

CITY OF HUNTINGTON PARK

City Council Agenda Monday, July 1, 2013

6:00 p.m.
City Hall Council Chambers
6550 Miles Avenue
Huntington Park, CA 90255

Mario Gomez
Mayor

Rosa E. Perez
Vice Mayor

Ofelia Hernandez
Council Member



Karina Macias
Council Member

Valentin Palos Amezcuita
Council Member

All agenda items and reports are available for review in the City Clerk's Office and www.huntingtonpark.org. Any writings or documents provided to a majority of the City Council regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available for public inspection in the Office of the City Clerk located at 6550 Miles Avenue, Huntington Park, California 90255 during regular business hours, 7:00 a.m. to 5:30 p.m., Monday – Thursday, and at the City Hall Council Chambers during the meeting.

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the City Clerk's Office either in person at 6550 Miles Avenue, Huntington Park, California or by telephone at (323) 584-6230. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Public Comment

The Council encourages all residents of the City and interested people to attend and participate in the meetings of the City Council.

Prior to the business portion of the agenda, the City Council and all other agencies meeting on such date will convene to receive public comments regarding any agenda items or matters within the jurisdiction of such governing bodies. This is the only opportunity for public input except for scheduled public hearing items. The Mayor or Chairperson will separately call for testimony at the time of each public hearing. If you wish to address the Council, please complete the speaker card that is provided at the entrance to the Council Chambers and place it in the box at the podium. When called upon by the Mayor or Mayor's designee, each person addressing the Council shall step up to the microphone and state his/her name or organization he/she represents for the record. Each speaker will be limited to three minutes per Huntington Park Municipal Code 2-1.207. Time limits may not be shared with other speakers and may not accumulate from one period of public comment to another or from one meeting to another. All comments or queries shall be addressed to the Council as a body and not to any specific member thereof. Pursuant to Government Code Section 54954.2(a)(2), the Ralph M. Brown Act, no action or discussion by the City Council shall be undertaken on any item not appearing on the posted agenda, except to briefly provide information, ask for clarification, provide direction to staff, or schedule a matter for a future meeting.

Additions/Deletions

Items of business may be added to the agenda upon a motion adopted by a minimum two-thirds vote finding that there is a need to take immediate action and that the need for action came to the attention of the City or Agency subsequent to the agenda being posted. Items may be deleted from the agenda upon the request of staff or Council.

Consent Calendar

All matters listed under the Consent Calendar are considered to be routine and will all be enacted by one motion. The City Council Members have received detailed staff reports on each of the items recommending an action. There will be no separate discussion of these items prior to the time the Council votes on the motion unless members of the Council, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for separate action.

Important Notice

The City of Huntington Park shows replays of City Council Meetings on Local Access Channel 3 and over the Internet at www.huntingtonpark.org. Your attendance at this public meeting may result in the recording and broadcast of your image and/or voice as previously described.

PLEASE SILENCE ALL PAGERS, CELL PHONES AND OTHER ELECTRONIC EQUIPMENT WHILE COUNCIL IS IN SESSION.

Thank you.

1. INVOCATION

2. FLAG SALUTE:

Diana Garcia, 6th grade student at Nimitz Middle School.

- 3. ROLL CALL:** Mayor Mario Gomez
Vice Mayor Rosa E. Perez
Council Member Ofelia Hernandez
Council Member Valentin Palos Amezquita
Council Member Karina Macias

4. PRESENTATIONS

- 4.1 Presentation to student who led the flag salute: Diana Garcia.**
- 4.2 Presentation of 10851 (Auto Theft) Awards by the California Highway Patrol.**
- 4.3 Presentation by America Vive Foundation regarding their Performing Arts and Martial Arts Schools located in Huntington Park.**

5. PUBLIC COMMENTS

Each speaker will be limited to three minutes per Huntington Park Municipal Code Section 2-1.207.

6. CONSENT CALENDAR

OFFICE OF THE CITY CLERK

- 6.1 Approve minutes of the following City Council meeting:**
- 6.1-1 Regular meeting held Monday, June 17, 2013**
- 6.2 Approve the reading by title of all ordinances and resolutions. Said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.**

6. CONSENT CALENDAR – (Continued)

FINANCE DEPARTMENT

6.3 Approve Accounts Payable and Payroll Warrants dated July 1, 2013.

PUBLIC WORKS DEPARTMENT

6.4 **Ordinance amending Title 7, Chapter 9 of the Huntington Park Municipal Code pertaining to low impact development requirements.**

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Adopt for second reading Ordinance No. 912-NS amending the City of Huntington Park's Municipal Code Title 7, Public Works, Chapter 9, Storm Water Management and Discharge, to include Low Impact Development (LID) Strategies on Projects that require building, grading and encroachment permits.

6.5 **Second Amendment to the Agreement with Consolidated Disposal Service, LLC for Commercial Refuse Disposal Services.**

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Adopt Resolution No. 2013-32 approving a Second Amendment to the Agreement between the City of Huntington Park and Consolidated Disposal Service, LLC for Commercial Refuse Disposal Services.
2. Authorize the City Manager to execute an agreement amendment with Consolidated Disposal Services, LLC for continued uninterrupted commercial refuse disposal services on an interim basis.

END OF CONSENT CALENDAR

7. REGULAR AGENDA

FINANCE DEPARTMENT

7.1 Continuation Budget for Fiscal Year 2013-2014 for the City of Huntington Park.

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Approve year-ending fund balance adjustments for Fiscal Year 2011-2012.
2. Approve the continuation budget for Fiscal Year 2013-2014.
3. Authorize staff to prepare a resolution to adopt the continuation budget for Fiscal Year 2013-2014.

8. CITY MANAGER'S AGENDA

8.1 Discussion and/or action regarding a film permit for Azteca Television Network to film "La Academia" in the City of Huntington Park.

9. CITY ATTORNEY'S AGENDA

10. WRITTEN COMMUNICATIONS

11. COUNCIL COMMUNICATIONS

11.1 Mayor Mario Gomez

11.2 Vice Mayor Rosa E. Perez

11.2-1 Discussion and/or action regarding housing issues in the City of Huntington Park.

11.3 Council Member Ofelia Hernandez

11.4 Council Member Valentin Palos Amezquita

11.5 Council Member Karina Macias

12. CLOSED SESSION

12.1 Pursuant to California Government Code Section 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: APN: 6322-017-901 – 6322-017-910

Agency Negotiator: City Manager

Negotiating Parties: City of Huntington Park and Primestor

Under Negotiation: Price and Terms of Payment

12.2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Significant exposure to litigation pursuant to California Government Code Section 54956.9(b): (1)

12.3 Pursuant to Government Code Subdivision (a) of Section 54956.9 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: Water Replenishment District of Southern California vs.
City of Huntington Park, Case No. BC512581

12.4 Pursuant to California Government Code 54957, PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

13. ADJOURNMENT

13.1 Antonio "Tony" Vidaurri, husband of Teresa Vidaurri, longtime residents
of the City of Huntington Park.

13.2 Edmond Arce, Retired Senior Officer for the Huntington Park Police
Department.

**NEXT REGULAR MEETING OF THE
CITY OF HUNTINGTON PARK CITY COUNCIL
MONDAY, JULY 15, 2013 at 6:00 p.m.**

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing
agenda was posted on June 28, 2013 on the bulletin board outside City Hall and available at
www.huntingtonpark.org



Rocio Martinez, Acting City Clerk

Minutes of the regular meeting of the City Council of the City of Huntington Park held Monday, June 17, 2013.

Following the Invocation, the Pledge of Allegiance to the Flag was led by Ana Del Carmen, student at Lucille Roybal-Allard Elementary School. The meeting was called to order in the Council Chambers at 6:00 p.m. by Mayor Gomez. Present: Council Member Valentin Palos Amezcuita, Vice Mayor Rosa E. Perez, Council Member Ofelia Hernandez, Council Member Karina Macias, and Mayor Mario Gomez; Absent: None.

Mayor Gomez and City Council presented a Certificate of Appreciation to Ana Del Carmen for leading the flag salute at the City Council meeting June 17, 2013.

Interim City Attorney Litfin requested the City Council resolve into a **closed session** for CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Significant exposure to litigation pursuant to California Government Code Section 54956.9(b): (2). Motion by Perez, seconded by Gomez, to **declare the meeting resolved into closed session to be held immediately in the adjoining conference room at 6:07 p.m. for CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Significant exposure to litigation pursuant to California Government Code Section 54956.9(b): (2),** carried as follows: Ayes: Council Member Amezcuita, Vice Mayor Perez, Council Members Hernandez, Macias, and Mayor Gomez; Noes: None; Absent: None.

Following the closed session, the meeting was called to order in the Council Chambers at 6:48 p.m. Present: Council Member Valentin Palos Amezcuita, Vice Mayor Rosa E. Perez, Council Member Ofelia Hernandez, Council Member Karina Macias, and Mayor Mario Gomez; Absent: None.

Victor Abalos, representing California Forward, briefed City Council regarding the Southeast Services Project.

Christina Dixon, Staff Analyst, displayed a PowerPoint presentation by the Department of Public Works on the City's Recycling Overview. Mayor Gomez and City Council presentation of Certificates of Appreciation to the following students who participated in the City of Huntington Park's Recycled Art Contest: 1) Jaime Arceo; 2) Gilbert Trujillo; 3) Victor Rico; 4) Francisco Magallon; and 5) Christopher Chavez.

Mayor Gomez opened oral communications, indicating that this was the time for anyone in the audience to address the City Council on any matter of City business.

Ronald V. Garcia, Southern California Edison Regional Manager Public Affairs, informed City Council regarding emergency contact information, upcoming flash drill and summer readiness.

Enrique Murillo, President of American Association of Retired Persons Chapter 231, addressed his concern with a recent theft and asked City Council for additional police surveillance.

Sergio Diaz addressed concerns to City Council regarding certain individuals questioning the integrity of the City Council and City officials. Mr. Diaz stated that City Council is doing a great job.

Valente Valdes commended City Council and City staff for doing a good job and making positive changes in the community.

Representatives from Al Rojas Auto Repair and Ramirez Tires located at Mountain View and Florence Avenues addressed concerns to City Council regarding recent construction of a wall for a proposed 7-Eleven at this location that is obstructing visibility of their businesses and asked for City Council's assistance

regarding signage to help advertise his business.

Candelario Perez addressed concerns to City Council regarding the lack of maintenance at Rugby Plaza Senior Housing and proposed rent increases.

Rodolfo Cruz addressed various concerns regarding lack of affordable housing in the City of Huntington Park, the City's financial status, and the City imposing high fees for residents.

Linda Caraballo addressed City Council in support of an item presented at the last Council meeting for appointment of an ad-hoc committee to review new City contracts and urged City Council to reconsider this item.

Jesus Moran addressed concerns to City Council regarding the City's finances and taxes imposed to businesses and residents. Mr. Mora expressed his support for Council Member Amezcuita.

Henry Garcia addressed City Council in support of Pastor Roque and Ministerios Mahanaim Church and informed City Council of the challenges Pastor Roque has been facing with the proposed remodel of said church. Mr. Garcia also informed City Council that the Governor of State of Durango, Mexico asked his newspaper to cover the 450th Anniversary for the State of Durango, Mexico.

Jorge Sepulveda, business owner, addressed concerns to City Council regarding high fees assessed by Business Improvement District and commended City Council for abolishing future assessments.

Ivonne Correa addressed concerns to City Council regarding recent water rate increases and rent increases in the City. Ms. Correa requested information on landlord and tenant rights.

Antonio Padilla addressed a concern to City Council regarding lack of police presence and stated that the community elected Council Members Amezcuita and Macias to improve the City of Huntington Park.

Nick Ioannidis addressed City Council regarding an economic injury due to an outstanding loan he has had with the City and asked City Council to consider mediating this matter.

Evelin Castillo addressed City Council in support of the dissolution of the Downtown Huntington Park Business Improvement District.

Mayor Gomez called for any other oral communications, and hearing none, declared oral communications closed.

Mayor Gomez recessed the meeting at 8:44 p.m. and resumed the meeting at 8:55 p.m.

Motion by Hernandez, seconded by Amezcuita, to approve the Consent Calendar with changes to minutes of the regular meeting of the City Council held Monday, June 3, 2013 to reflect that there was one (1) objection from Council Member Amezcuita to City Council's decision not to take action on Agenda Item No. 12.4-1 Appointment of an Ad-Hoc Committee to review new contracts for City services, carried as follows: Ayes: Council Member Amezcuita, Vice Mayor Perez, Council Members Hernandez, Macias, and Mayor Gomez; Noes: None; Absent: None.

6. CONSENT CALENDAR

OFFICE OF THE CITY CLERK

- 6.1 Approve minutes of the following City Council meetings:
- 6.1-1 Special meeting held Wednesday, May 29, 2013
 - 6.1-2 Regular meeting held Monday, June 3, 2013
- 6.2 Approve the reading by title of all ordinances and resolutions. Said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

FINANCE DEPARTMENT

- 6.3 Approve Accounts Payable and Payroll Warrants dated June 17, 2013.

COMMUNITY DEVELOPMENT DEPARTMENT

- 6.4 **Ordinance amending the Official Zoning Map for properties located at 5959-6169 S. Alameda Street.**

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Adopt for second reading Ordinance No. 911-NS amending the Official Zoning Map of the City of Huntington Park was read by title. Motion by Hernandez, seconded by Amezquita, that reading in full of Ordinance No. 910-NS for second reading be waived, and that Ordinance No. 910-NS be approved for second reading and adopted, carried as follows: Ayes: Council Member Amezquita, Vice Mayor Perez, Council Members Hernandez, Macias, and Mayor Gomez; Noes: None; Absent: None.
- 6.5 **Resolution authorizing submission and boundaries of the Harbor Gateway Communities Enterprise Zone Targeted Employment Area.**

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Adopt Resolution No. 2013-28 authorizing submission and boundaries of the Harbor Gateway Communities Enterprise Zone Targeted Employment Area was presented. Motion by Hernandez, seconded by Amezquita, to adopt Resolution No. 2013-28, carried as follows: Ayes: Council Member Amezquita, Vice Mayor Perez, Council Members Hernandez, Macias, and Mayor Gomez; Noes: None; Absent: None.

PUBLIC WORKS DEPARTMENT

- 6.6 **Notice of Completion for the Rehabilitation of 4 Million Gallon East Reservoir located at Miles Avenue and Slauson Avenue, Project No. 10-005B-1.**

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Accept the work as completed.
2. Authorize the City Clerk to record a Notice of Completion with the Los Angeles County Registrar-Recorder's Office and notify the surety company to exonerate the payment bond, contingent upon no claims

6. CONSENT CALENDAR – (Continued)

being filed within 35 days after the recordation and contractor posting an acceptable warranty bond.

3. Approve the final total project budget and authorize the Director of Public Works to release the 10% retention payment in the amount of \$43,914.00 to Utility Services Company, Inc. 35 days after recordation of the Notice of Completion by the Los Angeles County Registrar-Recorder, contingent upon no claims being filed on the project and the contractor posting an acceptable warranty bond.

END OF CONSENT CALENDAR

7. HEARING

- 7.1 **Resolution ordering the abatement of noxious and dangerous weeds growing upon and in front of certain lots and parcels of land in the City of Huntington Park.**

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

City Manager Bobadilla reported that two (2) written communications had been received in the Office of the City Clerk from property owners of 2632 E. 56th Street and 2010 Slauson Avenue, Huntington Park.

1. Open the public hearing to receive any comments.
2. Close the public hearing.
3. Adopt Resolution No. 2013-29 ordering the abatement of noxious and dangerous weeds growing upon and in front of certain lots and parcels of land in the City of Huntington Park in accordance with Government Code Section 39560 *Et Seq* was presented. Motion by Perez, seconded by Hernandez, to adopt Resolution No. 2013-29, carried as follows: Ayes: Council Member Amezcua, Vice Mayor Perez, Council Members Hernandez, Macias, and Mayor Gomez; Noes: None; Absent: None.

8. REGULAR AGENDA

OFFICE OF THE CITY CLERK

- 8.1 **Republication of the Huntington Park Municipal Code (HPMC).**

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Approve the republication of the Huntington Park Municipal Code to rectify discrepancies, outdated fees, vague or awkward language, inaccuracies, duplications and conflicting ordinances within the HPMC.
2. Approve a budget in the amount of \$13,800 for the republication of the Huntington Park Municipal Code and legal review.
3. Authorize the Finance Department to issue a purchase order to Quality Code Publishing for said costs.

8. **REGULAR AGENDA** – (Continued)

Motion by Perez, seconded by Hernandez, to **approve the following: 1) the republication of the Huntington Park Municipal Code to rectify discrepancies, outdated fees, vague or awkward language, inaccuracies, duplications and conflicting ordinances within the HPMC; 2) budget in the amount of \$13,800 for the republication of the Huntington Park Municipal Code and legal review; and 3) authorize the Finance Department to issue a purchase order to Quality Code Publishing for said costs**, carried as follows: Ayes: Council Member Amezcuita, Vice Mayor Perez, Council Members Hernandez, Macias, and Mayor Gomez; Noes: None; Absent: None.

COMMUNITY DEVELOPMENT DEPARTMENT

8.2 Proposed News Racks Regulations.

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Discuss the City's proposed regulations pertaining to news racks.
2. Receive and file this informational report.

Following a discussion, City Council directed staff to incorporate their comments and concerns to the proposed ordinance pertaining to news rack regulations and to present said ordinance for City Council approval.

PUBLIC WORKS DEPARTMENT

8.3 Resolution adopting a Green Streets Policy in accordance with Order No. R4-2012-1075, NPDES MS4 Permit and Waste Discharge Requirements for Storm Water and Non-stormwater Discharges.

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Adopt Resolution No. 2013-30 approving a Green Streets Policy. Motion by Hernandez, seconded by Macias, to adopt Resolution No. 2013-30, carried as follows: Ayes: Council Member Amezcuita, Vice Mayor Perez, Council Members Hernandez, Macias, and Mayor Gomez; Noes: None; Absent: None.

8.4 Ordinance amending Title 7, Chapter 9 of the Huntington Park Municipal Code pertaining to low impact development requirements.

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Adopt for first reading Ordinance No. 912-NS amending the City of Huntington Park's Municipal Code Title 7, Public Works, Chapter 9, Storm Water Management and Discharge, to include Low Impact Development (LID) Strategies on Projects that require building, grading and encroachment permits was read by title. Motion by Hernandez, seconded by Amezcuita, that reading in full of Ordinance No. 912-NS for first reading be waived, and that Ordinance No. 912-NS be introduced and approved for first reading, carried as follows: Ayes: Council Member Amezcuita, Vice Mayor Perez, Council Members Hernandez, Macias, and Mayor Gomez; Noes: None; Absent: None.

9. CITY MANAGER'S AGENDA

- 9.1 Status report on clothing donation bins throughout the City of Huntington Park.

10. CITY ATTORNEY'S AGENDA

11. WRITTEN COMMUNICATIONS

12. COUNCIL COMMUNICATIONS

- 12.1 Mayor Mario Gomez
12.2 Vice Mayor Rosa E. Perez
12.3 Council Member Ofelia Hernandez
12.4 Council Member Valentin Palos Amezquita
12.5 Council Member Karina Macias

Interim City Attorney Litfin requested the City Council resolve into a closed session for the following:

13. CLOSED SESSION

- 13.1 CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, pursuant to California Government Code Subdivision (c) of Section 54956.9(c), Number of Potential Cases: (1)
- 13.2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Significant exposure to litigation pursuant to California Government Code Section 54956.9(b): (1)
- 13.3 Pursuant to Government Code Subdivision (a) of Section 54956.9
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Name of Case: Maez v. City of Huntington Park, LASC Case No. VC060007.
- 13.4 Pursuant to California Government Code Section 54956.8,
CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 6322-017-901 – 6322-017-910
Agency Negotiator: City Manager
Negotiating Parties: City of Huntington Park and Primestor
Under Negotiation: Price and Terms of Payment
- 13.5 Pursuant to Government Code Subdivision (a) of Section 54956.9
CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Name of Case: Huntington Patients' Association, Edwin Movagharian vs. City of Huntington Park, et al., Case No. BC466323

Mayor Gomez declared the meeting resolved into closed session to be held

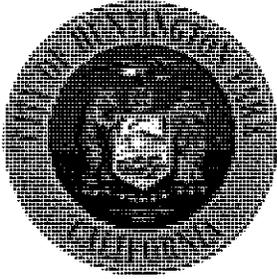
immediately in the adjoining conference room at 9:50 p.m.

Following the closed session, the meeting was called to order in the Council Chambers at 11:01 p.m. Present: Council Member Valentin Palos Amezquita, Vice Mayor Rosa E. Perez, Council Member Ofelia Hernandez, Council Member Karina Macias, and Mayor Mario Gomez; Absent: None.

Mayor Gomez declared the meeting adjourned at 11:02 p.m.

Mario Gomez, Mayor

Rocio Martinez, Acting City Clerk



CITY OF HUNTINGTON PARK

Public Works Department
City Council Agenda Report

July 1, 2013

Honorable Mayor and Members of the City Council
City of Huntington Park
6550 Miles Avenue
Huntington Park, CA 90255

Dear Mayor and Members of the City Council:

SECOND READING OF AN ORDINANCE AMENDING TITLE 7, CHAPTER 9 OF THE HUNTINGTON PARK MUNICIPAL CODE (HPMC) PERTAINING TO LOW IMPACT DEVELOPMENT REQUIREMENTS

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Approve the Second Reading of the proposed ordinance amending Title 7, Chapter 9 of the Huntington Park Municipal Code (HPMC) pertaining to Low Impact Development Requirements

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On November 8, 2012 the Los Angeles Regional Water Quality Control Board (LAR-RWQCB) adopted Order No. R4-2012-0175 revising the waste discharge requirements for Municipal Separate Storm Sewer System (MS4) dischargers within the coastal watersheds of Los Angeles County covered by NPDES Permit No. CAS004001 (collectively referred to as "Stormwater Permit"). This new Stormwater Permit became effective on December 28, 2012 and regulates the water quality of urban runoff (storm and non-storm generated) in cities within most of Los Angeles County, including Huntington Park. It applies to discharges from the City and by definition covers all runoff conveyed over or through municipal streets, sidewalks, curbs, gutters, catch basins, storm drains, ditches, man-made channels and similar facilities. The new Stormwater Permit supersedes the previous permit adopted in 2001 and all subsequent revisions.

There are a number of requirements and deadlines under the new Stormwater Permit and the City is working toward compliance. One of the requirements is the adoption of a Low Impact Development (LID) ordinance by June 28, 2013.

LID is a development planning practice that consists of designing landscape and building features in a manner that promotes the retention of stormwater runoff onsite and/or provides treatment of stormwater runoff prior to discharge from the site. The

SECOND READING OF AN ORDINANCE AMENDING TITLE 7, CHAPTER 9 OF THE HUNTINGTON PARK MUNICIPAL CODE (HPMC) PERTAINING TO LOW IMPACT DEVELOPMENT REQUIREMENTS

July 1, 2013

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intent of LID is to control the transport of pollutants to public streets and downstream receiving waters caused by increased runoff volumes attributable to the increase of impermeable surfaces when land is developed/redeveloped. LID is widely recognized as a sensible and sustainable approach to managing the quantity and quality of stormwater and non-stormwater runoff by setting standards and practices to maintain or restore the natural hydrologic characteristics of a development site, reduce off-site runoff, improve water quality, and provide groundwater recharge.

The provisions of the new ordinance establish requirements for construction activities and facility operations of Development and Redevelopment projects that require building, grading and encroachment permits in order to ensure compliance with Order No. R4-2012-0175. The new requirements also ensure the proposed project lessens the water quality impacts of development by requiring implementation of LID practices. LID practices will be implemented for all new development and/or redevelopment projects meeting the following minimum thresholds:

1. All development projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.
2. Industrial parks 10,000 square feet or more of surface area.
3. Commercial malls 10,000 square feet or more of surface area.
4. Retail gasoline outlets with 5,000 square feet or more of surface area.
5. Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.
6. Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.
7. Streets and roads construction of 10,000 square feet or more of impervious surface area. Street and road construction applies to standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects.
8. Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511 5541, 7532-7534, and 7536-7539) 5,000 square feet or more of surface area.
9. Projects located in or directly adjacent to, or discharging directly to an Environmentally Sensitive Area (ESA), where the development will:
 - a. Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and
 - b. Create 2,500 square feet or more of impervious surface area
10. Single-family hillside homes.
11. Redevelopment Projects
 - a. Land disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site on Planning Priority Project categories.

SECOND READING OF AN ORDINANCE AMENDING TITLE 7, CHAPTER 9 OF THE HUNTINGTON PARK MUNICIPAL CODE (HPMC) PERTAINING TO LOW IMPACT DEVELOPMENT REQUIREMENTS

July 1, 2013

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- b. Where Redevelopment results in an alteration to more than fifty percent (50%) of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, the entire project must be mitigated.
- c. Where Redevelopment results in an alteration of less than fifty percent (50%) of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.
- d. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.
- e. Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.

The proposed ordinance replaces and updates sections of the HPMC that required the preparation of an Urban Storm Water Mitigation Plan (USWMP) for development projects in accordance with the previous Stormwater Permit.

FISCAL IMPACT/FINANCING

No significant fiscal impact is anticipated due to the implementation of the Low Impact Development Ordinance. The new Stormwater Permit revised and augmented the requirements for private development projects. It also redefined the types of projects and lowered the thresholds used to determine if a project is subject to the new requirements, but the review and approval process for City staff remains relatively unchanged.

ENVIRONMENTAL IMPACT

The proposed LID Ordinance qualifies for a Class 8 California Exemption under the provisions of the California Environmental Quality Act (CEQA) Section 15308. Class 8 exempts actions taken by regulatory agencies as authorized by State or local ordinances to assure the maintenance, restoration, enhancement or protection of the environment where the regulatory process involves procedures for protection of the environment.

SECOND READING OF AN ORDINANCE AMENDING TITLE 7, CHAPTER 9 OF THE
HUNTINGTON PARK MUNICIPAL CODE (HPMC) PERTAINING TO LOW IMPACT
DEVELOPMENT REQUIREMENTS

July 1, 2013

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CONCLUSION

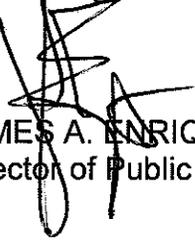
If approved, the Mayor shall sign and the City Clerk shall certify passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard. This Ordinance shall take effect 30 days after its final passage.

Respectfully submitted,



RENÉ BOBADILLA, P.E.

City Manager



JAMES A. ENRIQUEZ, P.E.

Director of Public Works / City Engineer

ATTACHMENT

A. Ordinance

ATTACHMENT A

1 **WHEREAS**, LID is widely recognized as a sensible approach to managing the
2 quantity and quality of stormwater runoff by setting standards and practices to maintain or
3 restore the natural hydrologic characteristics of a development site, reduce off-site runoff,
improve water quality, and provide groundwater recharge; and

4 **WHEREAS**, it is the intent of the City to require stormwater and rainwater LID
5 strategies for all Development and Redevelopment projects as defined under "Applicability."

6 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUNTINGTON PARK,
7 CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

8 **Section 1:** The above recitals are true and correct and incorporated herein.

9 **Section 2:** Section 7.9.01 of the Huntington Park Municipal Code entitled
10 "Definitions" is hereby amended to read in its entirety as follows:

11 **Section 7.9.01 Definitions.**

12 When used in this Chapter the following words and phrases shall have the following
13 meaning. If the definition of any term contained in this chapter conflicts with the definition of
the same term in Order No. R4-2012-0175, then the definition contained in Order No. R4-
2012-0175 shall govern:

14 **"Act"** means the Federal Water Pollution Control Act, also known as, The Clean
15 Water Act, as amended, 33 U.S.C. 1251.

16 **"Automotive Service Facility"** means a facility that is categorized in any one of the
17 following Standard Industrial Classification (SIC) and North American Industry Classification
18 System (NAICS) codes. For inspection purposes, Permittees need not inspect facilities with
19 SIC codes 5013, 5014, 5511, 5541, 7532-7534, and 7536-7539 provided that these facilities
have no outside activities or materials that may be exposed to stormwater (Order No. R4-
2012-0175).

20 **"Basin Plan"** means the Water Quality Control Plan, Los Angeles Region, Basin
21 Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the
22 Regional Water Board on June 13, 1994 and subsequent amendments (Order No. R4-2012-
0175).

23 **"Best Management Practice (BMP)"** means practices or physical devices or
24 systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater
25 discharges to receiving waters, or designed to reduce the volume of stormwater or non-
stormwater discharged to the receiving water (Order No. R4-2012-0175).

26 **"Biofiltration"** means a LID BMP that reduces stormwater pollutant discharges by
27 intercepting rainfall on vegetative canopy, and through incidental infiltration and/or
28 evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the
required pollutant load reduction. Therefore, the term "biofiltration" as used in this Ordinance
is defined to include only systems designed to facilitate incidental infiltration or achieve the

1 equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to approval
2 by the Regional Board's Executive Officer). Biofiltration BMPs include bioretention systems
with an underdrain and bios Wales (Order No. R4-2012-0175).

3 **"Bioswale"** means a LID BMP consisting of a shallow channel lined with grass or
4 other dense, low-growing vegetation. Bioswales are designed to collect stormwater runoff
5 and to achieve a uniform sheet flow through the dense vegetation for a period of several
minutes (Order No. R4-2012-0175).

6 **"City"** means the City of Huntington Park.

7 **"Clean Water Act (CWA)"** means the Federal Water Pollution Control Act enacted in
8 1972, by Public Law 92-500, and amended by the Water Quality Act of 1987. The Clean
9 Water Act prohibits the discharge of pollutants to Waters of the United States unless the
discharge is in accordance with an NPDES permit.

10 **"Code of Federal Regulations (CFR)"** means the codification of the general and
11 permanent rules published in the Federal Register by the executive departments and
agencies of the Federal Government of the United States.

12 **"Commercial Development"** means any development on private land that is not
13 heavy industrial or residential. The category includes, but is not limited to: hospitals,
14 laboratories and other medical facilities, educational institutions, recreational facilities, plant
15 nurseries, car wash facilities; mini-malls and other business complexes, shopping malls,
hotels, office buildings, public warehouses and other light industrial complexes (Order No.
R4-2012-0175).

16 **"Commercial Malls"** means any development on private land comprised of one or
17 more buildings forming a complex of stores which sells various merchandise, with
18 interconnecting walkways enabling visitors to easily walk from store to store, along with
19 parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls,
other retail complexes, and enclosed shopping malls or shopping centers (Order No. R4-
2012-0175).

20 **"Construction Activity"** means any construction or demolition activity, clearing,
21 grading, grubbing, or excavation or any other activity that result in land disturbance.
22 Construction does not include emergency construction activities required to immediately
23 protect public health and safety or routine maintenance activities required to maintain the
24 integrity of structures by performing minor repair and restoration work, maintain the original
25 line and grade, hydraulic capacity, or original purposes of the facility. See "Routine
26 Maintenance" definition for further explanation. Where clearing, grading or excavating of
27 underlying soil takes place during a repaving operation, State General Construction Permit
coverage by the State of California General Permit for Storm Water Discharges Associated
with Industrial Activities or for Stormwater Discharges Associated with Construction
Activities is required if more than one acre is disturbed or the activities are part of a larger
plan (Order No. R4-2012-0175).

28 //

1 **“Control”** means to minimize, reduce or eliminate by technological, legal,
2 contractual, or other means, the discharge of pollutants from an activity of activities (Order
No. R4-2012-0175).

3 **“County”** means the Los Angeles County Department of Public Works.

4 **“Development”** means construction, rehabilitation, redevelopment or reconstruction
5 of any public or private residential project (whether single-family, multi-unit or planned unit
6 development); industrial, commercial, retail, and other non-residential projects, including
7 public agency projects; or mass grading for future construction. It does not include routine
8 maintenance to maintain original line and grade, hydraulic capacity, or original purpose of
facility, nor does it include emergency construction activities required to immediately protect
public health and safety (Order No. R4-2012-0175).

9 **“Directly Adjacent”** means situated within 200 feet of the contiguous zone required
10 for the continued maintenance, function, and structural stability of the environmentally
sensitive area (Order No. R4-2012-0175).

11 **“Discharge”** means any release, spill, leak, pump, flow, escape, dumping, or
12 disposal of any liquid, semi-solid, or solid substance.

13 **“Disturbed Area”** means an area that is altered as a result of clearing, grading,
14 and/or excavation (Order No. R4-2012-0175).

15 **“Flow-through treatment BMPs”** means a modular, vault type “high flow
16 biotreatment” devices contained within an impervious vault with an underdrain or designed
with an impervious liner and an underdrain (Order No. R4-2012-0175).

17 **“Full Capture System”** means any single device or series of device, certified by the
18 Executive Officer, that traps all particles retained by a 5 mm mesh screen and has a design
19 treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour
storm in the sub-drainage area (Order No. R4-2012-0175).

20 **“General Construction Activities Storm Water Permit (GCASP)”** means the
21 general NPDES permit adopted by the State Board which authorizes the discharge of
stormwater from construction activities under certain conditions (Order No. R4-20120-0175).

22 **“Green Roof”** means a LID BMP using planter boxes and vegetation to intercept
23 rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through
24 evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a
25 biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting
26 medium shall be of sufficient depth to provide capacity within the pore space volume to
contain the design storm depth and may not be designed or constructed with an underdrain
(Order No. R4-2012-0175).

27 **“Hazardous material”** means any material defined as hazardous by Chapter 6.95 of
28 the California Health and Safety Code or any substantial designated pursuant to 40 CFR
302. This also includes any unlisted hazardous substance that is a solid waste, as defined in

1 40 CFR 261.4(b), or is a hazardous substance under Section 101(14) of the Act, it exhibits
2 any of the characteristics identified in 40 CFR 261.20 through 261.24.

3 **“Hazardous waste”** means a hazardous material that is to be discharged, discarded,
4 recycled and/or processed.

5 **“Hillside”** means a property located in an area with known erosive soil conditions,
6 where the development contemplates grading on any natural slope that is 25% or greater
7 and where grading contemplates cut or fill slopes (Order No. R4-2012-0175).

8 **“Illicit connection”** means any device through or by which illicit discharges are
9 made into the City’s storm drain system, including, but not limited to, floor drains, pipes or
10 any fabricated or natural conduits.

11 **“Illicit discharge”** means any discharge of any substance or material to the City’s
12 storm drain system that is not composed entirely of storm water runoff, except for the
13 following:

14 (1) Any discharge regulated under a NPDES permit issued to the
15 discharger and administered by the State of California under the authority of the United
16 States Environmental Protection Agency, provided that the discharger is in full compliance
17 with all requirements of the permit and other applicable laws or requirements;

18 (2) Discharges from the following activities, when properly managed: water
19 line flushing and other discharges from potable water sources, landscape irrigation and lawn
20 watering, irrigation waters, diverted stream flows, rising ground water, uncontaminated
21 pumped ground water, foundation and footing drains, water from crawl space pumps,
22 residential air conditioning condensation, springs, dechlorinated swimming pool discharges,
23 flows from riparian habitats and wetlands, and fire fighting activities;

24 (3) Other discharges specifically permitted by law.

25 **“Industrial/Commercial Facility”** means any facility involved and/or used in the
26 production, manufacture, storage, transportation, distribution, exchange or sale of goods
27 and/or commodities, and any facility involved and/or used in providing professional and non-
28 professional services. This category of facilities includes, but is not limited to, any facility
defined by either the Standard Industrial Classifications (SIC) or the North American
Industry Classification System (NAICS). Facility ownership (federal, state, municipal,
private) and profit motive of the facility are not factors in this definition (Order No. R4-2012-
0175).

“Industrial Park” means land development that is set aside for industrial
development. Industrial parks are usually located close to transport facilities, especially
where more than one transport modalities coincide: highways, railroads, airports, and
navigable rivers. It includes office parks, which have offices and light industry (Order No.
R4-2012-0175).

“Infiltration BMP” means a LIP BMP that reduces stormwater runoff by capturing
and infiltrating the runoff into in-situ soils or amended onsite soils. Examples of infiltration
BMPs include infiltration basins, dry wells, and pervious pavement (Order No. R4-2012-
0175).

1 **“Low Impact Development (LID)”** consists of building and landscape features
2 designed to retain or filter stormwater runoff (Order No. R4-2012-0175).

3 **“Municipal Separate Storm Sewer System (MS4)”** means a conveyance or system
4 of conveyances (including roads with drainage systems, municipal streets, catch basins,
5 curbs, gutters, ditches, manmade channels, or storm drains):

- 6 (i) Owned or operated by a State, city, town, borough, county, parish, district,
7 association, or other public body (created by or pursuant to State law) having
8 jurisdiction over disposal of sewage, industrial wastes, stormwater, or other
9 wastes, including special districts under State law such as a sewer district,
10 flood control district or drainage district, or similar entity, or an Indian tribe or
11 an authorized Indian tribal organization, or a designated and approved
12 management agency under section 208 of the CWA that discharges to waters
13 of the United States;
- 14 (ii) Designed or used for collecting or conveying stormwater;
- 15 (iii) Which is not a combined sewer; and
- 16 (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at
17 40 CFR Section 122.2. (40 CFR Section 122.26(b)(8) (Order No. R4-
18 201200175).

19 **“National Pollutant Discharge Elimination System (NPDES)”** means the national
20 program for issuing, modifying, revoking and reissuing, terminating, monitoring and
21 enforcing permits, and imposing and enforcing pretreatment requirements, under CWA
22 Section 307, 403, 318, and 405. The term includes an “approved program” (Order No. R4-
23 2012-0175).

24 **“Natural Drainage System”** means a drainage system that has not been improved
25 (e.g., channelized or armored). The clearing or dredging of a natural drainage system does
26 not cause the system to be classified as an improved drainage system (Order No. R4-2012-
27 0175).

28 **“New development”** means land disturbing activities; structural development,
including construction or installation of a building or structure, creation of impervious
surfaces; and land subdivision (Order No. R4-2012-0175).

“Non-Stormwater Discharge” means any discharge to a municipal storm drain
system that is not composed entirely of stormwater (Order No. R4-2012-0175).

“Outfall” means a point source as defined by 40 CFR 122.2 at the point where a
municipal separate storm sewer discharges to waters of the United States and does not
include open conveyances connecting two municipal separate storm sewers, or pipes,
tunnels or other conveyances with connect segments of the same stream or other waters of
the United States and are used to convey waters of the United States. (40 CFR Section
122.26(b)(9)) (Order No. R4-2012-0175).

“Parking Lot” means land area or facility for the parking or storage of motor vehicles
used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square
feet or more of surface area, or with 25 or more parking spaces (Order No. R4-2012-0175).

1 **"Pollutant"** means any "pollutant" defined in Section 502(6) of the Federal Clean
2 Water Act or incorporated into the California Water Code Section 13373 (Order No. R4-
2012-0175).

3 **"Project"** means all development, redevelopment, and land disturbing activities. The
4 term is not limited to "Project" as defined under CEQA (Pub. Resources Code Section
21065) (Order No. R4-2012-0175).

5 **"Rainfall Harvest and Use"** means a LID BMP system designed to capture runoff,
6 typically from a roof but can also include runoff capture from elsewhere within the site, and
7 to provide for temporary storage until the harvested water can be used for irrigation or non-
8 potable uses. The harvested water may also be used for potable water uses if the system
9 includes disinfection treatment and is approved for such use by the local building
department (Order No. R4-2012-0175).

10 **"Receiving Water"** means "water of the United States" into which waste and/or
11 pollutants are or may be discharged (Order No. R4-2012-0175).

12 **"Redevelopment"** means land-disturbing activity that results in the creation,
13 addition, or replacement of 5,000 square feet or more of impervious surface area on an
14 already developed site. Redevelopment includes, but is not limited to: the expansion of a
15 building footprint; addition or replacement of a structure; replacement of impervious surface
16 area that is not part of routine maintenance activity; and land disturbing activity related to
structural or impervious surfaces. It does not include routine maintenance to maintain
original line and grade, hydraulic capacity, or original purpose of facility, nor does it include
emergency construction activities required to immediately protect public health and safety
(Order No. R4-2012-0175).

17 **"Regional Board"** means the California Regional Water Quality Control Board Los
18 Angeles Basin.

19 **"Restaurant"** means a facility that sells prepared foods and drinks for consumption,
20 including stationary lunch counters and refreshment stands selling prepared foods and
drinks for immediate consumption (SIC Code 5812) (Order No. R4-2012-0175).

21 **"Retail Gasoline Outlet"** means any facility engaged in selling gasoline and
22 lubricating oils (Order No. R4-2012-0175).

23 **"Routine Maintenance"** includes, but is not limited to projects conducted to:

- 24 1. Maintain the original line and grade, hydraulic capacity, or original purpose of the
25 facility.
- 26 2. Perform as needed restoration work to preserve the original design grade,
27 integrity and hydraulic capacity of flood control facilities.
- 28 3. Includes road shoulder work, regarding dirt or gravel roadways and shoulders and
performing ditch cleanouts.
4. Update existing lines* and facilities to comply with applicable codes, standards,
and regulations regardless if such projects result in increased capacity.

1 5. Repair leaks

2 Routine maintenance does not include construction of new** lines or facilities resulting from
3 compliance with applicable codes, standards and regulations.

4 * Update existing lines includes replacing existing lines with new materials or pipes.

5 ** New lines are those that are not associated with existing facilities and are not part of a
6 project to update or replace existing lines (Order No. R4-2012-0175).

7 **"Runoff"** shall mean the same as "Urban Runoff".

8 **"Significant Ecological Areas (SEAs)"** means an area that is determined to
9 possess an example of biotic resources that cumulatively represent biological diversity, for
10 the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan.
11 Areas are designated as SEAs, if they possess one or more of the following criteria:

- 12 1. The habitat of rare, endangered, and threatened plant and animal species.
- 13 2. Biotic communities, vegetative associations, and habitat of plant and animal
14 species that are either one of a kind, or are restricted in distribution on a regional
15 basis.
- 16 3. Biotic communities, vegetative associations, and habitat of plant and animal
17 species that are either one of a kind or are restricted in distribution in Los Angeles
18 County.
- 19 4. Habitat that at some point in the life cycle of a species or group of species, serves
20 as a concentrated breeding, feeding, resting, migrating grounds and is limited in
21 availability either regionally or within Los Angeles County.
- 22 5. Biotic resources that are of scientific interest because they are either an extreme
23 in physical/geographical limitations, or represent an unusual variation in a
24 population or community.
- 25 6. Areas important as game species habitat or as fisheries.
- 26 7. Areas that would provide for the preservation of relatively undisturbed examples
27 of natural biotic communities in Los Angeles County.
- 28 8. Special areas (Order No. R4-2012-0175).

20 **"Site"** means land or water where any "facility or activity" is physically located or
21 conducted, including adjacent land used in connection with the facility or activity (Order No.
22 R4-2012-0175).

23 **"Standard Industrial Code (SIC)"** means a numbering system developed by the
24 United States Government, Office of Management and Budget, for the classification of
25 establishments by the type of activity in which they are engaged.

26 **"Storm Drain System"** means any facility or any parts of the facility, including
27 streets, gutters, conduits, natural or artificial rains, channels and watercourse that are used
28 for the purpose of collecting, storing, transporting or disposing of stormwater and are located
within the City.

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1 **“Storm Water or Stormwater”** means runoff and drainage related to precipitation
2 events (pursuant to 40 CFR Section 122.26(b)(13); 55 Fed. Reg. 47990, 47995 (Nov. 16,
3 1990)).

4 **“Urban Runoff”** means surface water flow produced by storm and non-storm events.
5 Non-storm events include flow from residential, commercial or industrial activities involving
6 the use of potable and non-potable water.

7 **“U.S. EPA”** means United States Environmental Protection Agency.

8 **Section 3:** Section 7.9.04 of the Huntington Park Municipal Code is hereby entitled
9 “Low Impact Development Measures for New Development and/or Redevelopment Planning
10 and Construction Activities” and is hereby amended to read in its entirety as follows:

11 **Section 7.9.04 Low Impact Development Measures for New Development and/or**
12 **Redevelopment Planning and Construction Activities.**

13 **A. Objective.** The provisions of this Section establish requirements for construction
14 activities and facility operations of Development and Redevelopment projects to
15 comply with Order No. R4-2012-0175, lessen the water quality impacts of
16 development by using smart growth practices, and integrate Low Impact
17 Development (LID) practices and standards for stormwater pollution mitigation
18 through means of infiltration, evapotranspiration, biofiltration, and rainfall harvest
19 and use. LID practices shall be inclusive of all new development and/or
20 redevelopment requirements as further defined in Section 7-9.04.C.

21 **B. Scope.** This Section contains requirements for stormwater pollution control measures
22 in Development and Redevelopment projects and authorizes the City to further
23 define and adopt stormwater pollution control measures, and to develop LID
24 principles and requirements, including but not limited to the objectives and
25 specifications for integration of LID strategies, grant waivers from the LID
26 requirements, and collect funds for projects that are granted waivers. Except as
27 otherwise provided herein, the City shall administer, implement and enforce the
28 provisions of this Section.

C. Applicability. Development projects subject to City conditioning and approval for the
design and implementation of post-construction controls to mitigate storm water
pollution, prior to completion of the project(s) are:

1. All development projects equal to one acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.
2. Industrial parks 10,000 square feet or more of surface area.
3. Commercial malls 10,000 square feet or more of surface area.
4. Retail gasoline outlets with 5,000 square feet or more of surface area.
5. Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.
6. Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.

- 1 7. Streets and roads construction of 10,000 square feet or more of impervious
2 surface area. Street and road construction applies to standalone streets,
3 roads, highways, and freeway projects, and also applies to streets within
4 larger projects.
- 5 8. Automotive service facilities (Standard Industrial Classification (SIC) of
6 5013, 5014, 5511 5541, 7532-7534, and 7536-7539) 5,000 square feet or
7 more of surface area.
- 8 9. Projects located in or directly adjacent to, or discharging directly to an
9 Environmentally Sensitive Area (ESA), where the development will:
10 a. Discharge stormwater runoff that is likely to impact a sensitive
11 biological species or habitat; and
12 b. Create 2,500 square feet or more of impervious surface area
- 13 10. Single-family homes.
- 14 11. Redevelopment Projects:
15 a. Land disturbing activity that results in the creation or addition or
16 replacement of 5,000 square feet or more of impervious surface
17 area on an already developed site on Planning Priority Project
18 categories.
19 b. Where Redevelopment results in an alteration to more than fifty
20 percent (50%) of impervious surfaces of a previously existing
21 development, and the existing development was not subject to post-
22 construction stormwater quality control requirements, the entire
23 project must be mitigated.
24 c. Where Redevelopment results in an alteration of less than fifty
25 percent (50%) of impervious surfaces of a previously existing
26 development, and the existing development was not subject to post-
27 construction stormwater quality control requirements, only the
28 alteration must be mitigated, and not the entire development.
d. Redevelopment does not include routine maintenance activities that
are conducted to maintain original line and grade, hydraulic
capacity, original purpose of facility or emergency redevelopment
activity required to protect public health and safety. Impervious
surface replacement, such as the reconstruction of parking lots and
roadways which does not disturb additional area and maintains the
original grade and alignment, is considered a routine maintenance
activity. Redevelopment does not include the repaving of existing
roads to maintain original line and grade.
e. Existing single-family dwelling and accessory structures are exempt
from the Redevelopment requirements unless such projects create,
add, or replace 10,000 square feet of impervious surface area.

D. Specific Requirements: The Site for every project shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest.

1. A new single-family home development shall include mitigation measures to:
 - a. Conserve natural areas;

- 1 b. Protect slopes and channels;
2 c. Provide storm drain system stenciling and signage,
3 d. Divert roof runoff to vegetated areas before discharge unless the
4 diversion would result in slope instability; and
5 e. Direct surface flow to vegetated areas before discharge, unless the
6 diversion would result in slope instability.
- 7
- 8 2. Street and road construction of 10,000 square feet or more of impervious
9 surface shall follow USEPA guidance regarding Managing Wet Weather
10 with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-
11 009) to the maximum extent practicable.
- 12
- 13 3. The reminder of projects not covered above shall prepare a LID
14 Implementation Plan to comply with the following:
- 15 a. Retain stormwater runoff onsite for the Stormwater Quality Design
16 Volume (SWQDv) defined as the runoff from:
- 17 i. The 85th percentile 24-hour runoff event as determined
18 from the Los Angeles County 85th percentile precipitation
19 isohyetal map; or
- 20 ii. The volume of runoff produced from a 0.75 inch, 24-hour
21 rain event, whichever is greater.
- 22 b. Minimize hydromodification impacts to natural drainage systems as
23 defined in Order No. R4-2012-0175.
- 24 c. To demonstrate technical infeasibility, the project applicant must
25 demonstrate that the project cannot reliably retain 100 percent of the
26 SWQDv on-site, even with the maximum application of green roofs
27 and rainwater harvest and use, and that compliance with the
28 applicable post-construction requirements would be technically
 infeasible by submitting a site-specific hydrologic and/or design
 analysis conducted and endorsed by a registered professional
 engineer, geologist, architect, and/or landscape architect. Technical
 infeasibility may result from conditions including the following:
- i. The infiltration rate of saturated in-situ soils is less than
 0.3 inch per hour and it is not technically feasible to
 amend the in-situ soils to attain an infiltration rate
 necessary to achieve reliable performance of infiltration or
 bioretention BMPs in retaining the SWQDv onsite.
- ii. Locations where seasonal high groundwater is within five
 to ten feet of surface grade;
- iii. Locations within 100 feet of a groundwater well used for
 drinking water;
- iv. Brownfield development sites or other locations where
 pollutant mobilization is a documented concern;
- v. Locations with potential geotechnical hazards;
- vi. Smart growth and infill or redevelopment locations where
 the density and/or nature of the project would create
 significant difficulty for compliance with the onsite volume
 retention requirement.

- 1 d. If partial or complete onsite retention is technically infeasible, the
2 project Site may biofiltrate 1.5 times the portion of the remaining
3 SWQDv that is not reliably retained onsite. Biofiltration BMPs must
4 adhere to the design specifications provided in Order No. R4-2012-
5 0175.
6 e. The remaining SWQDv that cannot be retained or biofiltered onsite
7 must be treated onsite to reduce pollutant loading BMPs must be
8 selected and designed to meet pollutant-specific benchmarks as
9 required per Order No. R4-2012-0175. Flow-through BMPs may be
10 used to treat the remaining SWQDVs and must be sized based on a
11 rainfall intensity of:
12 i. 0.2 inches per hour, or
13 ii. The one year, one-hour rainfall intensity as determined
14 from the most recent Los Angeles County isohyetal map,
15 whichever is greater.

16 **Section 4:** Section 7.9.08 of the Huntington Park Municipal Code is hereby entitled
17 "Low Impact Development Plan" and amended to read in its entirety as follows:

18 **7-9.08 Low Impact Development Plan.**

- 19 (a) Prior to the submittal of an application for approval of new construction or
20 redevelopment by the Planning Department and/or the Building and Safety
21 Department the applicant shall submit an LID Plan to the City Engineer and/or
22 Building Official.
23 (b) The City Engineer and/or Building Official shall approve or disapprove the plan within
24 fourteen (14) business days of submittal, or within fourteen (14) business days of
25 approval of the development project by the Planning Commission, where such
26 approval is required. If the plan is disapproved, the reasons for disapproval shall be
27 given in writing to the developer. Any plan disapproved by the City Engineer and/or
28 Building Official or his or her designee may be revised by the developer and
resubmitted for approval. A resubmitted plan will be approved or disapproved within
fourteen (14) business days of submission. No building permit shall be issued until an
LID Implementation plan has been approved by the City Engineer and/or Building
Official.

Section 5: Section 7.9.08.01 of the Huntington Park Municipal Code is hereby
deleted in its entirety.

Section 6: Section 7.9.08.02 of the Huntington Park Municipal Code is hereby
entitled "Low Impact Development Implementation Plan Requirements" and is hereby
amended to read in its entirety as follows:

7-9.08.02 Low Impact Development Implementation Plan Requirements.

The Low Impact Development Implementation Plan shall be prepared by a California
registered Civil Engineer, Architect, Landscape Architect knowledgeable about storm water
management issues and shall evaluate and propose the proper BMPs to address each

1 source of pollutants identified by the project evaluation. As a minimum the designer shall
2 provide BMPs meeting the requirements of Section 7-9.04.

3 **Section 7:** Section 7.9.03 of the Huntington Park Municipal Code is hereby entitled
4 "Project specific issues to be addressed by the LID Implementation Plan" and is hereby
amended to read in its entirety as follows:

5 **7-9.08.03 Project specific issues to be addressed by the LID Implementation Plan.**

6 The LID Implementation Plan shall address issues unique to the following occupancies:

7 (a) Automotive Repair Shops.

- 8 a. Properly Designed Fueling Areas. Fueling facilities for a new automotive
9 repair project shall be constructed in compliance with the Service Station
10 Managers Association guidelines.
11 b. Property Design of Outside Material Storage Areas. Areas used for storage
12 of vehicles under repair or for storage of spare parts shall be designed to
13 minimize, to the greatest extent practicable, the exposure of stored parts or
14 vehicles to rainfall.
15 c. Property Design of Repair/Maintenance Bays. Repair/maintenance bays
16 shall be designed to allow for the collection of all fluid spills and floor
washdown runoff and provide for the proper discharge of these fluids to the
17 sanitary sewer system. Automotive fluids and greases shall not be
discharged to areas exposed to rainfall.
18 d. Properly Designed Loading and Unloading Areas. Loading and unloading
19 of materials and vehicles shall be handled to limit the discharge of
20 pollutants to the public streets or storm drain system. Spill prevention and
21 cleanup materials shall be maintained on the site at all times and the staff
22 at the site shall be trained in the proper use of such materials and their use.

23 (b) Commercial Developments.

- 24 a. Proper Design for Outside Material Storage Areas. Areas used for storage
25 of raw materials or for storage of finished products or merchandise shall be
26 designed to minimize, to the greatest extent practicable, the exposure of
27 stored materials to rainfall.
28 b. Proper Design for Repair/Maintenance Bays. Repair/maintenance bays
shall be designed for the proper discharge of fluids to the sanitary sewer
system. Automotive fluids and greases shall not be discharged to areas
exposed to rainfall.
c. Proper Design for Loading and Unloading Areas. Loading and unloading of
materials and equipment shall be handled to limit the discharge of pollutants
to the storm drain system. Spill prevention and cleanup materials shall be
maintained on site and at all times and staff shall be trained in its proper
use of such materials.

(c) Restaurants (SIC 5812).

- a. Properly Designed Equipment/Accessory Wash Areas. Projects in this SIC
shall be designed with an area for the washing of floor mats and other large
equipment that is connected to the sanitary sewer system. The area shall
be roofed to prevent the entrance of rainwater or shall be designed to
activate a valve to transfer the discharge from the storm drain to the

1 sanitary sewer when mats or equipment are being washed. The operator
2 may, upon submission of substantial proof, eliminate the wash area if no
3 floor mats or equipment will be washed outside.

- 4 b. Proper Design for Outside Storage Areas. Projects shall be designed to
5 limit, to the greatest extent practicable, the exposure to rainfall or rainwater
6 runoff for materials stored outside of the building. This provision shall apply
7 to, but is not limited to the storage of fryer fat stored for recycling,
8 cardboard or paper storage intended for recycling, and waste food products
9 stored for recycling.

10 (d) Retail Gasoline Outlets.

- 11 a. Proper Design for Fueling Areas. Fueling facilities for a new retail gasoline
12 outlet project shall be constructed in compliance with the Service Station
13 Managers Association Guidelines.
- 14 b. Proper Design for Outside Materials Storage Areas. Areas used for storage
15 of products or merchandise shall be designed to minimize, to the greatest
16 extent practicable, the exposure of stored materials to rainfall.
- 17 c. Proper Design for Repair/Maintenance Bays. Repair/maintenance bays
18 shall be designed to allow for the collection of all fluid spills and floor
19 washdown runoff and provide for the proper discharge of these fluids to the
20 sanitary sewer system. Automotive fluids and greases shall not be
21 discharged to areas exposed to rainfall.

22 **Section 8:** Section 7.9.08.04 of the Huntington Park Municipal Code is hereby
23 entitled "Review of the Low Impact Development Implementation Plan by the City" and is
24 hereby amended to read in its entirety as follows:

25 **7-9.08.04 Review of the Low Impact Development Implementation Plan by the City.**

26 The City shall review the LID Implementation Plan to assure that it complies with all
27 elements of Order No. R4-2012-0175 and that the applicant has identified the BMPs
28 necessary to protect the City's MS4 System. The City Engineer or his designee shall identify
any deficiencies in the plan and return it to the applicant for modification. When the plan is
found to comply with the provisions of this section, the grading and/or building permits may
be issued for the project. If, during construction, the plan is found to be deficient by the City,
the applicant shall amend the plan to address the deficiency.

29 **Section 9:** Section 7.9.08.05 of the Huntington Park Municipal Code is hereby
30 entitled "Filing of the Low Impact Development Implementation Plan" and is hereby
31 amended to read in its entirety as follows:

32 **7-9.08.05 Filing of the Low Impact Development Implementation Plan.**

33 Upon approval and acceptance of the LID Implementation Plan by the City, the applicant
34 shall file a signed original of the plan with the County Recorder. The document shall contain
35 sufficient legal description to identify the property covered and shall be binding upon the
36 applicant and all successors in interest to the property. The format shall be provided by the
37 County and shall only be amended or removed from title with the consent of the City.

1 **Section 10:** Section 7.9.08.06 of the Huntington Park Municipal Code is hereby
2 entitled "Waiver" and is hereby amended to read in its entirety as follows:

3 **7-9.08.06 Waiver.**

4 If after evaluating the issues related to a project, the applicant determines that an LID
5 Implementation Plan is infeasible for their project, a waiver may be applied for. The waiver
6 for infeasibility shall only be granted when all structural or treatment BMPs have been
7 considered and rejected as infeasible. All of the following situations shall apply to justify an
8 impracticability waiver:

- 9 (a) Extreme limitations of space for treatment on a redevelopment project;
- 10 (b) Unfavorable or unstable soils conditions at a site to attempt infiltration;
- 11 (c) Risk of groundwater contamination because a known unconfined aquifer lies
12 beneath the site or an existing or potential underground source of drinking water
13 is less than ten (10) feet from the soil surface.

14 The Regional Water Quality Control Board-Los Angeles, must approve the Waiver. Any
15 waivers granted for impracticability shall be filed as required by Section 7-9.08.05.

16 **Section 11:** Section 7.9.11 of the Huntington Park Municipal Code is hereby entitled
17 "Public Education" and is hereby amended to read in its entirety as follows:

18 **7-9.11 Public Education.**

19 The Public Works Department shall conduct an informational program to educate the public
20 about the dangers of stormwater and urban runoff pollution and the means of controlling
21 such pollution. The program shall educate residents and business persons who operate
22 within the City about the contents of this chapter.

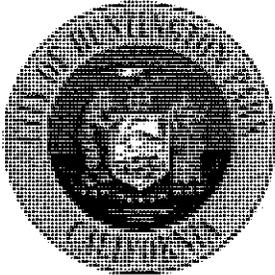
23 **Section 12:** This Ordinance shall take effect and be in force thirty one (31) days after
24 its passage.

25 **PASSED, APPROVED, AND ADOPTED** at a regular meeting of the City Council of
26 the City of Huntington Park, on this ____ day of _____, 2013.

27
28 _____
Mario Gomez, Mayor

ATTEST:

Rocio Martinez, Acting City Clerk



CITY OF HUNTINGTON PARK

Public Works Department
City Council Agenda Report

July 1, 2013

Honorable Mayor and Members of the City Council
City of Huntington Park
6550 Miles Avenue
Huntington Park, CA 90255

Dear Mayor and Members of the City Council:

SECOND AMENDMENT TO THE AGREEMENT WITH CONSOLIDATED DISPOSAL SERVICE, LLC FOR COMMERCIAL REFUSE DISPOSAL SERVICES

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Adopt a resolution approving a Second Amendment to the Agreement between the City of Huntington Park and Consolidated Disposal Services, LLC for commercial refuse disposal services.
2. Authorize the City Manager to execute an agreement amendment with Consolidated Disposal Services, LLC for continued uninterrupted commercial refuse disposal services on an interim basis.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The City is currently in the process of developing a RFP for commercial and residential refuse disposal services. The goal of the new contract is not only to seek the most economical service but also to provide the most value to the businesses and residents through expanded programs and services. Staff is developing a comprehensive commercial and residential refuse collection program and working with the City Attorney's office to incorporate the new services and programs in the RFP and new contract.

The recommended contract amendment (Attachment B) is required to provide adequate time to finalize the RFP, complete the advertisement and evaluation/award process, and provide a transition period to the new contractor. It is anticipated that this process will take six months to complete. The recommended contract amendment ensures continued and uninterrupted service throughout this period while extracting added value to the City as described below in the Fiscal Impact/Financing Section.

SECOND AMENDMENT TO THE AGREEMENT WITH CONSOLIDATED DISPOSAL SERVICE, LLC FOR COMMERCIAL REFUSE DISPOSAL SERVICES

July 1, 2013

Page 2 of 3

The City entered into an agreement for commercial refuse disposal services with H.P. Disposal Services on June 20, 1988. The initial term of the contract was for ten years with automatic five year extensions, unless the City provided notice that the automatic renewal would not be exercised five years prior to the expiration date. The automatic renewal was exercised in 1998 extending the term until June 2003.

In September 2003, a contract amendment was executed acknowledging the sale of H.P. Disposal Services to Consolidated Disposal Services, LLC (CDS) at which time the City agreed to a contract reassignment. In addition, this amendment extended the contract to June 2008.

In November 2007, the City Council approved a notice of non-renewal to CDS with the intention of issuing a Request for Proposals (RFP) in 2013. That notice was served on February 4, 2008 (Attachment A) and established a contract termination date of June 19, 2013.

FISCAL IMPACT/FINANCING

The recommended contract amendment includes the following value-added revisions to the contract terms and conditions:

1. Term: Six months (expires December 31, 2013)
2. Franchise Fee: Franchise Fee to City increased from 5% to 10% of gross revenue
3. 4th of July Fireworks Show Contribution: \$10,000
4. Annual Rate Increase: CDS will omit the contractual annual CPI rate increase for 2013 and through the rest of the term of the amendment.

All other contract terms and conditions remain unchanged.

ENVIRONMENTAL IMPACT

The recommended actions are exempt from the California Environmental Quality Act (CEQA) under the "common-sense" exemption set forth in CEQA Guidelines section 15061(b)(3).

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The selection and recommendations for the award of a new contract for commercial and residential refuse disposal services requires the advertisement of a RFP in accordance with the Huntington Park Municipal Code and the Finance Department Policy and Procedure Manual. Following the evaluation process, City Council will approve the recommended contract.

The recommended contract amendment for CDS to provide continued interim services has been approved as to form by the City Attorney.

SECOND AMENDMENT TO THE AGREEMENT WITH CONSOLIDATED DISPOSAL SERVICE, LLC FOR COMMERCIAL REFUSE DISPOSAL SERVICES

July 1, 2013
Page 3 of 3

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The recommended action will ensure continued and uninterrupted commercial refuse collection services while the City seeks a new commercial and residential disposal contractor through the RFP process.

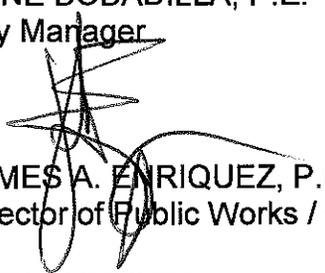
CONCLUSION

Upon approval of the recommended actions, staff will execute the contract amendment with CDS and coordinate with the City Attorney to complete the RFP process for the selection of a permanent commercial and residential refuse disposal contractor.

Respectfully submitted,



RENÉ BOBADILLA, P.E.
City Manager



JAMES A. ENRIQUEZ, P.E.
Director of Public Works / City Engineer

ATTACHMENTS

- A. Notice of Non-Renewal (February 4, 2008)
- B. Resolution
- C. Second Amendment to the Agreement

ATTACHMENT "A"

H. FRANCISCO LEAL
WILLIAM J. TREJO
ARTURO N. FIERRO
DAVID J. ALVAREZ
C. DAVID TREJO
PABLO A. TAGRE
MICHAEL E. WOLFSOHN
DANIEL GARCIA

707 WILSHIRE BOULEVARD
SUITE 3700
LOS ANGELES, CALIFORNIA 90017
(213) 628-0808
FAX (213) 628-0818
WWW.LEAL-LAW.COM

February 04, 2008

Consolidated Disposal Service LLC
Director of Operations
12949 Telegraph Road
Santa Fe Springs, CA 90670

Re: Notice of Non-Renewal

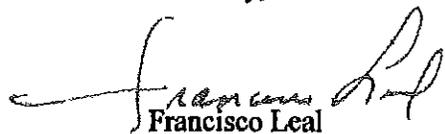
Dear Director of Operations:

The City Council of the City of Huntington Park, at their meeting held on November 19, 2007 has voted to approve a notice of non-renewal to your company.

Pursuant to the terms of the Agreement for Commercial Refuse Disposal Services and the Amended and Restated Agreement between the City of Huntington Park and Consolidated Disposal Service, LLC for Commercial Refuse Disposal Services (collectively the "Agreement"), this letter shall serve as formal notice of non-renewal by the City of Huntington Park. Please be advised that under Section 2 of the Agreement, that the City Council formally provides notice of non-renewal thereby establishing June 19, 2013 as the termination date of the afore mentioned Agreement.

The City of Huntington Park would like to thank you for your services and invite you to respond to the request for proposals when published. A copy of the proposal packet will be available at the City after publication of the notice for request for proposals.

Sincerely,



Francisco Leal
City Attorney
City of Huntington Park

ATTACHMENT B

ATTACHMENT C

**SECOND AMENDMENT TO THE AGREEMENT BETWEEN
THE CITY OF HUNTINGTON PARK AND CONSOLIDATED
DISPOSAL SERVICE, LLC FOR COMMERCIAL REFUSE
DISPOSAL SERVICES**

This Second Amendment (the "Second Amendment") to the Agreement for Commercial Refuse Disposal Services between the City of Huntington Park (hereinafter "City") and Consolidated Disposal Service, LLC (hereinafter "Contractor") is made and entered so as to be effective as of June 20, 2013.

RECITALS

A. City and H.P. Disposal Company entered that certain Agreement for Commercial Refuse Disposal Services effective as of June 20, 1988 (the "Original Agreement"), which was later amended from time to time and assigned to Contractor.

B. Contractor and the City further amended the Original Agreement and restated and amended the text of the Original Agreement on September 2, 2003 (the "Amended and Restated Agreement" or "First Amendment").

C. The initial term of the Original Agreement was from June 20, 1988 to June 19, 1998. The Original Agreement was renewed automatically until June 19, 2008. The term of the Original Agreement, as amended by the First Amendment, was extended to June 19, 2013, with an automatic renewal until June 19, 2018 if neither parties notified the other to the contrary by May 21, 2008. However, the Original Agreement, as amended by the First Amendment, was not automatically renewed to June 19, 2018 due to the City giving Contractor notice that the automatic renewal will not take effect. Thus, the Original Agreement, as amended by the First Amendment, is set to expire on June 19, 2013.

D. The City is in the process of preparing a request for proposals for a new franchise agreement for disposal services. The City desires to retain Contractor's services while it prepares an RFP and carries out the RFP process. Contractor has agreed to continue providing its services to the City during the RFP period as set forth herein.

E. The City and Contractor agree that they will continue to abide by the provisions of the Original Agreement as amended by the First Amendment, except as expressly modified herein by this Second Amendment.

COVENANTS

Section 1. Recitals.

The foregoing recitals are true and correct and are a substantive part of this Second Amendment.

Section 2. Term.

The term of this Second Amendment shall be such that it will continue for a period of not less than six (6) months and shall remain effective until such time that either party gives advance ninety (90) days notice of its desire to terminate the Second Amendment. In the absence of any notice of termination by either party, the term of this Second Amendment will automatically expire on December 31, 2013.

Should the City desire to terminate this Second Amendment prior to December 31, 2013, the City Manager is hereby specifically authorized, on behalf of the City Council, to provide notice of the City's termination of this Second Amendment as set forth above.

Section 3. Rubbish Collection Charges.

In consideration for the terms and conditions set forth herein, Contractor agrees to forego any increases to the rates that it is or would be entitled to receive under the Original Agreement, as amended by the First Amendment, for which it has not yet received. Contractor further agrees it will not increase the rates for the duration of this Second Amendment.

Section 4. Franchise Fees.

As further consideration for the terms and conditions set forth herein, Contractor agrees to pay franchise fees equal to 10% of its gross revenues collected under this Second Amendment. Contractor's franchise fee payments shall be due to the City within fifteen (15) days following the end of each calendar month.

Section 5. Contribution Towards Fireworks Show.

As further consideration for the terms and conditions set forth herein, Contractor agrees that immediately upon execution of this Agreement, Contractor shall make a contribution to the City in amount of \$10,000 towards the City's 2013 July 4th Fireworks Show.

In the event that notice of termination has not been given and this agreement is still in effect on June 1, 2014, Contractor shall make an additional \$10,000 contribution, on or by June 1, 2014, to the City for use towards the City's 2014 July 4th Fireworks Show.

Section 6. Unaffected Provisions Remain in Full Force.

All provisions of the Original Agreement, as amended by the First Amendment, except for those expressly modified by this Second Amendment, shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this Second Amendment to be effective as of the date and year written above.

CITY OF HUNTINGTON PARK

By: _____
Mario Gomez, Mayor

Attest:

By: _____
Rocio Martinez, Acting City Clerk

Approved as to form:

By: _____
Todd O. Litfin, City Attorney

Consolidated Disposal Service, LLC

By: _____
its: _____

CITY OF HUNTINGTON PARK
Finance Department

To: Rene Bobadilla, City Manager
From: Julio F. Morales, Finance Director
Subject: General Fund – Financial Position FY 13-14
Date: June 20, 2013

FY 11-12 Year-Ending Fund Balance Adjustments

The City's audited financial statement for FY 11-12 reported a General Fund Reserve balance of \$16,022,823. On May 6, 2013 council approved the adjustment of negative equity fund balance in the following funds:

(3,098,312)	Employees' Retirement Fund (CalPERS / Pension Tax)
(1,804,465)	Landscape & Lighting Fund
(732,576)	Loan to Water Fund - 7 years @ 3.0% with a 5-year amortization
(40,121)	Waste Management Fund (AB 939)
(39,232)	Parking Systems Fund

These funds had run negative balances for prior year's excess expenditures. These adjustments formally recorded the "cash advances" made by the General Fund to each respective fund, which required an aggregate transfer of **\$5,714,706** from General Fund Reserves. As a result, each of these funds has a \$0 ending fund balance for fiscal year FY 11-12 (June 30, 2012).

It is important to note that any excess monies received by one of these funds in the future can be used to reverse the "cash advances" made by the General Fund.

These adjustments to General Fund's cash position reduced its year-ending fund balance (reserves) for fiscal year FY 11-12:

\$ 16,022,823	General Fund Reserve Balance FY 11-12
(5,714,706)	Negative Fund Equity Adjustments
\$ 10,308,117	Adjusted Year-End Reserve Balance FY 11-12

Of this amount, \$3.4 million has been set-aside for an Arbitrage Rebate payment due to the IRS for the 2004 Tax Allocation Bonds on April 2014. Thus, the City began the current fiscal year (FY 12-13) with a reserve balance of \$6.9 million available to serve as a working capital reserve.

Based on prior revenue and expense patterns, the Finance Department estimates that the City requires a minimum of \$5.0 - 6.0 for its working capital needs.

FY 12-13 Projected Year-End Financial Position

At the end of May, the City reports \$22.3 million in expenses and \$20 million in revenues. Finance staff projects that the City's General Fund will end the fiscal year with approximately \$22 million in revenues and \$25 million in expenses. These figures will serve as the baseline for fiscal year FY 13-14 General Fund Continuation budget.

Revenues - The FY 13-14 revenue budget has been adjusted downward by \$300,000, from \$22.3 million to \$22.0 million.

Expenses - The FY 12-13 budget did not include employee paid CalPERS contribution, which reduced expenditures by \$600,000. In addition, the budget over-estimated CalPERS costs in the General Fund by an additional \$1.1 million. These adjustments reduce the General Fund expense budget from \$26.7 million to \$25.0 million.

FY 13-14 Projected Structural Deficit

The proposed budget will have approximately \$22.0 million in revenues and \$25.4 million in expenses, which includes an additional \$400,000 for increased OPEB/medical costs and the assumption of BID expenses. City staff expects to realize \$1.0 million in contract savings by year-end, which provides the City with an aggregate a \$2.4 million savings target by the end of the fiscal year.

FY 13-14 Continuation Budget

City staff is proposing a "continuation budget", which will allow City Council and staff to continue to work systematically toward solving our budget shortfall. This will serve as a working budget that will enable City staff to operate day-to-day operations, yet provide the time needed to negotiate new contracts and to evaluate and implement a number of changes and improvements to our operations.

The \$2.4 million deficit represents approximately 9.4% of the \$25.4 million General Fund Budget. We have tasked each Department Head with identifying 5.0% in budgetary savings for the upcoming fiscal year, which should address a significant portion of the remaining structural deficit. A number of these changes are recommended to place over the next 6-9 months, which will provide the City Council, staff, and employees sufficient time to analyze potential options and make necessary staffing adjustments.

FY 13-14 Fund Balance Reserves

We expect the General Fund will have approximately \$7.4 million in reserves at the end of this fiscal year (June 30, 2013). The City's level of reserves provide a 1 year cushion to address the \$2.4 million structural deficit for FY 13-14, which should leave the City with approximately \$5.0 million in reserves at year-end – the minimum required level to provide internal working capital.