adopt certain tobacco control policies that are intended to help make that world a reality. Accordingly, this model ordinance represents a balance between state and federal minimum standards, best public health policy practices, and practicality for city governments in California. This model ordinance contains several policy components that communities may or may not choose to adopt at this time that may go beyond minimum state and federal requirements

While the Public Health Law Center does not lobby, advocate, or directly represent communities, we can provide assistance through our publications and referrals to experts in the field. Education, stakeholder and community engagement, and a strong advocacy plan are

key steps in the adoption of effective tobacco control policies. If a community is unaware of the resources available to it for engaging the community and developing an advocacy plan, or if a city is considering adopting an ordinance and is interested in learning about the range of resources available, please contact the Public Health Law Center. If you have any questions about this ordinance, you can reach us at www.publichealthlawcenter.org.

This publication was prepared by the Public Health Law Center, a nonprofit organization that provides information and legal technical assistance on issues related to public health. The Center does not provide legal representation or advice. The information in this document should not be considered legal advice. This model ordinance was made possible by funds received from Grant Number 19-10229 with the California Department of Public Health, California Tobacco Control Program, and the American Lung Association in California.

AN ORDINANCE OF THE CITY OF **SAN FERNANDO** **PROHIBITING SMOKING IN AND AROUND MULTIUNIT RESIDENCES** **AND AMENDING THE SAN FERNANDO MUNICIPAL CODE**

The City Council of the City of San Fernando does ordain as follows:

SECTION I. [See **Appendix A: Findings]**

COMMENT: A findings section is important because it provides the evidentiary basis for the proposed commercial tobacco control policies and demonstrates the jurisdiction's reasoning for adopting specific provisions. This findings section reflects language

appropriate for all of the provisions suggested. The findings section is part of the ordinance and legislative record, but it usually does not become codified in the municipal code. An ordinance based on this Model Ordinance should include findings of fact—data, statistics, relevant epidemiological information, for instance—that support the purposes of this ordinance, as well as any legal precedent that directly supports the ordinance. In addition to serving an educational purpose and building support for the ordinance, the findings can also serve a legal purpose. If the ordinance is challenged in court, the findings are an admissible record of the factual determinations made by the legislative body when considering the ordinance. Courts will generally defer to legislative determinations of factual issues, which often influence legal conclusions. A list of findings supporting this Model Ordinance appears in “Appendix A: Findings”. Jurisdictions may select findings from that list to insert here, along with additional findings on local or regional conditions, outcomes, and issues that help make the case for the law.

SECTION II. [Article / Section] of the City of San Fernando Municipal Code is hereby amended to read as follows:

Sec. 1. DEFINITIONS. For the purposes of this [article / chapter] the following definitions shall govern unless the context clearly requires otherwise:

- (a) “Common Area” means every area of a multiunit residence that residents of more than one unit are entitled to enter or use, including, but not limited to, halls,

pathways, lobbies, courtyards, elevators, stairs, community rooms, playgrounds, gym facilities, swimming pools, parking garages, parking lots, grassy or landscaped areas, restrooms, laundry rooms, cooking areas, and eating areas.

(b) “Common interest development” means:

- (1) A community apartment project as defined in California Civil Code section 4105, or any successor legislation;
- (2) A condominium project as defined in California Civil Code section 4125, or any successor legislation;
- (3) A planned development as defined in California Civil Code section 4175, or any successor legislation; and
- (4) A stock cooperative as defined in California Civil Code section 4190, or any successor legislation.

(c) “Electronic smoking device” means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.

(d) “Home owners’ association” or “HOA” means an organization or entity established for the purpose of managing or maintaining a common interest development. A homeowners' association shall also mean “association” as defined in California Civil Code section 4080, or any successor legislation.

(e) “Landlord” means any person or agent of a person who owns, manages, or is otherwise legally responsible for a unit in a multiunit residence that is leased to a residential tenant. For purposes of this ordinance, a tenant who sublets their unit (e.g., a sublessor) is not a landlord.

(f) “Multiunit Residence” means property containing two or more units, including, but not limited to, apartment buildings, common interest developments, senior and assisted living facilities, and long-term health care facilities. [Multiunit Residences do not include the following:

(1) a hotel or motel that meets the requirements of California Civil Code section 1940(b)(2);

(2) a mobile home park;

(3) a campground;

(4) a marina or port;

(5) a single-family home, except if used as a health care facility subject to licensing requirements; and

(6) a single-family home with an accessory dwelling unit or second unit permitted pursuant to California Government Code sections 65852.1, 65852.2, or 65852.22 or an ordinance of the City adopted pursuant to those sections, except where the accessory dwelling unit or second unit is rented or is used as a health care facility subject to licensing requirements.]

COMMENT: This definition is used in conjunction with the definition of unit in this Model Ordinance, which makes clear that this term is limited to dwelling spaces.

Because the definition of unit in this ordinance is very broad, a community may want to limit the types of dwelling places covered by the smoke-free housing ordinance. Hotels and motels are included in the list of optional exemptions because many communities regulate smoking in these facilities using a smoke-free workplace ordinance, but there is no legal reason hotels and motels could not be made completely smoke-free using this model ordinance.

Single-family residences are suggested as an exemption because the definition of unit in this ordinance includes individual bedrooms in a single-family home. Thus, a two-bedroom free-standing house would be a multiunit residence per the definitions in this ordinance, unless the exemption is included. With the new accessory dwelling unit (ADU) law taking effect Jan. 1, 2020, the optional language would make clear that the ordinance only applies to ADUs where they are rented or used as a licensed health care facility.

Note that the definition of multiunit residence without any exemptions includes the following types of dwelling places: apartments, condominium projects, townhomes, stock cooperatives, and co-housing; affordable housing (for seniors, disabled tenants, Section 8, etc.); long-term health care facilities, assisted living facilities, hospitals, and family support facilities; hotels, motels, single-room occupancy facilities, dormitories, and homeless shelters; mobile home parks, campgrounds, marinas, and ports; as well as single-family homes and single-family homes with an in-law unit.

The U.S. Department of Housing and Urban Development requires public housing agencies to adopt a policy prohibiting smoking in all indoor areas, including residential units, and outside spaces within 25 feet of indoor areas.

(g) “New Unit” means a unit that is issued a [certificate of occupancy / final inspection] after [*insert effective date of ordinance*] and any unit that is let for residential use for the first time after [*insert effective date of ordinance*].

(h) “Nonsmoking Area” means any area in which smoking is prohibited by

(1) this [chapter / article] or other law;

(2) binding agreement relating to the ownership, occupancy, or use of real

property; or

(3) a person with legal control over the area.

(i) “Person” means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity, including government agencies.

(j) “Smoking” means:

- 1) inhaling, exhaling, or burning, any tobacco, nicotine, cannabis, or plant product, whether natural or synthetic;
- 2) carrying any lighted, heated, or activated tobacco, nicotine, marijuana, or plant product, whether natural or synthetic, intended for inhalation; or
- 3) using an “electronic smoking device.”

[Smoking does not include the use of traditional, sacred tobacco as part of an Indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice.]

COMMENT: Some smoke-free policies provide exceptions for traditional, ceremonial, and sacred uses of tobacco practiced by some tribal communities, while prohibiting the use of commercial tobacco. If you would like more information about this topic, please visit keepitsacred.org.

(k) “Unit” means a personal dwelling space, even one lacking cooking facilities or private plumbing facilities, and includes any associated exclusive-use area, such as a private balcony, porch, deck, or patio. “Unit” includes, without limitation, an apartment; a condominium; a townhouse; a room in a senior facility; a room in a long-term health care facility, assisted living facility, community care facility, or hospital; a room in a hotel or motel; a dormitory room; a room in a single-room occupancy facility; a room in a homeless shelter; a mobile home; a camper vehicle or tent; a single-family home; and an accessory dwelling unit or second unit. Unit includes, without limitation, a New Unit.

Sec. 2. SMOKING RESTRICTIONS

(a) Effective 90 days from [*effective date*], smoking is prohibited anywhere on the premises of a multiunit residence, including new units, common areas, and other outdoor areas.

(b) On or after [*effective date of ordinance* + 1 year], smoking is prohibited in a unit of a multiunit residence that is not a new unit.

(c) No person with legal control over any multiunit residence shall permit smoking anywhere on the premises of the multiunit residence.

COMMENT: The strongest approach from a public health standpoint is to prohibit smoking anywhere on the premises. However, if a jurisdiction wants to allow some outdoor smoking, the narrowest way to do so would be to include a designated smoking area (DSA). Again, from a public health standpoint, the preferable approach would be to allow on the premises only one DSA that is required to be at least 25 feet from interior areas and from areas frequented by children. Here is sample language that would allow this:

Replace the current subsection Sec. 2 (b) with the following new subsections:

(b) Notwithstanding subsection (a), smoking is permitted in designated smoking areas if they meet the following conditions:

- (1) Must not be an enclosed area;
- (2) Must be at least twenty-five (25) feet from any:
 - (A) outdoor recreation area such as a tennis court, swimming pool, and picnic area; or
 - (B) outdoor area primarily used by children such as a playground;
- (3) Must have a clearly marked perimeter; and
- (4) Must be identified by conspicuous signs.

(c) No person with legal control over any nonsmoking area of a multiunit residence shall permit smoking in the nonsmoking area, except as provided in subsection (b).

Insert as new subsection (d) in Sec. 1 (Definitions):

(d) “Enclosed area” means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.

If limiting outdoor smoking to one DSA is not feasible, the next most protective approach would be to follow the Department of Housing & Urban Development’s approach and include a 25-foot “buffer zone.” Please contact the Public Health Law Center for more information on this approach.

COMMENT: This model ordinance includes a 90-day phase-in of the smoke-free requirement to allow time for public officials to educate tenants and management about the requirements of the ordinance. Some smoke-free multiunit housing ordinances allow current leases to expire before the smoke-free requirements take effect in those units. We believe this approach is not necessary since lease provisions cannot conflict with local laws.

COMMENT: Note that CA Labor Code Sec. 6404.5, which prohibits smoking in places of employment, exempts private residences in Sec. 6404.5(e)(6). Local jurisdiction are able to impose more restrictions on smoking than state law, but if a jurisdiction has incorporated Sec. 6404.5 and the decision is made to have this ordinance apply to residential private property rentals, then consider adding the following sentence to the above subsection (a):

“This section applies notwithstanding [citation to local incorporation of Sec. 6404.5(e)(6)].”

- (d) No person with legal control over a common area in which smoking is prohibited by this [chapter / article] or other law shall knowingly permit the presence of ashtrays, ashcans, or other receptacles designed for or primarily used for disposal of smoking waste within the area.

Sec. 3. REQUIRED AND IMPLIED LEASE TERMS FOR ALL NEW AND EXISTING UNITS IN MULTIUNIT RESIDENCES.

COMMENT: This section requires that smoking restrictions be included in a lease for the rental of a unit in any type of multiunit residence (e.g., an apartment building, common interest development, or single-room occupancy facility).

By including these provisions in lease agreements, smoking becomes a violation of both the lease and the local ordinance. Thus, landlords may enforce the smoking lease terms just like any other condition in the rental agreement. Further, by including the “third-party beneficiary” provision, other residents of the multiunit residence can enforce a lease’s smoking restrictions.

- (a) After *[effective date]*, every lease or other rental agreement for the occupancy of a unit in a multiunit residence entered into, renewed, or continued month to month shall be amended to include the following provisions:
- (1) A clause providing that as of *[effective date + 90 days]*, it is a material breach of the agreement to smoke or allow smoking:
- (A) in the unit, including exclusive-use areas such as balconies, porches, or patios; and
- (B) in any common area of the multiunit residence *[other than a designated smoking area]*.

SAMPLE LANGUAGE: The bracketed language above and in the sample language below regarding DSAs is to be included if a building has a DSA.

“Tenant agrees and acknowledges that the premises to be occupied by tenant and members of tenant’s household have been designated as a smoke-free living environment. As of *[effective*

date + 90 days], tenant, members of tenant's household, and any guests under control of the tenant will not smoke anywhere:

- a) In the unit rented by tenant, including any associated balconies, decks, or patios;
- b) In the common areas of the property, including, but not limited to, lobbies, hallways, stairwells, elevators, laundry rooms, community rooms, community bathrooms, or offices; or
- c) On the outdoor grounds of the property, [*other than a designated smoking area,*] including, but not limited to, entryways, playgrounds, pool areas, walking paths, or sitting areas.

"Tenant acknowledges that a breach of the smoke-free policy may render tenant liable to landlord for the costs to repair tenant's unit due to damage from smoke odors or residue. A breach of the smoke-free policy is a breach of the lease and grounds for immediate enforcement action, including potential termination of the lease by the landlord.

"Tenant will inform tenant's guests of the smoke-free policy. Tenant will also promptly give landlord a written statement of any incident where tenant observes smoking not allowed by this policy or believes smoke is migrating into the tenant's unit from sources outside the tenant's unit."

- (C) A clause providing that it is a material breach of the agreement for tenant to violate any law regulating smoking while anywhere on the property, or to knowingly and intentionally allow any other person subject to the control of the tenant to engage in such behavior.

SAMPLE LANGUAGE: "It is a material breach of this agreement for tenant to violate any law regulating smoking while anywhere on the property. Moreover, it is a material breach of this agreement for tenant to knowingly or intentionally allow any other person subject to the control of the tenant to violate any law regulating smoking while anywhere on the property."

- (D) A clause expressly conveying third-party beneficiary status to all occupants of the multiunit residence as to the smoking provisions of the lease or other rental agreement.

SAMPLE LANGUAGE: "Tenant agrees that other tenants of the rental community are third-party beneficiaries of tenant's smoke-free policy agreement with landlord. A tenant may sue another tenant for an injunction to prohibit smoking or for damages but does not have the right to evict another tenant. Any lawsuit between tenants does not create a presumption that the landlord breached this lease."

- (b) Whether or not a landlord complies with subsection (a) above, the clauses required by those subsections shall be implied and incorporated by law into every agreement to which subsection (a) applies as of [*effective date + 90 days*].
- (c) A tenant who breaches, or knowingly and intentionally allows any other person

subject to the control of the tenant to breach, a smoking provision of a lease or other rental agreement for the occupancy of a unit in a multiunit residence shall be liable for the breach to (i) the landlord; and (ii) any occupant of the multiunit residence who is exposed to smoke or who suffers damages as a result of the breach.

- (d) Failure to enforce any smoking provision required by this [article / chapter] shall not affect the right to enforce such provision in the future, nor shall a waiver of any breach constitute a waiver of any subsequent breach or a waiver of the provision itself.

COMMENT: This is a technical legal provision designed to prevent a court from inferring a permanent waiver of a smoking-related provision from a pattern of lax enforcement.

Sec. [____ (*4)]. REQUIREMENTS FOR RENTAL PROPERTIES.

The following requirements apply to multiunit residences other than units in a common interest development that are not being rented:

- (a) On or before [*effective date + 6 months*], every landlord shall deliver to each unit a copy of this [article / chapter] and a written notice clearly stating:
- (1) All units are designated nonsmoking units and smoking is prohibited in a unit, including any associated private balcony, porch, deck, or patio, as of [*effective date + 1 year*]; and
 - (2) Smoking in all common areas or outdoor areas[, except for specifically designated smoking areas.] is a violation of [this chapter / article] as of [*effective date + 90 days*].
- (b) As of [*effective date*], every landlord shall provide prospective tenants with written notice clearly stating that:
- (1) Smoking is prohibited in units, including any associated private balcony, porch, deck, or patio, as of [*effective date + 90 days*]; and
 - (2) Smoking is prohibited in all common areas and outdoor areas [, except for specifically designated smoking areas.] as of [*effective date + 90 days*].
- (c) As of [*effective date + 90 days*], the person or persons with legal control over

common areas shall post and maintain clear and unambiguous “No Smoking” signs at entrances and exits, in common areas, and in conspicuous places adjoining the property grounds. In addition, as of *[effective date + 1 year]*, the person or persons with legal control over the multiunit residence shall post and maintain signs in sufficient numbers and locations in the multiunit residence to indicate that smoking is prohibited in all units. The absence of signs shall not be a defense to a violation of any provision of this [article / chapter]. “No Smoking” signs are not required inside or on doorways of units [, except for hotels or motels that meet the criteria listed in California Civil Code section 1940, subdivision (b)(2)].

COMMENT: If your community excludes hotels and motels from the definition of multiunit residences (Section *1 Definitions), then do not include the optional underlined text in the last sentence.

(d) Landlords with knowledge of violations shall take reasonable steps to investigate and enforce the regulations, including a written notice to the resident of the landlord’s knowledge of the violation, a request to cease the violation, and the course of action to be taken if the violation is not corrected. [The landlord shall also provide resources provided for free by the city to assist with nicotine dependence, such as referrals to quitline or online resources.]

Sec. [____ (*5)]. REQUIREMENTS FOR COMMON INTEREST DEVELOPMENTS.

The following requirements apply to common interest developments:

- (a) On or before *[effective date + 6 months]*, the HOA shall provide to all owners of units a copy of this [article/ chapter] and written notice clearly stating that:
 - (1) Smoking is prohibited in units, including any associated private balcony, porch, deck, or patio, as of *[effective date + 1 year]*; and
 - (2) Smoking is prohibited in all common areas and outdoor areas [, except for specifically designated smoking areas,] as of *[effective date + 90 days]*.
- (b) As of *[effective date]* every seller of a unit shall provide prospective buyers or renters, a copy of this [article/ chapter] and written notice clearly stating that:
 - (1) Smoking is prohibited in units, including any associated private balcony, porch, deck, or patio, as of *[effective date + 90 days]*; and

- (2) Smoking is prohibited in all common areas and outdoor areas [except for specifically designated smoking areas,] as of [*effective date + 90 days*].
- (c) As of [*effective date + 90 days*], the HOA, or any person having legal ownership or control over common areas, shall post and maintain clear and unambiguous "No Smoking" signs in sufficient numbers and locations in the common interest development to make it obvious to a reasonable person that smoking is prohibited throughout the common interest development. The absence of signs shall not be a defense to a violation of any provision of this chapter.
- (d) HOAs with knowledge of violations shall take reasonable steps to investigate and enforce the regulations, including a written notice to the resident of the HOA's knowledge of the violation, a request to cease the violation, and the course of action to be taken if the violation is not corrected. [The HOA shall also distribute resources provided for free by the City to assist with nicotine dependence, such as referrals to quitline or online resources].

Sec. [____ (*5)]. NUISANCE; OTHER

- (a) The provisions of this [article / chapter] shall be liberally construed to protect the public health to the maximum effect possible. Notwithstanding (i) any provision of this [article / chapter] or of this code, (ii) any failure by any person to restrict smoking under this [article / chapter], or (iii) any explicit or implicit provision of this code that allows smoking in any place, nothing in this code shall be interpreted to limit any person's legal rights under other laws with regard to smoking, including rights in nuisance, trespass, property damage, and personal injury or other legal or equitable principles.

COMMENT: The subsection spells out that the intent of this ordinance is to create new smoke-free areas and enhance the right of nonsmokers to smoke-free environments. This ordinance does not provide smokers with any "safe harbors" from existing laws that might already impose potential liability for smoking.

- (b) Any violation of this [article / chapter] is hereby declared to be a public nuisance.

COMMENT: By expressly declaring that a violation of this ordinance is a nuisance, this provision allows enforcement of the ordinance by the city or county via the administrative nuisance abatement procedures and penalties commonly found in municipal codes. The jurisdiction may want to cross-reference its nuisance code with this section to ensure consistency.

- (c) Nonconsensual exposure to smoke from smoking occurring on or drifting into

[residential] property is a nuisance.

COMMENT: The declaration in subsection (b) that smoking is a nuisance extends far beyond the residential context, unless limited by including the optional language in brackets. Once smoking is declared a nuisance, nuisance abatement laws can be used to address smoke around doorways, at businesses, in public venues, and anywhere else it may occur. However, declaring smoking a nuisance is particularly helpful in the housing context because it eliminates the need to prove that some particular level of exposure has occurred and that such exposure is an unjustified intrusion or hazard.

California Government Code section 38771 explicitly authorizes cities to declare nuisances by ordinance. Counties may declare a nuisance pursuant to the broad police power set forth in the California Constitution, article XI, section 7.

Sec. [____ (*8)]. PENALTIES AND ENFORCEMENT.

COMMENT: Enforcement of smoke-free multiunit housing policies should balance the goal of protecting residents from secondhand smoke exposure with the goal of ensuring housing stability for all residents. Several factors should be considered in this balance, such as the likely effectiveness of enforcement; equity (balancing the public health benefits of smoke-free housing policies with the risks of housing instability and associated health harms or negative social outcomes posed by different enforcement mechanisms); and the process of enforcement. Criminal and monetary administrative penalties can carry significant risks of discriminatory enforcement, financial hardship, and housing instability for residents. In the context of housing, another concern is the prospect of unintended criminal, immigration, and Due Process consequences as a result of potential increased interactions with law enforcement.

Another consideration for such criminal charges and penalties is how the criminal process may trigger a probation or parole violation or similar significant ripple effect in the residents' interaction with the justice system. Increased involvement with the criminal justice system could lead to more severe criminal sanctions, and possible incarceration. In turn, these criminal sanctions could jeopardize the individual's housing, benefits, education, and employment. These risks should be carefully weighed by the municipality as policymakers consider whether to include criminal and monetary penalties and how to structure those penalties.

For these reasons, the enforcement provisions in this model policy do not include criminal sanctions, and focus primary responsibility for enforcement on landlords and HOAs as the managers of such properties by holding them accountable with appropriate civil penalties for any failure to enforce the rules required under this law. Penalties for individual residents are limited to violations that include harassment or retaliation for seeking enforcement of the law.

The following provisions are designed to offer several enforcement options to the jurisdiction and residents. While not all enforcement mechanisms may be pursued, allowing multiple enforcement mechanisms in the ordinance may increase the likelihood of compliance, enforcement, and, in turn, protections from second and third-hand smoke.

(a) The remedies provided by this [article / chapter] are cumulative and in addition to

any other remedies available at law or in equity.

- (b) Any person exposed to secondhand smoke as a result of a violation of this [article / chapter] may initiate enforcement of this [article/chapter] by registering a complaint with the [City Manager], or his or her designee.
- (c) Enforcement of this chapter shall be the responsibility of [department of housing inspections/public health/other]. In addition, any code enforcement official may enforce this chapter.
- (d) Landlords or HOAs found to have violated this [article/chapter] are subject to a civil fine not less than [two hundred fifty dollars (\$250)] and not exceeding [one thousand dollars (\$1,000)] per violation.

COMMENT: This provision provides civil fines for violating the ordinance. It requires that a traditional civil suit be filed by the city or county (possibly in small claims court). The fine amounts can be adjusted but cannot exceed \$1,000 per violation. (See California Government Code section 36901.)

- (e) No person shall intimidate, harass, or otherwise retaliate against any person who seeks compliance with this [article/chapter]. Any person in violation of this subsection is subject to a civil fine not less than [two hundred fifty dollars (\$250)] and not exceeding [one thousand dollars (\$1,000)] per violation.

COMMENT: This subsection allows penalties for any person who intimidates, harasses, or otherwise retaliates for persons seeking compliance with this ordinance. These fines may be too steep for some residents, which could put their housing stability in jeopardy. Community service may be provided as an alternative option. The following language could be added to this paragraph: "Residents of the multiunit residence in violation of this subsection may be subject to community service as an alternative to a civil fine."

- (f) In addition to other remedies provided by this [article/chapter] or otherwise available at law or in equity, any violation of this [article/chapter] may be remedied by a civil action brought by the [City Attorney], including, without limitation, administrative or judicial nuisance abatement proceedings, civil code enforcement proceedings, and suits for injunctive relief.

COMMENT: It is common to provide that the local government's lawyers may go to court to seek injunctions and other penalties in addition to fines. The express provision for injunctive relief lowers the showing required to obtain a preliminary or permanent injunction.

A public agency should think carefully about the nuisance abatement procedure it chooses in enforcing this ordinance after it is adopted. A local government may provide for treble damages for the second or subsequent nuisance abatement judgment within a two-year period, as long as the ordinance is enacted pursuant to Government Code section 38773.7. Treble damages are not available, however, under the alternative nuisance abatement procedures in Government Code section 38773.1 and Health & Safety Code section 17980. Government Code section 38773.5 establishes a procedure for nuisance abatement where the cost of the abatement can be collected via the property tax roll as a special assessment against the property on which the violation occurs.

- (g) Any person may bring a civil action to enforce this [article/chapter] to prevent future violations and may sue to recover actual or statutory damages, including court costs, and attorney fees.

SECTION III. CONSTRUCTION, SEVERABILITY.

It is the intent of the City Council of the City of San Fernando to supplement applicable state and federal law and not to duplicate or contradict such law and this ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of San Fernando hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases hereof be declared invalid or unenforceable.

APPENDIX A: FINDINGS

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health threat, as evidenced by the following:

- The World Health Organization (WHO) estimates that tobacco kills up to half of its users, amounting to more than 8 million deaths each year worldwide,¹ including nearly half a million people who die prematurely from smoking in the United States alone;²
- Tobacco use can cause disease in nearly all organs of the body and is responsible for an estimated 87% of lung cancer deaths, 32% of coronary heart disease deaths, and 79% of all chronic obstructive pulmonary disease deaths, in the United States;²
- 5.6 million of today's Americans who are younger than 18 are projected to die prematurely from a smoking-related illness;² and
- The estimated economic damage attributable to smoking and exposure to secondhand smoke in the United States is nearly \$300 billion annually.²

WHEREAS, tobacco use is the number one cause of preventable death in California² and continues to be an urgent public health issue, as evidenced by the following:

- An estimated 40,000 California adults die from smoking annually;²
- Each year, smoking costs California an estimated \$13.3 billion in direct health care expenses, \$3.6 billion in Medicaid costs, and \$10.4 billion in productivity losses;³
- Research indicates that more than 25% of all adult cancer deaths in California are attributable to smoking;⁴ and
- **[insert local tobacco toll data if available.]**

WHEREAS, significant disparities in tobacco use exist in California which create barriers to health equity,⁵ as evidenced by the following:

- African American (17%) and American Indian (19.1%) Californians report a higher smoking prevalence than white Californians (11.8%);⁶
- The American Indian population in California reports the highest cigarette smoking rate among adults; and American Indian youth report the highest rate of smoking among high school students;⁶
- Californians with the highest levels of educational attainment and annual household income report the lowest smoking rates;⁶
- Those who identify as lesbian, gay, bisexual, or transgender in California report

smoking at higher rates than those who do not;⁶

- Californians who live in multiunit housing report smoking cigarettes at a higher rate (13.1%) than those who live in a house;⁶
- Californians who reported experiencing psychological distress in the preceding month smoked at a rate far higher (26.7%) than the average statewide smoking rate (11.0%);⁶ and
- **[insert local data if available.]**

WHEREAS, secondhand smoke has repeatedly been identified as a health hazard, as evidenced by the following:

- In 2006, the U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke;⁷
- In 2006, the California Air Resources Board identified secondhand smoke as a toxic air contaminant, in the same category as the most toxic automotive and industrial air pollutants, and a serious health threat for which there is no safe level of exposure;^{8,9}
- In 2006, the California Environmental Protection Agency added secondhand smoke to the Proposition 65 list of chemicals known to the state of California to cause cancer, birth defects, and other reproductive harm;¹⁰
- The American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) finds that acceptable indoor air quality in multiunit housing requires the absence of secondhand smoke, cannabis smoke, and aerosol from electronic smoking devices;¹¹
- The American Heart Association and the American Lung Association recommend all adults and children be protected from secondhand smoke in multiunit housing;^{12,13}

WHEREAS, exposure to secondhand smoke causes death and disease, as evidenced by the following:

- Since 1964, approximately 2.5 million nonsmokers have died from health problems caused by exposure to secondhand smoke;²
- Secondhand smoke was responsible for an estimated 34,000 heart disease–related and 7,300 lung cancer–related deaths among adult nonsmokers each year during 2005-2009 in the United States;²
- Research indicates that exposure to secondhand smoke increases the risk of

coronary heart disease by 25% to 30% and increases the risk of stroke by 20% to 30%;^{2,14}

- Secondhand smoke kills more than 400 infants every year;¹⁵

WHEREAS, electronic smoking device aerosol may be considered a health hazard, as evidenced by the following:

- Research has found at least twelve chemicals known to the State of California to cause cancer, birth defects, or other reproductive harm,^{10,16,17} such as formaldehyde, acetaldehyde, lead, nickel, chromium, arsenic, and toluene;^{17,18}
- Electronic smoking device aerosol is not harmless water vapor as it contains varying concentrations of particles and chemicals with some studies finding particle sizes and nicotine concentrations similar to, or even exceeding, conventional cigarette smoke;^{17,19-21}
- Evidence continues to build that exposure to electronic smoking device aerosol, including secondhand exposure, has immediate impacts on the human respiratory and cardiovascular systems, and poses a risk to human health;^{17,19,21-27}
- Given the increasing prevalence of electronic smoking device use, especially among youth and young adults, widespread nicotine exposure resulting in addiction and other harmful consequences is a serious concern;^{17,19,28,29}
- Indoor air and health authorities, including the U.S. Surgeon General, American Society of Heating Refrigerating and Air Conditioning Engineers, and the State of California Tobacco Education and Research Oversight Committee (TEROC) all support inclusion of electronic smoking devices in regulations of smoking and other tobacco product use;^{11,19,30,31}

WHEREAS, secondhand cannabis smoke has been identified as a health hazard, as evidenced by the following:

- The California Environmental Protection Agency includes cannabis smoke on the Proposition 65 list of chemicals known to the state of California to cause cancer;^{10,32}
- Cannabis smoke contains at least 33 known carcinogens;³²
- In one study, exposure to cannabis smoke in an unventilated setting resulted in detectable levels of cannabinoids in non-smoker participants' blood and urine, and participants experienced minor increases in heart rate and impaired cognitive performance;³³ and
- A recent systematic review of the literature concluded that secondhand exposure to cannabis smoke leads to cannabinoid metabolites in bodily fluids and individuals

experiencing self-reported psychoactive effects;³⁴

WHEREAS, nonsmokers who live in multiunit dwellings can be exposed to neighbors' secondhand smoke, as evidenced by the following:

- Research demonstrates that secondhand smoke in multiunit housing can and does transfer between units, seeping into smoke-free areas from areas where smoking occurs;³⁵
- Residents of multiunit housing have higher levels of cotinine (a biomarker for nicotine) in their blood and saliva than those living in detached houses;³⁶
- Among children who live in homes in which no one smokes indoors, those who live in multiunit housing have 45% higher cotinine levels than children who live in detached houses;^{36,37}
- Twelve studies have found between 26% and 64% of residents of multiunit housing report secondhand smoke drifting into their home;³⁶
- Surveys have found that 65% to 90% of multiunit housing residents who experience secondhand smoke in their home are bothered by it,³⁶ and a 2019–2020 survey documented variations in secondhand smoke source among multiunit housing residents in Los Angeles County, who reported secondhand smoke exposure from tobacco (39%), marijuana (36%), and e-cigarettes (9%);³⁸
- Between 44.0% and 46.2% of Californians living in multiunit housing with personal smoke-free home policies are exposed to secondhand smoke in their home;³⁹

WHEREAS, harmful residues from tobacco smoke can be absorbed by and cling to virtually all indoor surfaces long after smoking has stopped and then be emitted back into the air, making this “thirdhand smoke” a potential health hazard, as evidenced by the following:

- Thirdhand smoke contains carcinogenic materials that accumulate over time, presenting a health hazard long after the initial smoke is gone;^{40,41}
- Studies consistently find that thirdhand smoke remains months after nonsmokers have moved into units where smokers previously lived,⁴² and a recent study documents that it can remain in units for years;⁴³
- Human exposure to these thirdhand smoke carcinogens can occur through inhalation, ingestion, or skin absorption through contact with carpeting, furnishings, or clothing;⁴⁴
- Thirdhand smoke potentially poses the greatest danger to infants and toddlers, who crawl on rugs and furnishings and place household items in their mouths;⁴⁴

- Nonsmoking people who are exposed to thirdhand smoke have significantly higher nicotine and cotinine levels than those who have not been exposed to thirdhand smoke;⁴²
- Research has shown that thirdhand smoke damages human cellular DNA^{45,46} and is carcinogenic at exposure levels relevant to residents of multiunit housing;⁴⁶

WHEREAS, smoking is a leading cause of fire-related injury and death,⁴⁷ and contributes to health inequities, as evidenced by the following:

- During 2012–2016, U.S. fire departments responded to an estimated 18,100 smoking-related structure fires, which resulted in an estimated 1,130 injuries, 590 deaths, and \$476 million in direct property damage;⁴⁸
- During 2012–2016, smoking materials caused 5% of reported home fires, 23% of home fire deaths, 10% of home fire injuries, and 7% of the direct property damage from home fires;⁴⁸
- African American males and American Indian males have the highest mortality rates for fire-related deaths; altogether, African Americans accounted for 19% of all fire-related deaths in 2017, but made up only 13% of the U.S. population;⁴⁷
- Elderly people 85 or older have the highest fire death rate, and the risk of dying from smoking-related fires increases with age;⁴⁷
- **[Insert local fire data, if available]**

WHEREAS, an estimated 28% of Californians (or 7.3 million people) live in multiunit housing;⁴⁹

WHEREAS, the U.S. Surgeon General has concluded that eliminating smoking in indoor spaces is the only way to fully protect nonsmokers from secondhand smoke exposure; and that separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot completely prevent secondhand smoke exposure;⁷

WHEREAS, smoke-free housing policies resulted in a 24% reduction in self-reported exposure to secondhand smoke exposure among racially and ethnically diverse seniors living in low-income multiunit housing properties;⁵⁰

WHEREAS, several studies have confirmed that smoke-free multiunit housing policies are an effective method to reduce secondhand smoke exposure in multiunit housing;⁵⁰⁻⁵²

WHEREAS, secondhand smoke exposure occurs more often in multiunit housing compared to separate, single-unit housing;^{49,53,54} and therefore contributes to tobacco-related health inequities. For example, in California, when compared with adults who live in single-family houses, adults who live in multiunit housing are more likely to be:

- People of color (62.9% of residents of multiunit homes versus 49.6% of residents of single-family houses);⁴⁹
- Lower-income or below the poverty line (46.8% versus 27.0%);⁴⁹
- Lacking a high school diploma (21.4% versus 14.8%);⁴⁹
- Current smokers (17.5% versus 13.2%);⁴⁹ as well as
- Uninsured (23.4% versus 14.2%);⁴⁹

WHEREAS, secondhand smoke in multiunit housing is a significant threat to the health and safety of California children, as evidenced by the following:

- About a quarter of those who live in multiunit housing (25.2%) are under the age of 18;³⁹
- The home is the primary source of secondhand smoke for children;¹⁵
- A national survey found that 56.4% of U.S. youth living in apartment units in which no one smokes have elevated blood cotinine levels above 0.05 ng/mL, indicating they have been exposed to potentially dangerous levels of secondhand smoke;³⁷
- The same survey also found that children who live in homes in which no one smokes indoors have 45% higher cotinine levels if they live in apartments compared with detached homes;³⁷

WHEREAS, research consistently demonstrates that a majority of multiunit housing residents, including a large portion of smokers, supports smoke-free policies in multiunit residences,^{36,55,56} and that support is even greater among residents with children;⁵⁶

WHEREAS, research demonstrates that a majority of adults supports smoke-free policies in multiunit residences, as evidenced by the following:

- 73.7% of U.S. adults surveyed favor smoke-free public housing;⁵⁷
- 65% of Californians surveyed favor restricting smoking inside apartment units;⁵⁸
- **[Insert local support data, if available]**

WHEREAS, there are significant savings from adopting a smoke-free multiunit housing policy, as evidenced by the following:

- Prior to implementation, the U.S. Department of Housing and Urban Development's smoke-free public housing policy was conservatively estimated to produce an annual savings of 4 to 8 million dollars a year for U.S. public housing authorities in renovation-related costs,⁵⁹ and 30 to 109 million dollars per year in health care costs in California alone;⁶⁰
- Implementing statewide smoke-free policies in multiunit housing property would save property owners in California an estimated \$18.1 million in renovation expenses each year;⁶¹

WHEREAS, in 2016 the United States Department of Housing and Urban Development issued a final rule requiring all public housing agencies to adopt smoke-free policies to protect residents from secondhand smoke exposure effective February 2017;⁶²

WHEREAS, children, low-income tenants of public housing, and members of racial and ethnic minority groups are disproportionately exposed to secondhand smoke; and smoke-free housing policies have shown potential to reduce exposure in these populations;^{63,64}

WHEREAS, California state law allows local governments to adopt ordinances that permit residential rental agreements to prohibit smoking tobacco products within rental units;⁶⁵

WHEREAS, more than 140 California cities and counties have adopted smoke-free multiunit housing ordinances;⁶

WHEREAS, there is no Constitutional right to smoke;⁶⁶

WHEREAS, California law declares that anything which is injurious to health or obstructs the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance;⁶⁷

WHEREAS, local governments have broad latitude to declare nuisances and are not constrained by prior definitions of nuisance;^{67,68}

NOW THEREFORE, it is the intent of the City Council in enacting this ordinance, to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of smoking around nontobacco users; by protecting children from exposure to smoking where they live and play; and by protecting the public from nonconsensual exposure to secondhand smoke in and around their homes.

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THE CITY OF
SAN FERNANDO

CITY COUNCIL

October 25, 2021

MAYOR
SYLVIA BALLIN

VICE MAYOR
MARY MENDOZA

COUNCILMEMBER
CINDY MONTAÑEZ

COUNCILMEMBER
HECTOR A. PACHECO

COUNCILMEMBER
CELESTE T. RODRIGUEZ

**NOTICE OF CITY COUNCIL AGENDA ITEM
CONSIDERATION OF SMOKE-FREE MULTI-UNIT HOUSING**

Dear Property Owner and/or Tenant:

Please be advised that the San Fernando City Council will be discussing an ordinance to ban indoor smoking in all housing structures with three or more units (e.g., apartments, duplexes, condominiums, etc.) at their regular meeting scheduled on:

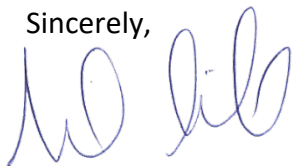
Monday, November 1, 2021 – 6 pm
San Fernando City Council Chambers
117 Macneil Street
San Fernando, CA 91340

Members of the public are welcome to attend the City Council meeting and provide their input during the Public Comments portion of the meeting or email comments to CityClerk@sfcity.org before 5 pm on the day of the meeting. Spanish interpreters will be available during the public comments portion of the meeting.

The agenda, and additional information, for this public meeting will be available via the City's website, 72 hours prior to the meeting: ([SFCITY.ORG/City-Council/#Agenda-Minutes-Audio](https://www.sfcity.org/City-Council/#Agenda-Minutes-Audio)).

Should you have any questions, please feel free to contact my office at (818) 898-1202.

Sincerely,



Nick Kimball
City Manager

ADMINISTRATION
DEPARTMENT

117 MACNEIL STREET
SAN FERNANDO
CALIFORNIA
91340

OFFICE OF THE
CITY MANAGER
(818) 898-1202

PERSONNEL DIVISION
(818) 898-1220

WWW.SFCITY.ORG



AMERICAN NONSMOKERS' RIGHTS FOUNDATION

U.S. Laws for 100% Smokefree Multi-Unit Housing

October 1, 2021

This list represents communities with laws that regulate smoking in **private units** of multi-unit housing.

As of October 1, **67 municipalities** have enacted a law at the city or county level that prohibits smoking in **100% of private units** of rental multi-unit housing properties. Of these municipalities, **61** have laws that prohibits smoking in **100% of private units** of both rental and owner-occupied multi-unit housing properties. The vast majority of the laws—58 municipalities—apply to properties with 2 or more units.

For public housing policies, see [U.S. Public Housing Authority Policies Restricting or Prohibiting Smoking](#).

See Definitions and Explanatory Notes starting on page 4.

Visit our smokefree multi-unit housing page at no-smoke.org/at-risk-places/homes/ for more information.

Municipalities with Laws for 100% Smokefree Multi-Unit Housing:

This table represents communities that have **municipal laws** at the city or county level that prohibit smoking in **100% of private units** of all specified types of multi-unit housing. These laws apply to both privately-owned and publicly-owned multi-unit residences, as well as all existing and future buildings, and do not permit current residents to continue smoking in the building (i.e. no "grandfather" clause). Most, but not all, municipal laws include condominiums and other owner-occupied properties.

Municipalities marked with # require multi-unit buildings to be 100% smokefree when the law is in full effect as of the listed Final Effective Date. Municipalities marked **Some** under "% of Units Currently Smokefree" will be 100% when the law is in full effect.

| Municipality | State | % of Units Currently Smokefree | Final Effective Date | Minimum Number of Units | Includes Patio/Balcony | Includes Condos |
|-------------------------|-------|--------------------------------|----------------------|-------------------------|------------------------|-----------------|
| 1. Alameda | CA | 100% | 1/1/2013 | 2 | Yes | Yes |
| 2. Albany | CA | 100% | 3/24/2018 | 2 | Yes | Yes |
| 3. Bell Gardens | CA | 100% | 6/1/2021 | 3 | Yes | Yes |
| 4. Belmont | CA | 100% | 1/8/2009 | 2 | Yes | Yes |
| 5. Belvedere | CA | 100% | 11/9/2017 | 2 | Yes | Yes |
| 6. Benicia | CA | 100% | 9/2/2020 | 2 | Yes | Yes |
| 7. Berkeley | CA | 100% | 5/1/2014 | 2 | Yes | Yes |
| 8. Beverley Hills | CA | 100% | 1/1/2019 | 2 | Yes | Yes |
| 9. Brisbane | CA | 100% | 6/3/2017 | 2 | Yes | Yes |
| 10. Burlingame | CA | 100% | 2/13/2016 | 2 | Yes | Yes |
| 11. Clayton | CA | 100% | 5/1/2019 | 2 | Yes | Yes |
| 12. Compton | CA | 100% | 1/1/2013 | 3 | Yes | Yes |
| 13. Concord | CA | 100% | 1/1/2021 | 2 | Yes | Yes |
| 14. Contra Costa County | CA | 100% | 7/1/2019 | 2 | Yes | Yes |
| 15. Corte Madera# | CA | Some | 6/17/2022 | 2 | Yes | Yes |
| 16. Cotati | CA | 100% | 1/1/2017 | 2 | Yes | Yes |
| 17. Crescent City# | CA | Some | 1/1/2022 | 2 | Yes | Yes |

| Municipality | State | % of Units Currently Smokefree | Final Effective Date | Minimum Number of Units | Includes Patio/Balcony | Includes Condos |
|-------------------------|-------|--------------------------------|----------------------|-------------------------|------------------------|-----------------|
| 18. Culver City | CA | 100% | 5/26/2016 | 2 | Yes | Yes |
| 19. Daly City | CA | 100% | 1/21/2014 | 2 | Yes | No |
| 20. Danville | CA | 100% | 5/1/2016 | 3 | Yes | Yes |
| 21. El Cerrito | CA | 100% | 10/1/2015 | 2 | Yes | Yes |
| 22. El Monte | CA | 100% | 8/19/2017 | 3 | Yes | Yes |
| 23. Emeryville | CA | 100% | 7/1/2019 | 2 | N/S | Yes |
| 24. Firebaugh | CA | 100% | 7/1/2019 | 2 | Yes | Yes |
| 25. Foster City | CA | 100% | 11/5/2015 | N/S | Yes | Yes |
| 26. Half Moon Bay | CA | Some | 1/15/2020 | 2 | Yes | Yes |
| 27. Healdsburg | CA | 100% | 5/6/2020 | 2 | N/S | Yes |
| 28. Huntington Park | CA | 100% | 7/1/2013 | 2 | Yes | Yes |
| 29. Los Gatos | CA | 100% | 6/25/2017 | 2 | Yes | No |
| 30. Manhattan Beach | CA | 100% | 5/5/2017 | 3 | Yes | Yes |
| 31. Mill Valley | CA | 100% | 11/18/2016 | 2 | Yes | Yes |
| 32. Millbrae | CA | 100% | 1/1/2020 | 2 | Yes | Yes |
| 33. Milpitas# | CA | Some | 1/1/2022 | 2 | Yes | Yes |
| 34. Moorpark | CA | 100% | 2/1/2019 | 2 | Yes | No |
| 35. Morro Bay | CA | 100% | 8/1/2020 | 2 | Yes | Yes |
| 36. Novato | CA | 100% | 1/1/2018 | 2 | Yes | Yes |
| 37. Pacific Grove | CA | 100% | 10/1/2021 | 2 | Yes | Yes |
| 38. Pacifica | CA | 100% | 10/9/2020 | 2 | Yes | Yes |
| 39. Palo Alto | CA | 100% | 1/1/2018 | 2 | Yes | Yes |
| 40. Pasadena | CA | 100% | 1/1/2013 | 2 | Yes | Yes |
| 41. Petaluma | CA | 100% | 1/1/2014 | 2 | Yes | Yes |
| 42. Pleasanton | CA | 100% | 10/4/2018 | 2 | Yes | No |
| 43. Rancho Cordova# | CA | Some | 11/4/2021 | 2 | N/S | Yes |
| 44. Redwood City | CA | 100% | 1/1/2019 | 2 | Yes | Yes |
| 45. Richmond | CA | 100% | 1/1/2011 | 2 | Yes | Yes |
| 46. Rohnert Park | CA | 100% | 4/23/2018 | 2 | Yes | Yes |
| 47. Ross | CA | 100% | 2/9/2020 | 2 | Yes | Yes |
| 48. San Anselmo | CA | 100% | 1/8/2016 | 2 | Yes | Yes |
| 49. San Bruno | CA | 100% | 2/22/2018 | 2 | Yes | Yes |
| 50. San Carlos | CA | 100% | 7/8/2020 | 2 | Yes | Yes |
| 51. San Mateo | CA | 100% | 11/14/2015 | 2 | Yes | Yes |
| 52. San Mateo County | CA | 100% | 2/4/2016 | 2 | Yes | Yes |
| 53. San Pablo | CA | 100% | 7/1/2021 | 2 | Yes | No |
| 54. San Rafael | CA | 100% | 11/14/2013 | 3 | Yes | Yes |
| 55. Santa Clara | CA | 100% | 8/1/2019 | 2 | Yes | Yes |
| 56. Santa Clara County | CA | 100% | 2/9/2012 | 2 | Yes | Yes |
| 57. Santa Rosa | CA | 100% | 8/7/2016 | 2 | Yes | Yes |
| 58. Saratoga | CA | 100% | 9/16/2016 | 4 | Yes | Yes |
| 59. Sebastopol | CA | 100% | 11/2/2011 | 2 | Yes | Yes |
| 60. Sonoma | CA | 100% | 12/12/2016 | 2 | Yes | Yes |
| 61. Sonoma County | CA | 100% | 1/12/2013 | 2 | Yes | Yes |
| 62. South San Francisco | CA | 100% | 11/9/2017 | 2 | N/S | Yes |
| 63. Sunnyvale | CA | 100% | 9/23/2016 | 2 | Yes | Yes |
| 64. Tiburon | CA | 100% | 10/16/2018 | 4 | Yes | Yes |
| 65. Union City | CA | 100% | 2/23/2012 | 2 | Yes | No |

| Municipality | State | % of Units Currently Smokefree | Final Effective Date | Minimum Number of Units | Includes Patio/Balcony | Includes Condos |
|------------------|-------|--------------------------------|----------------------|-------------------------|------------------------|-----------------|
| 66. Walnut Creek | CA | 100% | 1/30/2014 | 2 | Yes | Yes |
| 67. Windsor | CA | 100% | 8/15/2017 | 2 | Yes | Yes |

= Law requires multi-unit buildings to be 100% smokefree, but the law is not yet fully in effect.

Municipalities with Laws that Partially Restrict Smoking in Multi-Unit Housing:

This table represents communities that have **municipal laws** at the city or county level that **restrict smoking in some private units** of multi-unit housing, but do not require multi-unit buildings to be 100% smokefree.

The trend is now for communities to adopt laws that require multi-unit properties to be 100% smokefree, as listed in the chart above. It is not recommended that communities adopt the types of partial laws represented in the chart below.

Municipalities marked **Some** under “All Units Currently Smokefree?” have some buildings that are required to be 100% smokefree. Often, these laws prohibit smoking in all newly occupied buildings or newly leased units, but either do not address smoking in existing buildings or only apply to a certain percent of units in existing buildings.

Municipalities marked **No** under “All Units Currently Smokefree?” have no buildings required to be 100% smokefree now or in the future. These laws may apply to only a certain percent of units in existing and future buildings, or permit current residents to continue smoking in the building indefinitely (a “grandfather” clause).

Additionally, communities not represented on this list may have local laws that do not address smoking in private units, but restrict smoking in multi-unit housing to a lesser extent, such as by prohibiting smoking in indoor common areas or only on patios and balconies.

| Municipality | State | All Units Currently Smokefree? | Min. % of Units Currently Smokefree | Initial Effective Date | Final Effective Date | Min. # of Units | Includes Condos |
|--------------------|-------|--------------------------------|-------------------------------------|------------------------|----------------------|-----------------|-----------------|
| 1. Baldwin Park | CA | Some | 80% | 6/21/2012 | Not Specified | 2 | Yes |
| 2. Burbank | CA | No | N/S | | 5/1/2011 | N/S | Yes |
| 3. Calabasas | CA | No | N/S | | Not Specified | 2 | No |
| 4. Dublin | CA | No | 75% | | 1/1/2013 | 16 | N/S |
| 5. Fairfax | CA | No | 75% | | 9/1/2012 | 4 | N/S |
| 6. Fremont | CA | Some | N/S | 2/1/2017 | Not Specified | 2 | Yes |
| 7. Glendale | CA | Some | N/S | 6/27/2013 | Not Specified | 2 | Yes |
| 8. Jurupa Valley | CA | Some | N/S | | Not Specified | 3 | No |
| 9. Lafayette | CA | Some | N/S | 2/10/2014 | Not Specified | 3 | Yes |
| 10. Larkspur | CA | No | N/S | | Not Specified | 2 | Yes |
| 11. Loma Linda | CA | No | N/S | | Not Specified | 2 | No |
| 12. Marin County | CA | Some | 80% | 2/16/2013 | Not Specified | 2 | Yes |
| 13. Oakley | CA | No | N/S | 4/1/2014 | 4/1/2014 | 2 | Yes |
| 14. Pinole | CA | Some | N/S | 5/20/2010 | Not Specified | 2 | Yes |
| 15. Pleasant Hill | CA | Some | N/S | 5/5/2010 | Not Specified | 4 | No |
| 16. Santa Monica | CA | Some | N/S | 11/22/2012 | Not Specified | N/S | Yes |
| 17. Sausalito | CA | Some | 80% | 2/27/2014 | Not Specified | 2 | Yes |
| 18. South Pasadena | CA | Some | 80% | 3/3/2011 | Not Specified | 2 | Yes |

| Municipality | State | All Units Currently Smokefree? | Min. % of Units Currently Smokefree | Initial Effective Date | Final Effective Date | Min. # of Units | Includes Condos |
|--------------------|-------|--------------------------------|-------------------------------------|------------------------|----------------------|-----------------|-----------------|
| 19. Temecula | CA | No | 25% | | 6/7/2012 | 10 | N/S |
| 20. West Hollywood | CA | Some | N/S | 5/19/21 | 7/15/2021 | 3 | Yes |

Definitions and Explanatory Notes:

Communities on the two charts of municipal laws adopted a municipal ordinance to regulate smoking in all (first chart) or some (second chart) types of multi-unit housing.

= Law will require all multi-unit buildings to be 100% smokefree as of a future date, but currently the law provides partial coverage.

Minimum Percent of Units Currently Smokefree:

The percent of specified multi-unit housing that is currently required to be smokefree:

100%: All units in specified multi-unit housing must be smokefree.

Another stated %: The stated percent of units in specified multi-unit housing must be smokefree.

N/S = Not Specified: The law does not specify the percent of units currently required to be smokefree or the percent of units currently required to be smokefree cannot be determined by how the law is written, such as: applying only to new multi-unit buildings but not to existing multi-unit buildings or designating at certain percentage of units as nonsmoking or limiting smoking to certain buildings or permitting current residents to continue to smoke indefinitely.

Initial Effective Date:

The date when some multi-unit housing must be 100% smokefree. For example, Baldwin Park, CA (marked as Some for *All Units Currently Smokefree*) requires that all newly occupied buildings must be 100% smokefree as of 6/21/2012, which is the Initial Effective Date. Baldwin Park also requires that at least 80% of units in all existing buildings be smokefree. Because existing buildings may never be fully smokefree, the Final Effective Date is "Not Specified."

Final Effective Date:

For communities marked as Yes or Some for All Units Currently Smokefree, the Final Effective Date is when all buildings must be 100% smokefree. For communities marked as No for All Units Currently Smokefree, the Final Effective Date is when the strongest provisions of the law goes into effect.

Not Specified:

The law does not specify when all multi-unit buildings must be completely smokefree, due to provisions such as: law permits current residents to continue smoking indefinitely **or** law applies only to newly constructed buildings **or** law applies only to a certain percent of existing units.

ANR Foundation is actively collecting additional laws. **If you know of local laws that you think should be included on the list**, or want to inquire about additional information on particular laws, please contact the ANR Foundation at info@no-smoke.org or 510-841-3032.

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AGENDA REPORT

To: Mayor Sylvia Ballin and Councilmembers

From: Nick Kimball, City Manager
By: Julian J. Venegas, Director of Recreation and Community Services

Date: November 1, 2021

Subject: Update Regarding the 2022 Fourth of July Celebration Event

RECOMMENDATION:

It is recommended that the City Council:

- a. Receive a presentation from staff regarding the planning progress for the 2022 Fourth of July Celebration event; and
- b. Provide staff direction, as appropriate.

BACKGROUND:

1. On June 7, 2021, the City Council approved the revival of a fireworks display in the City and directed staff to prepare a report with recommendations for implementing a Fourth of July Celebration in 2022.
2. On June 21, 2021, the City Council adopted Resolution No. 8075 approving the Fiscal Year (FY) 2021-2022 budget, which included a \$35,000 allocation for the Fourth of July Celebration event.
3. At the Citywide Project Coordination Meeting held on August 9, 2021, Matt Baumgardner, Director of Public Works, informed the group that work on the San Fernando Regional Park Infiltration Project would begin in April 2022. The project would render the Recreation Park field inaccessible from April 2022 through April 2023.
4. On August 21, 2021, Julian Venegas, Director of Recreation and Community Services, contacted the Los Angeles Unified School District (LAUSD) Facilities Services Division and the Robertson Properties Group to discuss the possibility of using the Cesar Chavez Learning Academy (CCLA) for the Fourth of July event activities and the San Fernando Swap Meet as the launch site of the fireworks display.

Update Regarding the 2022 Fourth of July Celebration Event

Page 2 of 3

5. On October 7, 2021, staff released a Notice Inviting Bids for pyrotechnic services and production of a fireworks display for the City's Fourth of July Celebration event in 2022. The bids are due on Monday, November 1, 2021.

ANALYSIS:

Historically, the Fourth of July fireworks display has been a conduit for community engagement that fostered a sense of pride and brought residents, local businesses, and service organizations together for a day of festivities. On June 21, 2021, the San Fernando City Council approved a budget allocation to revive the 2022 Fourth of July Celebration event after an eight-year hiatus. The event meets the City Council's strategic goal to "Focus on the Community First" by providing an avenue for engaging the community and expanding recreational programs.

The unavailability of Recreation Park to host the Fourth of July Celebration event was addressed by finding an alternative site to hold the event. A sufficient location requires a fireworks "fallout zone" that provides 420 feet of clearance from any and all buildings, cars, and people. The location also needs a safe area large enough to conduct the event activities such as game booths, live entertainment, and a fun zone, which drastically limits the number of available venues that can accommodate the event. After surveying both public and private property in the city, staff found that the best solution was to split the fireworks launching from the event activities.

The proposed launch site for the fireworks display will be the San Fernando Swap Meet located at 585 Glenoaks Blvd., San Fernando, CA 91340, and the activities consisting of game booths, live entertainment, and a fun-zone, will be held at CCLA, located at 1001 Arroyo Ave., San Fernando. These two parcels are adjacent to one another and complement the transition from event activities to the fireworks display nicely. However, since the City does not own or control either site, the City will need to secure approval and enter into use agreements with both parties.

Staff is currently negotiating with the Robertson Properties Group to use the Swap Meet as the launch site for the fireworks display and with LAUSD to use the CCLA's football stadium to host the Fourth of July Celebration event activities. LAUSD will require a fee for use of CCLA. The exact amount is being calculated by the school district and will depend on the City's needs (e.g., custodians, field lights, power, etc.).

Staff released a Request for Proposals (RFP) on October 7, 2021, requesting pyrotechnic services from an experienced contractor to provide a 15 to 20 minute fireworks display for the Fourth of July Celebration. Staff made the RFP available on the City's webpage and sent it to four fireworks display vendors, including: Fireworks America, Zambelli Fireworks, Melrose Pyrotechnics, and PYRO Spectacular. The fireworks display proposals are due on November 1, 2021.

Update Regarding the 2022 Fourth of July Celebration Event

Page 3 of 3

The Recreation and Community Services (RCS) Department proposes to host the Fourth of July Celebration activities at CCLA with activities featuring live entertainment, fun zone activities, game booths, informational booths, and food trucks. The plan is to use the football field to set up canopies for the game and information booths, set a stage for live performances by local talent and community groups, and create a fun zone with a jump house, an obstacle course, slides, and a climbing wall. Tentatively, the festivities will be held between 3:00 p.m. and 9:30 p.m, however, the event schedule is still fluid.

BUDGET IMPACT:

The FY 2021-2022 allocation for the Fourth of July Celebration event is \$35,000. The actual cost for the event may exceed the allocation due to the unexpected cost of moving the event to CCLA and the San Fernando Swap Meet. Factoring in the soft cost (e.g., staff time) the event will run into the red if staff time is not absorbed at the department level. However, there is a potential to generate revenue to offset the cost of the event, should the City Council direct staff to implement a cost recovery plan.

Revenue may be generated by charging for reserved seating, charging a vendor fee, and selling tickets for the game booths and the fun zone activities. Parking may also generate revenue if the San Fernando Swap Meet allows selling of reserved parking. The estimated cost and potential revenue are illustrated in the 2022 Fourth of July Celebration Estimated Budget table (Attachment "A"). The first two possible scenarios show cost exceeding the program budget, while the third scenario shows cost within the program budget.

Once the costs for the fireworks and location rental are finalized, staff will return to City Council with an update and possible request for additional allocation.

CONCLUSION:

It is recommended that the City Council receive and file this report and provide staff with direction, as appropriate.

ATTACHMENT:

A. Fourth of July Celebration Estimated Budget

ATTACHMENT "A"

2022 Fourth of July Celebration Estimated Budget

| Expenditures/revenue Items | Expenses | Revenue | Net profit/loss |
|--|---------------------|---------------------|-----------------------|
| Fireworks | \$ 20,000.00 | \$ - | \$ (20,000.00) |
| Facilities (CCLA & SFSM) | \$ 4,500.00 | | \$ (4,500.00) |
| Public Works | \$ 7,025.00 | \$ - | \$ (7,025.00) |
| Includes labor overtime, traffic plan, signs, etc. | | | |
| Recreation and Community Services | \$ 2,329.00 | \$ - | \$ (2,329.00) |
| - Part-time staff | | | |
| Police and Reserve Officers | \$ 3,800.00 | \$ - | \$ (3,800.00) |
| Stage, Lights and Sound | \$ 4,500.00 | \$ - | \$ (4,500.00) |
| Portable Toilettes - 15 total | \$ 1,675.00 | \$ - | \$ (1,675.00) |
| Code Enforcement | \$ 1,000.00 | \$ - | \$ (1,000.00) |
| Publicity | \$ 600.00 | \$ - | \$ (600.00) |
| Light Tower Rentals | \$ 300.00 | \$ - | \$ (300.00) |
| Entertainment (Cover band, local talent) | \$ 4,500.00 | \$ - | \$ (4,500.00) |
| Fun Zone Activities | \$ 2,500.00 | \$ 1,500.00 | \$ (1,000.00) |
| Vendor Booths | \$ 400.00 | \$ 2,000.00 | \$ 1,600.00 |
| Carnival Game Booths | \$ 600.00 | \$ 1,500.00 | \$ 900.00 |
| Reserved Seating \$5 | \$ - | \$ 2,500.00 | \$ 2,500.00 |
| Parking \$5 | \$ - | \$ 2,600.00 | \$ 2,600.00 |
| Totals | \$ 53,729.00 | \$ 10,100.00 | \$ (43,629.00) |

Program Allocation \$ 35,000.00

Possible Scenarios

1. Event exceeds budget. Staff time is charge to event and no revenue is generated. \$ (18,729.00)
2. Event exceeds budget. Revenue is generated but staff time is charged to event. \$ (8,629.00)
3. Event is under budget. Revenue is generated and staff time is charged at the department level \$ 30,475.00

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AGENDA REPORT

To: Mayor Sylvia Ballin and Councilmembers

From: Councilmember Hector A. Pacheco

Date: November 1, 2021

Subject: Consideration and Discussion Regarding Sustainable San Fernando: A California Native Trees and Plants Policy Direction

RECOMMENDATION:

I have placed this on the agenda for City Council discussion and consideration regarding a Sustainable San Fernando: A California Native Tree and Plants Policy (Attachment "A") and direct staff to develop and implement a California native-only tree and plant policy that requires all new plantings to be California (CA) native-plants and where native-plants cannot be reasonably secured, drought-tolerant options should be considered.

BACKGROUND/ANALYSIS:

The benefits of a Sustainable San Fernando: A California Native Tree and Plants policy, include but are not limited to:

- a. Significant savings in water as CA native plants are more sustainably adapted to our climate; drought-tolerant, native plants can use up to 85 percent less water per year than other plants; once established, CA native plants require significantly less additional watering, sometimes none, which would save the City significant amounts of capital associated with water over the next ten years and longer;
- b. Maintenance of CA native plants is dramatically less than other plants, and the City would incur significant savings in costs and labor, and offers substantial relief to our Public Works Department; CA native plants have a better chance of survival as they are better adapted to our climate, and thus would also save the City in replacement costs;
- c. CA native plants require no pesticides, improving our environmental health, allowing natural pest control and removing the risks that pesticides of entering our water table and harming our residents and businesses or local wildlife;

Consideration and Discussion Regarding Sustainable San Fernando: A California Native Trees and Plants Policy Direction

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- d. Myriad biodiversity and ecological benefits that include attracting helpful pollinating insects like bees, butterflies and birds, offering tertiary benefits to home gardens in greater yields and better pest management; and
- e. Less waste in landfills as less green waste is produced.

The City of San Fernando can reap vast benefits from implementing a CA native-only policy for our new trees and plants citywide. We can rest assured we are implementing our own special sense of belonging in the long history of environmental and biological culture of California. We can leave our children and future generations an all around better and more sustainable habitat and climate while saving the City incalculable time and money over the years. Indeed, if we had implemented a CA native-only policy citywide since inception, our habitat would be immeasurably more sustainable, our savings in water and maintenance would have been substantial, and our local environment would have been significantly improved. That is why there is no time to waste on implementing a policy that saves money, is water-wise, eases the burden on maintenance staff, and secures a more sustainable future.

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. Request to Agendize an Item for Discussion/Consideration

REQUEST TO AGENDIZE AN ITEM FOR CITY COUNCIL DISCUSSION/CONSIDERATION

CITY COUNCILMEMBER INFORMATION

NAME

TITLE

ITEM INFORMATION

SUBJECT *Title of the item you are requesting to be agendized.*

PRIORITIES

Is this included in the current FY priorities?

☐ Yes ☐ No

BUDGET

Is this a budgeted item?

☐ Yes ☐ No

FISCAL IMPACT

Is there a fiscal impact? If yes, indicate amount.

☐ Yes ☐ No \$

BACKGROUND/ANALYSIS *Provide the reason you are requesting this item be agendized.*

ATTACHMENTS *Do you have any attachments to include?*

☐ Yes ☐ No

RECOMMENDATION *Indicate the direction you are recommending.*

Propose a CA native-only tree, shrub and vegetation-planting policy for all new plantings conducted by City staff. Such a policy would require staff to seek out CA native-only options for parkways, parks, landscaping of City-owned properties, and anywhere that the City is charged with planting and maintaining trees and garden landscaping. More and more plant nurseries have recognized the demand for CA native trees and shrubs and have increased their offerings, which would ease the search for such options. There are bountiful, attractive options for plants and trees that offer vibrance, beauty and sustainability for gardens, parkways and landscapes.

The benefits of such a policy include but are not limited to:

- Significant savings in water as CA native plants are more sustainably adapted to our climate; drought-tolerant, native plants can use up to 85 percent less water per year than other plants; once established, CA native plants require significantly less additional watering, sometimes none, which would save the City significant amounts of capital associated with water over the next ten years and longer;
- Maintenance of CA native plants is dramatically less than other plants, and the City would incur significant savings in costs and labor, and offers substantial relief to our Public Works department; CA native plants have a better chance of survival as they are better adapted to our climate, and thus would also save the City in replacement costs;
- CA native plants require no pesticides, improving our environmental health, allowing natural pest control and removing the risks that pesticides of entering our water table and harming our residents and businesses or local wildlife;
- Myriad biodiversity and ecological benefits that include attracting helpful pollinating insects like bees, butterflies and birds, offering tertiary benefits to home gardens in greater yields and better pest management;
- Less waste in landfills as less green waste is produced

The City of San Fernando can reap vast benefits from implementing a CA native-only policy for our new trees and plants citywide. We can rest assured we are implementing our own special sense of belonging in the long history of environmental and biological culture of California. We can leave our children and future generations an all around better and more sustainable habitat and climate while saving the City incalculable time and money over the years. Indeed, if we had implemented a CA native-only policy citywide since inception, our habitat would be immeasurably more sustainable, our savings in water and maintenance would have been substantial, and our local environment would have been significantly improved. That is why there is no time to waste on implementing a policy that saveAttacs money, is water-wise, eases the burden on maintenance staff, and secures a more sustainable future.