

# CITY OF ARCADIA

## City Council Regular Meeting Agenda



Tuesday, April 5, 2022, 7:00 p.m.

Location: City Council Chambers, 240 W. Huntington Drive, Arcadia

### COVID-19 NOTICE

This meeting of the Arcadia City Council will take place in a hybrid format. Pursuant to the Brown Act and AB 361, the City Council may meet virtually or in-person. This meeting is open to the public for in-person attendance and public comment; however, the public is also welcome to view City Council Meetings as they take place on the City's website at [ArcadiaCA.gov/livegov](https://ArcadiaCA.gov/livegov) or on ACTV (check your local listings), and to submit public comment as outlined below. In-person attendance is subject to Los Angeles County Department of Public Health regulations for COVID-19 mitigation. The City of Arcadia reserves the right to limit or deny access to City facilities. The use of face coverings is required for in-person attendance.

### 新冠病毒 (COVID-19) 通知

阿卡迪亚市议会的这次会议将以混合形式举行。根据《布朗法案》和 AB 361 的规定，市议会会议可采用虚拟形式或面对面形式举行。本次会议向公众开放，公众可现场出席和提出意见；但同时欢迎公众通过市政府网站 [ArcadiaCA.gov/livegov](https://ArcadiaCA.gov/livegov) 或 ACTV（请查看您所在地的电视频道列表）参加会议，并按照以下说明提交意见。现场出席须遵守洛杉矶县公共卫生部关于缓解新冠病毒疫情的规定。阿卡迪亚市保留限制或拒绝进入市政府设施的权利。现场出席会议时须佩戴口罩。

### How to Submit Public Comment:

Citizens who wish to submit public comment may do so using one of the following methods. Public comment is limited to the time and words allotted.

1. **In-Person:** Complete a blue Public Comment Speaker Card, indicating the agenda item number and place it in the Public Comment Drop Box located next to the podium in the City Council Chambers. Your card must be submitted before the Mayor calls for public comments, including for Public Hearings, as listed on the posted agenda. Cards submitted after the Mayor calls for public comments will not be accepted. Speakers shall be limited to five (5) minutes per person. At the Mayor's discretion, the time limit may be shortened to allow all speakers to address the City Council.
2. **Phone:** A conference line has been established for public comment. Your call will be recognized in the order it was received. Please keep your phone on MUTE until you are recognized for public comment.

Conference Line: (669) 224-3412  
Access Code: 604-838-893#

Electronic submission of Public Comment is also available via the City's website or by email as noted below. Public Comment submitted electronically will not be read into the record at the posted meeting time but are forwarded to the City Council prior to the meeting for consideration.

1. **Website:** Please submit your comments using our online public comment form at [ArcadiaCA.gov/comment](http://ArcadiaCA.gov/comment). Your comments must be received at least 30 minutes prior to the posted meeting time.
2. **Email:** Please submit your comments via email to [CityClerk@ArcadiaCA.gov](mailto:CityClerk@ArcadiaCA.gov). Your comments must be received at least 30 minutes prior to the posted meeting time.

Please contact the City Clerk's Office at [CityClerk@ArcadiaCA.gov](mailto:CityClerk@ArcadiaCA.gov) or at (626) 574-5455 for more information.

#### 如何提交公众评论意见:

公民可以使用以下任何一种方法提交公众评论意见。请在时间和字数的限制范围内提交公众评论意见。

1. **亲自:** 填写一张蓝色的公众评论意见发言人卡, 注明议程项目编号, 投入市议会会议厅内讲台旁的公众评论意见投递箱。发言人卡必须按发布议程之规定在市长征求公众评论意见(包括听证会)之前提交。凡市长征求公众评论意见后才提交的发言人卡将不予接受。每位发言人的发言时间不得超过五(5)分钟。市长可自行决定缩短发言时限, 以便允许所有发言人在市议会发言。
2. **电话:** 已经为公众提交评论意见设立一条会议专线。将按先后顺序接听您打来的电话。您应当将您的电话设为“静音”, 直至轮到您提出评论意见。

**会议专线: (669) 224-3412**  
**接入代码: 604-838-893#**

亦可按照以下方法在本市网站上或通过电子邮件以电子方式提交公众评论意见。以电子方式提交的公众评论意见不会在公布的会议期间读入记录, 但会在会议开始前转交给市议会, 供市议会考虑。

1. **网站:** 请使用以下网站中刊载的在线公众评论意见表提交您的评论意见: [ArcadiaCA.gov/comment](http://ArcadiaCA.gov/comment)。必须在公布的会议时间前至少提前 30 分钟提交评论意见。
2. **电子邮件:** 请将您的评论意见通过电子邮件发送至: [CityClerk@ArcadiaCA.gov](mailto:CityClerk@ArcadiaCA.gov)。必须在公布的会议时间前至少提前 30 分钟提交评论意见。

详情请洽市书记官办公室, 电子邮件 [CityClerk@ArcadiaCA.gov](mailto:CityClerk@ArcadiaCA.gov), 电话号码 (626) 574-5455。

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Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (626) 574-5455. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

根据《美国残障人法案》, 需要调整或提供便利设施才能参加会议的残障人士(包括辅助器材或服务)可与市书记官办公室联系(电话: (626) 574-5455)。请在会前 48 小时通知市书记官办公室, 以便作出合理安排, 确保顺利参加会议。

Pursuant to the City of Arcadia's Language Access Services Policy, limited-English proficient speakers who require translation services in order to participate in a meeting may request the use of a volunteer or professional translator by contacting the City Clerk's Office at (626) 574-5455 at least 72 hours prior to the meeting.

根据阿凯迪亚市的语言便利服务政策, 英语能力有限并需要翻译服务才能参加会议的人可与市书记官办公室联系(电话: (626) 574-5455), 请求提供志愿或专业翻译服务, 请至少在会前 72 小时提出请求。

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**1. CALL TO ORDER**

**2. INVOCATION**

Reverend Jolene Cadenbach, Arcadia Congregational Church

**3. PLEDGE OF ALLEGIANCE**

**4. ADMINISTER THE OATH OF OFFICE TO NEWLY-APPOINTED COUNCIL MEMBER**

**5. ROLL CALL OF CITY COUNCIL MEMBERS**

Sho Tay, Mayor  
Paul P. Cheng, Mayor Pro Tem  
Tom Beck, Council Member  
Michael Danielson, Council Member  
April A. Verlato, Council Member

**6. SUPPLEMENTAL INFORMATION FROM CITY MANAGER REGARDING AGENDA ITEMS**

**7. MOTION TO READ ALL ORDINANCES AND RESOLUTIONS BY TITLE ONLY AND WAIVE THE READING IN FULL**

**8. PRESENTATIONS**

- a. Presentation by the San Gabriel Valley Regional Housing Trust on their efforts in providing affordable housing throughout the region.
- b. Presentation of Donate Life Proclamation to OneLegacy.

**9. PUBLIC HEARING**

Any person wishing to speak before the City Council on a public hearing item is asked to complete a Speaker Card noting the agenda item number and provide it to the City Clerk prior to the start of the public hearing. Separate and apart from the applicant (who may speak longer in the discretion of the City Council) each speaker is limited to five (5) minutes per person unless waived by the City Council. Under the Brown Act, the City Council is prohibited from discussing or taking action on any item not listed on the posted agenda. The applicant may additionally submit rebuttal comments, in the discretion of the City Council.

You are hereby advised that should you desire to legally challenge in court or in an administrative proceeding any action taken by the City Council regarding any public hearing item, you may be limited to raising only those issues and objections you or someone else raised at the public hearing or in written correspondence delivered to the City Council at, or prior to, the public hearing.

- a. Ordinance No. 2387 adopting a Military Equipment Use Policy pursuant to Assembly Bill 481.  
Recommended Action: Introduce

**10. PUBLIC COMMENTS (5-minute time limit each speaker)**

Any person wishing to speak before the City Council is asked to complete a Speaker Card and provide it to the City Clerk prior to the start of the meeting. Each speaker is limited to five (5) minutes per person, unless waived by the City Council. Under the Brown Act, the City Council is prohibited from discussing or taking action on any item not listed on the posted agenda.

**11. REPORTS FROM MAYOR, CITY COUNCIL AND CITY CLERK (*including reports from the City Council related to meetings attended at City expense [AB 1234]*).**

**12. CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless a member of the City Council, staff, or the public requests that a specific item be removed from the Consent Calendar for separate discussion and action.

- a. Regular Meeting Minutes of March 15, 2022.  
Recommended Action: Approve
- b. Resolution No. 7416 declaring its intention to vacate the East/West Alley within the block bounded by Santa Anita Avenue, Santa Clara Street, First Avenue and Wheeler Avenue, setting a Public Hearing relative thereto, and approving a Categorical Exemption for this action pursuant to the California Environmental Quality Act ("CEQA").  
Recommended Action: Adopt
- c. Resolution No. 7421 authorizing a supplemental appropriation in the Library and Museum Services Budget for a Public Broadband and Network Equipment Upgrade in an amount not to exceed \$57,789, offset by funds received from the American Rescue Plan Act of 2021.  
Recommended Action: Adopt
- d. Amendment to the Professional Services Agreement with CWE, Inc. and Change Order to the Purchase Order for the implementation of the Coordinated Integrated Monitoring Program ("CIMP") for the Rio Hondo/San Gabriel River Water Quality Group in the amount of \$228,775.  
Recommended Action: Approve
- e. Contract with Gentry Brothers, Inc. for Fiscal Year 2021-22 Annual Concrete Repairs Project in the amount of \$105,730.  
Recommended Action: Approve
- f. Accept all work performed by Three Peaks Corporation for the Arcadia Gold Line Station Pedestrian Linkage Improvements Project in the amount of \$2,291,190.08, as complete.  
Recommended Action: Approve
- g. Find that, due to the COVID-19 state of emergency, state and local officials continue to recommend measures to promote social distancing, and therefore the City Council and all other City Boards and Commissions may meet virtually.  
Recommended Action: Make Findings

**13. CITY MANAGER**

- a. Ordinance No. 2386 amending Section 1704(B) to Chapter 7, Article I of the Arcadia Municipal Code defining City Council Electoral District Boundaries, and adopting revised City Council Electoral District Boundaries as set forth in Exhibit "A."

Recommended Action: Introduce

**14. ADJOURNMENT**

The City Council will adjourn this meeting to Tuesday, April 19, 2022, 6:00 p.m. in the City Council Conference Room.

# Welcome to the Arcadia City Council Meeting!

The City Council encourages public participation, and invites you to share your views on City business.

**MEETINGS:** Regular Meetings of the City Council are held on the first and third Tuesday of each month at 7:00 p.m. in City Council Chambers. A full City Council agenda packet with all backup information is available at City Hall, the Arcadia Library, and on the City's website at [www.ArcadiaCA.gov](http://www.ArcadiaCA.gov). Copies of individual Agenda Reports are available via email upon request ([CityClerk@ArcadiaCa.gov](mailto:CityClerk@ArcadiaCa.gov)). Documents distributed to a majority of the City Council after the posting of this agenda will be available for review at the Office of the City Clerk, 240 W. Huntington Drive, Arcadia, California. Live broadcasts and replays of the City Council Meetings are on cable television. Your attendance at this public meeting may result in the recording and broadcast of your image and/or voice as previously described.

**CITIZEN PARTICIPATION:** Your participation is welcomed and invited at all City Council meetings. Time is reserved at each regular meeting for those in the audience who wish to address the City Council. The City requests that persons addressing the City Council refrain from making personal, slanderous, profane, or disruptive remarks. Where possible, please submit a **Speaker Card** to the City Clerk prior to your comments, or simply come to the podium when the Mayor asks for those who wish to speak, and state your name and address (optional) for the record. Please provide the City Clerk with a copy of any written materials used in your address to the City Council as well as 10 copies of any printed materials you would like distributed to the City Council. The use of City equipment for presentations is not permitted.

**MATTERS NOT ON THE AGENDA** should be presented during the time designated as "PUBLIC COMMENTS." In general, each speaker will be given five (5) minutes to address the City Council; however, the Mayor, at his/her discretion, may shorten the speaking time limit to allow all speakers time to address the City Council. **By State law, the City Council may not discuss or vote on items not on the agenda. The matter will automatically be referred to staff for appropriate action or response or will be placed on the agenda of a future meeting.**

**MATTERS ON THE AGENDA** should be addressed when the City Council considers that item. Please indicate the Agenda Item Numbers(s) on the **Speaker Card**. Your name will be called at the appropriate time and you may proceed with your presentation within the five (5) minute time frame. The Mayor, at his/her discretion, may shorten the speaking time limit to allow all speakers to address the City Council.

**PUBLIC HEARINGS AND APPEALS** are items scheduled for which public input is either required or desired. Separate and apart from the applicant (who may speak longer in the discretion of the City Council), speakers shall be limited to five (5) minutes per person. The Mayor, at his/her discretion, may shorten the speaking time limit to allow all speakers to address the City Council. The applicant may additionally submit rebuttal comments.

**AGENDA ITEMS:** The Agenda contains the regular order of business of the City Council. Items on the Agenda have generally been reviewed and investigated by the City Staff in advance of the meeting so that the City Council can be fully informed about a matter before making its decision.

**CONSENT CALENDAR:** Items listed on the Consent Calendar are considered to be routine by the City Council and will be acted upon by one motion. There will be no separate discussion on these items unless a member of the City Council, Staff, or the public so requests. In this event, the item will be removed from the Consent Calendar and considered and acted on separately.

**DECORUM:** While members of the public are free to level criticism of City policies and the action(s) or proposed action(s) of the City Council or its members, members of the public may not engage in behavior that is disruptive to the orderly conduct of the proceedings, including but not limited to, conduct that prevents other members of the audience from being heard when it is their opportunity to speak or which prevents members of the audience from hearing or seeing the proceedings. Members of the public may not threaten any person with physical harm or act in a manner that may reasonably be interpreted as an imminent threat of physical harm. All persons attending the meeting are expected to adhere to the City's policy barring harassment based upon a person's race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, gender, sexual orientation, or age. The Chief of Police, or such member or members of the Police Department, shall serve as the Sergeant-at-Arms of the City Council meeting. The Sergeant-at-Arms shall carry out all orders and instructions given by the presiding official for the purpose of maintaining order and decorum at the meeting. Any person who violates the order and decorum of the meeting may be placed under arrest and such person may be prosecuted under the provisions of Penal Code Section 403 or applicable Arcadia Municipal Code section.

# 欢迎参加阿凯迪亚市议会会议!

市议会鼓励公众参与，并邀请您分享对城市管理的看法。

**会议：**市议会定期会议于每个月第一个和第三个星期二下午七时在市议会会议厅举行。在市政厅、阿凯迪亚图书馆和市政府网站 ([www.ArcadiaCa.gov](http://www.ArcadiaCa.gov)) 可以找到包含所有相关信息的完整市议会议程。单独的议程报告可应请求通过电子邮件索取 ([CityClerkGeneralMailbox@ArcadiaCa.gov](mailto:CityClerkGeneralMailbox@ArcadiaCa.gov))。至于在发布该议程后向市议会多数成员分发的文件，公众可在阿凯迪亚市书记官办公室查阅，地址：240 W. Huntington Drive, Arcadia, California。市议会会议实况将通过有线电视进行现场直播和回放。如在以往的通知中所提示，如果您参加这次公开会议，您的图像和/或声音可能被录下并播出。

**公民参与：**市议会欢迎并邀请您参加市议会的所有会议。在每次定期会议上都为那些希望在会上发言的市民留出时间。市政府要求在市议会发言的人杜绝个人攻击、诽谤、亵渎或破坏性言论。如有可能，请在发表意见之前向市书记官提交一张**发言卡**，亦可在市长宣布自由发言时直接上台发言，并说出您的姓名和地址（如果您愿意），以便制作会议记录。请向市书记官提供一份您在发言中使用的任何书面材料，以及 **10** 份您希望分发给市议会的任何印刷材料。不允许把市政府设备用于准备发言内容。

**议程之外的事项**应当在指定的“公众评议”时间提出。在一般情况下，每位发言者将有五（5）分钟时间向市议会陈述意见，但市长可酌情缩短发言时限，以便让所有希望发言的人都有机会发言。**根据州法，市议会不得讨论或表决未列入议程的事项。此类事项将自动转给工作人员采取适当行动或作出回应，或将其列入未来会议的议程。**

**列入议程的事项**应当在市议会审议该事项时讨论。请在**发言卡**上标明事项的议程编号。在适当的时间会叫到您的名字，您可以在五（5）分钟时限内发言。市长可酌情缩短发言时限，以便让所有希望发言的人都有机会发言。

**公开听证和上诉**是为需要或希望征求公众意见的事项安排的日程。除申请人外（市议会可酌情决定延长申请人的发言时间），每位发言人的发言不得超过五（5）分钟。市长可酌情缩短发言时限，以便让所有希望发言的人都有机会发言。申请人还可以另外提交反驳意见。

**议程事项：**议程包含市议会的例行议题。一般而言，由市政府工作人员在会议前对议程中的事项进行审查和调查，以便市议会在作出决定之前能够充分了解情况。

**同意日历：**在同意日历上列出的事项被市议会视为例行公事，并将通过一项动议采取行动。除非市议员、工作人员或公众提出请求，否则不会对这些事项进行单独讨论。如果有人提出请求，该事项将从同意日历中删除，单独进行审议和采取行动。

**行为规范：**尽管市民可对市政府的政策和市议会或其成员的行动或拟议行动自由地提出批评，但不得出现干扰会议正常秩序的行为，包括但不限于在别人的发言时间内阻止别人发言，或妨碍公众听到发言内容或看到议程进展状况。市民亦不得威胁进行身体伤害或以可能被合理理解为作出身体伤害紧迫威胁的方式行事。所有出席会议的人都必须遵守市政府的反骚扰政策，禁止基于个人种族、宗教信仰、肤色、原国籍、祖籍、身体残障、疾病、婚姻状况、性别、性取向或年龄骚扰他人。警察局长或警察局其他成员将担任维持市议会会议秩序的保安官。保安官将执行会议主持人的一切命令和指示，以维持会议秩序和行为规范。对任何违反会议秩序和行为规范的人可执行拘捕，并可能根据《刑法典》第 403 条或《阿凯迪亚市政法典》相关条款提出起诉。



# City of Arcadia

## PROCLAMATION

*WHEREAS*, organ, tissue, marrow, and blood donations are life-giving acts recognized worldwide as expressions of compassion to those in need; and

*WHEREAS*, over 100,000 people are currently waiting for an organ transplant in the United States, with over 20,000 of these people being California residents; and

*WHEREAS*, a living donor can provide a kidney or a portion of their liver, lung, pancreas, or intestine. People of all ages and medical histories should consider themselves potential donors; and

*WHEREAS*, a single individual's donation of the heart, lungs, liver, kidneys, pancreas and small intestine can save up to eight lives; donation of tissue can save or heal the lives of up to 75 other individuals; and a single blood donation can help three people in need; and

*WHEREAS*, more than 41,000 organ transplants were performed in the United States in 2021, which was made possible through the generosity of deceased and living donors; and

*WHEREAS*, California residents can sign up with the Donate Life California Registry at [www.donateLIFeCalifornia.org](http://www.donateLIFeCalifornia.org).

*NOW THEREFORE*, I, Sho Tay, Mayor of the City of Arcadia, do hereby proclaim the month of April, 2022 as:

### ***DONATE LIFE CALIFORNIA MONTH***

and encourage all Arcadia residents to learn the facts about organ and tissue donation, and to sign up at the Donate Life California Registry to potentially help save lives.



*Dated this  
5th day of April, 2022*

*Sho Tay, Mayor*



# STAFF REPORT

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Police Department

**DATE:** April 5, 2022

**TO:** Honorable Mayor and City Council

**FROM:** Roy Nakamura, Chief of Police  
By: Amber Abeyta, Management Analyst

**SUBJECT:** ORDINANCE NO. 2387 ADOPTING A MILITARY EQUIPMENT USE POLICY PURSUANT TO ASSEMBLY BILL 481  
**Recommendation: Introduce**

## **SUMMARY**

On September 30, 2021, Governor Newsom signed Assembly Bill 481 (“AB 481”) which requires law enforcement agencies to adopt a military equipment use policy (“Policy”), by ordinance. Ordinance No. 2387 (Attachment “A”) and the proposed Equipment Use Policy (Exhibit “A” of Ordinance No. 2387) have been prepared to meet the requirements of AB 481.

It is recommended that the City Council introduce Ordinance No. 2387, adopting a Military Equipment Use Policy pursuant to Assembly Bill 481.

## **BACKGROUND**

AB 481, (Attachment “B”), is intended to increase transparency, accountability, and oversight surrounding the acquisition and use of military equipment by state and local law enforcement. In addition to requiring each law enforcement agency’s governing body to adopt a written military use policy by ordinance, AB 481 requires the following:

- Publish the draft military equipment use policy to the Police Department’s website 30 days ahead of a public hearing to approve the policy.
- Obtain approval by the applicable governing body (City Council), by adoption of a military equipment use policy prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined.
- Publish an annual report by the law enforcement agency to include each type of military equipment approved by the governing body.
- Annual review of the military equipment use ordinance by the governing body, and option to either disapprove a renewal of a type of military equipment or

amend the military equipment use policy if it determines that the military equipment does not comply with standards for approval.

- Hold at least one well-publicized and conveniently located community engagement meeting within 30 days of submitting and publicly releasing the annual military equipment report.

In compliance with the requirements of AB 481, the proposed Policy was published on the Department's website as of March 2, 2022, which meets the required 30-day publishing period. In addition, a Public Hearing Notice was published in the Arcadia Weekly 10 days prior to this meeting.

## **DISCUSSION**

The purpose of the Policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment pursuant to AB 481. AB 481 has created Government Code 7070, which defines what is categorized as military equipment and what steps the Department needs to take to have possession of that equipment. The Police Department's proposed Policy has been drafted to meet the requirements of AB 481 as follows:

- The military equipment identified in the Policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- The proposed Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- If the Police Department purchases military equipment pursuant to the Policy, the equipment is reasonably cost effective compared to any available alternative that can achieve the same objective of officer and civilian safety.
- Military Equipment obtained prior to the introduction of the law met the policy that was in effect at the time. If prior uses do not comply with the accompanying Military Equipment Use Policy, corrective action will be taken to remedy nonconforming use and ensure future compliance.

Once adopted, the Policy will be made publicly available on the Police Department's website for as long as the covered military equipment is available for use.

In addition, this Ordinance will be reviewed by the City Council at least annually and based on an annual military equipment report that will be submitted to the City Council in accordance with AB 481, the City Council will determine whether each type of military equipment identified in the report has complied with the standards for continued approval.

Currently, the Police Department's military equipment inventory includes: a robot, rifles, less lethal munitions, chemical agents and delivery devices, distraction devices, breaching tools, and a mobile command post. The military equipment listed has been in use for several years and used only by specialized teams and trained personnel. In addition, these items (apart from the rifles) are considered less lethal equipment and are to be used for specific circumstances. The Policy includes a detailed description of all the items and their usefulness to carrying out police objectives.

### **ENVIRONMENTAL ANALYSIS**

The proposed action does not constitute a project under the California Environmental Quality Act ("CEQA"), and it can be seen with certainty that it will have no impact on the environment. Thus, this matter is exempt under CEQA.

### **FISCAL IMPACT**

The introduction of Ordinance No. 2387 has no direct fiscal impact to the General Fund. Maintenance of the equipment inventory and the annual reporting required by AB 481 will be handled within normal staffing efforts.

### **RECOMMENDATION**

It is recommended that the City Council determine that this project is exempt under the California Environmental Quality Act ("CEQA"); and introduce Ordinance No. 2387 adopting a Military Equipment Use Policy pursuant to Assembly Bill 481.

Approved:



Dominic Lazzaretto  
City Manager

Attachments: "A" – Ordinance No. 2387  
"B" – Assembly Bill 481

**Attachment "A"**

**ORDINANCE NO. 2387**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA ADOPTING A MILITARY EQUIPMENT USE POLICY PURSUANT TO ASSEMBLY BILL 481**

WHEREAS, on September 30, 2021, Governor Newsom signed Assembly Bill 481 ("AB 481") into law which requires law enforcement agencies to adopt a military equipment use policy ("Policy") prior to taking certain actions relating to the funding, acquisition, or use of military equipment as defined by the law; and

WHEREAS, AB 481 requires adoption of the Policy by City Council before the law enforcement agency can take action to request military equipment as defined by the statute; seek funds (such as grants or in-kind donations) for acquiring military equipment; actually acquire military equipment, either permanently or temporarily by owning, borrowing, or leasing; collaborate with other law enforcement agencies to deploy or use military equipment in the agency's territorial jurisdiction; use new or existing military equipment in a manner not previously subject to AB 481's scope; solicit or respond to a proposal for, or enter into an agreement with, any person or entity to seek funds for, apply for, acquire, use, or collaborate in using military equipment; or to acquire military equipment through any other means not specifically detailed in the statute; and

WHEREAS, to continue to use military equipment acquired prior to January 1, 2022, the law enforcement agency must commence the process of adopting the Policy no later than May 1, 2022; and

WHEREAS, in accordance with AB 481, the proposed Policy was made available on the website of the Arcadia Police Department ("Police Department") at least 30 days prior to the public hearing by the City Council to adopt the Policy; and

WHEREAS, once adopted, the Policy will be made publicly available on the Police Department's website for as long as the covered military equipment is available for use; and

WHEREAS, in accordance with AB 481, the Policy is being agendized as an open session item at a regular meeting of the City Council, and public comment on the item will be allowed in accordance with the Brown Act; and

WHEREAS, this Ordinance shall be reviewed by the City Council at least annually, and based on an annual military equipment report that will be submitted to the City Council pursuant to AB 481, the City Council shall determine whether each type of military equipment identified in the report has complied with the standards for continued approval.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The recitals set forth above are true and correct and are hereby incorporated and adopted as findings of this Ordinance as if fully set forth herein.

SECTION 2. Findings. Pursuant to Government Code section 7071(d)(1), as may be amended or renumbered from time to time, the City Council hereby makes the following findings in support of its adoption of the Policy:

A. The military equipment identified in the Policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

B. The proposed Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

C. If the Police Department purchases military equipment pursuant to the Policy, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

D. Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

SECTION 3. Military Equipment Use Policy Adopted. In light of the findings in Section 2, and in accordance with AB 481, the Policy attached to this Ordinance as Exhibit "A" is hereby adopted by the City Council.

SECTION 4. Severability. Each of the provisions of this Ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 6. The City Clerk shall certify to the adoption of this Ordinance and shall cause a summary or ¼ page advertisement of the same to be published at least once in

the official newspaper of the City within fifteen (15) days after its adoption. This Ordinance shall take effect on the thirty-first (31st) day after its adoption.


Passed, approved and adopted this \_\_\_\_\_ day of April, 2022.

\_\_\_\_\_  
Mayor of the City of Arcadia

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Stephen P. Deitsch  
City Attorney

**Exhibit - "A"**

**Military Equipment Use Policy**

[Attached behind this page]

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## MILITARY EQUIPMENT

### 708.1 PURPOSE AND SCOPE

The purpose of this policy (“Policy”) is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment pursuant to Assembly Bill 481 (“AB 481”). (California Government Code § 7070 *et seq.*)

#### 708.1.1 DEFINITIONS

Definitions related to this Policy include those provided in Government Code Section 7070, and as follows:

**Governing body** — City of Arcadia City Council (“City Council”).

**Military equipment** — Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (“MRAP”) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (“HMMWV”), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code Section 30510 and Penal Code Section 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (“LRADs”).

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- Kinetic energy weapons and munitions.
- Any other equipment as determined by City Council or a state agency to require additional oversight.

#### **708.2 POLICY**

It is the Policy of the City of Arcadia (“City”) that members of the Arcadia Police Department (“Department”) comply with the provisions of AB 481 with respect to the funding, acquisition and use of military equipment.

#### **708.3 MILITARY EQUIPMENT COORDINATOR**

The Chief of Police shall designate a member of the Department to act as the Military Equipment Coordinator. The responsibilities of the Military Equipment Coordinator include but are not limited to:

- (a) Acting as liaison to the City Council for matters related to the requirements of this Policy.
- (b) Identifying Department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by City Council.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of the Department.
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
  1. Publicizing the details of the meeting; and
  2. Preparing for public questions regarding the Department’s funding, acquisition, and use of military equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and City Council and ensuring that the report is made available on the Department website.
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

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#### **708.4 MILITARY EQUIPMENT INVENTORY**

The following constitutes a list of qualifying equipment for the Department:

##### **708.4.1 ROBOT**

An unmanned machine operating on the ground utilized to enhance the safety of the community and officers.

- (a) Description, quantity, capabilities, and purchase cost:

Item No. 1

1. Description: The Robotex Avatar III (“Avatar III”) is a remote controlled, tracked, unmanned device used to surveil an area or building before officers enter it.
  2. Quantity: One (1).
  3. Capabilities: The Avatar III is equipped with a camera that provides a real time view of its surroundings, it has a two-way communication system that allows officers to communicate with subjects/suspects remotely, and an articulating arm that allows it to open doors and move objects.
  4. Purchase Cost: The Avatar III was purchased in 2019 for \$46,000.
- (b) Purpose: The Avatar III enhances the capabilities of officers in tactical situations by allowing them to inspect dangerous situations and communicate with the subjects/ suspects from a safe distance quickly and safely.
- (c) Authorized Use: Only officers who have completed training shall be permitted to operate the robot. Deployment of the robot will be authorized by the Incident or Tactical Commander.
- (d) Expected Life Span: 8-10 years.
- (e) Fiscal Impact: Annual maintenance and battery replacement cost is approximately \$200.
- (f) Training: All robot operators must complete three (3) hours of training provided by the S.W.A.T. team.
- (g) Legal and Procedural Rules: The Avatar III will only be deployed with the authorization of the Incident or Tactical Commander and will only be deployed for official law enforcement purposes. in a manner that respects the privacy of our community and complies with State and Federal Law.

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#### **708.4.2 MM LAUNCHERS AND ROUNDS**

40MM Launchers are utilized by Department personnel as a less lethal tool to launch impact rounds.

- (a) Description, quantity, capabilities, and purchase cost:

##### Item No. 1

1. Description: Defense Technology. 40MM Exact Impact Sponge.
2. Quantity: 520.
3. Capabilities: A less lethal 40MM lightweight plastic and foam projectile fired from a single shot 40MM launcher with a rifled barrel at 325 FPS. The 30-gram foam projectile delivers 120 ft/lbs of energy upon impact. The 40MM Exact Impact Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 125 feet from the target.
4. Cost: \$18 each.

##### Item No. 2

1. Description: Defense Technology, 40MM Direct Impact OC.
2. Quantity: 140.
3. Capabilities: A less lethal 40MM lightweight plastic foam projectile fired from a single shot 40MM launcher with a rifled barrel at 295 FPS. The 39-gram foam projectile delivers 120 ft/lbs of energy upon impact in addition to the dispersion of 5 grams of OC irritant. The 40MM Direct Impact OC Round provides accurate and effective performance when deployed from the approved distance of not less than five (5) feet and as far as 120 feet from the target.
4. Purchase Cost: \$30 each.

##### Item No. 3

1. Description: Defense Technology, Ferret 40MM Liquid Barricade Penetrator Round.
2. Quantity: 76.
3. Capabilities: A less lethal 40MM round used to penetrate barriers, such as windows, hollow core doors, wallboard, and thin plywood. Upon impacting

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the barrier, the nose cone ruptures and instantaneously delivers a small amount of chemical agent inside of a structure or vehicle. In a tactical deployment situation, the 40MM Ferret is primarily used to dislodge barricaded subjects from confined areas. Its purpose is to minimize the risks to all parties through temporary discomfort and/or incapacitation of potentially violent or dangerous subjects.

4. Purchase Cost: \$23 each.

#### Item No. 4

1. Description: Defense Technology, 40MM Round Muzzle Blast with C5.
  2. Quantity: 22.
  3. Capabilities: The 40MM Muzzle Blast OC Round is a less lethal option for the immediate and close deployment of chemical agent. It can also be employed in tactical operations such as barricaded subjects for area denial, area contamination, and a means of contaminating crawl spaces and attics. It can be deployed inside or outside and has a maximum effective range of 30 feet.
  4. Purchase Cost: \$28 each.
- (b) Purpose: To limit the escalation of conflict and to decrease the potential use of lethal force.
  - (c) Authorized Use: Examples of situations where less lethal weapon systems may include but are not limited to: Dangerous and/or combative individuals, barricaded suspects, and aggressive animals.
  - (d) Expected Life Span: 15 years.
  - (e) Fiscal Impact: Annual maintenance is approximately \$10 for each launcher.
  - (f) Training: Sworn members utilizing 40MM less lethal chemical agents or impact rounds are trained in their use by P.O.S.T. certified less lethal and chemical agent instructors.
  - (g) Legal and Procedural Use: Officers will deploy 40MM impact and chemical agents in compliance with Arcadia Police Manual section 300 and in compliance with State and Federal Law regarding the use of force.

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#### **708.4.3 COMBINED SYSTEMS LC5 40MM LAUNCHING CUP**

The combined systems LC5 40MM launching cups are cups that attach to 12-gauge less lethal shotguns which allow officers to launch canisters of chemical agents or smoke.

- (a) Description, quantity, capabilities, and purchase cost:

Item No. 1

1. Description: Combined Systems LC5 40MM Launching Cup.
  2. Quantity: Two (E),
  3. Capabilities: The cups can be attached to a 12-gauge shotgun and the munition is launched with a model 2800 launching cartridge.
  4. Purchase Cost: \$150 each.
- (b) Purpose: To deploy chemical agents into an area or location from a distance.
- (c) Authorized Use: Situations for use of the less lethal weapon systems may include but are not limited to dangerous and/or combative individuals. Riot/crowd control and civil unrest incidents. Circumstances where a tactical advantage can be obtained by the use of chemical agent, and potentially vicious animals.
- (d) Expected Lifespan: 25 years.
- (e) Fiscal Impact: No annual maintenance.
- (f) Training: Sworn members utilizing LC5 40MM launching cups are trained in their use by P.O.S.T. certified less lethal and chemical agent instructors.
- (g) Legal and Procedural Use: Only fully trained S.W.A.T. Operators will deploy LC5 40MM Launching Cup, in compliance with Arcadia Police Manual section 300 and in compliance with State and Federal Law regarding the use of force.

#### **708.4.4 DISTRACTION DEVICE**

A distraction device is used to distract dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.

- (a) Description, quantity, capabilities, and purchase cost:

Item No. 1

1. Description: Defense Technologies Low Roll DD.
2. Quantity: 12.

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3. Capabilities: A non-bursting, non-fragmenting single use device that produces a loud sound and bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.
4. Cost: \$50 each.

#### Item No. 2

1. Description: ALS1208 Bore Thunder.
  2. Quantity: 12.
  3. Capabilities: The ALS1208 Bore Thunder is a 12-gauge barrel delivered light and sound distraction device that produces approximately 174 dB at five (5) feet. Because the Bore Thunder remains in the delivery device, the potential for accidental fire or unintended injury is drastically reduced.
  4. Purchase Cost: \$6.80 each.
- (b) Purpose: To produce brilliant light and loud sound to momentarily distract a suspect or subject (6-8 seconds), to enhance the officers' ability to safely contact and detain or arrest.
- (c) Authorized Use: Diversionary devices shall only be used by S.W.A.T. Operators who have been trained in their proper use during hostage and barricaded subject situations, high-risk warrant (search/arrest) services where there may be extreme hazards to officers, or during other high-risk situations where their use would enhance officer and community safety.
- (d) Expected Lifespan: Until used.
- (e) Fiscal Impact: No annual maintenance.
- (f) Training: Prior to use, S.W.A.T. Operators must attend diversionary device training that is conducted by P.O.S.T. certified instructors.
- (g) Legal and Procedural Rules Use: The Department will only utilize diversion devices for official law enforcement purposes, pursuant to State and Federal law regarding the use of force.

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#### **708.4.5 RIFLES**

Firearms that are fired from the from the shoulder, having a long spiral grooved barrel to make bullets spin and thereby have greater accuracy over a long distance.

- (a) Description, quantity, capabilities, and purchase cost:

##### Item No. 1

1. Description: Colt M4 Commando.223 carbine converted from fully automatic to semi-automatic.
2. Quantity: 107.
3. Capabilities: To provide precision fire to address a threat with more accuracy than a handgun, particularly at greater distances.
4. Purchase Cost: \$750 each.

##### Item No. 2

1. Description: Peer LE Gold Dot.223 Rem 55 grain ammunition.
2. Quantity: 120,000 rounds.
3. Purchase Cost: \$600 per 1000 rounds.

##### Item No. 3

1. Description: Black Hills.308 STX Copper 168 grain STX ammunition.
2. Quantity: 1000 rounds.
3. Purchase Cost: \$2,300.

##### Item No. 3

1. Description: Colt Automatic Rifle (AR) .223.
2. Quantity: 1
3. Purchase Cost: \$1400.00.

- (b) Purpose: To be used as precision weapons to address a threat with more accuracy than a handgun, particularly at greater distances. The AR is an area denial and material destruction weapon.
- (c) Authorized Use: Only members who have completed P.O.S.T. certified training are authorized to deploy a rifle.

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- (d) Expected Lifespan: 10 years.
- (e) Fiscal Impact: Annual maintenance is approximately \$50 for each rifle.
- (f) Training: Prior to using a rifle, Officers must be certified by a P.O.S.T. instructor in the operation of the rifle. Additionally, all members that operate the rifle are required to train with it a minimum of three (3) times a year and must pass an annual range qualification.
- (g) Legal and Procedural Rules Use: Officers will deploy patrol rifles and the AR in accordance with Department manual section 312.3.1, and pursuant to State and Federal law regarding the use of force.

#### **708.4.6 CHEMICAL AGENT AND SMOKE CANISTERS**

Canisters that contain chemical agents that are released when deployed.

- (a) Description, quantity, capabilities, and purchase cost:

##### Item No. 1

1. Description: Defense Technology, Triple-Chase Separating Canister, CS.
2. Quantity: 50
3. Capabilities: The Triple-Chase CS consists of three separate canisters pressed together with separating charges between each. When deployed, the canisters separate and land approximately 20 feet apart allowing increased area coverage in a short period of time. This canister can be hand thrown or launched from a fired delivery system. The canister is 6.5 in. by 2.7 in. and holds approximately 3.2 oz. of active agent. It has an approximate dispersion time of 20-30 seconds.
4. Purchase Cost: \$47 each.

##### Item No. 2

1. Description: Defense Technology, Riot Control Continuous Discharge Grenade.
2. Quantity: Eight (8).
3. Capabilities: The Riot Control CS Grenade is designed specifically for outdoor use in crowd control situations with a high-volume continuous dispersion that expels its contents in approximately 20-40 seconds through four ports located on the top of the canister. This canister can be used to

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conceal tactical movement or to route a crowd. This launchable canister is 6.0 in. by 2.35 in. and holds approximately 2.7 oz. of active agent.

4. Purchase Cost: \$27 each.

#### Item No. 3

1. Description: Defense Technology, Flameless Expulsion 0C Grenade.
  2. Quantity: 18.
  3. Capabilities: The 0C Flameless Expulsion Grenade is a compact, non-pyrotechnic, chemical agent device that provides safe expulsion without risk of fire. It is safe to use inside of a residence. Unlike pyrotechnic canisters, this device's contents are expelled upon actuation of a C02 cartridge that will affect a confined area of approximately 1500 square feet. The canister is 7.5 in. by 1.65 in. and delivers approximately .02 oz. of active agent during its 3-second discharge time.
  4. Purchase Cost: \$49 each.
- (b) Purpose: To deescalate a situation and lower the likelihood of lethal force. Situations for use of the less lethal weapon systems may include, but are not limited to, dangerous and/or combative individuals, riot/crowd control and civil unrest incidents, circumstances where a tactical advantage can be obtained, and potentially vicious animals.
- (c) Authorized Use: Only officers who have received P.O.S.T. certification in the use of chemical agents are authorized to use them.
- (d) Training: Sworn members utilizing chemical agent canisters must be certified by P.O.S.T. less lethal and chemical agent instructors.
- (e) Fiscal Impact: No annual maintenance.
- (f) Legal and Procedural Rules: Officers will only deploy chemical agents in compliance with Department manual section 300, and State and Federal law, including those regarding the use of force.

#### **708.4.7 EXPLOSIVE BREACHING TOOLS**

Explosive breaching tools are tools that are used to conduct an explosive breach to create an entry or exit point during a tactical situation.

- (a) Description, quantity, capabilities, and purchase cost:

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#### Item No. 1

1. Description: Detonating Cord.
2. Quantity: 80 feet.
3. Capabilities: The detonating cord is a thin, flexible plastic tube usually filled with pentaerythritol tetranitrate (PETN, pentrite). With the PETN exploding at a rate of approximately 6400 m/s, any common length of detonation cord appears to explode instantaneously. It is a highspeed fuse which explodes, rather than burns, and is suitable for detonating explosives.
4. Purchase Cost: \$1 per foot.

#### Item No. 2

1. Description: Nonel Detonators.
2. Quantity: 12.
3. Capabilities: A detonator is a small sensitive primary explosive device generally used to detonate a larger, less sensitive secondary explosive, such as plastic explosive.
4. Purchase Cost: \$12 each.

#### Item No. 3

1. Description: Royal Remington 870 Express Breaching Shotgun:
  2. Quantity: Two (2).
  3. Capabilities: This device allows for breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the device into the correct position and vents gases to prevent overpressure. This device can also defeat windows and sliding glass doors. This device uses a less lethal 2.4-inch shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot, at a velocity of 270-290 feet per second (FPS).
  4. Purchase Cost: \$658 each.
- (b) Purpose: To quickly and safely gain entry into a structure.

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- (c) Authorized Use: Explosive breaching may only occur after authorization by the Incident Commander or Tactical Commander, in the field.
- (d) Fiscal Impact: Annual maintenance is approximately \$500.
- (e) Training: Officers who use explosive breaching tools shall attend 40 hours of explosive breaching instruction and must additionally receive quarterly training for explosive operations. This includes the use of the breaching shotgun.
- (f) Legal and Procedural Rules: Only fully trained S.W.A.T. Operators are authorized to use explosive breaching devices and only with the authorization of the Incident or Tactical Commander.

#### **708.4.8**

#### **PEPPERBALL LAUNCHER**

A device that discharges irritant projectiles.

- (a) Description, quantity, capabilities, and purchase cost:

##### Item No. 1

1. Description: PepperBall VKS Carbine.
2. Quantity: Five (5).
3. Capabilities: The Variable Kinetic System (VKS) is a compressed-air powered launcher designed to fire non-lethal PepperBall projectiles. The PepperBall VKS Carbine features a dual feed system that offers the ability to quickly switch between Hopper mode and Magazine mode for optimum versatility.
4. Purchase Cost: \$600 each.

##### Item No. 2

1. Description: PepperBall Live-X Projectile.
2. Quantity: 500.
3. Capabilities: The Live Projectile contains a concentrated amount of PAVA pepper powder. One round of LIVE-X contains the equivalent to 10 standard PepperBall rounds. Discharged from a PepperBall Launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60 feet and an area of saturation of 150+ feet. The projectile contains 5% PAVA powder.
4. Purchase Cost: \$3 per projectile.

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- (b) Purpose: To deescalate a situation and lower the potential for the use of lethal force. Situations for use of the less lethal weapon systems may include, but are not limited to, dangerous and/or combative individuals, riot/crowd control and civil unrest incidents, circumstances where a tactical advantage can be obtained, and potentially vicious animals.
- (c) Authorized Use: Only those officers who have been trained in the use of PepperBall launchers are authorized to use them.
- (d) Expected Lifespan: Launcher and munitions: Five (5) years.
- (e) Fiscal Impact: Annual maintenance is approximately \$50 for each PepperBall launcher.
- (f) Training: Sworn members utilizing PepperBall launchers and projectiles are trained in their use by P.O.S.T. certified less lethal and chemical agent instructors.
- (g) Legal and Procedural Rules: Officers will deploy the PepperBall launcher in compliance with Department Manual Section 300, and to State and Federal law, including those regarding the use of force.

#### **708.4.9 MOBILE COMMAND POST VEHICLE (MCP)**

The Mobile Command Post (M.C.P.) vehicle is a mobile office that provides shelter, access to Department computer systems, communications, food, and restroom facilities on extended events.

- (a) Description, quantity, capabilities, and purchase cost:

##### Item No. 1

1. Description: Freightliner Chassis (custom built) vehicle.
  2. Quantity: One (1).
  3. Capabilities: The M.C.P. can also be utilized for S.W.A.T./C.N.T. and other critical incidents, preplanned large events, searching for missing persons, natural disasters, and community events.
  4. Purchase Cost: \$280,000.
- (b) Purpose: To be used based on the specific circumstances of a given critical incident, large event, natural disaster, or community event that is taking place.
  - (c) Authorized Use: The M.C.P. shall be used by officers trained in their deployment and in a manner consistent with Department policy and training. Furthermore, only

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personnel who have completed the Department's driving and operations training will be allowed to drive the M.C.P. (Per S.O.P.).

- (d) Expected Lifespan: The M.C.P., 20-year lifespan on chassis and vehicle structure. Upgrades as needed to ensure updated and properly maintained I.T. systems.
- (e) Fiscal Impact: Annual maintenance is approximately \$11,000.
- (f) Training: The driver/operator shall receive training in the safe handling of the vehicle on a closed training course. Once the operator has shown competence in vehicle handling, the driver/operator will drive the vehicle throughout the city with an experienced driver. Driver/operators will also receive training in the proper set-up and break down of the M.C.P. when deployed for events and operations.
- (g) Legal and Procedural Rules: It is the policy of the Department to use the M.C.P. only for official law enforcement purposes, and in the accordance with California State law, City & Department Policies, and Standard Operating Procedures ("S.O.P.") related to the operation of emergency motor vehicles.

#### **708.5**

#### **APPROVAL**

The Chief of Police or the authorized designee shall obtain approval from City Council by way of an ordinance adopting this Policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the Policy is submitted to City Council and is available on the Department website at least thirty (30) days prior to any public hearing concerning the Policy. The Policy must be approved by City Council prior to engaging in any of the following:

- (a) Requesting military equipment made available pursuant to USC § 2576(a).
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting, or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the Department's jurisdiction.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by this Policy.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.

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- (g) Acquiring military equipment through any means not provided above.

#### **708.6 COMPLIANCE**

- (a) Department members are bound to adhere to this Policy, in addition to state and local laws and ordinances when employing the use of military equipment at any time. Violations of the law or this Policy may result in criminal or administrative investigations and, or actions.
- (b) Members of the public may register complaints or submit questions or concerns about the use of each type of military equipment in this Policy by any of the following means:
  1. Via email to: [ArcadiaPolice@ArcadiaCa.gov](mailto:ArcadiaPolice@ArcadiaCa.gov)
  2. Via telephone to: (626) 574-5156
  3. Via mail to: Arcadia Police Department  
Attn: Military Equipment Use Coordinator  
250 W. Huntington Drive  
Arcadia, CA 91007

The Department is committed to responding to complaints, concerns, and questions received through any of the above methods in a timely manner.

#### **708.7 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction, or otherwise engaged in law enforcement operations in this jurisdiction, shall comply with their respective military equipment use policies in rendering mutual aid.

#### **708.8 ANNUAL REPORT**

Upon approval of this Policy, the Chief of Police or the authorized designee should submit a military equipment report to City Council for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use.

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the Department's website for as long as the military equipment is available for use. The report shall include all information required by Government Code section 7072 for the preceding calendar year for each type of military equipment in Department inventory. "Type" of military equipment is defined to mean each item that shares the same manufacturer model number.

# Arcadia Police Department

## Arcadia PD Policy Manual

### *Military Equipment*

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#### **708.9 COMMUNITY ENGAGEMENT**

Within thirty (30) days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

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Date Published: 10/01/2021 09:00 PM

**Assembly Bill No. 481**

## CHAPTER 406

An act to add Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, relating to military equipment.

[ Approved by Governor September 30, 2021. Filed with Secretary of State September 30, 2021. ]

## LEGISLATIVE COUNSEL'S DIGEST

AB 481, Chiu. Law enforcement and state agencies: military equipment: funding, acquisition, and use.

Existing law designates the Department of General Services as the agency for the State of California responsible for distribution of federal surplus personal property, excepting food commodities, and requires the department to, among other things, do all things necessary to the execution of its powers and duties as the state agency for the distribution of federal surplus property, excepting food commodities, in accordance with specified federal law. Existing law, the Federal Surplus Property Acquisition Law of 1945, authorizes a local agency, as defined, to acquire surplus federal property without regard to any law which requires posting of notices or advertising for bids, inviting or receiving bids, or delivery of purchases before payment, or which prevents the local agency from bidding on federal surplus property. Existing federal law authorizes the Department of Defense to transfer surplus personal property, including arms and ammunition, to federal or state agencies for use in law enforcement activities, subject to specified conditions, at no cost to the acquiring agency.

This bill would require a law enforcement agency, defined to include specified entities, to obtain approval of the applicable governing body, by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment, as defined. The bill would also require similar approval for the continued use of military equipment acquired prior to January 1, 2022. The bill would allow the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards. The bill would require the governing body to annually review the ordinance and to either disapprove a renewal of the authorization for a type, as defined, of military equipment or amend the military equipment use policy if it determines, based on an annual military equipment report prepared by the law enforcement agency, as provided, that the military equipment does not comply with the above-described standards for approval. The bill would specify these provisions do not preclude a county or local municipality from implementing additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

This bill would also require a state agency, as defined, to create a military equipment use policy before engaging in certain activities, publish the policy on the agency's internet website, and provide a copy of the policy to the Governor or the Governor's designee, as specified. The bill would also require a state agency that seeks to continue use of military equipment acquired prior to January 1, 2022, to create a military equipment use policy.

This bill would also include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By adding to the duties of local officials with respect to the funding, acquisition, and use of military equipment, this bill would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to

public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

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

(a) The acquisition of military equipment and its deployment in our communities adversely impacts the public's safety and welfare, including increased risk of civilian deaths, significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurment of significant financial costs. Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities.

(b) The public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment.

(c) Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.

(d) Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.

(e) The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

**SEC. 2.** Chapter 12.8 (commencing with Section 7070) is added to Division 7 of Title 1 of the Government Code, to read:

### **CHAPTER 12.8. Funding, Acquisition, and Use of Military Equipment**

**7070.** For purposes of this chapter, the following definitions shall apply:

(a) "Governing body" means the elected body that oversees a law enforcement agency or, if there is no elected body that directly oversees the law enforcement agency, the appointed body that oversees a law enforcement agency. In the case of a law enforcement agency of a county, including a sheriff's department or a district attorney's office, "governing body" means the board of supervisors of the county.

(b) "Law enforcement agency" means any of the following:

(1) A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges.

(2) A sheriff's department.

(3) A district attorney's office.

(4) A county probation department.

(c) "Military equipment" means the following:

(1) Unmanned, remotely piloted, powered aerial or ground vehicles.

(2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.

(3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

(4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

(5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

(6) Weaponized aircraft, vessels, or vehicles of any kind.

(7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.

(8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.

(9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

(10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.

(11) Any firearm or firearm accessory that is designed to launch explosive projectiles.

(12) "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.

(13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).

(14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.

(15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

(16) Notwithstanding paragraphs (1) through (15), "military equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

(d) "Military equipment use policy" means a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:

(1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.

(2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.

(3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.

(4) The legal and procedural rules that govern each authorized use.

(5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.

(6) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.

(7) For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

(e) "State agency" means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(f) "Type" means each item that shares the same manufacturer model number.

**7071.** (a) (1) A law enforcement agency shall obtain approval of the governing body, by an ordinance adopting a military equipment use policy at a regular meeting of the governing body held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:

(A) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(B) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(C) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(D) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(E) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(F) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.

(G) Acquiring military equipment through any means not provided by this paragraph.

(2) No later than May 1, 2022, a law enforcement agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall commence a governing body approval process in accordance with this section. If the governing body does not approve the continuing use of military equipment, including by adoption pursuant to this subdivision of a military equipment use policy submitted pursuant to subdivision (b), within 180 days of submission of the proposed military equipment use policy to the governing body, the law enforcement agency shall cease its use of the military equipment until it receives the approval of the governing body in accordance with this section.

(b) In seeking the approval of the governing body pursuant to subdivision (a), a law enforcement agency shall submit a proposed military equipment use policy to the governing body and make those documents available on the law enforcement agency's internet website at least 30 days prior to any public hearing concerning the military equipment at issue.

(c) The governing body shall consider a proposed military equipment use policy as an agenda item for an open session of a regular meeting and provide for public comment in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(d) (1) The governing body shall only approve a military equipment use policy pursuant to this chapter if it determines all of the following:

(A) The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

(B) The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

(C) If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

(D) Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

(2) In order to facilitate public participation, any proposed or final military equipment use policy shall be made publicly available on the internet website of the relevant law enforcement agency for as long as the military equipment is available for use.

(e) (1) The governing body shall review any ordinance that it has adopted pursuant to this section approving the funding, acquisition, or use of military equipment at least annually and, subject to paragraph (2), vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

(2) The governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in that report has complied with the standards for approval set forth in subdivision (d). If the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth in subdivision (d), the governing body shall either disapprove a renewal of the authorization for that type of military equipment or require modifications to the military equipment use policy in a manner that will resolve the lack of compliance.

(f) Notwithstanding subdivisions (a) to (e), inclusive, if a city contracts with another entity for law enforcement services, the city shall have the authority to adopt a military equipment use policy based on local community needs.

**7072.** (a) A law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use. The law enforcement agency shall also make each annual military equipment report required by this section publicly available on its internet website for as long as the military equipment is available for use. The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

(1) A summary of how the military equipment was used and the purpose of its use.

(2) A summary of any complaints or concerns received concerning the military equipment.

(3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

(4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

(5) The quantity possessed for each type of military equipment.

(6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

(b) Within 30 days of submitting and publicly releasing an annual military equipment report pursuant to this section, the law enforcement agency shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the law enforcement agency's funding, acquisition, or use of military equipment.

**7073.** (a) A state agency shall create a military equipment use policy prior to engaging in any of the following:

(1) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

(2) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(3) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(4) Collaborating with a law enforcement agency or another state agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.

(5) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body pursuant to this chapter.

(6) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, or to apply to receive, acquire, use, or collaborate in the use of, military equipment.

(7) Acquiring military equipment through any means not provided by this subdivision.

(b) No later than May 1, 2022, a state agency seeking to continue the use of any military equipment that was acquired prior to January 1, 2022, shall create a military equipment use policy.

(c) A state agency that is required to create a military equipment use policy pursuant to this section shall do both of the following within 180 days of completing the policy:

(1) Publish the military equipment use policy on the agency's internet website.

(2) Provide a copy of the military equipment use policy to the Governor or the Governor's designee.

**7074.** The Legislature finds and declares that ensuring adequate oversight of the acquisition and use of military equipment is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities and shall supersede any inconsistent provisions in the charter of any city, county, or city and county.

**7075.** Nothing in this chapter shall preclude a county or local municipality from implementing additional requirements and standards related to the purchase, use, and reporting of military equipment by local law enforcement agencies.

**SEC. 3.** The Legislature finds and declares that Section 1 of this act, which adds Chapter 12.8 (commencing with Section 7070) to Division 7 of Title 1 of the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

Requiring local agencies to hold public meetings prior to the acquisition of military equipment further exposes that activity to public scrutiny and enhances public access to information concerning the conduct of the people's business.

**SEC. 4.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

**ARCADIA CITY COUNCIL  
REGULAR MEETING MINUTES  
TUESDAY, MARCH 15, 2022**

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1. **CALL TO ORDER** – Mayor Tay called the Regular Meeting to order at 7:00 p.m.
2. **INVOCATION** – Kristin Bennett, a member of First Church of Christ, Scientist
3. **PLEDGE OF ALLEGIANCE** – Junior Scouts 2881
4. **ROLL CALL OF CITY COUNCIL MEMBERS**

PRESENT: Beck, Verlato, Cheng, and Tay  
ABSENT: None

5. **REPORT FROM CITY ATTORNEY REGARDING CLOSED/STUDY SESSION ITEMS**

City Attorney Deitsch announced that the City Council met in a Closed Session to consider the one item listed on the posted agenda; and indicated that no reportable action was taken.

6. **SUPPLEMENTAL INFORMATION FROM CITY MANAGER REGARDING AGENDA ITEMS**

City Manager Lazzaretto noted a typographical error on the attachment to the Staff Report regarding Agenda Item 12.f.; and reminded the audience to submit public comment cards prior to the Mayor calling for public comment.

7. **MOTION TO READ ALL ORDINANCES AND RESOLUTIONS BY TITLE ONLY AND WAIVE THE READING IN FULL**

A motion was made by Council Member Beck and seconded by Mayor Pro Tem Cheng to read all ordinances and resolutions by title only and waive the reading in full.

8. **PRESENTATIONS**

- a. Presentation by the Downtown Arcadia Improvement Association Executive Director Donna Choi.
- b. Presentation of Proclamation to long-time residents Troy and Marjorie Bond for Troy's service to our Country, his 97th birthday, and the Bond's 70th Anniversary.

It was the consensus of the City Council that Consent Calendar Items 12a. through 12f. be moved to this portion of the Agenda.

13. **CONSENT CALENDAR**

- a. Regular Meeting Minutes of March 1, 2022.  
Recommended Action: Approve

- b. Resolution No. 7404 amending the Fiscal Year 2021-22 General Fund Budget authorizing a supplemental appropriation in the City Manager's Office Budget for the City Council Chambers Conference Room Audiovisual Upgrade Project in an amount not to exceed \$19,000, offset by funds received from the American Rescue Plan Act of 2021.  
Recommended Action: Adopt
- c. Resolution No. 7414 approving the application for Land and Water Conservation Funds for Newcastle Park Renovation Project.  
Recommended Action: Adopt
- d. Professional Services Agreement with FE Technologies for a Library Radio Frequency Identification System in an amount not to exceed \$105,000.  
Recommended Action: Approve
- e. Contract with California Professional Engineering, Inc. for Santa Anita Avenue Corridor Phase 2 Traffic Signal Improvements at the intersections of Santa Anita Avenue and Colorado Boulevard, Santa Clara Street, Diamond Street, Wistaria Avenue, and Virginia Drive in the amount of \$1,026,511, plus a 10% contingency.  
Recommended Action: Approve
- f. Extension to the Contract with Superior Pavement Markings, Inc. for Street Striping and Pavement Marking Services in the amount of \$135,696.60.  
Recommended Action: Approve
- g. Accept all work performed by Onyx Paving Company, Inc. for the Fiscal Year 2020-21 Pavement Rehabilitation Project as complete.  
Recommended Action: Approve

It was moved by Council Member Beck, seconded by Council Member Verlato, and carried on a roll call vote to approve Consent Calendar Items 12.a through 12.g.

AYES: Beck, Verlato, Cheng, and Tay  
 NOES: None  
 ABSENT: None

City Manager Lazzaretto noted that the Public Hearing is scheduled to begin at 7:30 a.m. and the Mayor will allow one public comment prior to the Public Hearing.

Angie Gren appeared and expressed her frustration regarding the lack of transparency regarding the homelessness problem in Arcadia; she explained why she is opposed to Tiny Homes; and urged the City Council to pause the exploration of the Tiny Homes Project indefinitely and look for other solutions to help the homeless in Arcadia.

The City Council reconvened to the Public Hearing Item at 7:30 p.m.

## 9. PUBLIC HEARING

- a. Public Hearing to receive input regarding the redrawing of City Council Election District Boundaries; and introduce for first reading an Ordinance taking action on draft maps and redrawing of Election District Boundaries.

Ordinance No. 2386 amending Section 1704(B) of Chapter 7, Article I of the Arcadia Municipal Code defining City Council Electoral District Boundaries, and adopting revised City Council Electoral District Boundaries as set forth in Exhibit "A."  
Recommended Action: Conduct Public Hearing and Introduce

City Manager Lazzaretto presented the staff report and Jeff Simonetti from National Demographics Corporation presented the PowerPoint.

Mayor Tay opened the public hearing.

Yu Hong Huang called and explained his reasons why he is in support of Map 103.

The following Arcadia residents appeared in support of Map 103:

Sean Luo  
Alice Wang  
Sheng Cheng  
Edmond Liu  
Yongping Zhang  
Jennifer Shan

Howard Ursettie, an Arcadia resident, appeared and explained his reasons why he is opposed to Map 114 (Revised); and urged the City Council and the Demographer to reject that Map.

Brett Mitulski, an Arcadia resident, appeared and provided his reasons why he is in support of Map 114 (Revised) or 115 (Revised).

Lucy Zhang, an Arcadia resident, appeared and expressed her disappointment in the City Council; she indicated that their actions are not in line with the Arcadia way; and provided her reasons why she is in support of Maps 103 and 118.

Tina Lu, an Arcadia resident, appeared and stated that she is not a registered voter; she indicated that non-registered voters and immigrants matter; that they work hard and contribute to the community; and urged the City Council to embrace everyone regardless of their voter status.

Sonia, an Arcadia resident, appeared and expressed her reasons why she is in support of Maps 114 (Revised) or 115 (Revised); she indicated that the minorities are not being properly represented; she reminded the City Council that she contacted MALDEF, a Civil Rights group that advocates for Hispanics; she stated that the group recommends Map 114 before it was revised; that diversity in this City should be represented at all levels; and urged the City Council to consider adopting Maps 114 (Revised) or 115 (Revised).

Susan Guo, an Arcadia resident, appeared and thanked Sonia for her arguments regarding the Hispanic majority district; she provided the City Council with the current District Map; she stated that the current Map adopted in 2017 had the highest Latino population and that the City is not ignoring the Hispanic voters; she commented on Maps 114 (Revised) and 115 (Revised); she provided her reasons why she is in support of Map 103; and commented on a piece published in the Arcadia Weekly by Roger Nemrava;

A motion to close the public hearing was made by Council Member Beck. The City Council concurred.

After City Council discussion a motion was made by Council Member Verlato to eliminate Maps 116 and 118.

A substitute motion was made by Mayor Pro Tem Cheng and seconded by Mayor Tay to bring back Maps 103, 115 (Revised), and 115 (to be furthered revised) for further discussion at the March 18, 2022, Special Meeting and eliminate the rest of the maps. The substitute motion failed on a 2-2 roll call vote.

AYES: Cheng and Tay  
NOES: Beck and Verlato  
ABSENT: None

The original motion to eliminate Maps 116 and 118 failed for lack of a second.

After further discussion the City Council requested that the City's Demographer make a second revision to Map 115 to adjust District 1, 4, and 5 boundaries; and directed Staff to bring back all five current maps under consideration for further discussion at the March 18, 2022, Special City Council Meeting.

## **10. PUBLIC COMMENTS**

Mayor Tay reopened the Public Comment period.

Robert Gonzalez, Mayor of the City of Azusa, appeared and introduced himself as the Water Quality Authority representative for cities with pumping rights; and offered to provide more information about the services provided to the City.

Grace Lee appeared and stated that she is speaking on behalf of her family; she addressed comments previously made by Council Member Beck; she expressed her disappointment in the City Council; and indicated that she is in support of Map 103.

Steve Rhee, an Arcadia resident, appeared and thanked City staff for putting together the Homelessness Five-Point Plan Report; he commented on the report; and urged the City Council to continue working forward in finding a solution to this problem.

Sonia, an Arcadia resident, appeared and thanked Mayor Pro Tem Cheng for moving forward in addressing the homelessness issue; she commented on the Five-Point Plan report; she requested the City Council provide services to help the unhoused community; and urged the City Council to work with the County in addressing the sweeps going on at Arcadia County Park.

Mike Veerman, an Arcadia resident, appeared and spoke in support of the Tiny Shelter Project; he commented on the Five-Point Plan report; he also commented on the Housing Element and affordable housing; and questioned when that will be sent to the State.

Jacob Pierce, Secretary for Monrovia Housing and Tenants Advocates, appeared and spoke about the Homelessness Five-Point Plan report; he expressed his support for the unhoused community; he thanked the City for taking the homelessness issue seriously and for their continued efforts in addressing and studying this issue.

Carolyn Iga, an Arcadia resident, appeared and spoke in favor of affordable housing and temporary shelters; she shared a story about helping her homeless neighbor; and expressed her support for Tiny Shelters.

Laurie Dunbar, an Arcadia resident, appeared and expressed her concerns regarding the Tiny Shelter Project; she indicated that she is opposed to Tiny Shelters; she urged the City Council not to offer free housing; and that if the City moves forward with shelters, the City Council should only consider temporary housing.

Angela Hui, an Arcadia resident, appeared and commented about the homelessness problem in California; she commented on the Five-Point Plan report; and explained why she is opposed to Tiny Shelters.

Jolly Wu, called and expressed her frustration with the City Council for failing to fill the vacancy in District 5. Ms. Wu urged the City Council not to discuss the proposed Tiny Homes Project until District 5 is filled.

**11. REPORTS FROM MAYOR, CITY COUNCIL AND CITY CLERK (including reports from the City Council related to meetings attended at City expense [AB 1234]).**

Mayor Pro Tem Cheng apologized to Joyce Platt and Angela Hui for bringing up their names during the last City Council Meeting; he read an email he sent to Ms. Platt; he thanked Ms. Hui for her volunteer work and service to the City; he announced that on March 12 he attended the 55th Annual Spaghetti Dinner fundraiser event in support of the Arcadia Music Club and Arcadia High School Band; that on April 2 the Arcadia High School Color Guard is hosting a WGASC show; he noted that volunteers are needed for that event; and shared that he spent Sunday with Council Member Beck.

Council Member Verlato announced that on March 12 she attended the 55th Annual Spaghetti Dinner fundraiser event; she reported that she attended a Special Meeting of San Gabriel Valley Council of Governments; she indicated that the Board is making recommendations to the Blue Ribbon Commission on Homelessness; she also reported that she attended a meeting with the Downtown Arcadia Improvement Association to discuss the upcoming Patriotic Festival on July 2; she addressed some of the comments made by a public speakers regarding Asian hate; she stated that she denounces any kind of Asian hate; and encouraged anyone that hears something that does not sit right with them to contact her for clarification.

Council Member Beck addressed comments made by Ms. Gren and Ms. Lee regarding their criticism of the City Council; he commented on the war in the Ukraine; he indicated that he agreed with Mayor Pro Tem Cheng's comments; he spoke about his day with Mayor Pro Tem Cheng; he commented on Mayor Tay's intent to run for a third term of office and respectfully asked the Mayor to reconsider suing the City; he thanked Kristin Bennett for a beautiful invocation; he thank Mayor Tay for having the Junior Scouts lead the Pledge of Allegiance; he announced that on March 29 the City Council will be attending the Arcadia Chamber of Commerce's Annual Installation Dinner event at The Derby; that on March 18 is a Special Meeting with the Charter Review Committee; and that on April 9 he and Mayor Tay will be participating in the Santa Anita Derby Day 5K Run.

City Clerk Glasco added to Council Members Beck's comments regarding the war in Ukraine; he shared how his church honored Ukraine at the end of mass; he stated that he signed off on a Boy Scouts' Eagle Scout Merit Project which will beautify Arcadia Vietnam Memorial Monument at Arcadia County Park; he reported that Supervisor Katheryn Barger plans on bringing back the Annual Salute to Veterans and their Families event on May 28; he announced that March 29 is the 50th Anniversary of the National Vietnam War Veterans Day; and shared a video in honor of that day.

Mayor Tay addressed comments made by the City Council regarding a lawsuit against the City related to his intent to run for a third term of office.

The City Council recessed at 10:18 p.m. and reconvened at 10:23 p.m.

**12. CITY MANAGER**

- a. Report, discussion, and directions regarding the Homelessness Five-Point Plan.  
Recommended Action: Provide Direction

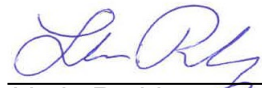
Recreation and Community Services Director Somogyi presented the Staff Report.

After City Council discussion a motion was made by Mayor Pro Tem Cheng, seconded by Council Member Verlato, and carried on a roll call vote to authorize staff to pursue the recommendations listed in the staff report in order to address homelessness in Arcadia.

AYES: Cheng, Verlato, Beck, and Tay  
NOES: None  
ABSENT: None

**13. ADJOURNMENT**

The City Council adjourned at 11:27 p.m. to Tuesday, April 5, 2022, at 6:00 p.m. in the City Council Conference Room.

  
\_\_\_\_\_  
Linda Rodriguez  
Assistant City Clerk



# STAFF REPORT

Development Services Department

**DATE:** April 5, 2022

**TO:** Honorable Mayor and City Council

**FROM:** Jason Kruckeberg, Assistant City Manager/Development Services Director  
Philip A. Wray, Deputy Director of Development Services/City Engineer

**SUBJECT:** RESOLUTION NO. 7416 DECLARING ITS INTENTION TO VACATE THE EAST/WEST ALLEY WITHIN THE BLOCK BOUNDED BY SANTA ANITA AVENUE, SANTA CLARA STREET, FIRST AVENUE AND WHEELER AVENUE, SETTING A PUBLIC HEARING RELATIVE THERETO, AND APPROVING A CATEGORICAL EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”)  
**Recommendation: Adopt**

## **SUMMARY**

In May of 2021, the City received an application for a new development referred to as the Alexan Arcadia, a mixed-use, multi-family housing project located just east of Santa Anita Avenue between Santa Clara Street and Wheeler Avenue, behind an existing seven-story office building that will remain. Within the proposed project boundaries is a public alley, which abuts four properties, all under the same ownership. The Property Owner has requested the City vacate the alley so that the land can be incorporated into the proposed development. The project is currently proceeding through the entitlement process and the Environmental Impact Report has been released for public comments.

As part of the street vacation process, the City Council must adopt a Notice of Intent Resolution setting a time and place to hold a public hearing to ascertain the necessity to abandon and vacate the alley. A public hearing will be scheduled to coincide with the project entitlement public hearing. It is recommended that the City Council adopt Resolution No. 7416 declaring its intention to vacate the east/west alley in the block bounded by Santa Anita Avenue, Santa Clara Street, First Avenue and Wheeler Avenue, set a public hearing for the regularly scheduled City Council Meeting of May 17, 2022, and approve a Categorical Exemption for this action pursuant the California Environmental Quality Act (“CEQA”).

## **BACKGROUND**

The Downtown Arcadia block bounded by Santa Anita Avenue on the west, Santa Clara Street on the north, First Avenue on the east and Wheeler Avenue on the south originally had an east/west alley across the entire block. Over time, the alley was vacated in segments and the only remaining portion is a short segment, approximately 100 feet long,

extending westerly from the central north south alley (See Exhibit "A" to the Resolution). The four properties that abut the alley are now under the same ownership and the owners have requested that the City vacate the alley to accommodate their development proposal.

The property owner, Positive Investments, proposes to consolidate the four lots and the alley into one lot for a mixed-use, multi-family Housing project, named the Alexan Arcadia. The project application was received in May 2021 and the project is proceeding through the entitlement process. The draft Environmental Impact Report has been released for public review and the project entitlement public hearings have been scheduled for the near future. The alley vacation process is being coordinated to coincide with the project entitlement City Council public hearing.

Public street/alley vacations are governed by the California Streets and Highways Code. The Code requires that all public utilities be notified of the City's intent and given the opportunity to retain easements for their facilities. Notices were sent to all public utility companies on March 22, 2022, alerting them of the City's intention to vacate, and requesting input on existing facilities and special needs. The deadline for responses is April 29, 2022, and any special needs will be incorporated into the final vacation resolution.

The Code also requires that a street/alley vacation be consistent with the local agency's General Plan. The Alexan Arcadia project is scheduled for a Planning Commission public hearing on April 26, 2022. Included in the Planning Commission's requested actions will be a finding of consistency with the City's General Plan Goals and Policies.

## **DISCUSSION**

The purpose of this action is to state the City's intention to vacate the excess right-of-way, and to set the public hearing for the regular City Council Meeting of May 17, 2022. The hearing date has been selected to coincide with the Alexan Arcadia entitlement public hearing before the City Council. If the Notice of Intent is approved, notices will be posted in accordance with the Streets and Highways Code.

## **ENVIRONMENTAL ANALYSIS**

The proposed right-of-way vacation is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301(c) because this action consists of a legal transfer of ownership, which will result in negligible or no expansion of use. Any land use actions beyond this vacation will be analyzed through a separate CEQA process (Environmental Impact Report).

**FISCAL IMPACT**

There is no direct fiscal impact as a result of this action. The developer has paid the application fee for the street vacation. The City will no longer have maintenance or liability responsibilities over the alley in question.

**RECOMMENDATION**

It is recommended that the City Council adopt Resolution No. 7416 declaring its intention to vacate the east/west alley within the block bounded by Santa Anita Avenue, Santa Clara Street, First Avenue and Wheeler Avenue, set a public hearing for the regularly scheduled City Council Meeting of May 17, 2022, and approve a Categorical Exemption for this action pursuant to the California Environmental Quality Act (“CEQA”).

Approved:

  
\_\_\_\_\_  
Dominic Lazzaretto  
City Manager

Attachment: Resolution No. 7416

RESOLUTION NO. 7416

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA DECLARING ITS INTENTION TO VACATE THE EAST/WEST ALLEY WITHIN THE BLOCK BOUNDED BY SANTA ANITA AVENUE, SANTA CLARA STREET, FIRST AVENUE AND WHEELER AVENUE, SETTING A PUBLIC HEARING RELATIVE THERETO, AND APPROVING A CATEGORICAL EXEMPTION FOR THIS ACTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA")

THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. The City of Arcadia does hereby determine that the proposed right-of-way vacation of the east/west alley within the block bounded by Santa Anita Avenue, Santa Clara Street, First Avenue and Wheeler Avenue is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Local CEQA Guidelines Section 15301(c) because these actions consist of a legal transfer of ownership, which will result in negligible or no expansion of the existing use.

SECTION 2. The City of Arcadia does hereby preliminarily approve that certain proposed alley vacation as shown on the map in Exhibit "A", attached hereto, which the City Council hereinafter declares its intention to vacate and abandon.

SECTION 3. The City Clerk is hereby directed to file said map in the City Clerk's office where the same may be examined by any and all persons desiring to do so.

SECTION 4. Pursuant to and in accordance with provisions of Chapters 3 and 5 of Part 3 of Division 9 of the Streets and Highways Code of the State of California (Streets and Highways Code Section 8300, et seq.), the City Council does hereby declare its intention to vacate and abandon the east/west alley within the block bounded by Santa Anita Avenue, Santa Clara Street, First Avenue and Wheeler Avenue pursuant to the

Streets and Highways Code of the State of California.

SECTION 5. Notice is hereby given that at the hour of 7:00 p.m., or as soon thereafter as the matter can be heard, on the 17th day of May, 2022, in the Council Chambers of Arcadia City Hall, 240 West Huntington Drive, Arcadia, California, a public hearing will be held by the City Council, at which time any and all persons interested in or objecting to the proposed vacation and abandonment may appear and be heard.

SECTION 6. The City Clerk is hereby directed to cause this Resolution to be published in the official newspaper of the City of Arcadia and the notice of public hearing stating the date, hour, and place to be published for at least two successive weeks prior to the hearing.

SECTION 7. The City Clerk shall certify to the adoption of this Resolution.

Passed, approved, and adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
Mayor of the City of Arcadia

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

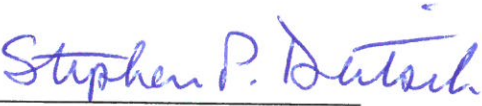
  
\_\_\_\_\_  
Stephen P. Deitsch  
City Attorney

Exhibit "A"



City of Arcadia Alley to be Vacated



# STAFF REPORT

## Library and Museum Services Department

**DATE:** April 5, 2022

**TO:** Honorable Mayor and City Council

**FROM:** Darlene Bradley, Director of Library and Museum Services  
Prepared by: Roger Hiles, Library Services Manager

**SUBJECT:** RESOLUTION NO. 7421 AUTHORIZING A SUPPLEMENTAL APPROPRIATION IN THE LIBRARY AND MUSEUM SERVICES BUDGET FOR A PUBLIC BROADBAND AND NETWORK EQUIPMENT UPGRADE IN AN AMOUNT NOT TO EXCEED \$57,789, OFFSET BY FUNDS RECEIVED FROM THE AMERICAN RESCUE PLAN ACT OF 2021  
**Recommendation: Adopt**

### **SUMMARY**

The COVID-19 pandemic has increased the need for online connectivity. The Arcadia Public Library's public broadband infrastructure, purchased seven years ago, and used by over 100,000 patrons annually, must be upgraded to meet current needs and technical requirements. With the federal American Rescue Plan Act of 2021 ("ARPA") placing a priority on public broadband access, an opportunity exists to fund needed upgrades without burdening the City's General Fund. It is recommended that the City Council adopt Resolution No. 7421 authorizing a supplemental appropriation in the Department of Library and Museum Services Budget in an amount not to exceed \$57,789, which will be offset by funds received from ARPA distributions.

### **BACKGROUND**

Since 2015, the Arcadia Public Library has provided internet service to the Library's public computers and public Wi-Fi system through a connection to the California Research and Education Network ("CalREN"), which is maintained by the Corporation for Education Network Initiatives in California ("CENIC"). This network currently provides high quality, high-speed access to the University of California, the California State University system, California Community Colleges, the California K-12 system, some private universities, and many public libraries.

The California State Library established the California Public Library Broadband Consortium to allow the State to apply for grant funds from the California Public Utilities Commission's Teleconnect Fund grant program and U.S. Federal Communications Commission's Universal Service Program for Schools and Libraries grant program on behalf of member

libraries. These grant funds are then applied towards the cost of the CENIC broadband service and result in a substantially discounted cost for member libraries.

In the years since 2015, the Library's public computers and Wi-Fi system served more than 100,000 patrons annually prior to the pandemic, and 5,000 patrons using the Wi-Fi from outside the building during the Library's closure to the public in 2020-21. Since the Library reopened to the public, usage has grown back steadily.

The network hardware supporting the service has become obsolete and will not support CalREN's plans for enhanced future capacity.

## **DISCUSSION**

This proposal for improved public broadband service includes an upgrade of the Library's network from the current 1 gigabits per second ("Gbps") capacity to 10 Gbps, replacement of the circuit hardware needed to support the higher speed, and replacement of the seven-year-old network hardware (router, switches, and firewall) used for the Library's public network, and three years of maintenance and support for the new equipment.

Of note, the upgraded 10 Gbps service is actually less expensive going forward because it is the CalREN's new standard for broadband connectivity.

Proposed upgrades:

<b><u>Network equipment replacement:</u></b>	<b>\$12,328</b>
Two 48-port switches:	\$5,300
Two 48-port management software licenses (3-year term):	\$2,255
Two switch maintenance licenses (3-year term):	\$3,000
Secondary power supply:	\$1,773
<b><u>Broadband Circuit Upgrade:</u></b>	<b>\$37,400</b>
One Router	
Two optical transceivers	
One backup modem	
Circuit deployment fee	
Maintenance for 3-years	
Sales tax (est.):	\$2,811
Contingency (10%):	\$5,250
Total:	<b>\$57,789</b>

As a member of the California State Library's Public Library Broadband consortium, the Arcadia Public Library receives regular reimbursements for ongoing broadband service from the California State Library from a mix of State and Federal funds. The Library will continue

to be eligible for these reimbursements with the upgraded circuit, and grant funding should also be available to defray some of the hardware costs of this upgrade. Details should be available later this year, as grant funding levels are determined. In the meantime, the full amount of the upgrade is being requested using ARPA funds. Should other grants be available, they will be used first to reserve ARPA funding for other pursuits. Note that grant funding in the past has been managed by Califa Group but is being moved by the State to CTC Technology & Energy, though the terms of the grant will be unchanged.

### **ENVIRONMENTAL ANALYSIS**

The proposed action does not constitute a project under the California Environmental Quality Act ("CEQA"), and it can be seen with certainty that it will have no impact on the environment. Thus, this matter is exempt under CEQA.

### **FISCAL IMPACT**

The cost of the upgrade is not budgeted for this Fiscal Year. Therefore, a supplemental appropriation in an amount not to exceed \$57,789 is being requested to adequately fund the Public Broadband and Network Equipment upgrade, which will be offset in its entirety by funds received from the American Rescue Plan Act of 2021. ARPA specifically provided local municipalities with funds to recover from the economic impact of the COVID-19 pandemic with an emphasis on providing broadband access to underserved communities. As a result, the project will have no financial burden on the City's General Fund, which would normally support such acquisitions.

### **RECOMMENDATION**

It is recommended that the City Council determine that this action is exempt under the California Environmental Quality Act ("CEQA"); and adopt Resolution No. 7421 authorizing a supplemental appropriation in the Department of Library and Museum Services Budget for the Public Broadband and Network Equipment Upgrade in an amount not to exceed \$57,789, offset by funds received from the American Rescue Plan Act of 2021.

Approved:

  
Dominic Lazzaretto  
City Manager

Attachment "A" - Resolution No. 7421

Attachment "B" - Circuit upgrade price quote from CENIC

**Attachment "A"**

**RESOLUTION NO. 7421**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, AUTHORIZING A SUPPLEMENTAL APPROPRIATION IN THE LIBRARY AND MUSEUM SERVICES BUDGET FOR A PUBLIC BROADBAND AND NETWORK EQUIPMENT UPGRADE IN AN AMOUNT NOT TO EXCEED \$57,789, OFFSET BY FUNDS RECEIVED FROM THE AMERICAN RESCUE PLAN ACT OF 2021**

WHEREAS, during Fiscal Year 2021-22, it was determined that the Arcadia Public Library's public broadband connectivity and network infrastructure needs significant upgrades; including a circuit upgrade to 10 Gbps (gigabits per second), and

WHEREAS, the public broadband and network equipment upgrade will allow for fast and reliable broadband connectivity to better serve the community's increased need for online meetings and communications caused by the gathering restrictions brought on by the COVID-19 pandemic; and

WHEREAS, the total cost of the Broadband and Network Equipment Upgrade with CENIC (the Corporation for Education Network Initiatives in California), will not exceed \$57,789, which is not budgeted in the current Fiscal Year 2021-22 Operating Budget; and

WHEREAS, the Department of Library and Museum Services is in need of a supplemental appropriation in an amount not to exceed \$57,789, which will be offset in its entirety by funds received from the American Rescue Plan Act of 2021, which serves to help local municipalities recover from the impact of COVID-19, including new technology expenses.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. A sum in an amount not to exceed fifty-seven thousand seven hundred and eighty-nine dollars (\$57,789) is hereby appropriated in the Department of

Library and Museum Services Budget, offset with an equal reduction in the American Rescue Plan Act of 2021 account.

SECTION 2. The City Clerk shall certify to the adoption of this Resolution.

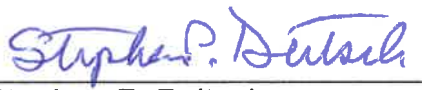
Passed, approved and adopted this 5th day of April 2022.

\_\_\_\_\_  
Mayor of the City of Arcadia

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Stephen P. Deitsch  
City Attorney

## Attachment "B"



Customer: Arcadia Public Library  
 Budget Summary Description: Upgrade to 10 Gbps  
 Quote Date: FY 22-23 - December 2021  
 Quote Expiration: N/A

Line Item	NRC Non-Recurring Cost	MRC Monthly Recurring Cost	ARC Annual Recurring Cost
1 Equipment [1]	\$20,349.53	\$0.00	\$0.00
2 Maintenance	\$0.00	\$0.00	\$1,783.49
3 Installation	\$5,906.90	\$0.00	\$0.00
4 Circuit	\$0.00	\$780.00	-
5 <a href="#">Circuit Deployment Fee [2]</a>	\$6333.33 [2]	\$0.00	\$0.00
Total	\$26,256.43	\$780.00	\$1,783.49

<b>Annual Cost</b>	<b>\$11,143.49</b>
<b>Discounted Annual Cost</b>	<b>\$4,123.49</b>
<b>Total for Year 1</b>	<b>\$37,399.91</b>
<b>Discounted Annual Cost Year 1</b>	<b>\$30,379.91</b>

[1] CENIC pays for equipment, maintenance and installation of initial CalREN connection.

[2] The California State Library requested, and received funding through the Budget Act of 2021, AB 128, Chapter 21, 2021 Statute, to pay for Circuit Deployment Fees (CDF) on behalf of public libraries connecting to CalREN. The full text can be found here: [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB128](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB128)



# STAFF REPORT

Public Works Services Department

**DATE:** April 5, 2022

**TO:** Honorable Mayor and City Council

**FROM:** Paul Cranmer, Public Works Services Director  
By: Vanessa Hevener, Environmental Services Manager

**SUBJECT:** AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH CWE, INC. AND CHANGE ORDER TO THE PURCHASE ORDER FOR THE IMPLEMENTATION OF THE COORDINATED INTEGRATED MONITORING PROGRAM ("CIMP") FOR THE RIO HONDO/SAN GABRIEL RIVER WATER QUALITY GROUP IN THE AMOUNT OF \$228,775

**Recommendation: Approve**

## **SUMMARY**

On January 19, 2021, the City Council awarded a five-year Professional Services Agreement ("PSA") in the amount of \$2,960,675 with CWE, Inc. for the continued implementation of the Coordinated Integrated Monitoring Program ("CIMP") Plan for the Rio Hondo/San Gabriel Water Quality Group ("Group") and executed a Memorandum of Agreement with the Cities of Bradbury, Duarte, Monrovia, and Sierra Madre, the County of Los Angeles, and the Los Angeles County Flood Control District to aid in the administration, implementation, and cost sharing of the Agreement. Due to new stormwater permit requirements, an amendment to the PSA and change order to the purchase order with CWE, Inc. is warranted. The total change order cost will be divided between members based on the agreed cost sharing formula outlined in the Memorandum of Agreement.

It is recommended that the City Council approve, authorize, and direct the City Manager to execute an Amendment to the PSA with CWE, Inc. and approve a change order to the purchase order for the implementation of the CIMP for the Rio Hondo/San Gabriel Water Quality Group in the amount of \$228,775.

## **BACKGROUND**

On January 19, 2021, the City Council awarded a five-year PSA in the amount of \$2,960,675 with CWE, Inc. for the continued implementation of the CIMP Plan for the Rio Hondo/San Gabriel Water Quality Group and executed a Memorandum of Agreement with the Cities of Bradbury, Duarte, Monrovia, and Sierra Madre, the County of Los Angeles, and the Los Angeles County Flood Control District to aid in the administration,

implementation, and cost sharing of the Agreement. Per the Memorandum of Agreement, the total cost of the PSA would be divided between members based on an agreed cost sharing formula as follows: 10% base for participation plus 90% based on agency's land area that drains to the Los Angeles and San Gabriel Rivers. The Scope of Services in the PSA with CWE, Inc. included the following tasks:

- Project Management, Coordination, and Meetings
- CIMP Requirements - Receiving Water Monitoring, Storm Water ("SW") Outfall Monitoring, TMDL Monitoring and Non-Storm Water ("NSW") Outfall Monitoring
- Development of a Health and Safety Plan
- Data Management and Reporting Methodology
- Laboratory Analysis
- Reports
- Field Logs & Site Assessment Photos
- Equipment

On July 23, 2021, the Los Angeles Regional Water Quality Control Board ("Regional Board") adopted a new Stormwater Permit which includes additional requirements such as a new semi-annual progress reporting requirements with additional required toxicity sensitivity screenings. The new reporting requirements are similar to the annual reports prepared under the existing PSA but with an added focus on watershed control measures, planning and implementation progress, and compliance. In addition, the new Permit requires that toxicity sensitivity screening be conducted prior to completing the CIMP Plan revisions. Furthermore, in 2016, the Group submitted monitoring station installation permit applications to the United States Army Corps of Engineers ("USACE") for Arcadia Wash, Santa Anita Wash, Little Dalton Wash, Sawpit Wash, Rio Hondo Channel, and Bradbury Drain. The Group was recently notified by USACE that it is ready to evaluate the applications; however, a Cultural Resources Assessment ("CRA") study is being required for the six flood control facilities. Since the washes, channel, and drain are each 50 years of age or older, USACE requires that they be evaluated for historical significance based on listing criteria used by the National Register of Historic Places. The tasks outlined above are outside of the original PSA approved last year; therefore, an Amendment to the PSA is necessary.

## **DISCUSSION**

The total cost to include the additional requirements of the Stormwater Permit and the CRA study is \$228,775. The updated MOA also includes a total of \$72,980 to reimburse the City of Monrovia for work completed on behalf of the Group. The City of Monrovia separately awarded a contract for the development and preparation of applications for funding under the Safe Clean Water (Measure W) Regional Project on behalf of the Group.

Table 1 below shows the new total cost including original PSA amount, the change order cost, reimbursing the City of Monrovia for grant preparation, and the overall administration fee for each of the participating agencies over the next five years. The cost sharing

formula outlined in the MOA will remain the same for the Amendment (10% for participation and 90% on each agency’s land area that drains to the Rio Hondo and San Gabriel River).

**Table 1. Cost Allocation Formula for Fiscal Years 2021-2025**  
(includes original PSA amount, City of Monrovia, Administration Fee (5%) and Change Order)

Agencies	Acres	Percent of Area	Base Fee (10%)	Cost based on Acres (90%)	Total Cost
City of Arcadia	11	34.16%	\$54,240.94	\$1,000,593.73	\$1,054,834.67
City of Bradbury	1.9	5.90%	\$54,240.94	\$172,829.83	\$227,070.77
City of Duarte	3.6	11.18%	\$54,240.94	\$327,467.04	\$381,707.98
City of Monrovia	8	24.84%	\$54,240.94	\$727,704.53	\$781,945.47
City of Sierra Madre	2.8	8.70%	\$54,240.94	\$254,696.59	\$308,937.53
County of Los Angeles	4.9	15.22%	\$54,240.94	\$445,719.03	\$499,959.96
Los Angeles County Flood Control District			-	-	\$167,446.13
<b>Total</b>	<b>32.2</b>	<b>100%</b>	<b>\$325,445.64</b>	<b>\$2,929,010.74</b>	<b>\$3,421,902.50</b>

Based on the cost sharing formula, the City of Arcadia’s contribution for the monitoring program will increase by additional \$73,965.20 over five years. Annual invoices for the remainder of the costs will be due no later than January of each following year. As the fiduciary and contract administrator, Arcadia will receive a total of \$159,472.50 from Working Group cites for contract administration over the same period, resulting in a “net contribution” of \$895,362.17.

**ENVIRONMENTAL ANALYSIS**

The proposed action does not constitute a project under the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines, as it can be seen with certainty that it will have no impact on the environment. Thus, this matter is exempt under CEQA.

### **FISCAL IMPACT**

Annual costs will be divided among participating agencies based on the MOA's cost share formula. The City of Arcadia's total cost for the monitoring program including the Change Order is approximately \$1,054,834.67 over five years. Arcadia will receive a total of \$159,472.50 for contract administration over the same period, resulting in a "net contribution" of \$895,362.17. The cost for the implementation of the CIMP has been budgeted in the Fiscal Year 2022-23 Capital Improvement Program ("CIP") and in subsequent fiscal years. The City of Arcadia is expected to receive approximately \$1,030,000 in local return from the Safe Clean Water Program (Measure W) annually and these funds have been allocated in the CIP for this contract. No General Fund monies are proposed to be utilized.

### **RECOMMENDATION**

It is recommended the City Council determine that this action does not constitute a project and is, therefore, exempt under the California Environmental Quality Act ("CEQA"); and approve, authorize, and direct the City Manager to execute an Amendment to the Professional Services Agreement with CWE, Inc. and change order to the Purchase Order for implementation of the Coordinated Integrated Monitoring Program ("CIMP") for the Rio Hondo/San Gabriel River Water Quality Group in the amount of \$228,775.

Approved:

  
\_\_\_\_\_  
Dominic Lazzaretto  
City Manager

Attachments: Exhibit "A" – Tables 2.b and 3 of Memorandum of Agreement  
Proposed Amendment No. 1

## Exhibit "A"

**New Table 2.b - Cost Allocation Formula for PSA Change Order** (Tasks: New Reporting Requirement, Toxicity Sensitivity Screening, and Cultural Resources Assessment Study)

**Cost Formula:**

- A. 10% Base Fee = [(Total CONSULTANT costs) X 10%] /6 parties
- B. 90% Land Use = [(Total CONSULTANT costs X 90%) X Percentage of total land area (not including Angeles National Forest)]

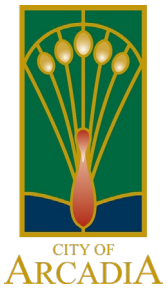
<b>Party</b>	<b>Acres (Developed Land sq.mi)</b>	<b>Percent of Area</b>	<b>Base Fee (1/6<sup>th</sup> of 10%)</b>	<b>Land Use (90%)</b>	<b>Total Cost</b>
City of Arcadia	11	34.16	\$3,803.38	\$70,161.81	\$73,213.75
City of Bradbury	1.9	5.90	\$3,803.38	\$12,118.86	\$15,922.24
City of Duarte	3.6	11.18	\$3,803.38	\$22,962.05	\$26,765.43
City of Monrovia	8	24.84	\$3,803.38	\$51,026.77	\$54,830.16
City of Sierra Madre	2.8	8.70	\$3,803.38	\$17,859.37	\$21,662.75
County of Los Angeles	4.9	15.22	\$3,803.38	\$31,253.90	\$35,057.28
LACFCD (5% Contribution)	-	-	-	-	\$12,010.69
<b>TOTAL</b>	<b>32.2</b>	<b>100</b>	<b>\$22,820.31</b>	<b>\$205,382.76</b>	<b>\$240,213.75*</b>

\*Includes five percent (5%) program project administration cost payable to the CITY OF ARCADIA, up to a maximum amount of \$11,438.75.

**Replace Table 3. Invoicing Schedule for Required Services (Table 2 plus Table 2.a plus Table 2.b)**

<b>Invoice Date</b>	<b>Jan 2021</b>	<b>Jan 2022</b>	<b>Jan 2023</b>	<b>Jan 2024</b>	<b>Jan 2025</b>	<b>Total Invoiced</b>
City of Arcadia	\$196,173.89	\$196,173.89	\$220,828.96	\$220,828.96	\$220,828.96	\$1,054,834.67
City of Bradbury	\$42,229.70	\$42,229.70	\$47,537.12	\$47,537.12	\$47,537.12	\$227,070.77
City of Duarte	\$70,988.51	\$70,988.51	\$79,910.32	\$79,910.32	\$79,910.32	\$381,707.98
City of Monrovia	\$89,977.90*	\$145,423.06	\$163,699.78	\$163,699.78	\$163,699.78	\$781,945.47
City of Sierra Madre	\$57,454.95	\$57,454.95	\$64,675.87	\$64,675.87	\$64,675.87	\$308,937.53
County of Los Angeles	\$92,980.54	\$92,980.54	\$104,666.30	\$104,666.30	\$104,666.30	\$499,959.96
LACFCD (5%)	\$31,087.09	\$31,087.09	\$35,090.65	\$35,090.65	\$35,090.65	\$167,446.13

\*A credit in the amount of \$55,445.16 will be applied against \$145,423.06 for the January 2021 invoice.



**AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT  
FOR THE IMPLEMENTATION OF THE COORDINATED INTEGRATED  
MONITORING PROGRAM (“CIMP”) FOR THE RIO HONDO SAN GABRIEL  
RIVER WATER QUALITY GROUP BY AND BETWEEN THE  
CITY OF ARCADIA AND CALIFORNIA WATERSHED ENGINEERING**

This Amendment No. 1 (“Amendment No. 1”) is hereby entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by and between the City of Arcadia, a municipal corporation of the State of California, and **California Watershed Engineering (“CWE”)**, with respect to that certain Professional Services Agreement between the parties dated February 18, 2021 (“Agreement”).

The Parties agree as follows:

1. Pursuant to Section 2.a of the Agreement, the Compensation is hereby amended as set forth in the attached Exhibit “B”.
2. Pursuant to Section 3 of the Agreement, the Scope of Services is hereby amended as set forth in the attached Exhibit “A”.
3. All terms and provisions of the Agreement not amended by this Amendment No. 1 are hereby reaffirmed.

In witness whereof the Parties have executed this Amendment No. 1 on the date set forth below.

CITY OF ARCADIA

CALIFORNIA WATERSHED  
ENGINEERING

By: \_\_\_\_\_  
Dominic Lazzaretto  
City Manager

By: \_\_\_\_\_  
Title: \_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

ATTEST:  
\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Dated: \_\_\_\_\_

APPROVED AS TO FORM:

CONCUR:

\_\_\_\_\_  
Stephen P. Deitsch  
City Attorney

\_\_\_\_\_  
Paul Cranmer  
Public Works Services Director

## Exhibit "A"

### Scope of Services

The Scope of Services for the Implementation of the Coordinated Integrated Monitoring Program ("CIMP") shall include and incorporate the following three (3) new tasks to the Agreement dated February 18, 2021, but are not limited to the following:

#### **New Task# 1 - Semi-Annual Progress Reports**

CWE will prepare draft and final RH/SGR WQG MS4 Permit Semi-Annual Progress Reports (the June 15<sup>th</sup> submittals) beginning with the July 2021 through December 2021 reporting period. Progress Reports will be provided to each City in the Group as an editable document to allow for easy revision tracking prior to finalizing the report and submission to the Regional Board. This will include a total of five (5) Semi-Annual Progress Report periods ending with the July 2025 through December 2025 reporting period.

#### **New Task #2 - Toxicity Sensitivity Screening**

The additional toxicity sensitivity screening is required for two wet-weather and two dry-weather events. Chronic *ceriodaphnia* screenings are already being performed for the Group. This task will add three additional screenings for chronic fathead minnow, acute *hyalella Azteca*, and acute *chironomus dilutus*. The additional budget associated with this task is limited to laboratory analysis, sample courier service, and CEDEN data, since our team is already budgeted to perform the wet- and dry-weather sampling.

#### **New Task#3 - Cultural Resources Assessment**

The USACE is requiring a CRA for the six flood control facilities to further evaluate the monitoring station installation permit applications. Because the washes, channel, and drain are each 50 years of age or older, the USACE has required that they be evaluated for historical significance using the criteria for listing in the National Register of Historic Places (National Register). Work will consist of defining the areas of potential effects, performing an archival research/records search, field surveys, the completion of Department of Parks and Recreation forms, preparing reports, and one round of response to comments.

## Exhibit "B"

### Schedule of Charges/Payments

Consultant will invoice City on a monthly cycle. Consultant will include with each invoice a detailed progress report that indicates the amount of budget spent on each task. Consultant will inform City regarding any out-of-scope work being performed by Consultant. This is a time-and-materials contract.

Compensation shall be based on time and materials spent in accordance with the following tasks, not to exceed the total compensation listed below:

The schedule of prices for the incorporation of new tasks to the Scope of Services is attached as attachment "A" to this Exhibit "B".

Implementation of the Coordinated Integrated Monitoring Program	-	\$3,189,450.00
<b>Total Compensation</b>	-	<b>\$3,189,450.00</b>

The total compensation shall not exceed the total listed without written authorization in accordance with Section 2 (b) of the agreement.

## Attachment "A" to Exhibit "B"

### Semi-Annual Progress Reports

CWE will prepare draft and final RH/SGR WQG MS4 Permit Semi-Annual Progress Reports (the June 15<sup>th</sup> submittals) beginning with the July 2021 through December 2021 reporting period. Progress Reports will be provided to each City in the Group as an editable document to allow for easy revision tracking prior to finalizing the report and submission to the Regional Board. This will include a total of five (5) Semi-Annual Progress Report periods ending with the July 2025 through December 2025 reporting period.

### Toxicity Sensitivity Screening

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### Cultural Resources Assessment

The USACE is requiring a CRA for the six flood control facilities to further evaluate the monitoring station installation permit applications. Because the washes, channel, and drain are each 50 years of age or older, the USACE has required that they be evaluated for historical significance using the criteria for listing in the National Register of Historic Places (National Register). Work will consist of defining the areas of potential effects, performing an archival research/records search, field surveys, the completion of Department of Parks and Recreation forms, preparing reports, and one round of response to comments.

### Budget

The following represents a change order cost estimate for the tasks to be completed.

Tasks	Cost
Semi-Annual Progress Reports	\$156,885
Toxicity Sensitivity Screening	\$11,422
Cultural Resources Assessment	\$60,468
<b>Total Cost Estimate</b>	<b>\$228,775</b>



# STAFF REPORT

Public Works Services Department

**DATE:** April 5, 2022

**TO:** Honorable Mayor and City Council

**FROM:** Paul Cranmer, Public Works Services Director  
By: Eddie Chan, P.E., Principal Civil Engineer

**SUBJECT:** CONTRACT WITH GENTRY BROTHERS, INC. FOR THE FISCAL YEAR 2021-22 ANNUAL CONCRETE REPAIRS PROJECT IN THE AMOUNT OF \$105,730

**Recommendation: Approve**

## **SUMMARY**

As part of the City's Annual Asphalt and Concrete Program, the Public Works Services Department ("PWSD") is preparing to repair damaged curbs, gutters, and cross gutters along various residential streets within the City. To ensure that the City is receiving the most competitive prices and quality service for this work, the PWSD conducted a formal bid. Gentry Brothers, Inc. submitted the lowest responsive bid.

It is recommended that the City Council approve, authorize, and direct the City Manager to execute a contract with Gentry Brothers, Inc. for the Fiscal Year 2021-22 Annual Concrete Repairs Project in the amount of \$105,730.

## **BACKGROUND**

The PWSD is responsible for the maintenance and repair of approximately 147 miles of roadway within the City. Since 1999, the City has enacted a comprehensive Pavement Management Program, where the condition of all City streets has been regularly assessed to plan for an Annual Asphalt and Concrete Repair Program. As part of this program, street surfaces that are cracked are slurry sealed, and concrete curbs, gutters, and pavement areas that have been damaged are repaired.

For this Fiscal Year, the concrete repairs portion of the program includes identifying and prioritizing replacement of curbs, gutters, and cross gutters in the areas shown on the attached Project Location Map (Exhibit "A"). In addition, handicap curb ramps will be installed at various locations in the project area to remove barriers to sidewalk accessibility. The work plan and budget are included in the Fiscal Year 2021-22 Capital Improvement Program as part of the Annual Slurry Seal Program.

## **DISCUSSION**

A Notice Inviting Bids was published in the City's adjudicated newspaper and bid packages were provided to contractors that perform this type of work. On March 1, 2022, the City Clerk received eight sealed bids, with the following results:

<b>Rank</b>	<b>Bidder</b>	<b>Location</b>	<b>Bid Amount</b>
1.	Gentry Brothers, Inc.	Irwindale, CA	\$105,730.00
2.	Ruiz Concrete & Paving Inc.	Long Beach, CA	\$108,892.10
3.	Onyx Paving Co., Inc.	Anaheim, CA	\$123,000.00
4.	Toro Enterprises Inc.	Oxnard, CA	\$144,344.75
5.	EC Construction	S. El Monte, CA	\$149,123.00
6.	IE General Engineering	Beaumont, CA	\$152,035.00
7.	CT&T Concrete Paving Inc.	Diamond Bar, CA	\$163,350.00
8.	Gentry General Engineering, Inc.	Rancho Cucamonga, CA	\$223,460.00

Bid documents were reviewed for content and the Contractor's background and recent projects were investigated. Based on this review, it has been determined that Gentry Brothers Inc. is the lowest responsive bidder for this work and is a qualified contractor for the project. Gentry Brothers, Inc. has successfully completed similar projects for the Cities of Alhambra, Baldwin Park, Chino Hills, Downey, El Monte, Pomona, Rancho Cucamonga, San Dimas, and Arcadia.

## **ENVIRONMENTAL ANALYSIS**

This project is considered a Class 1 exemption as defined in Section 15301(c) of the California Environmental Quality Act since the project consists of the maintenance of existing public streets and does not involve expansion of the existing use of the streets.

## **FISCAL IMPACT**


The work plan and budget for the Fiscal Year 2021-22 Annual Concrete Repairs Project is included in the Fiscal Year 2021-22 Capital Improvement Program as part of the Annual Slurry Seal Program. Funds in the amount of \$700,000 were budgeted in the Fiscal Year 2020-21 Annual Slurry Seal Program. The project's total contract cost is \$105,730, which will leave sufficient funds for the slurry seal efforts that are also planned with this funding.

## **RECOMMENDATION**

It is recommended that the City Council determine that this project is considered a Class 1 exemption as defined in Section 15301(c) under the California Environmental Quality Act ("CEQA"); and approve, authorize, and direct the City Manager to execute a Contract with Gentry Brothers, Inc. for the Fiscal Year 2021-22 Annual Concrete Repairs Project in the amount of \$105,730.

Contract for Annual Concrete Repairs Project  
April 5, 2022  
Page 3 of 3

Approved:



Dominic Lazzaretto  
City Manager

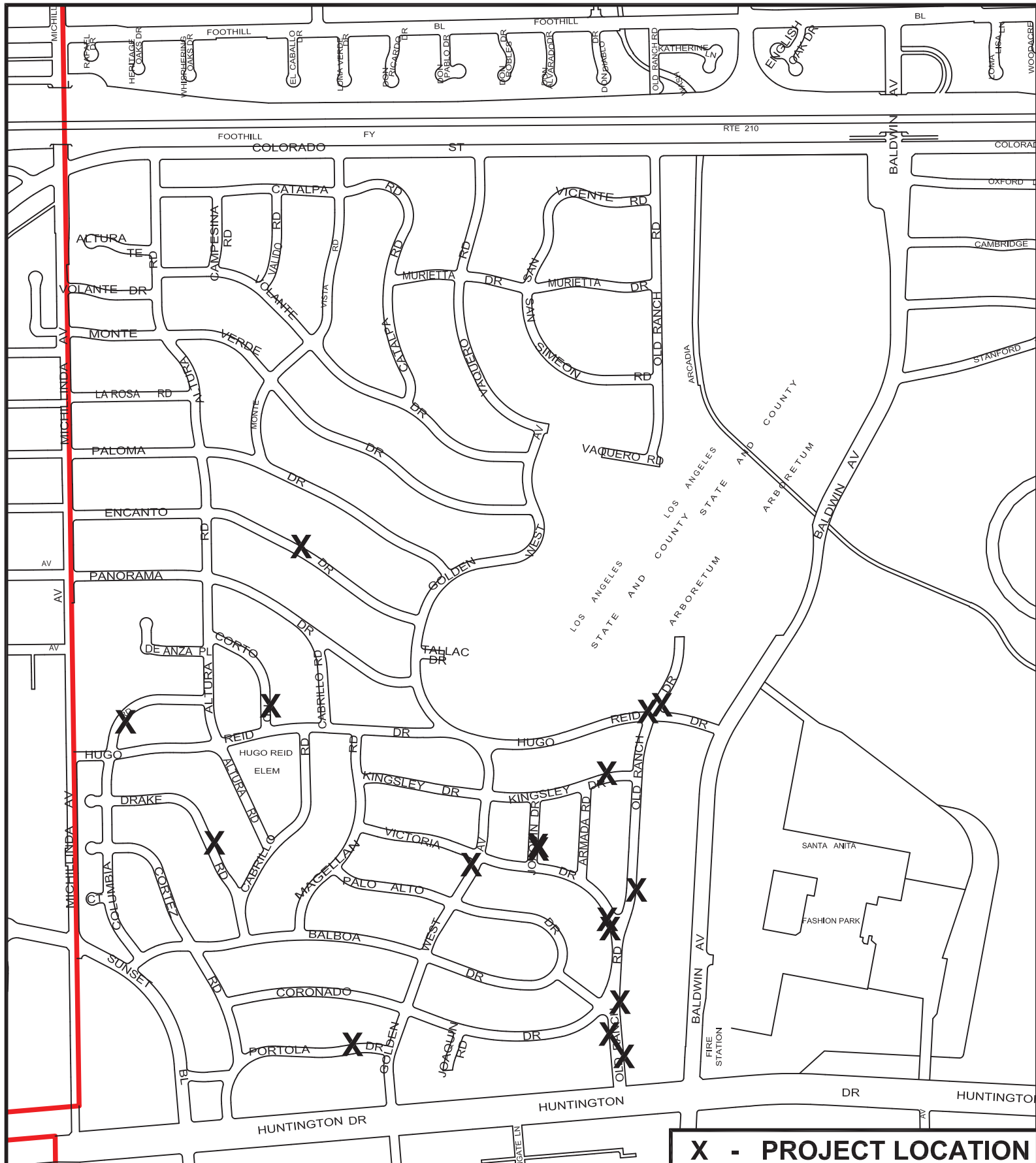
Attachments: Exhibit "A" - Project Location Map  
Proposed Contract



# 2021/22 ANNUAL CONCRETE REPAIRS PROJECT

## PROJECT NO.: 55331022

### PROJECT LOCATION MAP - EXHIBIT "A"



**CITY OF ARCADIA**

**2021/2022 ANNUAL CONCRETE REPAIRS PROJECT  
PROJECT No.: 55331022**

**CONTRACT**

**BETWEEN  
CITY OF ARCADIA  
AND  
GENTRY BROTHERS, INC.**

**CONTRACT FOR THE  
CITY OF ARCADIA**

This CONTRACT, No. \_\_\_\_\_ is made and entered into this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between City of Arcadia, sometimes hereinafter called "City," and **Gentry Brothers, Inc.**, sometimes hereinafter called "Contractor."

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

**A. SCOPE OF WORK.** The Contractor shall perform all Work within the time stipulated in the Contract, and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5, below, for the following Project:

**2021/2022 Annual Concrete Repairs Project / Project No. 55331022**

The Contractor and its surety shall be liable to the City for any damages arising as a result of the Contractor's failure to comply with this obligation.

**B. TIME FOR COMPLETION.** Time is of the essence in the performance of the Work. The Work shall be commenced on the date stated in the City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within **Forty-Five (45)** calendar days from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

**C. CONTRACT PRICE.** The City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of **ONE HUNDRED FIVE THOUSAND, SEVEN HUNDRED THIRTY DOLLARS AND NO CENTS (\$105,730.00)**. Payment shall be made as set forth in the General Conditions.

**D. LIQUIDATED DAMAGES.** In accordance with Government Code section 53069.85, it is agreed that the Contractor will pay the City the sum set forth in Special Conditions, Article 1.11 for each and every calendar day of delay beyond the time prescribed in the Contract Documents for finishing the Work, as Liquidated Damages and not as a penalty or forfeiture. In the event this is not paid, the Contractor agrees the City may deduct that amount from any money due or that may become due the Contractor under the Contract. This Article does not exclude recovery of other damages specified in the Contract Documents.

**E. COMPONENT PARTS OF THE CONTRACT.** The "Contract Documents" include the following:

- Notice Inviting Bids
- Instructions to Bidders
- Bid Form
- Bid Bond
- Designation of Subcontractors
- Information Required of Bidders
- Non-Collusion Declaration Form
- Iran Contracting Act Certification
- Public Works Contractor Registration Certification
- Performance Bond

Payment (Labor and Materials) Bond  
General Conditions  
Special Conditions  
Technical Specifications  
Addenda  
Plans and Drawings  
Standard Specifications for Public Works Construction "Greenbook", latest edition, Except  
Sections 1-9  
Applicable Local Agency Standards and Specifications, as last revised  
Approved and fully executed change orders  
Any other documents contained in or incorporated into the Contract

The Contractor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the Contract Documents and not by others shall be done as if required by all. This Contract shall supersede any prior agreement of the parties.

**F. PROVISIONS REQUIRED BY LAW AND CONTRACTOR COMPLIANCE.** Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Work.

**G. INDEMNIFICATION.** Contractor shall provide indemnification and defense as set forth in the General Conditions.

**H. PREVAILING WAGES.** Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at the City's Administrative Office or may be obtained online at [dir.ca.gov](http://dir.ca.gov) and which must be posted at the job site.

**[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]**

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

**CITY OF ARCADIA**

**GENTRY BROTHERS, INC.**

By: \_\_\_\_\_  
Dominic Lazzaretto  
City Manager

By: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Print Name and Title

*Attest:*

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Print Name and Title

*Approved as to Form:*

\_\_\_\_\_  
Stephen P. Deitsch  
City Attorney



# STAFF REPORT

Development Services Department

**DATE:** April 5, 2022

**TO:** Honorable Mayor and City Council

**FROM:** Jason Kruckeberg, Assistant City Manager/Development Services Director  
Philip A. Wray, Deputy Director of Development Services/City Engineer  
By: Johnathan Doojphibulpol, Assistant Engineer

**SUBJECT:** ACCEPT ALL WORK PERFORMED BY THREE PEAKS CORPORATION FOR THE ARCADIA GOLD LINE STATION PEDESTRIAN LINKAGE IMPROVEMENTS PROJECT IN THE AMOUNT OF \$2,291,190.08, AS COMPLETE

**Recommendation: Approve**

## **SUMMARY**

On February 4, 2020, the City Council awarded a contract to Three Peaks Corporation in the amount of \$2,122,037.79, plus a 10% contingency. The work consisted of construction of various pedestrian enhancements on First Avenue from Wheeler Avenue to Colorado Boulevard and on Santa Clara Street from First Avenue to Second Avenue. There were five (5) change orders on the project totaling \$169,152.29, or 7.97% of the initial contract amount, for a final contract amount of \$2,291,190.08, which is within the total authorized budget.

The terms and conditions of this project have been complied with, and the required work has been performed to the City's satisfaction. It is recommended that the City Council accept the project as complete and authorize the final payment in accordance with the contract documents.

## **BACKGROUND**

In anticipation of the opening of the light rail extension through the City, the City applied for and received Federal funding through the Metro Call-for-Projects program to improve pedestrian facilities around the light rail station. The scope of the project was to provide improved pedestrian access and connectivity between the Gold Line light rail transit facility and the surrounding area within a quarter-mile radius of the Arcadia Station.

The project scope included the following elements:

- Removal and replacement of sidewalks
- Removal and replacement of street trees
- Pedestrian lighting
- “Bulb-outs” at intersection corners
- Landscape planters at intersection corners
- Irrigation system for new trees and planters
- Decorative paver crosswalks at the intersections of First Avenue and St. Joseph Street and of First Avenue and La Porte Street
- Benches at various locations
- Replacement of all driveways and corner ramps for ADA accessibility

The project was advertised for bids on October 7, 2019. On February 4, 2020, the City Council awarded a contract to Three Peaks Corp. in the amount of \$2,122,037.79, plus a 10% contingency.

## **DISCUSSION**

Construction began in May 2020 and was substantially completed in April 2021. Multiple delays occurred on this project. During the peak of the COVID-19 virus, material shortages, such as concrete and conduit, caused several weeks of delays. With most of the construction complete in April 2021, a delay with Southern California Edison took six months before the contractor could make the final electrical connections.

There were five (5) change orders, totaling \$189,286, or 7.97% of the original contract amount.

The first change order was to include additional Federal documentation that was not clear in the original bid documents but required for Federal funding. The documentation included required contractor training information and compensation, and to compensate for adjustments made to work site conditions starting in Spring instead of Winter. The total cost of Change Order No. 1 is \$800.

Change Order No. 2 was a non-compensatory change order to correct a mis-stated required compaction percentage of 95% to 90% per City standard.

Change Order No. 3 was for electrical and structural changes to the 61 pedestrian streetlights. GFI outlets and banner arms were inadvertently left out of the original bid item description but are necessary to be consistent with the City’s standard for the balance of the Downtown lighting. The total cost of Change Order No. 3 is \$73,196.50.

Change Order No. 4 was for the staging area, construction survey, and miscellaneous extra work items. The Plans identified a potential staging area that was ultimately not

available so additional compensation was agreed upon to secure a reasonable alternative site. The specifications also did not address responsibility for the construction survey and there was no bid item associated with it. Compensation was given to the contractor to provide the survey which was less expensive and more expedient than for the City to contract out separately. Additional extra work items were caused by various unforeseen conditions like extensive tree roots in the way of footing excavations and conduit trenching, unusual subsurface soil materials and conditions, subsurface concrete foundations, and additional electrical and irrigation conduit installations. The total cost of Change Order No. 4 is \$96,736.97.

Change Order No. 5 was for the adjustment of the bid quantities based on actual measurements. The total cost of Change Order No. 5 is a net savings of \$1,581.18.

A summary of the change orders and quantity adjustment costs is shown below:

<b>Original Contract</b>		<b>\$2,122,037.79</b>
CO #1	\$800.00	
CO #2	\$0	
CO #3	\$73,196.50	
CO #4	\$96,736.97	
CO #5 (Quantity Adjust)	(\$1,581.18)	
<b>Subtotal of Change Orders</b>		<b>\$169,152.29</b>
<b>Final Total Contract</b>		<b>\$2,291,190.08</b>

The five change orders resulted in an increase of \$169,152.29 to a final cost of \$2,291,190.08. This increase is 7.97% of the original contract amount and within the 10% contingency. The documentation required for federal funding compliance has now been completed; therefore, the project is complete to the City's satisfaction.

**FISCAL IMPACT**

The City received federal funding for this project through the Metro Call-for-Projects program, in the amount of \$1,546,800. The local match commitment was \$832,900 from Proposition A and C Reserve Funds for a total of \$2,379,000.

Previous expenditures of approximately \$150,000 for related services had reduced the remaining budget to approximately \$2,229,000. The low bid of \$2,122,037.79, with a 10% contingency of \$212,203, brought the total budget need to \$2,334,240.79. An additional appropriation of \$120,000 was requested and awarded from the Proposition A and C Reserve Fund to cover the budget shortfall, bringing the total available remaining budget to \$2,349,000. There are sufficient funds budgeted to cover the cost of this project.

**RECOMMENDATION**

It is recommended that the City Council accept all work performed by Three Peaks Corporation for the Arcadia Gold Line Station Pedestrian Linkage Improvements Project in the amount of \$2,291,190.08, as complete.

Approved:



Dominic Lazzaretto  
City Manager



# STAFF REPORT

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Office of the City Manager

**DATE:** April 5, 2022

**TO:** Honorable Mayor and City Council

**FROM:** Dominic Lazzaretto, City Manager  
By: Linda Rodriguez, Assistant City Clerk

**SUBJECT:** FIND THAT, DUE TO THE COVID-19 STATE OF EMERGENCY, STATE AND LOCAL OFFICIALS CONTINUE TO RECOMMEND MEASURES TO PROMOTE SOCIAL DISTANCING, AND THEREFORE THE CITY COUNCIL AND ALL OTHER CITY BOARDS AND COMMISSIONS MAY MEET VIRTUALLY

**Recommendation: Make Findings**

## **SUMMARY**

The Legislature recently adopted AB 361 to amend the Brown Act in order to allow public boards to meet virtually during or following a state of emergency. To continue hosting virtual meetings, the City Council must reconsider the circumstances surrounding the emergency every 30 days and make findings that state and local officials continue to recommend measures to promote social distancing. The City Council's adoption of findings will enable, but not require, the City Council and all other City Boards and Commissions to continue meeting virtually.

The City Council does not have to find that social distancing orders are in place; instead it simply has to find that state or local officials recommend measures to promote social distancing. Given that there is still concern of community spread, especially for vulnerable populations, the City Council may make the necessary findings.

## **RECOMMENDATION**

It is recommended that the City Council determine that this action does not constitute a project and is therefore, exempt under, the California Environmental Quality Act ("CEQA"); and find that, due to the COVID-19 state of emergency, state and local officials continue to recommend measures to promote social distancing, and therefore the City Council and all other City Boards and Commissions may meet virtually.



# STAFF REPORT

Office of the City Manager

**DATE:** April 5, 2022

**TO:** Honorable Mayor and City Council

**FROM:** Dominic Lazzaretto, City Manager  
By: Michael Bruckner, Deputy City Manager

**SUBJECT:** ORDINANCE NO. 2386 AMENDING SECTION 1704(B) TO CHAPTER 7, ARTICLE I OF THE ARCADIA MUNICIPAL CODE DEFINING CITY COUNCIL ELECTORAL DISTRICT BOUNDARIES, AND ADOPTING REVISED CITY COUNCIL ELECTORAL DISTRICT BOUNDARIES AS SET FORTH IN EXHIBIT "A"

**Recommendation: Introduce**

## **SUMMARY**

As a result of the 2020 Census, the City of Arcadia is required to review new population data and to rebalance its City Council election districts. Per the Elections Code, the City Council is required to adopt a new district map by Ordinance following a series of public hearings. Per the Fair Maps Act, the City has completed the required number of public hearings.

At the March 15, 2022, City Council Meeting, the City Council requested that the City's Demographer, NDC, make a second revision to Map 115 to adjust District 1, 4, and 5 boundaries. Further, the City Council recommended that all five current maps under consideration, Maps 103, 114 (Revised), 115 (Revised), 116, and 118, be continued for further discussion at the March 18, 2022, Special Meeting of the City Council. At the March 18, 2022, the Council Member Beck introduced Map 115 (Version 4) for further City Council discussion. At the conclusion of the Special Meeting, the City Council directed the City Manager to continue this item to the April 5, 2022, City Council Meeting. All seven maps under consideration are listed in Attachment "A."

It is recommended that the City Council select a final map to be incorporated as Exhibit "A" to Ordinance No. 2386, and introduce Ordinance No. 2386 amending Section 1704(B) to Chapter 7, Article I of the Arcadia Municipal Code defining City Council electoral district boundaries and adopting City Council district boundaries as set forth in Exhibit "A." It will also be necessary at this point to adjourn the Regular Meeting to a date at least five days after the map is introduced to give second reading (adoption) of the Ordinance, which must take place by April 17, 2022. Therefore, the City Council should set a date between April 10 and April 17 to adopt the Ordinance.

**BACKGROUND**

City Council districts must be “substantially equal in population”. The districts are also required to comply with the United States Constitution, the California Constitution, the Federal Voting Rights Act of 1965, and the California Fair Maps Act. On June 15, 2021, the City entered into a contract with National Demographic Corporation (“NDC”) to provide Demographer Services for this effort.

Based on the 2020 Census and State of California adjustment factors, the City’s population is 56,780. As a result, each City Council district should ideally contain 11,356 people, with a legally acceptable deviation of less than 10% from the largest district by population to the smallest district by population (Harris v. Arizona Independent Redistricting Commission). The table below shows the current population and demographic factors by existing districts:

City of Arcadia - 2020 Census Data Total Population Statistics							
District	CA Adjusted Pop.	Deviation	% Deviation	% Hispanic Origin	% NH White	% NH Black	% NH Asian
1	11,330	-26	-0.23%	13.56%	18.60%	1.68%	64.95%
2	10,265	-1091	-9.61%	14.71%	25.20%	1.96%	56.43%
3	12,148	792	6.97%	17.05%	15.06%	2.86%	63.26%
4	11,890	534	4.70%	8.27%	14.10%	1.49%	74.52%
5	11,148	-208	-1.83%	11.98%	16.04%	1.15%	69.09%
		<b>Total</b>					
		<b>Deviation</b>	<b>16.58%</b>				

The current City Council districts have a population deviation of 16.58% (the total percentage difference between the largest and smallest deviation 9.61% + 6.97%), no longer meeting the statutory requirements for adoption. Therefore, new district boundaries must be drawn.

Under the State’s Fair Maps Act, the City must hold at least four public hearings for the community to provide input regarding the composition of City Council electoral districts. The first public hearing was held on August 17, 2021. Under the Fair Maps Act, a Community Workshop can be held in-lieu of a public hearing, and the City conducted that workshop on November 10, 2021. The third public hearing was scheduled for February 1, 2022, but was continued to February 7, 2022, due to a lack of quorum. The fourth public hearing was held on March 1, 2022. The fifth public hearing was held on March 15, 2022. The City Council also held a Special Meeting on March 18, 2022, to further consider map options.

The Fair Maps Act also requires that the new district maps be adopted at least 205 days prior to the election. The next regularly scheduled municipal election is November 8, 2022, which requires the City to adopt a map no later than April 17, 2022. If the City Council is able to select a final map and introduce Ordinance No. 2386 (Attachment “B”)

at this meeting, final adoption can occur after five days at an Adjourned Regular City Council Meeting. All maps currently under consideration for adoption were posted on the City's website on Monday, March 28, 2022, at [ArcadiaCA.gov/redistricting](https://ArcadiaCA.gov/redistricting).

It should also be noted that if the City Council is unable to adopt a draft map by the April 17, 2022, deadline, per the Fair Maps Act, the City is required to immediately petition the Court for an order to adopt City Council district boundaries. If the City does not petition the Court within five days after the deadline, any resident of the City may file that petition and will be entitled to reasonable attorney's fees and costs from the City. The Court is also authorized to appoint a special master to assist with creating new draft maps, and they must conduct one or more public hearings before the Court can adopt City Council district boundaries in accordance with the appropriate statutory criteria. All costs for the special master would be the responsibility of the City. The City Council district boundaries adopted by the Court would become effective immediately in the same manner as if the Court's order were enacted by the City Council.

## **DISCUSSION**

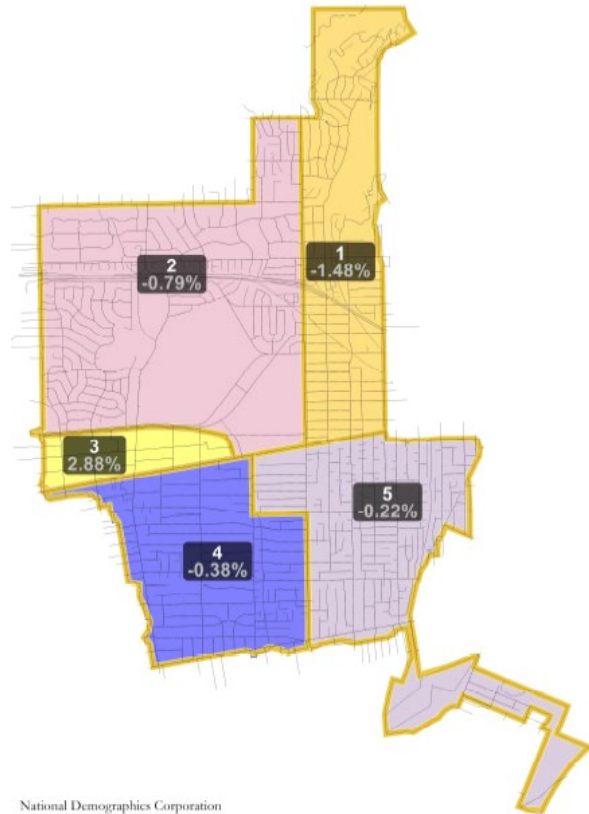
At the March 15, 2022, City Council Meeting, the City Council requested that the City's Demographer, NDC, revise Map 115 further to adjust District 1, 4, and 5 boundaries – this map is known as Map 115 (Revised Version 2). Further, the City Council recommended that all five current maps under consideration – Maps 103, 114 (Revised), 115 (Revised), 116, and 118 – be continued for further discussion to the March 18, 2022, Special Meeting of the City Council.

At the March 18, 2022, Special Meeting, the City Council discussed the six maps that were under consideration. NDC completed the second revision to Map 115 as requested by the City Council and noted that the changes requested creates a population deviation of 12.89%, which is above the 10% threshold for population balance. Therefore, NDC does not recommend that the City Council move forward with adopting Map 115 (Revised Version 2); however, Map 115 (Revised) does meet all of the statutory requirements for adoption.

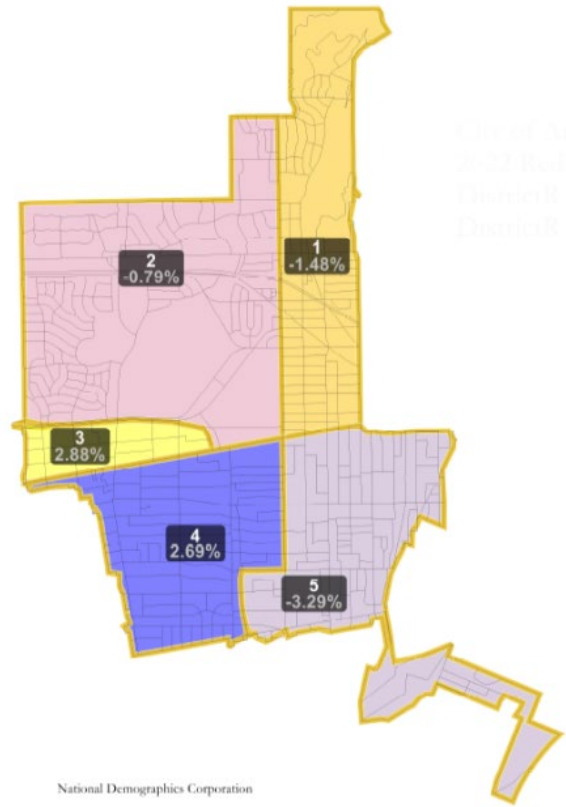
### **Map 115 (Version 4)**

At the March 18, 2022, Special Meeting, Council Member Beck introduced Map 115 (Version 4) for further City Council discussion. This map keeps Districts 1, 2, and 3 unchanged from Map 115 (Revised); however, it shifts population between Districts 4 and 5. Notably, the census blocks east of El Monte Avenue, south of Duarte Road and north of Camino Real Avenue, have shifted from District 4 to District 5. The census blocks south of Longden Avenue, east of the Arcadia Wash, and north of Live Oak Avenue have shifted from District 4 to District 5. Map 115 (Version 4) has a population deviation of 6.17%, which is below the 10% maximum threshold and it meets all other criteria for adoption.

**Map 115 (Revised)**



**Map 115 (V.4)**



Based on the foregoing and the previous analyses and discussions throughout this process, it is recommended that the City Council choose a map from among the group of balanced maps that have been created: Map 103, 115 (Revised), 115 (Version 4), 116, or 118. Alternately, the City Council may provide direction on creating additional maps for consideration.

If the introduction of Ordinance No. 2386 is delayed beyond this meeting, the City Attorney may need to assist the City Council with the mechanics needed at this point to stay within the time limits for adoption. Virtually any date up to the Sunday, April 17, 2022, deadline is possible as long as the chosen map is on the City's website no later than April 9 and the Ordinance is introduced no later than April 12. Since there are less than 28 days before the April 17 deadline, Elections Code § 21628(d)(1) states that a final map need only be posted 3 days prior to introduction instead of the usual 7 days cited in previous staff reports. The table below summarizes the absolute final days to take action to meet the statutory deadline.

**TABLE 1: KEY DEADLINES FOR MAP ADOPTION**

<b>REQUIRED ACTION</b>	<b>TIMING</b>	<b>FINAL POSSIBLE DATE</b>
Posting Final Map on City Website	3 Days Before Introduction	Saturday, April 9, 2022
First Reading (Introduction) of Ordinance		Tuesday, April 12, 2022
Second Reading (Adoption) of Ordinance	5 Days After Introduction	Sunday, April 17, 2022

**ENVIRONMENTAL ANALYSIS**

The proposed actions do not constitute a project under the California Environmental Quality Act (“CEQA”), based on Section 15061(b)(3) of the CEQA Guidelines, as it can be seen with certainty that they will have no impact on the environment. Thus, these matters are exempt under CEQA.

**FISCAL IMPACT**

There is no impact to the General Fund to introduce Ordinance No. 2386. The cost of the entire redistricting process has been included in the FY 2021-22 operating budget and choosing different districts will have no direct impact on City costs. Failure to adopt new districts prior to the April 17, 2022, deadline may result in legal and court costs.

**RECOMMENDATION**

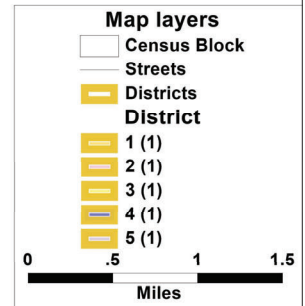
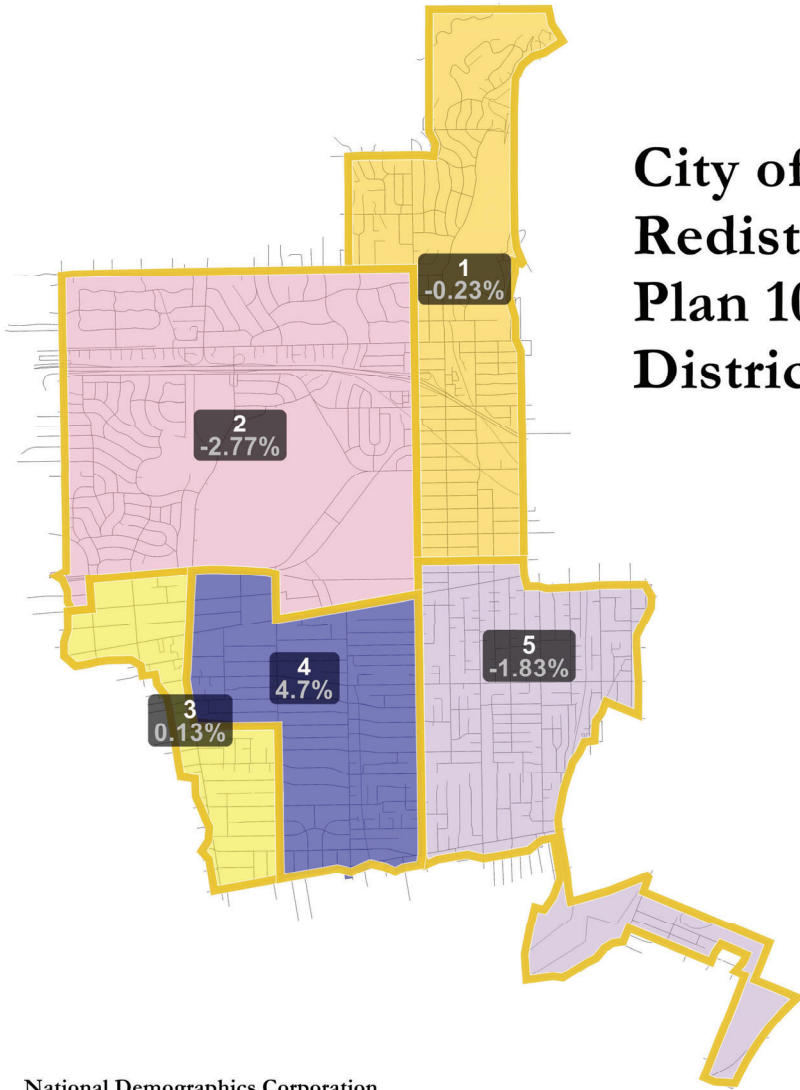
It is recommended that the City Council:

- 1) Select a final map to be incorporated as Exhibit “A” to Ordinance No. 2386;
- 2) Determine that this action is exempt under the California Environmental Quality Act (“CEQA”);
- 3) Introduce Ordinance No. 2386 amending Section 1704(B) to Chapter 7, Article I of the Arcadia Municipal Code defining City Council electoral district boundaries and adopting revised City Council district boundaries as set forth in Exhibit “A;” and
- 4) Set a date and time between April 10 and April 17 to give second reading (Adoption) of the Ordinance.

Attachments: “A” – Draft Maps  
“B” – Ordinance No. 2386

Attachment "A"

City of Arcadia  
Redistricting 2021  
Plan 103  
DistrictR ID 81545



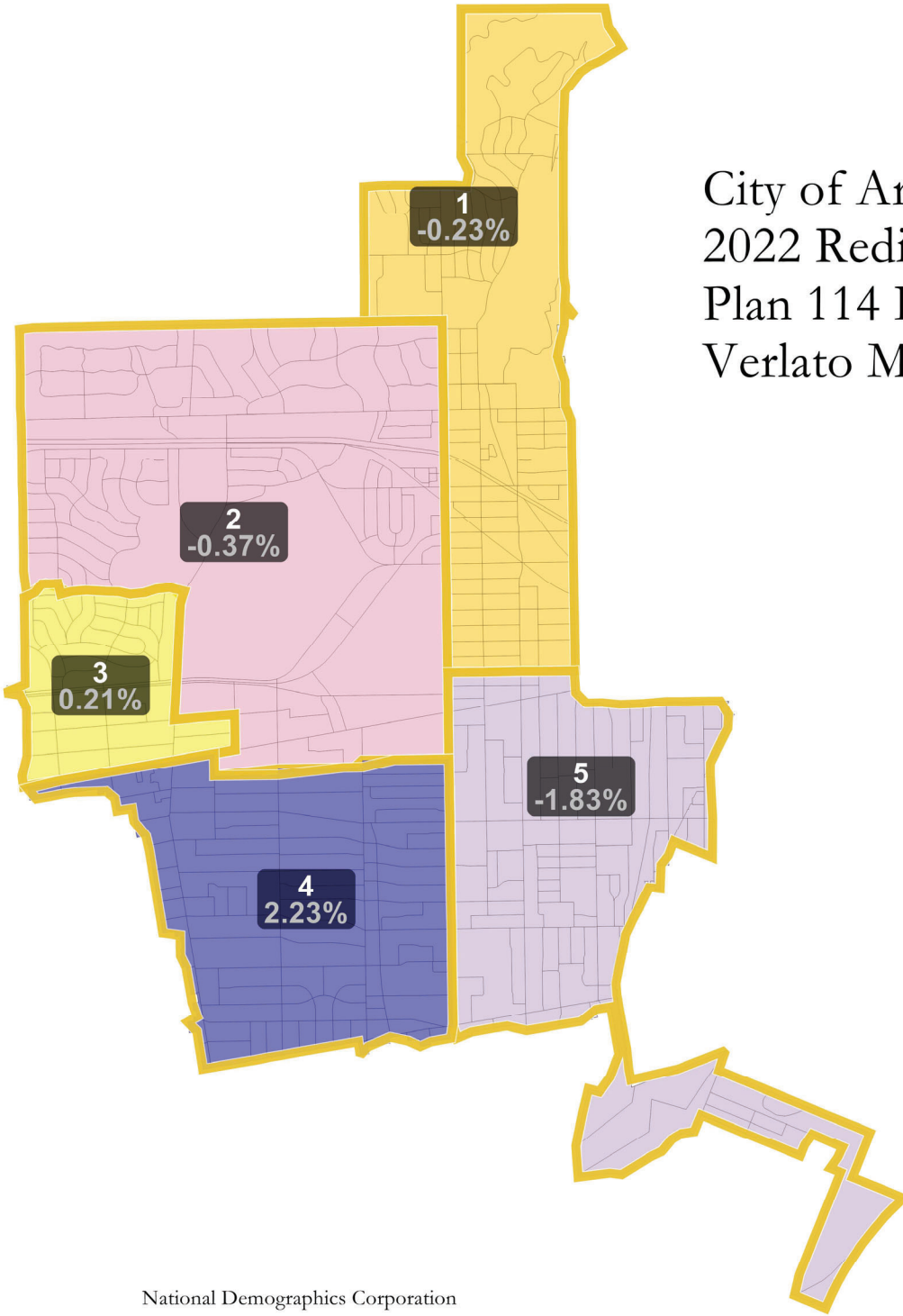
National Demographics Corporation

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City of Arcadia - Draft Plan 103 Total Population Demographics											
District	Population	Deviation	% Deviation	Hisp Origin	% Hispanic	NH White	% NH White	NH Black	% NH Black	NH Asian	% NH Asian
1	11330	-26	-0.23%	1,536	13.56%	2,107	18.60%	190	1.68%	7,359	64.95%
2	11042	-314	-2.77%	1,672	15.14%	2,676	24.23%	233	2.11%	6,260	56.69%
3	11371	15	0.13%	1,909	16.79%	1,741	15.31%	315	2.77%	7,218	63.48%
4	11890	534	4.70%	983	8.27%	1,677	14.10%	177	1.49%	8,860	74.52%
5	11148	-208	-1.83%	1,335	11.98%	1,788	16.04%	128	1.15%	7,702	69.09%
<b>Total</b>	<b>56,781</b>		<b>7.47%</b>	<b>7,435</b>		<b>9,989</b>		<b>1,043</b>		<b>37,399</b>	

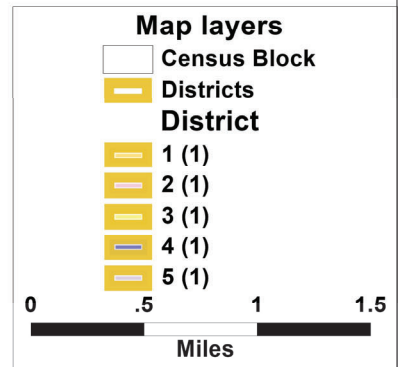
City of Arcadia - Draft Plan 103 Citizen Voting Age Population (CVAP) Demographics									
District	CVAP Population	Hisp CVAP	% Hisp CVAP	NH White CVAP	% NH White CVAP	NH Black CVAP	% NH Black CVAP	NH Asian CVAP	% NH Asian CVAP
1	7,224	595	8.24%	2,107	29.17%	184	2.54%	4,283	59.29%
2	7,701	1,033	13.41%	2,915	37.84%	176	2.29%	3,541	45.97%
3	6,641	1,124	16.93%	1,728	26.02%	350	5.26%	3,423	51.54%
4	7,637	504	6.60%	1,685	22.06%	127	1.66%	5,214	68.28%
5	7,360	670	9.11%	1,851	25.15%	36	0.48%	4,737	64.36%
<b>Total</b>	<b>36,563</b>	<b>3,927</b>		<b>10,286</b>		<b>872</b>		<b>21,198</b>	

# City of Arcadia 2022 Redistricting Plan 114 Revised Verlato Map A Revised



National Demographics Corporation

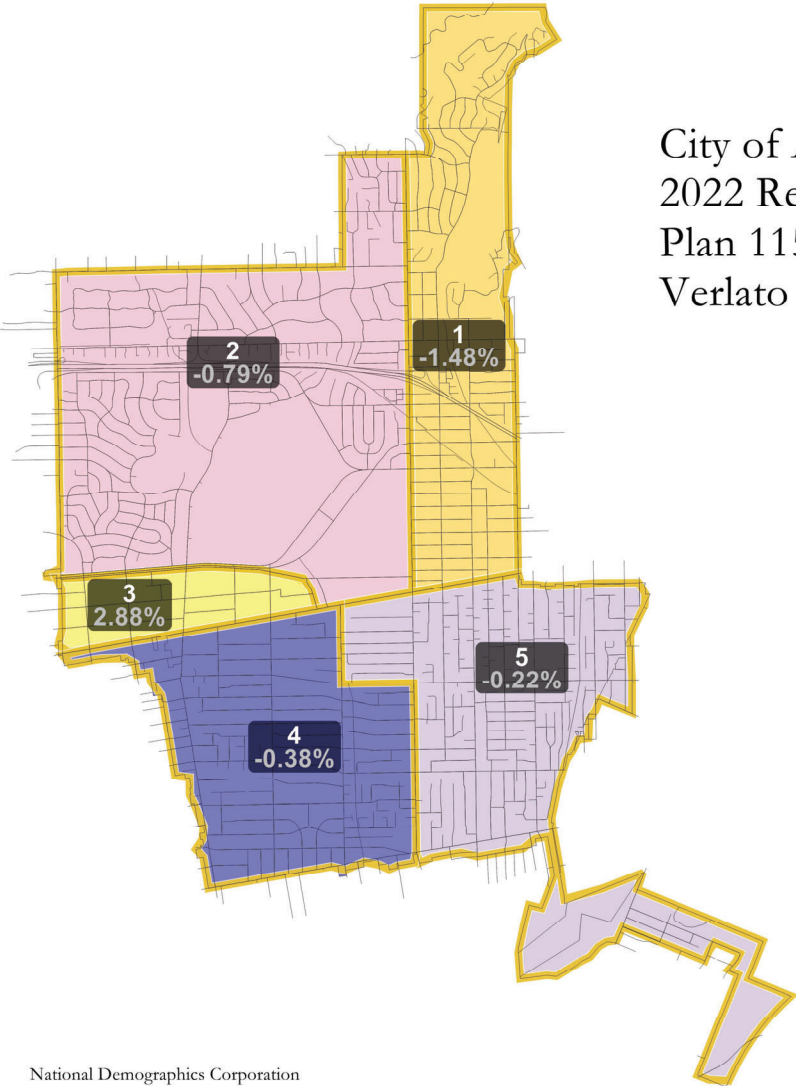
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City of Arcadia - Draft Plan 114 Revised Total Population Demographics											
District	Population	Deviation	% Deviation	Hisp Origin	% Hispanic	NH White	% NH White	NH Black	% NH Black	NH Asian	% NH Asian
1	11330	-26	-0.23%	1,536	13.56%	2,107	18.60%	190	1.68%	7,359	64.95%
2	11314	-42	-0.37%	1,308	11.56%	2,633	23.27%	186	1.64%	6,997	61.84%
3	11380	24	0.21%	2,144	18.84%	1,897	16.67%	352	3.09%	6,758	59.38%
4	11609	253	2.23%	1,112	9.58%	1,564	13.47%	187	1.61%	8,583	73.93%
5	11148	-208	-1.83%	1,335	11.98%	1,788	16.04%	128	1.15%	7,702	69.09%
<b>Total</b>	<b>56,781</b>		<b>4.06%</b>	<b>7,435</b>		<b>9,989</b>		<b>1,043</b>		<b>37,399</b>	

City of Arcadia - Draft Plan 114 Revised Citizen Voting Age Population (CVAP) Demographics									
District	CVAP Population	Hisp CVAP	% Hisp CVAP	NH White CVAP	% NH White CVAP	NH Black CVAP	% NH Black CVAP	NH Asian CVAP	% NH Asian CVAP
1	7,224	595	8.24%	2,107	29.17%	184	2.54%	4,283	59.29%
2	7,167	611	8.52%	2,630	36.69%	127	1.77%	3,726	51.98%
3	6,304	1,384	21.95%	1,886	29.92%	240	3.81%	2,758	43.75%
4	8,508	667	7.84%	1,811	21.29%	286	3.36%	5,694	66.93%
5	7,360	670	9.11%	1,851	25.15%	36	0.48%	4,737	64.36%
<b>Total</b>	<b>36,563</b>	<b>3,927</b>		<b>10,286</b>		<b>872</b>		<b>21,198</b>	

City of Arcadia  
2022 Redistricting  
Plan 115 Revised  
Verlato Map B Revised



National Demographics Corporation

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**Map layers**

- Districts
- Census Block
- Streets

**District**

- 1 (1)
- 2 (1)
- 3 (1)
- 4 (1)
- 5 (1)

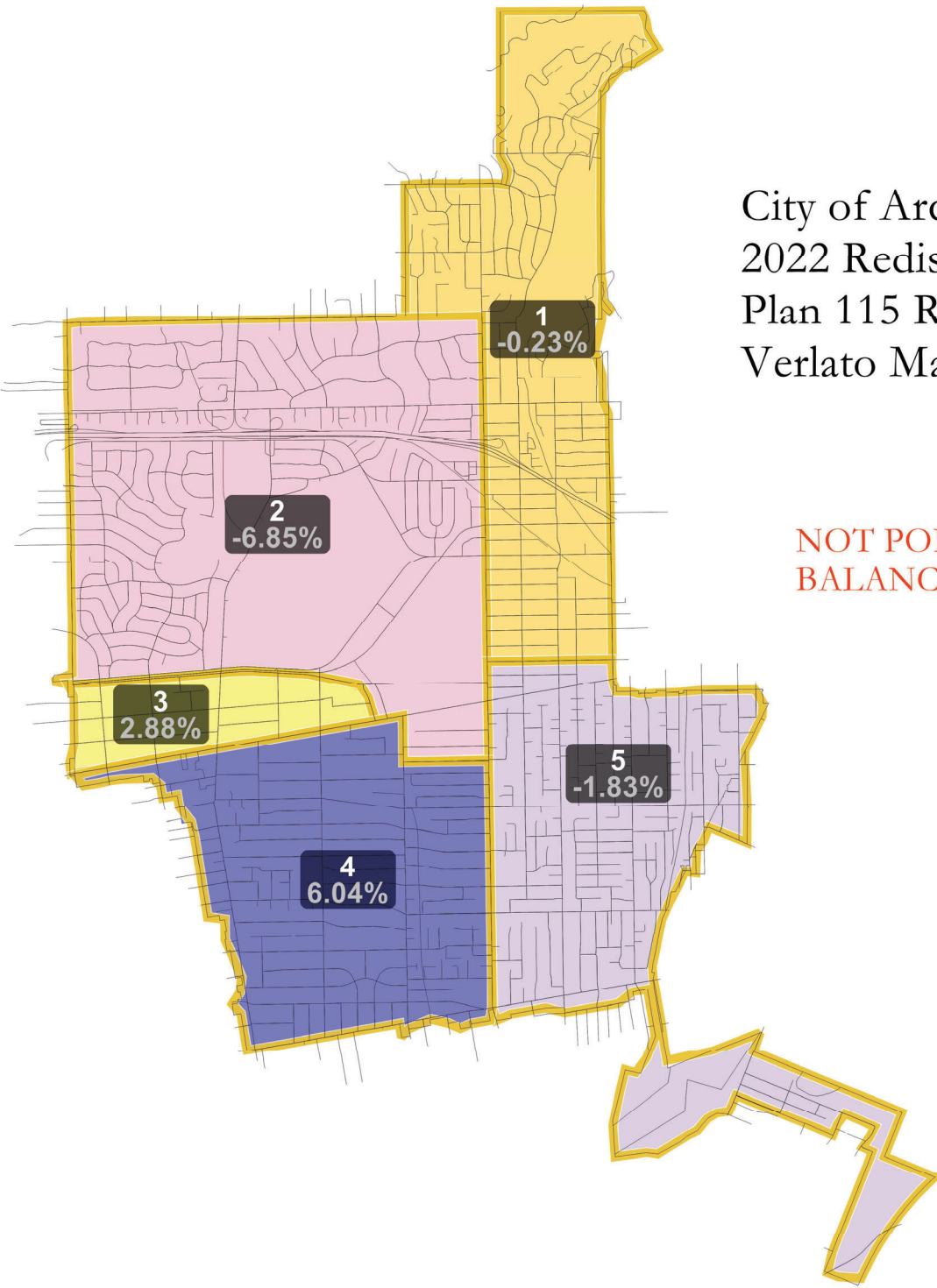
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City of Arcadia - Draft Plan 115 Revised Total Population Demographics											
District	Population	Deviation	% Deviation	Hisp Origin	% Hispanic	NH White	% NH White	NH Black	% NH Black	NH Asian	% NH Asian
1	11188	-168	-1.48%	1,550	13.85%	1,845	16.49%	185	1.65%	7,456	66.64%
2	11266	-90	-0.79%	1,599	14.19%	2,895	25.70%	208	1.85%	6,383	56.66%
3	11683	327	2.88%	1,897	16.24%	1,836	15.72%	331	2.83%	7,389	63.25%
4	11313	-43	-0.38%	1,109	9.80%	1,566	13.84%	192	1.70%	8,294	73.31%
5	11331	-25	-0.22%	1,280	11.30%	1,847	16.30%	127	1.12%	7,877	69.52%
<b>Total</b>	<b>56,781</b>		<b>4.36%</b>	<b>7,435</b>		<b>9,989</b>		<b>1,043</b>		<b>37,399</b>	

City of Arcadia - Draft Plan 115 Revised Citizen Voting Age Population (CVAP) Demographics									
District	CVAP Population	Hisp CVAP	% Hisp CVAP	NH White CVAP	% NH White CVAP	NH Black CVAP	% NH Black CVAP	NH Asian CVAP	% NH Asian CVAP
1	6,915	580	8.39%	1,865	26.97%	170	2.46%	4,245	61.39%
2	8,135	1,015	12.48%	3,122	38.38%	199	2.44%	3,764	46.26%
3	5,652	985	17.42%	1,628	28.80%	138	2.45%	2,826	50.01%
4	8,320	668	8.03%	1,794	21.57%	303	3.64%	5,505	66.16%
5	7,541	678	9.00%	1,876	24.88%	63	0.83%	4,858	64.42%
<b>Total</b>	<b>36,563</b>	<b>3,927</b>		<b>10,286</b>		<b>872</b>		<b>21,198</b>	

City of Arcadia  
2022 Redistricting  
Plan 115 Revised  
Verlato Map B Revise 2

NOT POPULATION  
BALANCED



**Map layers**

- Districts
- Census Block
- Streets

**District**

- 1 (1)
- 2 (1)
- 3 (1)
- 4 (1)
- 5 (1)

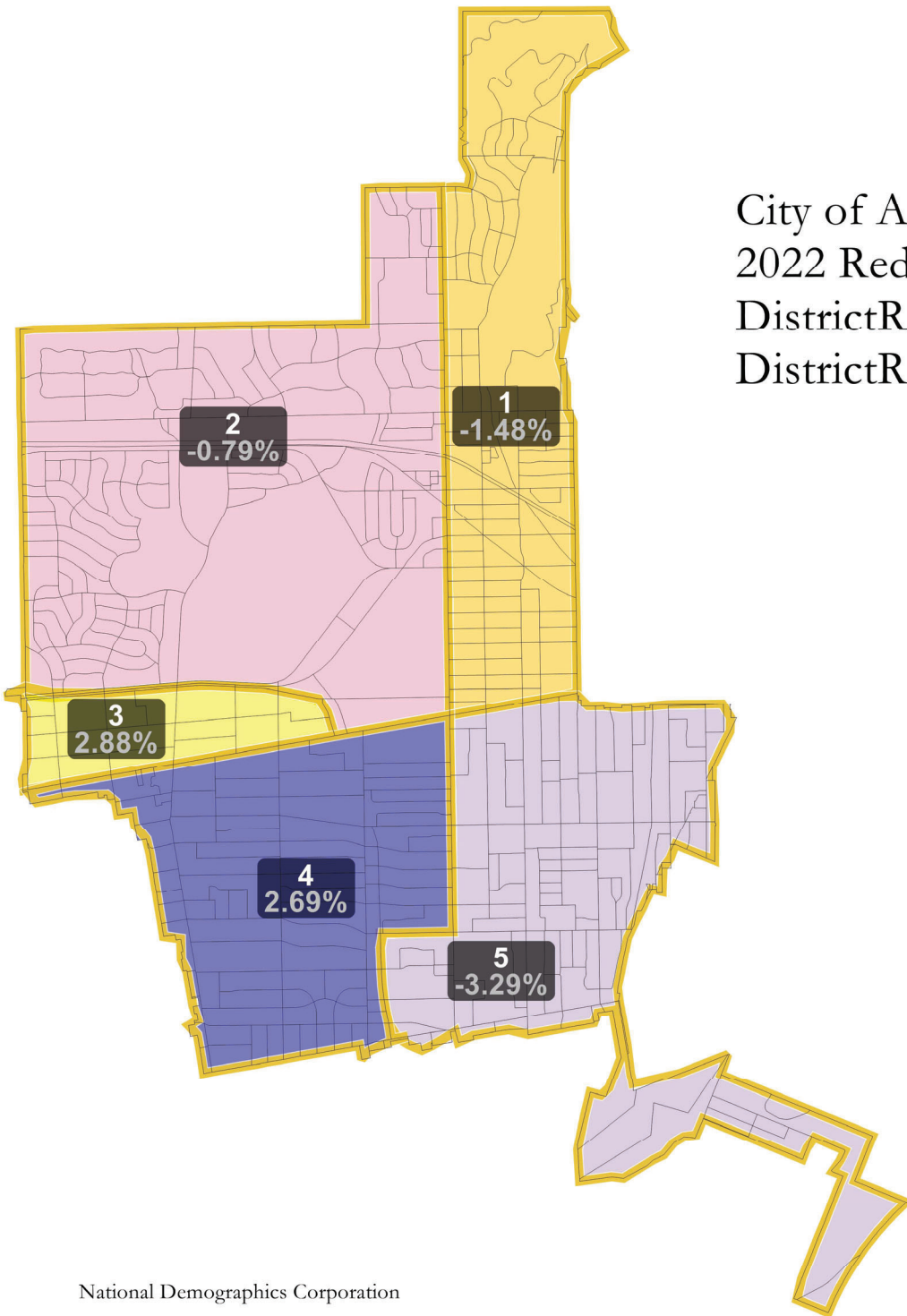
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**NOT POPULATION BALANCED**

City of Arcadia - Draft Plan 115 Revised #2 Total Population Demographics											
District	Population	Deviation	% Deviation	Hisp Origin	% Hispanic	NH White	% NH White	NH Black	% NH Black	NH Asian	% NH Asian
1	11330	-26	-0.23%	1,536	13.56%	2,107	18.60%	190	1.68%	7,359	64.95%
2	10578	-778	-6.85%	1,512	14.29%	2,607	24.65%	196	1.85%	6,076	57.44%
3	11683	327	2.88%	1,897	16.24%	1,836	15.72%	331	2.83%	7,389	63.25%
4	12042	686	6.04%	1,155	9.59%	1,651	13.71%	198	1.64%	8,873	73.68%
5	11148	-208	-1.83%	1,335	11.98%	1,788	16.04%	128	1.15%	7,702	69.09%
<b>Total</b>	<b>56,781</b>		<b>12.89%</b>	<b>7,435</b>		<b>9,989</b>		<b>1,043</b>		<b>37,399</b>	

City of Arcadia - Draft Plan 115 Revised #2 Citizen Voting Age Population (CVAP) Demographics									
District	CVAP Population	Hisp CVAP	% Hisp CVAP	NH White CVAP	% NH White CVAP	NH Black CVAP	% NH Black CVAP	NH Asian CVAP	% NH Asian CVAP
1	7,224	595	8.24%	2,107	29.17%	184	2.54%	4,283	59.29%
2	7,564	996	13.16%	2,843	37.59%	212	2.80%	3,478	45.98%
3	5,652	985	17.42%	1,628	28.80%	138	2.45%	2,826	50.01%
4	8,763	681	7.77%	1,857	21.19%	303	3.45%	5,873	67.02%
5	7,360	670	9.11%	1,851	25.15%	36	0.48%	4,737	64.36%
<b>Total</b>	<b>36,563</b>	<b>3,927</b>		<b>10,286</b>		<b>872</b>		<b>21,198</b>	

City of Arcadia  
2022 Redistricting  
DistrictR Map 115b4  
DistrictR ID 119651



National Demographics Corporation

**Map layers**

- Districts
- Census Block

**District**

- 1 (1)
- 2 (1)
- 3 (1)
- 4 (1)
- 5 (1)

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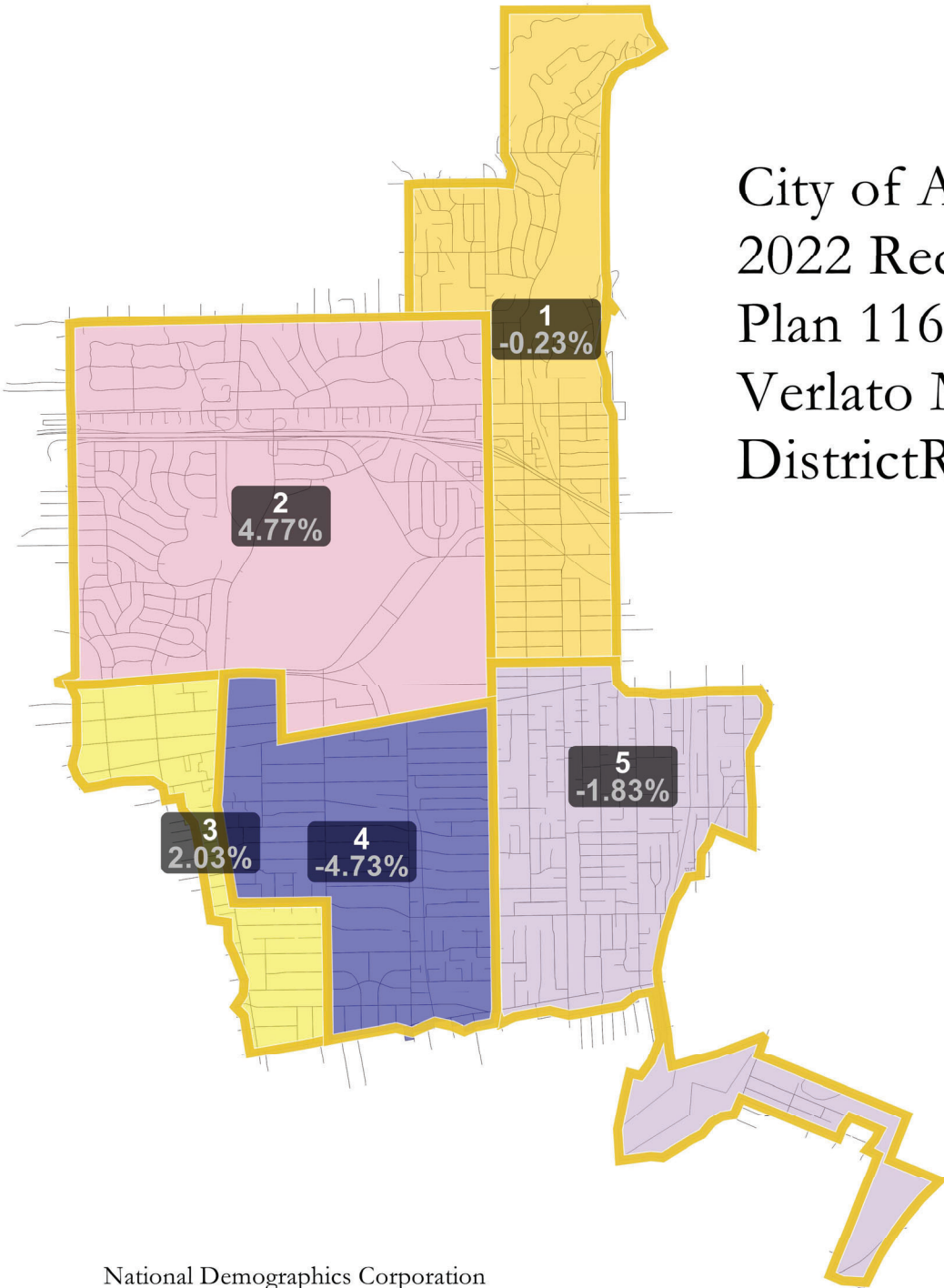
**City of Arcadia - Draft Plan 115b4 (DistrictR ID 119651) Total Population Demographics**

District	Population	Deviation	% Deviation	Hisp Origin	% Hispanic	NH White	% NH White	NH Black	% NH Black	NH Asian	% NH Asian
1	11188	-168	-1.48%	1,550	13.85%	1,845	16.49%	185	1.65%	7,456	66.64%
2	11266	-90	-0.79%	1,599	14.19%	2,895	25.70%	208	1.85%	6,383	56.66%
3	11683	327	2.88%	1,897	16.24%	1,836	15.72%	331	2.83%	7,389	63.25%
4	11662	306	2.69%	1,111	9.53%	1,597	13.69%	185	1.59%	8,593	73.68%
5	10982	-374	-3.29%	1,278	11.64%	1,816	16.54%	134	1.22%	7,578	69.00%
<b>Total</b>	<b>56,781</b>		<b>6.17%</b>	<b>7,435</b>		<b>9,989</b>		<b>1,043</b>		<b>37,399</b>	

**City of Arcadia - Draft Plan 115b4 (DistrictR ID 119651) Citizen Voting Age Population (CVAP) Demographics**

District	CVAP Population	Hisp CVAP	% Hisp CVAP	NH White CVAP	% NH White CVAP	NH Black CVAP	% NH Black CVAP	NH Asian CVAP	% NH Asian CVAP
1	6,915	580	8.39%	1,865	26.97%	170	2.46%	4,245	61.39%
2	8,135	1,015	12.48%	3,122	38.38%	199	2.44%	3,764	46.26%
3	5,652	985	17.42%	1,628	28.80%	138	2.45%	2,826	50.01%
4	8,296	633	7.63%	1,691	20.38%	340	4.10%	5,582	67.29%
5	7,566	714	9.43%	1,980	26.17%	26	0.34%	4,781	63.19%
<b>Total</b>	<b>36,563</b>	<b>3,927</b>		<b>10,286</b>		<b>872</b>		<b>21,198</b>	

City of Arcadia  
2022 Redistricting  
Plan 116  
Verlato Map C  
DistrictR ID 110411



National Demographics Corporation

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**Map layers**

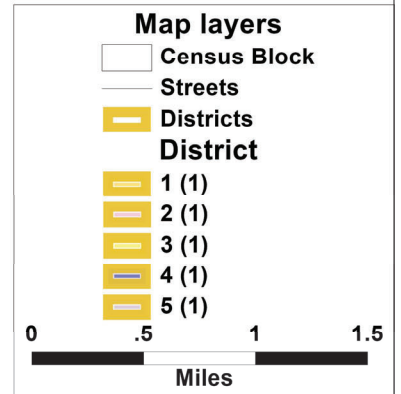
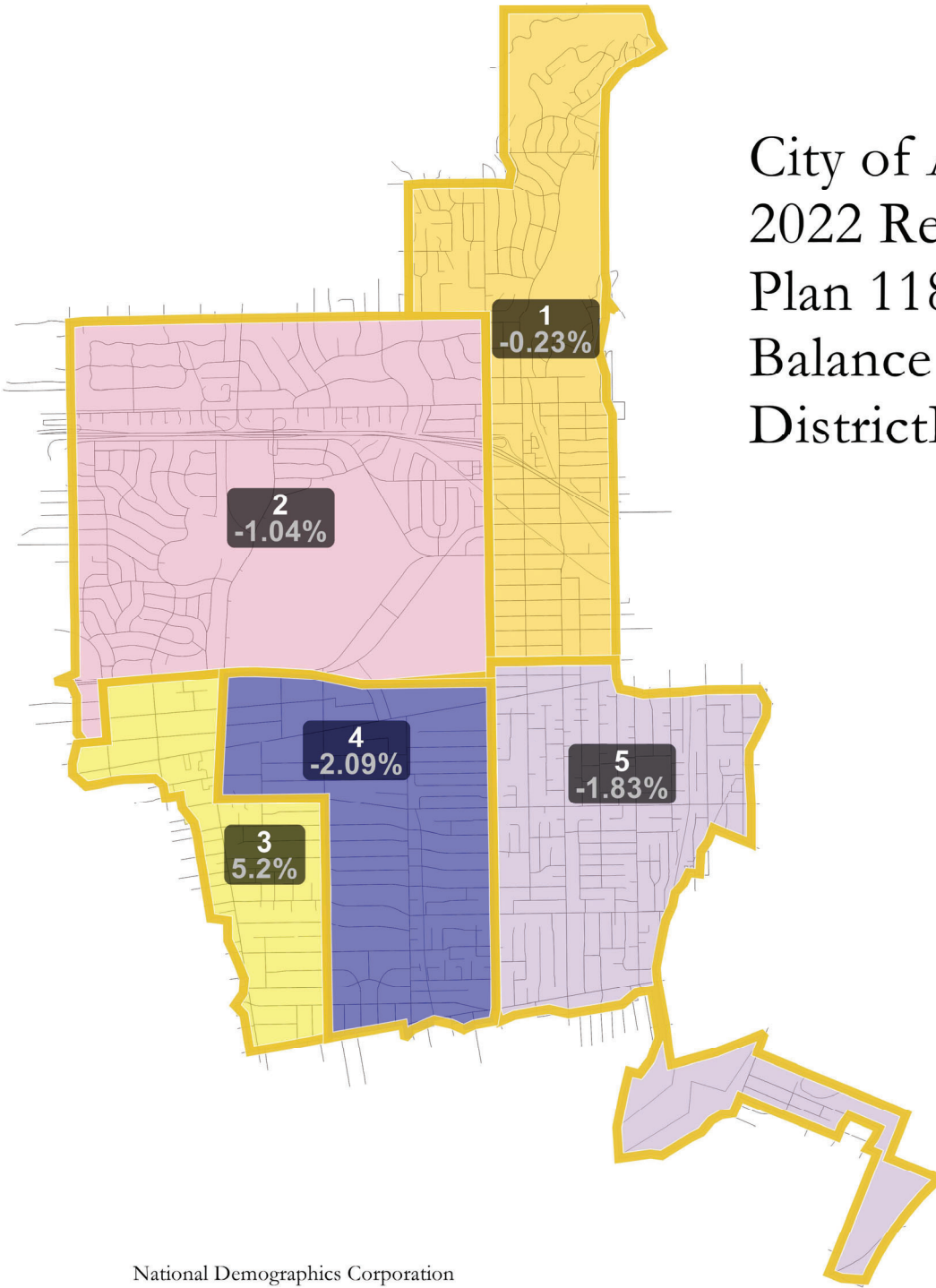
- Census Block
- Streets
- Districts
- District
- 1 (1)
- 2 (1)
- 3 (1)
- 4 (1)
- 5 (1)

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Miles

City of Arcadia - Draft Plan 116 Total Population Demographics											
District	Population	Deviation	% Deviation	Hisp Origin	% Hispanic	NH White	% NH White	NH Black	% NH Black	NH Asian	% NH Asian
1	11330	-26	-0.23%	1,536	13.56%	2,107	18.60%	190	1.68%	7,359	64.95%
2	11898	542	4.77%	1,686	14.17%	2,860	24.04%	239	2.01%	6,918	58.14%
3	11586	230	2.03%	2,019	17.43%	1,753	15.13%	342	2.95%	7,261	62.67%
4	10819	-537	-4.73%	859	7.94%	1,481	13.69%	144	1.33%	8,159	75.41%
5	11148	-208	-1.83%	1,335	11.98%	1,788	16.04%	128	1.15%	7,702	69.09%
<b>Total</b>	<b>56,781</b>		<b>9.50%</b>	<b>7,435</b>		<b>9,989</b>		<b>1,043</b>		<b>37,399</b>	

City of Arcadia - Draft Plan 116 Citizen Voting Age Population (CVAP) Demographics									
District	CVAP Population	Hisp CVAP	% Hisp CVAP	NH White CVAP	% NH White CVAP	NH Black CVAP	% NH Black CVAP	NH Asian CVAP	% NH Asian CVAP
1	7,224	595	8.24%	2,107	29.17%	184	2.54%	4,283	59.29%
2	8,140	1,040	12.78%	2,963	36.40%	197	2.42%	3,895	47.85%
3	6,576	1,107	16.84%	1,701	25.87%	348	5.30%	3,403	51.75%
4	7,263	514	7.08%	1,664	22.91%	107	1.48%	4,879	67.18%
5	7,360	670	9.11%	1,851	25.15%	36	0.48%	4,737	64.36%
<b>Total</b>	<b>36,563</b>	<b>3,927</b>		<b>10,286</b>		<b>872</b>		<b>21,198</b>	

City of Arcadia  
2022 Redistricting  
Plan 118  
Balance 104  
DistrictR ID 114807



National Demographics Corporation

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City of Arcadia - Draft Plan 118 Total Population Demographics											
District	Population	Deviation	% Deviation	Hisp Origin	% Hispanic	NH White	% NH White	NH Black	% NH Black	NH Asian	% NH Asian
1	11330	-26	-0.23%	1,536	13.56%	2,107	18.60%	190	1.68%	7,359	64.95%
2	11238	-118	-1.04%	1,715	15.26%	2,728	24.27%	239	2.13%	6,351	56.51%
3	11946	590	5.20%	1,897	15.88%	1,799	15.06%	312	2.61%	7,742	64.81%
4	11119	-237	-2.09%	952	8.56%	1,567	14.09%	174	1.56%	8,245	74.15%
5	11148	-208	-1.83%	1,335	11.98%	1,788	16.04%	128	1.15%	7,702	69.09%
<b>Total</b>	<b>56,781</b>		<b>7.28%</b>	<b>7,435</b>		<b>9,989</b>		<b>1,043</b>		<b>37,399</b>	

City of Arcadia - Draft Plan 118 Citizen Voting Age Population (CVAP) Demographics									
District	CVAP Population	Hisp CVAP	% Hisp CVAP	NH White CVAP	% NH White CVAP	NH Black CVAP	% NH Black CVAP	NH Asian CVAP	% NH Asian CVAP
1	7,224	595	8.24%	2,107	29.17%	184	2.54%	4,283	59.29%
2	7,758	1,057	13.63%	2,961	38.17%	186	2.39%	3,519	45.36%
3	7,182	1,112	15.48%	1,772	24.68%	355	4.94%	3,927	54.68%
4	7,039	492	6.99%	1,594	22.65%	112	1.60%	4,732	67.22%
5	7,360	670	9.11%	1,851	25.15%	36	0.48%	4,737	64.36%
<b>Total</b>	<b>36,563</b>	<b>3,927</b>		<b>10,286</b>		<b>872</b>		<b>21,198</b>	

**Attachment "B"**

ORDINANCE NO. 2386

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCADIA, AMENDING SECTION 1704(B) TO CHAPTER 7, ARTICLE I OF THE ARCADIA MUNICIPAL CODE DEFINING CITY COUNCIL ELECTORAL DISTRICT BOUNDARIES, AND ADOPTING REVISED CITY COUNCIL ELECTORAL DISTRICT BOUNDARIES AS SET FORTH IN EXHIBIT "A"

WHEREAS, on October 3, 2017, the City Council of the City of Arcadia adopted Ordinance No. 2350, changing the City's at-large election system to by-district Council Member elections, and adopting boundaries for the City's five City Council electoral districts; and

WHEREAS, pursuant to Elections Code § 21601, following each decennial federal census, the City Council shall, by ordinance, adjust the boundaries of any or all City Council electoral districts so that the districts shall be generally equal in population as possible and shall comply with all applicable provisions of 42 USC § 1073, as amended; and

WHEREAS, in 2019, the Fair And Inclusive Redistricting for Municipalities And Political Subdivisions ("FAIR MAPS") Act (AB 849) amended the process and criteria by which the City Council must evaluate and adjust its electoral district boundaries; and

WHEREAS, pursuant to the FAIR MAPS Act, the City of Arcadia held public hearings on August 17, 2021, November 29, 2021, February 7, 2022, and March 1, 2022, and a Community Workshop was held in-lieu of a public hearing on November 10, 2021, to receive public input on communities of interest and the redrawing of City Council electoral districts; and

WHEREAS, in establishing district boundaries, the City Council has considered the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) communities of interest of the districts; and

WHEREAS, at the March 18, 2022, Special City Council Meeting, the City Council continued discussion to introduction of an Ordinance to the April 5, 2022, City Council Meeting, to adopt one of the seven final maps currently under City Council consideration; and

WHEREAS, pursuant to the FAIR MAPS Act, the seven final maps were posted on the city's website at [ArcadiaCA.gov/redistricting](http://ArcadiaCA.gov/redistricting) for public inspection prior to adoption; and

WHEREAS, the seven final maps under consideration are as follows: Map 103, Map 114 (revised), Map 115 (revised), Map 115 (revised 2), Map 115 (revised 4), Map 116, and Map 118; and

WHEREAS, at the March 15, 2022, City Council Meeting, pursuant to Elections Code § 10010(a)(2), the City Council held a public hearing to select a final map and at its April 5, 2022, Meeting, the City Council selected Map \_\_\_\_\_, herein attached as Exhibit "A" to this Ordinance.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The recitals set forth above are true and correct and are hereby adopted as findings in support of this Ordinance as if fully set forth herein.

SECTION 2. The map attached hereto as Exhibit "A", and incorporated herein by reference, shall be and hereby is adopted as the five City Council electoral district boundaries for the City of Arcadia.

SECTION 3. City Council elections shall continue to be conducted "by-district" as provided in Government Code § 34871(a).

SECTION 4. Section 1704(B) to Chapter 7 of Article I of the Arcadia Municipal Code is hereby amended to read in its entirety as follows:

“City Council Districts and District Elections. All five Councilmembers shall be elected on a “by-district” basis from the Council districts shown and numbered on the map titled “City of Arcadia 2022 Redistricting Plan \_\_\_\_\_” attached hereto as Exhibit “A”, as posted on the City’s website, [ArcadiaCA.gov/redistricting](http://ArcadiaCA.gov/redistricting) and copy of which shall be on file in the City Clerk’s Office. In 2022, and every year four years thereafter, the following three City Council electoral districts shall be elected by-district: District 2, District 3, and District 5. In 2024, and every four years thereafter, the following two City Council electoral districts shall be elected by district: District 1 and District 4.”

SECTION 5. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 6. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of same to be published at least once in the official newspaper of the City within fifteen (15) days after its adoption. This Ordinance shall take effect on the thirty-first (31st) day after its adoption.

[SIGNATURES ON THE NEXT PAGE]

Passed, approved and adopted this \_\_\_\_\_ day of April, 2022.

\_\_\_\_\_  
Mayor of the City of Arcadia

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

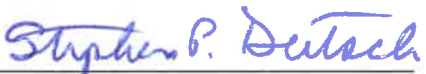
  
\_\_\_\_\_  
Stephen P. Deitsch  
City Attorney

EXHIBIT "A"