



AGENDA

REGULAR MEETING OF THE MAYWOOD CITY COUNCIL AND THE SUCCESSOR AGENCY TO THE MAYWOOD COMMUNITY REDEVELOPMENT AGENCY

Maywood City Council Chambers
4319 E. Slauson Avenue, Maywood, CA 90270
Wednesday, August 28, 2019 at 7:00 p.m.

Rules of Decorum

*"Members of the Public are advised that all **ELECTRONIC DEVICES, CELLULAR TELEPHONES** and any **OTHER COMMUNICATION DEVICES** are to be turned off upon entering the City Council Chambers." If you need to have a discussion with someone in the audience, kindly step out into the lobby.*

Reglas de Comportamiento

*"Al público en general se le avisa que todos los **teléfonos celulares, pagers y demás aparatos de comunicación deben ser apagados** al entrar a la sala de audiencias del Consejo Municipal de la Ciudad."*

Si usted necesita tener una conversación con alguien que está en la audiencia, amablemente le pedimos que salga del recinto y tenga su conversación en el vestíbulo de la sala de audiencias.

ROLL CALL:

Eduardo De La Riva, Mayor
Ricardo Lara, Mayor Pro Tem
Ramon Medina, Councilmember
Carlos Alvarez, Councilmember
Heber Marquez, Councilmember
Gloria Viramontes, City Treasurer
Gerardo Mayagoitia, City Clerk
Jennifer Vasquez, City Manager
David Mango, Director of Building and Planning
Anthony Rainey, Interim Finance Director
Roxanne Diaz, City Attorney

*In order to address the Council, please complete a Public Comment Card.
No Public Comment Cards will be accepted after 7:15 p.m. Time allotted per speaker: 3 minutes.
No agenda item may be taken after 9:00 p.m. without a motion to extend time by the majority of Council present.*

INVOCATION* AND PLEDGE OF ALLEGIANCE

**In permitting a nonsectarian invocation, the City does not intend to proselytize, advance, or disparage any faith or belief. Neither the City nor the City Council endorses any particular belief or form of invocation.*

COUNCIL MEMBERS' COMMENTS (3 MINUTES EACH)

PUBLIC PARTICIPATION (Agenda Items Only)

At this time speakers wishing to address the City Council on items on the agenda will be called upon in the order that the speaker card is received. The maximum time allotted for individuals to speak shall not exceed three (3) minutes.

PRESENTATION(S)

Proclamation

The City of Maywood Proclaims September "Childhood Cancer and Blood Cancer Awareness Month"

Presentation(s)

Re-Grand Opening Certificate of Recognition

Tacos El Compa

Back to School Family Resource Fair & National Night Out Certificates of Recognition

Senator Lena Gonzalez
Stella Health Insurance Agency
Letty's Barbering and Cosmetology College
Gamma Zeta Alpha Fraternity, Inc. Eta Chapter
SCE Credit Union
Blue Shield
Kaiser Permanente
Kiwanis
Family Health Care Centers of Greater Los Angeles

I-710 Early Action Project (Slauson Avenue/Atlantic Boulevard Congestion Relief Project)

Presentation by Nicole Jules, Traffic Engineer, Interwest Group

PUBLIC HEARING

1. Public hearing to consider an Ordinance adopting regulations and procedures to administer installation of wireless telecommunications facilities in the public rights-of-way and making a finding of exemption under the California Environmental Quality Act.

CONSENT CALENDAR

All matters listed under 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 members of the City Council request specific items to be removed from the Consent Calendar for separate discussion or action.

1. Minutes for 08/12/19 Joint City Council and Planning Commission Meeting.
2. Minutes for 08/14/19 Council Meeting.
3. A Resolution of the City Council of the City of Maywood and Successor Agency to the Maywood Community Redevelopment Agency Approving the Warrants for Payment.
4. Revenue Report for the month of July 2019.
5. Second reading of Ordinance 19-03 amending Chapter 45 of the Maywood Municipal Code and the Zoning Ordinance to prohibit the commercial cultivation, dispensing, manufacture, distribution, and testing of cannabis within City limits, except for legal nonconforming uses, and making a finding of exemption under the California Environmental Quality Act.
6. Second reading of Ordinance 19-04 amending the Maywood Zoning Ordinance to clarify final decisions of the Planning Commission and their review and to modify requirements for certain conditional use permits relating to businesses with on-site accessory consumption of alcoholic beverages that is incidental to food sale.

DISCUSSION/ACTION ITEMS

7. Consideration to approve \$1,000 for the City of Maywood's Residential Holiday Decoration Competition to be implemented during the 2019 Holiday Season.
8. Resolution approving the acceptance of the 2019 National Fitness Campaign Grant in the amount of \$30,000 for the installation of an outdoor fitness court at Riverfront Park.

CLOSED SESSION

Conference with Labor Negotiator, Government Code Section 54957.6; City Negotiator: Jennifer Vasquez, City Manager; Unrepresented Employees: Director of Building and Planning/Assistant City Manager, Building Inspection/Code Compliance Supervisor, Code Compliance Officer I, Secretary of Building and Planning, Parking Enforcement I, Parking Enforcement II, Senior Parking Enforcement Officer, Executive Assistant, Public Works Coordinator, Public Works-Part Time, Finance Director, Fund Accountant, Accounting Specialist I, Accounting Specialist II, Finance Specialist, Customer Service Representative I, Customer Service Representative II, Administrative Assistant, Community Service Officer, Lead Maintenance Worker, Administrative Analyst, Community Outreach Specialist

PUBLIC PARTICIPATION (Non-Agenda Items)

At this time speakers wishing to address the City Council on an item not on the agenda will be called upon in the order that the speaker card is received. The maximum time allotted for individuals to speak shall not exceed three (3) minutes.

ADJOURNMENT - The next Regular Meeting of the Maywood City Council is on September 11, 2019.

PUBLIC ACCESS TO CITY COUNCIL MEETING AGENDA AND AGENDA PACKETS

 I, Gerardo Mayagoitia, City Clerk or Priscilla Kinnard, Deputy City Clerk, hereby certify that this agenda was duly posted by law at 4319 E. Slauson Avenue, Maywood, CA 90270 and the City Website. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection at the Maywood City Hall, 4319 E. Slauson Avenue, Maywood CA 90270. If you challenge in court any discussion or action taken concerning an item on this Agenda, you may be limited to rising only those issues you or someone else raised during the meeting or in written correspondence delivered to the City at or prior to the City's consideration of the item at the meeting. In compliance with the ADA, if you need special assistance for the meeting, call (323) 562-5714 within 72 hours prior to the meeting so the City can make reasonable arrangements to ensure accessibility.





AGENDA 1
ITEM NO. _____

August 12, 2019

**JOINT SPECIAL MEETING OF THE MAYWOOD CITY COUNCIL
AND THE MAYWOOD PLANNING COMMISSION HELD IN THE COUNCIL
CHAMBERS,
4319 EAST SLAUSON AVENUE, MAYWOOD, CALIFORNIA**

Mayor opened the meeting at approximately 7:00 p.m.

ROLL CALL: Eduardo De La Riva, Mayor
Ricardo Lara, Mayor Pro Tem
Ramon Medina, Councilmember
Carlos Alvarez, Councilmember
Heber Marquez, Councilmember (Absent)
Carmen Perez, Commissioner
Reyna Mendez, Commissioner
Raul Rodriguez, Commissioner
Paloma Hernandez, Commissioner
Alondra Olmos, Commissioner
Gloria Viramontes, City Treasurer (Absent)
Gerardo Mayagoitia, City Clerk (Absent)
Jennifer E. Vasquez, City Manager
David Mango, Director of Building and Planning
Roxanne Diaz, City Attorney (Absent)

INVOCATION* AND PLEDGE OF ALLEGIANCE

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COUNCIL MEMBERS' COMMENTS

PRESENTATION ON THE 2014-2021 DRAFT HOUSING ELEMENT AND HOUSING ELEMENT REQUIREMENTS

Ms. Veronica Tam of Veronica Tam and Associates delivered a PowerPoint presentation regarding State mandated housing policy as it pertains to Maywood. The presentation focused on:

- California Housing Element Law
- Current status of the Maywood Housing Element

- What is the Regional Housing Needs Assessment (RHNA)?
- Residential - Senior and Affordable Overlay Zones
- Emergency Homeless Shelter zoning
- Next steps

CITY COUNCIL AND PLANNING COMMISSION DISCUSSION ON THE PRESENTATION OF THE DRAFT 2014-2021 DRAFT HOUSING ELEMENT

Ms. Tam and City Staff answered questions from the City Council and Planning Commission. Discussion among the Council and Commission was encouraged.

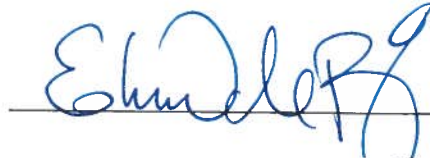
PUBLIC PARTICIPATION

At this time speakers wishing to address the City Council or Planning Commission are invited to provide comment or ask questions. The public is asked to only provide comment on the subject of housing in general or of the topics addressed during the presentation or the joint discussion.

There were no speakers on the subject of housing in general or of the topics addressed during the presentation or the joint discussion.

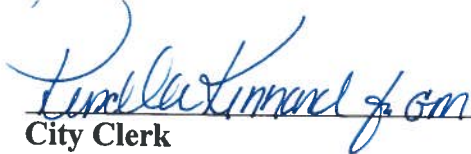
COUNCIL MEMBERS' CLOSING COMMENTS

ADJOURNMENT - There being no further business, Mayor De La Riva adjourned the meeting at approximately 8:15 p.m.



Mayor
Eduardo De La Riva

ATTEST:



City Clerk



AGENDA 2
ITEM NO. _____

August 14, 2019

**MINUTES OF THE REGULAR MEETING
OF THE MAYWOOD CITY COUNCIL HELD IN THE COUNCIL CHAMBERS,
4319 EAST SLAUSON AVENUE, MAYWOOD, CALIFORNIA**

Mayor opened the meeting at approximately 7:00 p.m.

ROLL CALL: Eduardo De La Riva, Mayor
Ricardo Lara, Mayor Pro Tem
Ramon Medina, Councilmember
Carlos Alvarez, Councilmember
Heber Marquez, Councilmember (Arrived at 7:16 p.m.)
Gloria Viramontes, City Treasurer (Absent)
City Clerk, Gerardo Mayagoitia (Absent)
City Manager, Jennifer Vasquez
Director of Building and Planning, David Mango
Interim Director of Finance, Anthony Rainey
City Attorney, Roxanne Diaz

COUNCIL MEMBERS' COMMENTS (3 MINUTES EACH)

PUBLIC PARTICIPATION (Agenda Items Only)

At this time speakers wishing to address the City Council on items on the agenda will be called upon in the order that the speaker card is received. The maximum time allotted for individuals to speak shall not exceed three (3) minutes.

The following spoke on Agenda Items only:

1. Ana Santacruz;
2. Maria Villatoro;
3. Alejandra Castaneda;
4. Xiomara Nolasco;
5. Celina Aguirre;
6. Maria Estrada;
7. Raquel Toscano;
8. Thalia Escamilla;
9. Sara Valdez;

10. Rodolfo Cortez;
11. Heather Wilson.

PRESENTATION(S)

I-710 Early Action Project (Slauson Avenue/Atlantic Boulevard Congestion Relief Project)
Presentation by Nicole Jules, Traffic Engineer, Interwest Group

Presentation was postponed to August 28, 2019 Council Meeting.

PUBLIC HEARING

1. An ordinance of the City of Maywood amending Chapter 45 of the Maywood Municipal Code to prohibit the commercial cultivation, dispensing, manufacturing, distribution and testing of cannabis, except for legal nonconforming uses Citywide, and making a finding of exemption under the California Environmental Quality Act. **Motion to introduce the ordinance, waive full reading and read the ordinance by title only by Lara. Second by De La Riva. AYES: Marquez, Lara, and De La Riva. NOES: Alvarez and Medina. PASSES**

The following spoke during public comment:
Veronica Guardado

2. An ordinance of the City of Maywood amending the Maywood zoning ordinance to clarify final decisions of the Planning Commission and their review and to modify requirements for certain conditional use permits relating to businesses with on-site accessory consumption of alcoholic beverages that is incidental to food sale. **Motion to introduce the ordinance, waive full reading and read the ordinance by title only by Marquez. Second by Medina. AYES: Alvarez, Marquez, Medina, Lara, and De La Riva. PASSES**

CONSENT CALENDAR

Items 2 and 5 were pulled from the consent calendar for further discussion. Item 4 was continued to the next meeting.

1. Minutes for 07/24/19 Council Meeting. **Motion to approve by Lara. Second by Marquez. AYES: Alvarez, Marquez, Medina, Lara, and De La Riva. PASSES**
2. Resolution of the City Council of the City of Maywood and Successor Agency to the Maywood Community Redevelopment Agency Approving Prepaid Warrants and Payroll. **Motion to approve by Lara. Second by Alvarez. AYES: Alvares, Marquez, Medina, Lara, and De La Riva. PASSES**

3. Consider the adoption of a resolution supporting the City of Maywood's participation in the Institute for Local Government's Beacon Program. **Motion to approve by Lara. Second by Marquez. AYES: Alvarez, Marquez, Medina, Lara, and De La Riva. PASSES**
4. A recommendation not approving the Community Benefit Fund application from Fishburn Avenue Elementary School in the amount of \$1,569.00. **Item was continued to the August 28, 2019 Council Meeting by order of the Mayor to allow City staff more time to connect with Fishburn Elementary School and get all the required documents before the Council makes its final determination.**
5. A recommendation approving the Community Benefit Fund application from the Cal State Fullerton Philanthropic Foundation. **Motion to approve by De La Riva. Second by Alvarez. AYES: Alvarez, Marquez, Medina, Lara, and De La Riva. PASSES**
6. Obtain authorization to advertise a Request for Proposals (RFP) or bid for City-wide traffic signal, signs and streetlight maintenance services. **Motion to approve by Lara. Second by Marquez. AYES: Alvarez, Marquez, Medina, Lara, and De La Riva. PASSES**
7. Approval of a short-term agreement between the City of Maywood and Siemens Industry, Inc. for traffic signal and streetlight maintenance services through October 31, 2019. **Motion to approve by Lara. Second by Marquez. AYES: Alvarez, Marquez, Medina, Lara, and De La Riva. PASSES**
8. Request to authorize a demonstration and the temporary use of Riverfront Park by SpeakUP for an Education and Community Information Fair on September 14, 2019. **Motion to approve by Lara. Second by Marquez. AYES: Alvarez, Marquez, Medina, Lara, and De La Riva. PASSES**

DISCUSSION/ACTION ITEMS

CLOSED SESSION

The City Attorney read the closed session items and the city council adjourned into closed session.

Conference with Real Property Negotiators, Government Code Section 54956.8, 4801 Slauson Avenue; City Negotiator, Jennifer Vasquez, City Manager; Negotiating Party: Sean Mousavi; Under Negotiation: Price and Terms of Payment.

Conference with Real Property Negotiators, Government Code Section 54956.8, 5600 Heliotrope Avenue; City Negotiator, Jennifer Vasquez, City Manager; Negotiating Party: Sean Mousavi; Under Negotiation: Price and Terms of Payment.

Conference with Legal Counsel, Existing Litigation, Government Code Section 54956.9(d)(1); Rose Vasquez v. City of Maywood, Los Angeles Superior Court Case No. BC710399

The City Council returned from closed session and the City Attorney announced there was no reportable action.

PUBLIC PARTICIPATION (Non-Agenda Items)

At this time speakers wishing to address the City Council on an item not on the agenda will be called upon in the order that the speaker card is received. The maximum time allotted for individuals to speak shall not exceed three (3) minutes.

The following spoke on Non-Agenda Items:

1. Heather Wilson.

ADJOURNMENT Meeting adjourned at approximately 8:56 p.m. to August 28, 2019 at 7:00 pm for the regular meeting of the Maywood City Council.

A handwritten signature in blue ink, appearing to read "Eduardo De La Riva", is written over a horizontal line.

Eduardo De La Riva, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Gerardo Mayagoitia", is written over a horizontal line.
Gerardo Mayagoitia, City Clerk

COUNCIL AGENDA

ITEM No. 3

RESOLUTION NO. 6061

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MAYWOOD AND SUCCESSOR AGENCY TO THE MAYWOOD COMMUNITY
REDEVELOPMENT AGENCY APPROVING THE WARRANTS FOR PAYMENT**

WHEREAS, the following listed demands have been reviewed by the Interim Director of Finance, and

WHEREAS, the Interim Director of Finance has certified to the accuracy and availability of funds for payment thereof, and

WHEREAS, the register of audited demands is hereby submitted to the City Council of the City of Maywood and Successor Agency to the Maywood Community Redevelopment Agency for approval.

NOW, THEREFORE, BE IT RESOLVED, that the listed Warrants and Wire Transfers/Automated Clearing House (ACH) Transactions for \$656,654.09 are hereby ratified:

- Exhibit A – Summary of Warrants and Wire Transfers/ACH Transactions
- Exhibit B – Detail of Warrants
- Exhibit C – NOTES-Summary Warrants for Payment and Wire Transfers/ACH Transactions

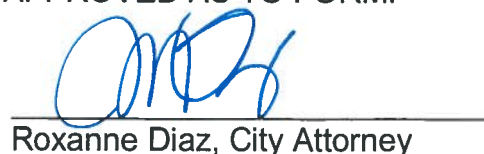
PASSED, APPROVED AND ADOPTED THIS 28th day of August, 2019.


Eduardo De La Riva, Mayor

ATTEST:


Gerardo Mayagoitia, City Clerk

APPROVED AS TO FORM:


Roxanne Diaz, City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF MAYWOOD

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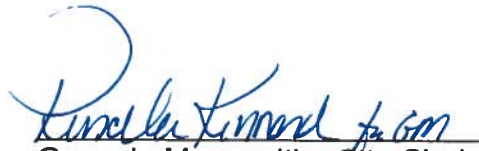
I, Gerardo Mayagoitia, City Clerk of the City Council of the City of Maywood, do hereby certify that foregoing Resolution No. 6061 was duly passed and adopted by the City Council of the City of Maywood, at a regular meeting of the City Council held on the 28th of August, 2019 by the following roll call vote, to wit:

AYES: Alvarez, Marquez, Medina, Lara and DeLaRiva

NAYES:

ABSENT:

ABSTAINED:


Gerardo Mayagoitia, City Clerk

City of Maywood
Summary Warrants for Payment and Wire Transfers/ACH Transactions
Council Meeting Date
Wednesday, August 28, 2019

Accounts Payable

Accounts Payable prepaid warrants for payment: Checks No. 086351 - 086361
Accounts Payable regular warrants for payment: Checks No. 086362 - 086390

	Amount
	\$ 15,321.45
	\$ 492,154.99
Sub-total	\$ 507,476.44

Wire Transfers/ACH Transactions

08/06/19 CalPERS Health Premium and Admin Fee- August 2019
08/06/19 CalPERS Unfunded Liability Payment Plan - Safety & Misc. Employees
08/06/19 CalPERS Employer Contribution - Pay Period 7/21/19-8/03/19
08/07/19 State Compensation Insurance Fund - Deposit Premium
08/07/19 State Compensation Insurance Fund - Premium for 7/01/19-8/01/19
08/14/19 US Bank Analysis Service Charge
08/16/19 ADP Payroll Fees

	\$ 28,499.15
	\$ 110,480.44
	\$ 6,187.35
	\$ 798.36
	\$ 2,573.25
	\$ 635.87
	\$ 3.23
Sub-total	\$ 149,177.65

Total Demands **\$ 656,654.09**

City of Maywood
Detail Warrants for Payment
Warrants No. 086351 to 086390

EXHIBIT B

Check No.	Prepays	Date	Vendor Name	Check Amt	Transaction Description
086351	P	8/20/2019	ADR Services, Inc.	3,250.00	Mediation Hearing Maywood v. Consolidated Disposal Service
086352	P	8/20/2019	California Association of Code Enforcement Officers	430.00	M3 Academy Conference Code Enforcement Training July 2019
086353	P	8/20/2019	County of Los Angeles Registrar-Recorder/County Clerk	75.00	Covenant to Restrict Use of Property Recording
086354	P	8/20/2019	Jessica Rodriguez	129.07	Replacement Check for Outstanding Payroll Check #100886
086355	P	8/20/2019	L.B. Johnson Hardware Co.	30.15	Public Works Supplies
086356	P	8/20/2019	QDoxs	74.47	Copier Base Charge: 08/01/2019 - 08/31/2019
086357	P	8/20/2019	So Cal Industries	922.26	Portable Rtrm 4801 E 58th St (Maywood Park/Baseball Field)
086358	P	8/20/2019	Southern California Edison	9,548.50	Various Locations 06-25-2019 to 07-25-2019
086359	P	8/20/2019	The Gas Company	53.57	Various Locations (07-09-2019 - 08-07-2019)
086360	P	8/20/2019	Time Warner Cable	630.13	Internet & Phone Service: August 2019
086361	P	8/20/2019	Xerox Financial Services	178.30	Copier Lease: 07-22-2019 - 08-21-2019 Front Office
086362		8/20/2019	Abila	3,915.00	Accounting Software Yearly Renewal
086363		8/20/2019	Adrien Perez	23.44	Metro Audit Training Mileage Reimbursement
086364		8/20/2019	Alberto Lopez	159.45	CACEO M3 Academy Mileage/Expense Reimbursement
086365		8/20/2019	Brinks, Inc.	493.54	July 2019 Cash Handling Service
086366		8/20/2019	California Consulting, Inc.	3,000.00	Grant Writing Services August 2019
086367		8/20/2019	CoreLogic Solutions, LLC.	150.00	Property Finder July 2019
086368		8/20/2019	Daily Journal Corporation	2,214.98	Publication of Official Notices
086369		8/20/2019	Dapeer, Rosenblit & Litvak, LLP	1,987.80	Code Enforcement Legal Services: July 2019 Code Enforcement Legal Services: July 2019 DTLA Investments
086370		8/20/2019	Dave And Frank Automotive	20.00	City Vehicle Fleet Tire Repair
086371		8/20/2019	Diana Cho & Associates	1,870.00	CDBG Consulting July 2019
086372		8/20/2019	George Hill Company	220.00	City Claims/Adjuster Services July 2019
086373		8/20/2019	Graffiti Protective Coatings	17,000.00	CityWide Graffiti Removal June 2019 Bus Shelter Maintenance July 2019

City of Maywood
Detail Warrants for Payment
Warrants No. 086351 to 086390

Check No.	Prepays	Date	Vendor Name	Check Amt	Transaction Description
086374		8/20/2019	HDL Coren & Cone	2,217.38	Property Tax Service: July 2019 - September 2019
086375		8/20/2019	HdL Software, LLC	975.94	Quarterly Use Fee-Permit Tracking Software 09/01/19-1/30/19
086376		8/20/2019	John Balderas	1,740.00	Professional Municipal Accounting Services April 2019
086377		8/20/2019	KBJ Auto Detail	589.00	City Vehicle Fleet: Car Wash Service July 2019
086378		8/20/2019	Los Angeles County Metropolitan Transportation Authority	4,340.00	August 2019 Metro TAP Cards
086379		8/20/2019	Susan Contreras dba Municipal Waste Solutions	11,233.00	June 2019 Waste & Recycling Consulting July 2019 Waste & Recycling Consulting
086380		8/20/2019	MunieTemps - Municipal Staffing	7,128.00	Temp Labor: Interim Finance Director
086381		8/20/2019	Pacheco & Neach PC	270.00	June 2019 Legal Services Audit Letter
086382		8/20/2019	Phoenix Group Information Systems	1,928.23	July 2019 Parking Citation Processing Fee
086383		8/20/2019	Procure America	803.29	Utility Services Review and Analysis
086384		8/20/2019	PSOMAS	840.00	Sewer System Evaluation - Hydraulic Analysis Component
086385		8/20/2019	Redfire Technology Services	2,199.20	August 2019 I.T. Services
086386		8/20/2019	Ring, LLC	4,200.00	Ring Promo Codes Redeemed
086387		8/20/2019	Salazar Landscaping	995.00	Weed Abatement Clean-Up Randolph-Pala & Walker
086388		8/20/2019	Sheriff's Department	376,685.40	Public Safety Services: Crime Suppression May 2019 Public Safety Services: June 2019
086389		8/20/2019	Staples Business Advantage	1,102.11	Office Supplies
086390		8/20/2019	V & M Iron Works	43,854.23	Labor & Material YMCA Classroom Maintenance City Hall and Library Maintenance & Repair April 2019 Park Maintenance April 2019 (Riverfront Park Included) Street Maintenance April 2019
TOTAL:				\$507,476.44	

NOTES – Summary Warrants for Payment and Wire Transfers/ACH Transactions

I. **Accounts Payable** – This depicts:

- A. The first section of **EXHIBIT A Summary Warrants for Payment and Wire Transfers/ACH Transactions** for Checks 086351 through 086361 are designated with a “P” for “Prepays” on **EXHIBIT B, Detail Warrants for Payment** totaling \$15,321.45.
- B. The first section of **EXHIBIT A Summary Warrants for Payment and Wire Transfers/ACH Transactions** for Checks 086362 through 086390 on **EXHIBIT B, Detail Warrants for Payment** totaling \$492,154.99. **EXHIBIT B** portrays the respective dates, vendor names, check amounts, and a brief transaction description of each “warrant” by its respective check number.

II. **Wire Transfers/Automated Clearing House (ACH) Transactions** – This depicts:

- A. Within the second section of **EXHIBIT A 08/06/19 Summary Warrants for Payment and Wire Transfers/ACH Transactions** for **CalPERS Health Premium and Administrative Fee – August 2019** totaling \$28,499.15. This is the City’s contributions to the California Public Employees’ Retirement System (CalPERS) for health premiums (health insurance) for Active and Retired City employees including the CalPERS administrative fee.
- B. Within the second section of **EXHIBIT A 08/06/19 Summary Warrants for Payment and Wire Transfers/ACH Transactions** for **CalPERS Unfunded Liability Payment Plan – Safety & Miscellaneous Employees** totaling \$110,480.44. This is the City’s contributions to the California Public Employees’ Retirement System (CalPERS) for the Projected Benefit Obligation (PBO) that CalPERS actuaries calculate for the City’s portion of unfunded liabilities in the future.
- C. Within the second section of **EXHIBIT A 08/06/19 Summary Warrants for Payment and Wire Transfers/ACH Transactions** for **CalPERS Employer Contribution – Pay Period 7/21/19 – 8/3/19** totaling \$6,187.35. This is the City’s contributions to the California Public Employees’ Retirement System (CalPERS) for Pay Period.
- D. Within the second section of **EXHIBIT A 08/07/19 Summary Warrants for Payment and Wire Transfers/ACH Transactions** for **State Compensation Insurance Fund – Deposit Premium** totaling \$798.36. This is the City’s deposit to the California workers’ compensation premium.
- E. Within the second section of **EXHIBIT A 08/07/19 Summary Warrants for Payment and Wire Transfers/ACH Transactions** for **State Compensation Insurance Fund –Premium for 7/01/19 – 8/01/19** totaling \$2,573.25. This is the City’s contribution to the California workers’ compensation premium for the Pay Period.
- F. Within the second section of **EXHIBIT A 08/14/19 Summary Warrants for Payment and Wire Transfers/ACH Transactions** for **US Bank Analysis Service Charge** totaling \$635.87. This is the City’s payment for banking services.
- G. Within the second section of **EXHIBIT A 08/14/19 Summary Warrants for Payment and Wire Transfers/ACH Transactions** for **ADP (Automatic Data Processing Inc.) Payroll Fees** totaling \$3.23. This is the City’s payment for payroll processing services.



AGENDA 4
ITEM NO. _____

CITY COUNCIL STAFF REPORT

DATE: AUGUST 28, 2019
TO: HONORABLE MAYOR, AND MEMBERS OF THE CITY COUNCIL
FROM: JENNIFER E. VASQUEZ, CITY MANAGER *JV*
RE: REVENUE REPORT FOR THE MONTH OF JULY 2019.

RECOMMENDATION

Staff recommends that the City Council receive and file the Revenue Report for the Month of July 2019.

FISCAL IMPACT

There is no fiscal impact involved with this action.

LEGAL REVIEW

The City attorney has reviewed this report.

BACKGROUND

In an effort to maintain transparency, the City's Finance Department prepares a monthly Revenue report for the City Council's review. The Revenue Report is a tool used by the Council to oversee the financial health of the City.

DISCUSSION

The attached analysis compares each Revenue Fund (General Fund, Enterprise fund and Special Revenue Fund) in Column A by:

- Column B – Monthly Revenue – July 2018
- Column C – Fiscal Year to Date Revenue – July 2019
- Column D – July 2019 YTD versus July 2018 YTD \$ Difference
- Column E - July 2019 YTD versus July 2018 YTD % Difference
- Column F – Percentage Fiscal Year Remaining as of July 2019
- Column G – Adopted budget FY 2019-2020
- Column H - % of FY 2019-2020 YTD Revenue Received

This format allows for the comparison of the current month's collected revenue to be compared to the same time last year in terms of dollars (Column D) and percentage (Column E). The format depicts the percentage of the Fiscal Year 2019-2020 remaining to provide context as to how the City is trending by revenue type. Finally, Column G depicts the FY 2019-2020 Budgeted revenue as well as Column H showing the percentage of the FY 2019-202 Budgeted Revenue the City has reached.

The total General Fund revenue received during the month of July 2019 totaled \$707,078.69 which is 41.48% higher than the same period last year. However there is not enough data to make a valid projection of the remaining 11 months as 91.78% of the Fiscal Year (depicted in Column F) remains.

Staff is assessing the reason for the Enterprise Fund's July 2019 revenues running ahead of July 2018.

Within the Funds and revenue categories "seasonality" – such as TAXES where the Los Angeles (LA) County Assessor's Office remits revenues tied to property tax collections, LICENSES AND PERMITS tied to construction/building/public works activities – Finance will conduct discussions with the LA County Assessor's Office and with Community Development regarding activities (building, planning, code compliance, public works) that drive certain revenues to gain a better contextual framework.

ATTACHMENT(S)

Attachment No. 1 – July 2019 Revenue Report

ATTACHMENT NO. 1

A - Revenue by FUND and by TYPE	B - Monthly Revenue - July 2018	C - Fiscal Year to Date Revenue - July 2019	D - July 2019 YTD versus 2018 \$ Difference (C minus B)	E - July 2019 YTD versus July 2018 % Difference (C divided by B minus 1)	F - Percentage of Fiscal Year Remaining as of July 2019	G - Adopted Budget FY 2019-2020	H - % of FY 2019-2020 YTD Revenue Received
GENERAL FUND							
Taxes: A tax is a compulsory monetary contribution to the City's revenue, assessed and imposed by the City on the activities, expenditure, income, occupation, privilege, property, etc., of individuals and organizations.							
Franchise & Collectors Fee	\$57,213.70	\$394.25	(\$56,819.45)	-99%	91.78%	\$165,000.00	0.24%
Property Taxes	\$16,773.66	\$13,665.82	(\$3,107.84)	-19%	91.78%	\$700,800.00	1.95%
Utility Users Tax	\$68,973.89	\$48,344.61	(\$20,629.28)	-30%	91.78%	\$980,000.00	4.93%
Transfer Tax (Real Estate)	\$1,614.26	\$0.00	(\$1,614.26)	-100%	91.78%	\$25,000.00	0.00%
Transient Occupancy Tax	\$14,778.07	\$7,510.86	(\$7,267.21)	-49%	91.78%	\$60,000.00	12.52%
Cannabis Sales Tax	\$132,925.00	\$350,120.40	\$217,195.40	163%	91.78%	\$1,200,000.00	29.18%
Sales Tax Revenue	\$103,052.55	\$168,557.69	\$65,505.14	64%	91.78%	\$1,710,400.00	9.85%
Taxes Totals	\$395,331.13	\$588,593.63	\$193,262.50	49%	91.78%	\$4,841,200.00	12.16%
GENERAL FUND							
Licenses & Permits: FEES: A fee is a charge imposed on an individual for a service that the person chooses to receive. A fee may not exceed the estimated reasonable cost of providing the particular service or product for which the fee is charged, plus overhead. Fees are charged for specific services, and fee revenue may fund only those services and related expenses							
Compliance Program Fee	\$0.00	\$0.00	\$0.00		91.78%	\$45,000.00	0.00%
Residential & Building Permits	\$9,935.90	\$14,522.40	\$4,586.50	46%	91.78%	\$47,000.00	30.90%
Public Works Permit Fees	\$1,560.00	\$3,412.50	\$1,852.50	119%	91.78%	\$50,000.00	6.83%
Temporary Parking Permits	\$0.00	\$0.00	\$0.00		91.78%	\$0.00	
Other Fees & Permits	\$2,016.40	\$3,600.20	\$1,583.80	79%	91.78%	\$46,400.00	7.76%
Occupancy Permits	\$4,024.50	\$2,234.80	(\$1,789.70)	-44%	91.78%	\$25,000.00	8.94%
Building Permits	\$4,541.34	\$7,663.79	\$3,122.45	69%	91.78%	\$75,000.00	10.22%
Commercial Cannabis Applications	\$5,116.59	\$5,787.00	\$670.41	13%	91.78%	\$18,000.00	32.15%
Parking Permits	\$1,917.80	\$2,465.40	\$547.60	29%	91.78%	\$100,000.00	2.47%
Apartment License	\$10.00	\$764.94	\$754.94	7549%	91.78%	\$30,000.00	2.55%
Business License	\$703.00	\$1,040.00	\$337.00	48%	91.78%	\$215,000.00	0.48%
Vehicle License Fee - LA County	\$0.00	\$0.00	\$0.00		91.78%	\$2,820,000.00	0.00%
Licenses and Permits Totals	\$29,825.53	\$41,491.03	\$11,665.50	39%	91.78%	\$3,426,400.00	1.21%
GENERAL FUND							
Charges for Services: CHARGES FOR SERVICES: Charges to cover administrative costs for services.							
All Other Charges for Services	\$0.00	\$1,874.90	\$1,874.90		91.78%	\$3,400.00	55.14%
Compliance and Review Fees - Cannabis	\$0.00	\$0.00	\$0.00		91.78%	\$36,000.00	0.00%
Rubbish Assessment	\$70.25	\$40.59	(\$29.66)	-42%	91.78%	\$65,000.00	0.06%
Plan Check Fees	\$3,189.34	\$3,376.07	\$186.73	6%	91.78%	\$25,900.00	13.04%
Rents & Concessions	\$1,890.00	\$1,890.00	\$0.00	0%	91.78%	\$23,000.00	8.22%
Charges for Services Totals	\$5,149.59	\$7,181.56	\$2,031.97	39%	91.78%	\$153,300.00	4.68%
GENERAL FUND							
Fines and Forfeitures: FINES AND FORFEITURES: Penalties imposed by the City in the form of money or goods for a violation of an ordinance, law, regulation or rule.							
Penalties: Apt & Bus License	\$1.75	\$237.25	\$235.50	13457%	91.78%	\$8,000.00	2.97%
Impound Vehicle Release	\$0.00	\$0.00	\$0.00		91.78%	\$0.00	
SEMC: Court Collections (DMV)	\$15,147.95	\$13,037.19	(\$2,110.76)	-14%	91.78%	\$120,000.00	10.86%
Parking Fines	\$30,862.99	\$9,352.00	(\$21,510.99)	-70%	91.78%	\$290,000.00	3.22%
Fines and Forfeitures Totals	\$46,012.69	\$22,626.44	(\$23,386.25)	-51%	91.78%	\$418,000.00	5.41%

A - Revenue by FUND and by TYPE	B - Monthly Revenue - July 2018	C - Fiscal Year to Date Revenue - July 2019	D - July 2019 YTD versus 2018 \$ Difference (C minus B)	E - July 2019 YTD versus July 2018 % Difference (C divided by B minus 1)	F - Percentage of Fiscal Year Remaining as of July 2019	G - Adopted Budget FY 2019-2020	H - % of FY 2019-2020 YTD Revenue Received
GENERAL FUND							
Leases and Concessions:		LEASES AND CONCESSIONS: A rent or lease or payment for the use of a the City's property.					
Antenna Rent - T-Mobile	\$0.00	\$0.00	\$0.00		91.78%	\$0.00	
Leased Property Rental Income	\$6,000.00	\$4,500.00	(\$1,500.00)	-25%	91.78%	\$61,400.00	7.33%
Leases and Concessions Totals	\$6,000.00	\$4,500.00	(\$1,500.00)	-25%	91.78%	\$61,400.00	7.33%
GENERAL FUND							
Miscellaneous:		MISCELLANEOUS: A General Fund revenue not covered in another revenue category.					
Interest Income	\$86.63	\$35,671.54	\$35,584.91	41077%	91.78%	\$116,000.00	30.75%
Miscellaneous Revenue	\$3,958.24	\$1,499.41	(\$2,458.83)	-62%	91.78%	\$64,900.00	2.31%
Rebate for Electrical Cars	\$0.00	\$0.00	\$0.00		91.78%	\$0.00	
Other (Recycle + ABx1 Reimbursement)	\$7,262.00	\$0.00	(\$7,262.00)	-100%	91.78%	\$7,300.00	0.00%
Street Fair Revenue	\$0.00	\$0.00	\$0.00		91.78%	\$0.00	
Trade of Prop A Funds	\$0.00	\$0.00	\$0.00		91.78%	\$387,800.00	0.00%
Miscellaneous Revenue Totals	\$11,306.87	\$37,170.95	\$25,864.08	229%	91.78%	\$576,000.00	6.45%
GENERAL FUND							
Retiree Pension Levy:		RETIREE PENSION LEVY: An amount of revenue from the property tax levy approved by the voters for the purpose of paying the cost to the City of the Public Employees Retirement System (PERS).					
Retiree Pension Levy	\$6,140.57	\$5,515.08	(\$625.49)	-10%	91.78%	\$950,000.00	0.58%
Retiree Pension Levy Totals	\$6,140.57	\$5,515.08	(\$625.49)	-10%	91.78%	\$950,000.00	0.58%
General Fund Revenue Totals	\$499,766.38	\$707,078.69	\$207,312.31	41.48%		\$10,426,300.00	6.78%
ENTERPRISE FUND							
Sewer:		SEWER SERVICE CHARGE: Annual sewer charges to be collected on the Los Angeles County tax roll.					
Sewer	\$0.00	\$7,616.00	\$7,616.00		91.78%	\$284,000.00	2.68%
Sewer Revenue Totals	\$0.00	\$7,616.00	\$7,616.00		91.78%	\$284,000.00	2.68%
Enterprise Fund Revenue Totals	\$0.00	\$7,616.00	\$7,616.00			\$284,000.00	2.68%
SPECIAL REVENUE FUND							
Metro Funds:		SPECIAL REVENUE FUND: Collections of revenues in special funds that must be used for the established purposes of the funds to provide an extra level of accountability and transparency.					
"Gas Tax"	\$48,415.11	\$47,190.72	(\$1,224.39)	-3%	91.78%	\$735,800.00	6.41%
Transportation Development Act (TDA)	\$5.96	\$0.00	(\$5.96)	-100%	91.78%	\$20,400.00	0.00%
Bikeway	\$45,393.78	\$51,365.27	\$5,971.49	13%	91.78%	\$568,800.00	9.03%
Proposition A	\$38,610.15	\$43,386.28	\$4,776.13	12%	91.78%	\$482,500.00	8.99%
Measure R	\$28,349.88	\$31,933.25	\$3,583.37	13%	91.78%	\$355,000.00	9.00%
Measure M	\$32,663.26	\$35,868.95	\$3,205.69	10%	91.78%	\$401,000.00	8.94%
Senate Bill 1 (SB 1)	\$24,362.16	\$48,213.35	\$23,851.19	98%	91.78%	\$460,900.00	10.46%
Surface Transportation Program (STP)	\$0.00	\$0.00	\$0.00		91.78%	\$200.00	0.00%
Federal Grant	\$9,963.00	\$111,060.00	\$101,097.00	1015%	91.78%	\$545,700.00	20.35%
Community Development Block Grant (CDBG)	\$0.00	\$0.00	\$0.00		91.78%	\$34,100.00	0.00%
Air Quality Management District (AQMD) Grant	\$0.00	\$0.00	\$0.00		91.78%	\$140,000.00	0.00%
Supplemental Law Enforcement Services Fund (SLESF) Grant	\$0.00	\$0.00	\$0.00		91.78%	\$134,000.00	0.00%
Grant/Reimbursements from Federal/State/County Governments	\$0.00	\$0.00	\$0.00		91.78%	\$143,500.00	0.00%
Measure A	\$4,160.42	\$1,353.05	(\$2,807.37)	-67%	91.78%	\$174,500.00	0.78%
Lighting & Landscaping	\$204.87	\$0.00	(\$204.87)	-100%	91.78%	\$1,258,700.00	0.00%
Successor Agency Trust Fund - City of Maywood serves as the Successor Agency to the Maywood Redevelopment Agency	\$204.87	\$0.00	(\$204.87)	-100%	91.78%	\$1,258,700.00	0.00%
Special Revenue Totals	\$232,128.59	\$370,370.87	\$138,242.28	60%	91.78%	\$5,455,100.00	6.79%
All Funds Totals	\$731,894.97	\$1,085,065.56	\$353,170.59	48%	91.78%	\$16,165,400.00	6.71%



AGENDA 5
ITEM NO. _____

CITY COUNCIL STAFF REPORT

DATE: AUGUST 28, 2019

TO: HONORABLE MAYOR, AND MEMBERS OF THE CITY COUNCIL

FROM: JENNIFER E. VASQUEZ, CITY MANAGER *JW*

BY: *DM* DAVID MANGO, DIRECTOR OF BUILDING AND PLANNING

RE: SECOND READING OF ORDINANCE 19-03 AMENDING CHAPTER 45 OF THE MAYWOOD MUNICIPAL CODE AND THE ZONING ORDINANCE TO PROHIBIT THE COMMERCIAL CULTIVATION, DISPENSING, MANUFACTURE, DISTRIBUTION, AND TESTING OF CANNABIS WITHIN CITY LIMITS, EXCEPT FOR LEGAL NONCONFORMING USES, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

STAFF RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 19-03 entitled as follows: An Ordinance of the City of Maywood Amending Chapter 45 of the Maywood Municipal Code and the Zoning Ordinance to Prohibit the Commercial Cultivation, Dispensing, Manufacture, Distribution and Testing of Cannabis, Except for Legal Nonconforming Uses, Citywide, and Making a Finding of Exemption under the California Environmental Quality Act.

FISCAL IMPACT

There is no fiscal impact associated with the approval of this ordinance.

LEGAL REVIEW

The City Attorney has reviewed this report.

BACKGROUND

On December 28, 2016, the Maywood City Council approved Ordinance No. 16-03, allowing commercial cannabis businesses in the Commercial ("C"), Commercial Manufacturing ("CM") and Manufacturing ("M") zones, subject to approval of a license and Planning Commission approval of a Conditional Use Permit. The following commercial cannabis activities were allowed:

- (1) Cultivation;
- (2) Distribution;
- (3) Dispensary; and
- (4) Product manufacturing/Processing.

Cannabis regulations were subsequently revised in 2017 and 2018. To date, a total of twelve commercial cannabis businesses have been approved in the City. Recently, the Planning Commission has expressed concern about such businesses being located too close to residential uses. Potential adverse impacts such as increased traffic, noise and odor have been cited.

The Planning Commission has also cited a perceived overconcentration of cannabis businesses in the City as a cause for concern. According to the State of California Bureau of Cannabis Control website, Maywood does have a significantly greater concentration of licensed cannabis businesses per square mile, in comparison to local communities who permit cannabis businesses.

Local Communities	Maywood	Lynwood*	Huntington Park	Bellflower
Number of Licensees	12	13	3	4
Land Area	1.1 mi.²	4.8 mi.²	3.0 mi.²	6.2 mi.²
State Licensed Facilities per mi.²	10.9	2.7	1	.6

*No retail permitted

In response to these concerns, the proposed ordinance provides that all commercial cannabis businesses are expressly prohibited in all zones and all specific plan areas of the City. Only those businesses with a valid commercial cannabis license and a valid Conditional Use Permit issued prior to the effective date of the ordinance will be permitted to continue operation as legal nonconforming uses. Renewals of licenses for those businesses will be permitted. Currently there are six pending applications for cannabis licenses.

DISCUSSION

At the June 18, 2019 Planning Commission public hearing, the Commission reviewed an earlier version of an ordinance prohibiting all cannabis activities for which a State license is required pursuant to State cannabis laws.

The Commission adopted a resolution recommending the City Council adopt the proposed ordinance with the following suggested amendments to the ordinance:

1. Section 5-45.06(e) *Approval and License* states that "The license shall be valid for a term of one year unless another term is specified." The Commission suggested the amended to provision to read "The license shall be valid for a term of one year." This is intended to prevent the granting of licenses for periods greater than one year.
2. Section 5-45.09 *Transfer* provides a procedure for a legal transfer of Maywood cannabis business licenses. The Commission suggested that all transfers should be prohibited. Thus section 5-45.09(a-f) should be replaced with:
 - The owner of a cannabis business permit shall not transfer ownership or control of the license to another person or entity.

Staff, however, recommended keeping subsection 5-45.09(f) which reads "*Any attempt to transfer a commercial cannabis business license either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the license, subject to an appeal to the City Council.*"

On June 26, 2019, the City Council held a discussion regarding the proposed ordinance and as well as the Commission's recommendations. The purpose of the discussion was not to introduce the ordinance but for staff to receive additional input. The direction provided to staff was as follows:

- Revise the language regarding the term of the permit as suggested by the Commission.
- Revise the provision regarding transfers and not allow for the transfer of licenses.
- Keep language regarding transfers as suggested by staff.
- Revise the ordinance so that only those with a valid conditional use permit and license as of the Effective Date of the ordinance become legal nonconforming uses.

In addition, the newly revised ordinance includes the following revisions or additional with regard to Chapter 5-45 which pertains to regulatory cannabis licenses as follows:

- Section 5-45.02 prohibits the issuance of new commercial cannabis licenses as of the effective date of the ordinance.
- Sections 5-45.04, 5-45.05 and 5-45.06 sets forth the process for the renewal of cannabis licenses including the application procedures, the criteria for approval and the timeframe in which the renewal application once completed must be processed.
- Additional language was added to Section 5-45.05 regarding grounds for denial. The language also references as grounds for denial “good cause” which was existed in the City’s current ordinance. The language regarding denial based on public peace, safety, welfare was removed because it was duplicative of the “good cause” provision. The continuous operation provision was deleted by the City Attorney.
- Section 5-45.07 (operation requirements) was revised to require a licensee inform the City if the licensee, its owners or employees have been charged with a crime, if their state permit was revoked or suspended or any other local license or permit or if there has been a civil penalty or judgement issued against the licensee. In addition, the licensee is required to notify the City Manager and Sheriff’s if it is discovered that there is a discrepancy in their inventory, any theft, loss or other criminal activity regarding their operations and if they become aware or suspect any breach of security.
- The transfer provision in Section 5-45.09 has been made clear that it is for one year.
- The language regarding suspension and revocation of licenses has been revised and Sections 5-45.11 and 5-45.12 provide more detail and is more robust than the City’s original language carried over from Ordinance 18-12.
- A new section 5-45.14 was added to require the licensees to maintain their records in the time period required by law and report to the City Manager any loss, damage or destruction of those records.
- A new section 5-45.25 was added regarding “site management.” This section requires the licensee to abate any conditions at the property that constitute a nuisance. It also requires the licensee to ensure that the premises including the parking lot and landscaped areas are kept clean and that graffiti is removed. While these are items that are included as conditions for conditional use permits, they were included as part of the regulatory license standards so it can be addressed as part of the annual review.
- A new section 5-45.19 was added to allow the City Manager to adopt procedures and regulations governing the renewal of licenses and the

ongoing operation of cannabis businesses. This will allow the City Manager to address the concerns raised regarding inspections and code enforcement activity by both the Commission and the City Council.

As it relates to the zoning aspects, the revised ordinance also moved the express prohibition language against new cannabis businesses from Chapter 5-45 to Appendix C of the Zoning Code. The previous ordinance reviewed by the Planning Commission revised Appendix A-1 of the Zoning Code to ensure that the commercial cannabis activity was listed as a prohibited use. The proposed ordinance keeps this language carries this over to Appendix C of the Zoning Ordinance, which contains the provisions for all conditionally permitted uses.

Section 8 of the proposed Ordinance sets forth the previous language prohibiting new cannabis uses in a new Section 15.1 and Section 15.2. This will be added as a precursor to the section regarding commercial cannabis uses in Appendix C to make clear that beginning on the effective date of the ordinance, commercial cannabis activity is prohibited in all zones and specific plan areas of the City. As such, those such uses are now nonconforming uses as defined in Section 2020.140 of the MMC. In addition, Section 15.2 provides that only persons with a valid license and valid conditional use permit issued prior to the effective date of the ordinance shall be allowed to continue their use provided that the license is renewed yearly.

On July 30, 2019, the Planning Commission held a public hearing to review the attached ordinance and voted 5-0 to recommend approval. No further revisions were proposed.

On August 14, 2019, the City Council held a public hearing to consider this ordinance. After receiving a report delivered by staff and input provided by community members in attendance; the City Council voted 3-2, to introduce the ordinance and make the finding of exemption from environmental review.

ENVIRONMENTAL ASSESSMENT

The actions contemplated by the proposed ordinance are exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) Title 14 of the California Code of Regulations, in that the amendment does not have the potential for causing a significant effect on the environment.

ATTACHMENT(S)

Attachment No. 1 - Ordinance 19-03

ATTACHMENT NO. 1

ORDINANCE NO. 19-03

AN ORDINANCE OF THE CITY OF MAYWOOD AMENDING CHAPTER 45 OF THE MAYWOOD MUNICIPAL CODE AND THE ZONING ORDINANCE TO PROHIBIT THE COMMERCIAL CULTIVATION, DISPENSING, MANUFACTURE, DISTRIBUTION AND TESTING OF CANNABIS, EXCEPT FOR LEGAL NONCONFORMING USES, CITYWIDE, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

SECTION 1. Section 5-45.01 through 5-45.12 of Chapter 45 of Title 5 of the Maywood Municipal Code are repealed and replaced in their entirety as follows:

"5-45.01 Definitions.

- (a) "Applicant" means the owner or owners of a proposed facility, including all persons or entities having ownership interest other than a security interest, lien, or encumbrance on property that will be used by the facility, who is applying for a license pursuant to this Chapter. If the applicant is an entity, "owner" includes within the entity each person participating in the direction, control, or management of, or having a financial interest in, the proposed facility. If the applicant is a publicly traded company, "owner" means the chief executive officer or any person or entity with an aggregate ownership interest of 5 percent or more.
- (b) "Building Official" means the Director of the Department of Building and Planning, or designee.
- (c) "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.
- (d) "Cannabis brick-and-mortar dispensing" means commercial cannabis activity involving the retail sale of cannabis or marijuana to qualified patients, primary caregivers, or customers within a licensed premises.
- (e) "Cannabis cultivation" means commercial cannabis activity involving the propagation, cutting, planting, growing, harvesting, drying, curing, grading, or trimming of cannabis or marijuana.
- (f) "Cannabis distribution" means commercial cannabis activity involving the procurement, sale, or transport of cannabis or marijuana between persons engaged in commercial cannabis activity.
- (g) "Cannabis manufacturing" means commercial cannabis activity where cannabis or marijuana products are produced, prepared, propagated, or compounded, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

- (h) "Cannabis microbusiness" means a licensee who engages in at least three of the following five commercial cannabis activities in accordance to State law: cannabis brick-and-mortar dispensing, cannabis cultivation, cannabis distribution, cannabis manufacturing, or cannabis vehicle dispensing.
- (i) "Cannabis testing" means commercial cannabis activity involving the performance of tests on cannabis or marijuana pursuant to a valid certificate of accreditation.
- (j) "Cannabis vehicle dispensing" means commercial cannabis activity involving the retail sale of cannabis or marijuana to qualified patients, primary caregivers, or customers where a vehicle is used to convey the cannabis or marijuana from a licensed premises to the qualified patient, primary caregiver, or customer. The licensed facility shall not be open to the public.
- (k) "Commercial cannabis activity" means any cultivation, possession, manufacture, processing, storing, testing, labeling, transporting, delivering, distribution, or sale of cannabis or marijuana within the City that may be permitted by the City under the State cannabis laws.
- (l) "Enclosed locked structure" means a structure that:
- (1) does not allow for the visibility of the interior from the outside;
 - (2) is secured with a lock;
 - (3) is completely surrounded on all sides by a wall or other barrier; and
 - (4) is roofed or otherwise secured from entry. Enclosed locked structures may include greenhouses and accessory buildings. All enclosed locked structures shall comply with the city building code, fire code, and all other applicable laws.
- (m) "Fire Chief" means the Chief of the Los Angeles County Fire Department, or designee.
- (n) "Good cause" means:
- (1) The licensee has violated any of the terms, conditions or provisions of this chapter, of state law, of any regulations and rules promulgated pursuant to state law, any applicable local rules and regulations, or any special terms or conditions placed upon its state license, City license or conditional use permit;
 - (2) The licensed premises have been operated in a manner that adversely affects the public health, safety or welfare or the safety of the City or the immediate neighborhood in which the establishment is located;
 - (3) The licensee has knowingly made false or misleading statements, misrepresentations or material omissions on an application form, renewal form, or any other document submitted to the City;
 - (4) The licensee, or any of owner or persons with a financial interest in the cannabis business, has been convicted of any crime set forth in Business and Professions Code section 26057(b)(4), Fish and Game Code sections 12025 or 12025.1, Penal Code section 186.22 or any other offense which is substantially related to the qualifications, functions, or duties of the cannabis business for which application is made. In determining whether such offense is "substantially related," the City Manager shall consult with the City Attorney and thereafter apply the analysis set forth in section 5017 of Title 16 of the California Code of Regulations, as the same may be amended from

time to time.

(5) The licensee fails to allow inspection of the security recordings, activity logs, or business records of the licensed premises by the city officials; or

(6) The licensee operated a commercial cannabis business in violation of this chapter; or

(7) The licensee has failed to pay any fees or taxes associated with the conduct of commercial cannabis activity.

(o) "License" means a document issued under this chapter, specifically authorizing a person to engage in commercial cannabis activity pursuant to the terms and conditions of this chapter and the conditions of approval for the license and may also be referred to as a "Commercial Cannabis Business Permit".

(p) "Licensed premises" means premises to which a valid license issued under this chapter applies. A "licensed premises" is only one premises.

(q) "Licensee" means a person holding a license issued under this chapter.

(r) "Live plants" means living cannabis or marijuana flowers and plants, including seeds, immature plants, and vegetative stage plants.

(s) "Outdoors" means any location within the city that is not within an enclosed locked structure.

(t) "Person" means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number, who is an Applicant for a License under this Chapter.

(u) "Police Chief" means the Chief of the Los Angeles County Sheriff's Department, or designee.

(v) "Premises" means a single parcel of land or any portion thereof, whether vacant or occupied by a building, group of buildings, or accessory buildings, and includes the buildings, structures, yards, open spaces, lot width, and lot area where commercial cannabis activity is or will be conducted.

(w) "Processing room" means a room used for the propagation, cutting, drying, curing, grading, and storage of cannabis or marijuana.

(x) "State cannabis laws" means Section 11362.5 of the Health and Safety Code, Article 2.5 of Chapter 6 of Division 10 of the Health and Safety Code, Chapter 3.5 of Division 8 of the Business and Professions Code, or Division 10 of the Business and Professions Code, as those laws may be amended from time to time.

(y) "Total canopy size" means the aggregate area of vegetative growth of live plants within a licensed premises.

(z) "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a street, sidewalk or waterway, including but not limited to a device moved exclusively by human power. A "vehicle" is not a location.

“5-45.02 Prohibition of New Licenses.

Commercial cannabis activity is expressly prohibited in all zones and all specific plan areas. Beginning on the effective date of Ordinance No. 19-03 adopting this Chapter (“Effective Date”), the City shall not issue any new commercial cannabis licenses, as that term is defined in Section 5-45.01. Renewals of commercial cannabis licenses issued as of the Effective Date shall be processed in accordance with this Chapter 5-45.

5-45.03 Exception for Nonconforming uses

(a) A person with a valid license and valid conditional use permit, both of which were issued prior to the Effective Date, may continue to engage in commercial cannabis activity within the City of Maywood in accordance and compliance with the provisions of this Chapter, the Maywood Municipal Code Zoning Ordinance and state law. As set forth in Maywood Municipal Code Zoning Ordinance and Appendix C, such commercial cannabis activity shall be considered a nonconforming use as defined by Section 2020.140 of the Maywood Municipal Code Zoning Ordinance.

(b) Licensees with a license issued prior to the Effective Date may continue to engage in such activity provided that:

(1) The person obtains a renewed license in the manner prescribed by this chapter prior to the expiration of the license under which the commercial cannabis activity is authorized as of the Effective Date; and

(2) The person does not have any uncured violations of the Maywood Municipal Code as of the date the application for license renewal is submitted.

5-45.04 Renewal of Previously Issued License

(a) The Licensee shall file an application for renewal of a commercial cannabis license at least sixty (60) calendar days prior to the expiration date of a valid, current commercial cannabis license. The application shall be on the form approved by the City Manager and shall include, but not be limited to, the following:

(1) The applicant shall provide a list of all owners and managers. All owners and managers shall submit to a complete criminal background check administered by the City. All background check fees shall be paid by the applicant.

(2) The applicant shall provide the name and address, and a copy of a valid State driver's license or identification card for all employees, including contractors and volunteers, who are involved in commercial cannabis activities in the facility.

(3) The applicant shall pay a license renewal fee, set by the City Council by Resolution, in an amount sufficient to recover any past, present or future costs incurred by the City in the course of investigating the renewal application including consultant fees incurred for facility inspections, and financial audits.

(b) The Building Official shall cause investigations to be made by the Chief of Police, Fire Chief and Building Official to verify the information contained in the renewal application and the original application on file with the City. The Building official shall also ascertain whether or not the applicants have been convicted of or plead guilty or no-contest to: (i) a felony or misdemeanor involving the illegal possession,

for sale, sale, manufacture, transportation, or cultivation of a controlled substance within the past four (4) years, (ii) a violation of a city, county, or city and county law for unlicensed commercial cannabis activity within the past three (3) years, or (iii) any crime involving theft, embezzlement, or moral turpitude. The Building Official shall also cause to investigate and report as to compliance with building and fire regulations.

(c) Nothing in this section is intended to limit the City Manager or Building Official's ability to request additional information deems necessary or relevant to determining an applicant's suitability for renewal of a license. An application shall provide any additional information requested by the City no later than seven days after the request, unless otherwise specified by the City.

5-45.05 Grounds for Denial; One Year Term

(a) Once the renewal application is deemed complete by the Building Official, the application and the recommendation by the Building Official shall be forwarded to the City Council for review and decision.

(b) No license shall be renewed under this Chapter if the City Council determines that one or more of the following conditions exist:

Does not qualify for licensure under this chapter or state law;

- (1) The applicant does not qualify for licensure under this Chapter or state law;
- (2) The applicant files the renewal application less than sixty (60) days before its expiration;
- (3) The applicant has made any false or misleading statements during the renewal application;
- (4) The applicant has failed to pay any fees associated with the renewal application;
- (5) The applicant lacks the adequate right to occupy or use the premises as described in the renewal application;
- (6) The Premises is substantially different from that originally submitted and approved by the City;
- (7) The applicant has been denied a license or permit or other authorization to engage in commercial cannabis activity by any state cannabis licensing authority or any local licensing or permitting authority;
- (8) The applicant has failed to demonstrate ability to adequately satisfy requirements of this Chapter, based on evidence submitted during the renewal application process.
- (9) There is good cause, as defined in Section 5-45.02, to deny the renewal application.

(c) The City Council shall notify the applicant in writing whether the license renewal application is approved or denied within 60 days of the completed application. If the City Council denies the license, the notice of denial shall set forth the reasons for denial. Any licensee aggrieved by the decision of the City Council may obtain review of the order within ninety (90) days of notice by filing with the Los Angeles County Superior Court a petition for review pursuant to California Code of Civil Procedure section 1094.5. For purposes of this subsection, notice shall be the date that the decision of the Council is mailed by first-class mail, postage prepaid, with a certificate of mailing.

(d) The license shall be valid for a term of one year. Otherwise, neither a license nor any other provision of the Maywood Municipal Code or action, failure to act, statement, representation, certificate, approval, or permit issued by the City or its departments, or their respective representatives, agents, employees, attorneys or assigns, shall create, confer, or convey any vested or nonconforming right or benefit regarding commercial cannabis activity.

5-45.06 Approval and Issuance.

(a) Based on the information set forth in the application, the Council may impose such terms, conditions, and restrictions upon the operation, management, and conduct of such business, not in conflict with any paramount law, as the Council may deem necessary or expedient to protect the health, safety, or welfare of the City of its inhabitants. Any failure to comply with such terms, conditions or restrictions shall constitute a violation of this chapter.

(b) If the license is renewed, the City Clerk shall issue the license. The City Clerk, in issuing licenses, shall strictly limit such licenses to the terms of the application and such to other terms as the Council may specify.

(c) The license shall provide a unique identifier- including a number or alphanumeric code- specifically designating the business. Such number may be used for any verification of license validity.

(d) The license shall be valid for a term of one year.

(e) As part of the renewal application fee required in section 5-45.04, the city may require the applicant submit a bond or other security (including cash or other assets) in order to cover expected liabilities or risks presented by the application. Such bond or security requirement shall be reasonably related to the probable financial risks presented by the proposed operation.

5-45.07 Operation and Notification Requirements.

(a) It shall be unlawful for any person with a license to operate any commercial cannabis activity to violate any of the following rules and regulations:

(1) All licensees shall comply with state law at all times;

(2) All licensees shall maintain a record system which provides adequate tracking capability, including, but not limited to, a point of sale and a track-and-trace system.

(3) All licensees shall pay any applicable sales tax or other tax obligations under state or local law;

(4) All products shall be secured in a safe and lawful manner, including the use of commercial grade locks, security alarms, and camera systems;

(5) All food product handling or preparation shall comply with applicable California Department of Public Health and County of Los Angeles Public Health Department rules, and regulations.

(6) All licensees shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the facility that is distinctive to its operation is not detected outside the facility, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior

common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the facility in a manner to constitute a nuisance.

(b) A licensee shall ensure that the City Manager is notified in writing of the criminal conviction of the licensee, owner, or employee or when a licensee, owner, or employee has been charged with a criminal offense. Notice shall either be by mail or electronic mail and shall occur within forty-eight (48) hours of the conviction or charge. The written notification shall include the date of conviction or charge, the court docket number, the name of the court in which the licensee was convicted or charged, and the specific offense(s) for which the licensee was convicted or charged.

(c) A licensee shall ensure that the City Manager is notified in writing of a civil penalty or judgment rendered against the licensee or any owner either by mail or electronic mail, within forty-eight (48) hours of delivery of the verdict or entry of judgment, whichever is earlier. The written notification shall include the date of verdict or entry of judgment, the court docket number, the name of the court in which the matter was adjudicated, and a description of the civil penalty or judgment rendered against the licensee.

(d) A licensee shall ensure that the City Manager is notified in writing of the revocation or suspension of a license or other authorization for a cannabis business issued by a state or local licensing authority within forty-eight (48) hours of receiving notice of the revocation. The written notification shall include the name of the licensing authority involved, a written explanation of the proceeding or enforcement action, and the specific violation(s) that led to revocation or suspension.

(e) A licensee shall notify the City Manager and the Chief of Police within twenty-four (24) hours of discovery of any of the following situations: (i) The licensee discovers a significant discrepancy in its inventory; (ii) The licensee becomes aware of, or has reason to suspect, diversion, theft, loss or any other criminal activity pertaining to the operations of the licensee by any owner, person with a financial interest in the cannabis business, employee, agent or volunteer of the cannabis business or by any third party; or (iii) the licensee becomes aware of, or has reason to suspect, any breach of security. The notification required by this Section shall be in writing and include the date and time of discovery of the occurrence of the theft or loss, the date of the occurrence of the theft or loss and a description of the incident including, when applicable, the items that were taken or lost.

5-45.08 Inspections.

The Building Official or designated officials shall have the right to enter all cannabis businesses from time to time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this chapter. Such inspections shall be limited to observing the licensed premises for purposes of determining whether the commercial cannabis business is being operated or maintained in compliance with this code, state law, and other applicable laws and regulations. Failure to comply shall result in commercial cannabis license revocation.

5-45.09 Transfer

(a) The issued license is not transferable and does not run with the land. Accordingly, the owner of a commercial cannabis business permit may not transfer ownership or control of the license to another person or entity.

(b) Any attempt to transfer a commercial cannabis business license either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the license, subject to an appeal to the City Council.

5-45.10 Confidentiality

(a) The City shall treat all financial information provided pursuant to this chapter as financial data in accordance with the California Open Records Act (Sections 6254 (d), (k), (l), and 6276).

(b) The City shall Maintain information identifying the names, addresses, or social security numbers of qualified patients, ID card holders, disclosing an individual's medical conditions and any treatment prescribed, recommended, or discussed, or disclosed, or the names of their primary caregivers received pursuant to this chapter in a manner that is in compliance with the Confidentiality of Medical Information Act (Civil Code Section 56, et seq.) and shall not be disclosed by any City official except in accordance with the restrictions on disclosure of "individually identifiable medical information" under the Confidentiality of Medical Information Act (Civil Code Section 56, et seq.).

(c) The information required by section 5-45.07, including recordings from security cameras, as well as operating plans and security plans required by section 5- 45.04, shall be confidential and shall not be subject to public inspection or disclosure except to City employees for purposes of law enforcement.

5-45.11 Suspension; Revocation

(a) The City Manager may suspend, modify, further condition or revoke any permit pursuant to the provisions of this Chapter for any of the following reasons:

(1) The licensee or any of its owners, has violated a term or condition of its license issued pursuant to this chapter or a term or condition of a license issued by a state licensing authority.

(2) The licensee, or any of its owners, has violated the Maywood Municipal Code or the laws or regulations of the state.

(3) The licensee failed to pay a fine or administrative penalty when due.

(4) The licensee failed to take reasonable steps, as defined in Section 5808 of Title 16 of the California Code of Regulations, as the same may be amended from time to time, to correct nuisance conditions on the premises, including the immediately adjacent area that is owned, leased, or occupied by the licensee, within a reasonable time after receipt of notice to abate the condition.

(5) The licensee knowingly engaged in the illegal sale, or negotiations for the sale, of controlled substances, as defined in Section 5805 of Title 16 of the California Code of Regulations, upon the premises. Successive sale, or negotiations for sale, over any continuous period of time shall be deemed evidence of permission.

(b) A licensee whose permit has been suspended shall conspicuously display a notice on the exterior of the licensee's premises for the duration of the suspension, and ensure that the notice remains continuously in place for the time specified. The notice shall be in at least twenty-four (24) point type and provide as follows:

NOTICE OF SUSPENSION

**THE CANNABIS RETAILER REGULATORY PERMIT ISSUED FOR THIS PREMISES HAS BEEN
SUSPENDED FOR VIOLATION OF THE MAYWOOD MUNICIPAL CODE**

(c) A licensee whose permit has been revoked shall conspicuously display a notice on the exterior of the premises indicating that the permit has been revoked. The notice shall remain

continuously on the premises for at least fifteen (15) calendar days. The notice shall be in at least twenty-four (24) point type and provide as follows:

NOTICE OF REVOCATION

THE CANNABIS RETAILER REGULATORY PERMIT ISSUED FOR THIS PREMISES HAS BEEN REVOKED FOR VIOLATION OF THE MAYWOOD MUNICIPAL CODE

(d) Action taken by the City Manager with respect to the suspension, modification, or revocation of a cannabis regulatory permit shall be final and conclusive. Any permit aggrieved by the suspension, modification or revocation of a cannabis regulatory permit may obtain review of such decision by appeal to the City Council pursuant to Maywood Zoning Ordinance.

5-45.12 Initiation of Suspension or Revocation.

The City Manager may initiate suspension or revocation proceedings on a licensee by sending written notice to the licensee of the disciplinary action and grounds for the action by certified mail return receipt requested, to the licensee's business address, as set forth in the license. The notice shall inform the licensee of its right to appeal the determination of the City Manager to the City Council by sending written notice of appeal and the grounds for such appeal to the City Clerk no later than ten (10) calendar days after the date in which the notice of suspension or revocation was mailed. Failure to timely appeal shall result in a forfeiture of the right of appeal, and the determination of the City Manager shall be final. The City Council maintains the right to initiate suspension or revocation proceedings on a licensee subject to the same procedures imposed on the City Manager.

SECTION 2. Section 5-45.13 is added to Chapter 45 of Title 5 of the Maywood Municipal Code as follows:

"5-45.13 Violations

(a) Any commercial cannabis activity conducted contrary to the provisions of this chapter is unlawful and a public nuisance, will be grounds for license revocation, and the city attorney may in the exercise of discretion, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in a manner provided by law.

(b) The prohibition in Subsection (a), above, includes renting, leasing, or otherwise permitting a person to occupy or use a location, vehicle, or other mode of transportation for the conduct of commercial cannabis activity contrary to the provisions of this chapter.

(c) Any person violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the provisions of Title 1, Chapter 2 of the Maywood Municipal Code. In addition to the provisions of Title 1, Chapter 2 of the Maywood Municipal Code, any person violating the provisions of this chapter shall be punishable by an administrative fine of up to one-thousand dollars (\$1,000.00) per offense.

(d) Each day of violation shall constitute a separate offense.

- (e) The penalties and remedies contained in this Section and chapter are cumulative, and in addition to any other penalties and remedies available to the City."

SECTION 3. Section 5-45.14 is added to Chapter 45 of Title 5 of the Maywood Municipal Code as follows:

"5-45.14 Maintenance of Records.

- (a) A licensee shall maintain all the records required for retention by Section 5037 of Title 16 of the California Code of Regulations, as the same may be amended from time to time, for a period of at least seven (7) years.
- (b) Records shall be kept in a manner that allows the records to be produced to the City at the premises in either hard copy or electronic form, whichever the City requires.
- (c) A licensee shall report any loss, damage, or destruction of these records to the City Manager within twenty-four (24) hours of the loss, damage or destruction."

SECTION 4. Section 5-45.15 is added to Chapter 45 of Title 5 of the Maywood Municipal Code as follows:

"5-45.15 Site Management.

- (a) A licensee shall prevent and immediately abate conditions at the premises that constitute a nuisance or other violation of the Maywood Municipal Code.
- (b) The licensee shall maintain the exterior of the premises, including any parking lots and landscaped areas under the control of the licensee, free of litter, debris, trash and unused equipment.
- (c) The licensee shall remove all graffiti from the cannabis business site and parking lots under the control of the licensee within twenty-four (24) hours of its application."

SECTION 5. Section 5-45.16 is added to Chapter 45 of Title 5 of the Maywood Municipal Code as follows:

"5-45.16 Indemnification

To the fullest extent permitted by law, the city shall not assume any liability whatsoever, with respect to approving any license pursuant to this chapter or the operation of any commercial cannabis business approved for such license pursuant to this chapter. As a condition of approval of a license granted under this chapter, the applicant or its legal representative shall:

- (a) Execute an agreement indemnifying and holding the city harmless from any and all claims, damages, legal or enforcement actions, including, but not limited to, any actions or claims associated with violation of federal law associated with the operation of the commercial cannabis business, and
- (b) Agree to defend, at its sole expense, any action against the city, its agents, officers, and employees related to the approval of a license or the operation of the commercial cannabis business; and

(c) Agree to reimburse the city for any court costs and attorney fees that the city may be required to pay as a result of any legal challenge (or federal enforcement action) related to the city's approval of a license. The city may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder."

SECTION 6. Section 5-45.17 is added to Chapter 45 of Title 5 of the Maywood Municipal Code as follows:

"5-45.17 Joint and Several Liability. All licensees and owners shall be jointly and severally liable for violation of any provision set forth in this chapter, whether committed by the licensee or any employee or agent of the licensee."

SECTION 7. Section 5-45.18 is added to Chapter 45 of Title 5 of the Maywood Municipal Code as follows:

"5-45.18 Promulgation of Procedures and Regulations. The City Manager is authorized to establish any additional procedures and regulations governing the issuance, denial or renewal of commercial cannabis licenses and the ongoing operation of commercial cannabis businesses and the City's oversight necessary to carry out the purposes of this Chapter. Once established, the licensee shall be required to abide by such procedures and regulations."

SECTION 8. Appendix C of the Maywood Municipal Code Zoning Ordinance is hereby amended to insert the following text as part of the provisions regarding Commercial Cannabis Activity, Cannabis Cultivation, Cannabis Manufacturing, Cannabis Distribution, Cannabis Testing, Cannabis Brick-and-Mortar Dispensing and Cannabis Vehicle Dispensing previously adopted by Ordinance No. 18-12. The text below shall be inserted prior to the heading entitled "A. Commercial Cannabis Activity (In General)" and shall read as follows:

"15.1. Prohibition of Commercial Cannabis Activity

(a) Beginning on the effective date of Ordinance No. 19-03 adopting this section and Section 15.2 ("Effective Date") and notwithstanding the provisions regarding commercial cannabis activity as set forth below in this Appendix C, including those set forth in paragraph A.1 and A.2 of Appendix C, Commercial cannabis activity is expressly prohibited in all zones and all specific plan areas in the City of Maywood. As of the Effective Date, no person shall establish, operate, maintain, conduct or allow commercial cannabis activity anywhere within the city nor shall any application for a building permit, conditional use permit, business license, regulatory license or any other entitlement or license authorizing the establishment, operation, maintenance, development, or construction of any use that allows for commercial cannabis activity be approved except as otherwise provided for in Section 15.2 below.

(b) This provision is meant to prohibit all activities for which a State license is required pursuant to the State cannabis laws. Accordingly, the City shall not issue any permit, license or other entitlement for any commercial cannabis activity for which a State license is required under State cannabis laws.

(c) As of the Effective Date, an "Event" type license, temporary or otherwise, or any other type of on-premises cannabis consumption license is prohibited.

(d) The intent of Ordinance No. 19-03 is to prohibit all commercial cannabis activity in all zones and all specific plan areas. To the extent there is any inconsistency between the provisions set forth in Appendix C (specifically Paragraph A.1 and A.2) and this Section 15.1 and Section 15.2, Sections 15.1 and 15.2 shall prevail. All other provisions in Appendix C applicable to commercial cannabis activities such as operation requirements, building size and plan requirements, security and safety requirements, signage, parking, etc. shall continue to apply to the nonconforming use.

15.2. Exception; Nonconforming Use.

(a) Notwithstanding the prohibition in Section 15.1 above, only persons with: (i) a valid license issued pursuant to Chapter 5-45 prior to the Effective Date and (ii) a valid conditional use permit issued prior to the Effective Date, may engage in commercial cannabis activity as defined in Section 5-45.01 within the City of Maywood. Any activity authorized under such a license and conditional use permit shall additionally comply with all provisions of Chapter 5-45, the applicable provisions of the Maywood Zoning Ordinance related to commercial cannabis activities (including those set forth in Appendix C) and state law at all times and shall be considered a nonconforming use as defined by Section 2020.140 of the Maywood Zoning Ordinance.

(b) A person with a license and a valid conditional use permit to engage in commercial cannabis activity as described in paragraph (a) above and existing as of the Effective Date, may continue to engage in such activity provided that:

(1) The licensee renews its license in the manner prescribed by Chapter 5.45 prior to the expiration of the license under which the commercial cannabis activity is authorized as set forth therein; and

(2) The commercial cannabis activity complies with the Maywood Municipal Code, including the provisions of this Appendix C regarding Commercial Cannabis Activity, Cannabis Cultivation, Cannabis Manufacturing, Cannabis Distribution, Cannabis Testing, Cannabis Brick-and-Mortar Dispensing and Cannabis Vehicle Dispensing as applicable to the licensee. If there is a conflict between the cannabis provisions in Appendix C and the provisions set forth in the State cannabis laws and/or regulations adopted by any state cannabis licensing authority, the provisions set forth in the State cannabis law and the regulations shall prevail.

(c) Notwithstanding any other provision of the Maywood Zoning Ordinance, no nonconforming commercial cannabis activity shall in any way be expanded or extended either on the same or adjoining property, or changed, except to a conforming use.

SECTION 9. As of the effective date of Ordinance No. 19-03, Appendix A-1 of the Maywood Municipal Code Zoning Ordinance is hereby amended to reflect the prohibition of commercial cannabis activity as follows:

C:	R-3	RS	CC	C	CM	M	OS	PF
<u>Commercial Cannabis Activity</u>	X	X	X	X	X	X	X	X

In addition, no commercial cannabis activity is permitted in any specific plan zone.

SECTION 10. COMPLIANCE WITH STATE LAW

Commercial cannabis activity under this Ordinance shall be conducted in accordance with state laws and regulations. In the event of a conflict between the City's laws and regulations regarding commercial cannabis activity and state laws and regulations regarding commercial cannabis activity, the state laws and regulations shall control.

SECTION 11. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

SECTION 12. NO WAIVER OF SOVEREIGNTY

By the regulation of commercial cannabis activity, the City Council is seeking to preserve the general welfare through the implementation of state laws permitting the conduct of commercial cannabis activity. The City Council is not assuming, nor is it imposing on its agent, officers, or employees, an obligation for which a breach thereof would expose the City to a liability in money damages, or otherwise, to any person who claims that such breach proximately caused injury. To the fullest extent permitted by law, the City shall assume no liability whatsoever, and expressly does not waive sovereign immunity, with respect to any provision of this Ordinance or for the activities of any commercial cannabis activity licensee. To the fullest extent permitted by law, any actions taken by a public officer or employee under the provisions of this Ordinance shall not become a personal liability of any public officer or employee of the City. Nothing in this Ordinance shall be deemed in any respects to constitute authorization to violate any state law or regulation.

SECTION 13. EXEMPT FROM CEQA

The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) and 15305 of Title 14 of the California Code of Regulations, in that the amendment does not have the potential for causing a significant effect on the environment.

SECTION 14. The Mayor shall sign and the City Clerk shall certify passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty (30) days after its final passage.

PASSED, APPROVED and ADOPTED this 28th day of August, 2019.

Eddie De La Riva
Mayor

ATTEST:

APPROVED TO AS FORM:

Gerardo Mayagoitia
City Clerk

Roxanne Diaz
City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF MAYWOOD

)
) SS.
)

I, Gerardo Mayagoitia, City Clerk of the City of Maywood, do hereby certify that the foregoing ordinance being Ordinance No. 19-03, was duly passed, approved by the City Council of The City of Maywood, signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of the City Council held on the 28th day of August, 2019, that it was duly posted and that the same was passed and adopted by the following vote, to wit:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Gerardo Mayagoitia
City Clerk



AGENDA 6
ITEM NO. _____

CITY COUNCIL STAFF REPORT

DATE: AUGUST 28, 2019

TO: HONORABLE MAYOR, AND MEMBERS OF THE CITY COUNCIL

FROM: JENNIFER E. VASQUEZ, CITY MANAGER *JV*

BY: *DM* DAVID MANGO, DIRECTOR OF BUILDING AND PLANNING

RE: SECOND READING OF ORDINANCE 19-04 AMENDING THE MAYWOOD ZONING ORDINANCE TO CLARIFY FINAL DECISIONS OF THE PLANNING COMMISSION AND THEIR REVIEW AND TO MODIFY REQUIREMENTS FOR CERTAIN CONDITIONAL USE PERMITS RELATING TO BUSINESSES WITH ON-SITE ACCESSORY CONSUMPTION OF ALCOHOLIC BEVERAGES THAT IS INCIDENTAL TO FOOD SALE

RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 19-04 entitled as follows: An Ordinance of the City of Maywood Amending the Maywood Zoning Ordinance to Clarify Final Decisions of the Planning Commission and their Review and to Modify Requirements for Certain Conditional Use Permits.

FISCAL IMPACT

There is no fiscal impact associated with the adoption of this ordinance.

LEGAL REVIEW

The City Attorney has reviewed this report.

BACKGROUND

Over the last several months, staff has begun to identify provisions of the City's Zoning Ordinance that may be unclear, outdated, or otherwise inconsistent with current law. The proposed ordinance is the first of several "clean-up" ordinances intended to clarify the City's zoning regulations. The proposed ordinance will: 1) remove inconsistencies regarding the final decisions of the Planning Commission and their appeal; 2) remove the requirement that businesses which engage in alcoholic beverage sales incidental to food sales be located in a building containing at least 3,000 square feet; and 3) include provisions providing for City Council review of decisions of the Planning Commission, consistent with current law.

DISCUSSION

The proposed ordinance addresses existing regulations related to the final decisions of the Planning Commission and their appeal. Currently, and as is typical for most cities, the Zoning Ordinance provides that decisions of the Planning Commission are final, unless the applicant timely appeals, or a member of the City Council chooses to set the matter for Council review. In Maywood, the Zoning Ordinance contains appeal periods in various places within the existing code.

The proposed ordinance amends the appeal provisions for consistency, and clarifies that the period for appeal by an applicant or interested party or a review by a council member is 10 days after the Planning Commission's decision. In the event an appeal or call for review is filed, the decision shall become final and effective upon the decision of the City Council.

The proposed ordinance also addresses a provision of the Zoning Ordinance related to conditional use permits (CUPs) for businesses that engage in alcoholic beverage sales incidental to food sales (for example, a restaurant business). The Zoning Ordinance requires that, in order to obtain a CUP, a business must be located in a building containing at least 3,000 square feet of floor area. The proposed ordinance eliminates this requirement.

On July 16, 2019, the Planning Commission held a public hearing to discuss the proposed ordinance and voted 5-0 to recommend that the City Council adopt the ordinance. No amendments were proposed.

On August 14, 2019, the City Council held a public hearing to consider this ordinance. After receiving a report delivered by staff and input provided by community members in attendance, the City Council voted 5-0 to introduce the ordinance.

ENVIRONMENTAL ASSESSMENT

The actions contemplated by the proposed ordinance are exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) in that the Ordinance does not have the potential for causing a significant effect on the environment.

ATTACHMENT(S)

Attachment No. 1 - Ordinance 19-04

ATTACHMENT NO. 1

ORDINANCE NO. 19-04

AN ORDINANCE OF THE CITY OF MAYWOOD AMENDING THE MAYWOOD ZONING ORDINANCE TO CLARIFY FINAL DECISIONS OF THE PLANNING COMMISSION AND THEIR REVIEW AND TO MODIFY REQUIREMENTS FOR CERTAIN CONDITIONAL USE PERMITS

THE CITY COUNCIL OF THE CITY OF MAYWOOD DOES ORDAIN AS FOLLOWS:

Section 1. Section 5100.30C (Action by Commission) of the Maywood Zoning Ordinance is hereby amended in its entirety to read as follows:

"C. Action by Commission

1. A public hearing shall be scheduled before the Planning Commission and notice given pursuant to Section 5050 of this Ordinance.
2. The Commission shall hear and take action upon an application for a Conditional Use Permit or Variance pursuant to Section 5040.30 of this Ordinance.
3. The Commission may refer the application back to the Board or Planning staff for further review. Such referral shall be accompanied with clear directives for recommended changes to the site plan or design features of the project. Referral may occur no more than one time each to the Board or Planning staff.
4. The Commission shall act to approve, conditionally approve, or deny an application for a Conditional Use Permit or Variance. Notice of the Commission's decision shall be filed with the City Clerk not more than 10 days following the Commission's decision, and a copy of the decision shall be mailed to the applicant.

Section 2. Section 5100.30D of the Maywood Zoning Ordinance is hereby amended in its entirety to read as follows:

"D. Decision Final

The decision of the Commission is considered final unless, the applicant or an interested party files an appeal pursuant to Section 5140.20 or the matter is called for review pursuant to Section 5140.30. The appeal or call for review shall be noticed as provided in Section 5050.

Section 3. Section 5100.70 (Effective Date) of the Maywood Zoning Ordinance is hereby amended to read as follows:

"5100.70 Effective Date

An order by the Commission granting or denying a Variance or Conditional Use Permit shall become final and effective upon the decision of the Commission, unless the matter is appealed or called for review as applicable. In the case of an appeal or review, an order granting or denying a Variance or Conditional Use Permit shall become final and effective upon the decision of the City Council."

Section 4. Chapter 5140 shall be renamed Appeal Procedures and Call for Review.

Section 5. Section 5140.20 of the Maywood Zoning Ordinance is hereby amended to read as follows:

"5140.20 Period for Appeals

Appeals to the City Council shall be made no later than 10 days following the decision which is appealed. Appeals shall be made in writing to the City Clerk."

Section 6. A new Section 5140.30 (Calls for Review) is hereby added to Chapter 5140 (Appeal Procedures and Call for Review) to read as follows:

"5140.30 Calls for Review

A. A member of the City Council may call for the review of a decision of the Planning Commission not more than 10 days following the Planning Commission's decision. The call shall be implemented by filing a form with the City Clerk. No fee shall be required.

B. If a call for review is made, there shall be a presumption applied that the reason for the review is that the action has significant and material effects on the quality of life within the City. No inference of bias shall be presumed due to such a request for review being made by a City Council Member."

Section 7. Section 5 (Alcoholic Beverage Sales - On-Site Consumption Accessory) of Appendix C (Regulation of Conditional Use Permit Uses) of the Maywood Zoning Ordinance is hereby amended to read as follows:

"5. Alcoholic Beverage Sales - On-Site Consumption

As Accessory Establishments whose primary business is not the sale or dispensing of alcoholic beverages for on-site consumption but which do engage in alcoholic beverage sales incidental to food sales shall comply with the following:

- a. The business shall not be located in an area containing an undue concentration of establishments involved in alcoholic beverage sales.
- b. Such businesses shall not be located within the same building as a pool hall, arcade, massage parlor, movie theater or retail store.”

Section 8. Internal Consistency. Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

Section 9. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 10. Savings Clause. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City, or within the territory comprising the City, shall constitute a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance.

Section 11. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this Ordinance may have a significant effect on the environment. This Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

Section 12. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published or posted in the manner prescribed by law.

PASSED, APPROVED AND ADOPTED this 28th day of August, 2019.

Eduardo De La Riva, Mayor

ATTEST:

Gerardo Mayagoitia, City Clerk

APPROVED AS TO FORM:

Roxanne Diaz, City Attorney

I, Gerardo Mayagoitia, City Clerk of the City of Maywood, do hereby certify that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Maywood held on the 28th day of August, 2019 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Gerardo Mayagoitia, City Clerk



AGENDA 7
ITEM NO. _____

CITY COUNCIL STAFF REPORT

DATE: AUGUST 28, 2019

TO: HONORABLE MAYOR, AND MEMBERS OF THE CITY COUNCIL

FROM: JENNIFER E. VASQUEZ, CITY MANAGER *jev*

PREPARED BY: YENISE CAMACHO, FINANCE SPECIALIST

RE: CONSIDERATION TO APPROVE \$1,000 FOR THE CITY OF MAYWOOD'S RESIDENTIAL HOLIDAY DECORATION COMPETITION TO BE IMPLEMENTED DURING THE 2019 HOLIDAY SEASON.

RECOMMENDATION

Staff recommends that the City Council approve the City of Maywood's Residential Holiday Decoration competition and authorize the expenditure of funds not to exceed \$1,000 for the program. The funds are to defray any expenses associated with the programming and execution of this competition, which will include but is not limited to advertising, certificates, application and prizes for the winners.

FISCAL IMPACT

The cost is anticipated not to exceed \$1,000. The funds will come from the Community Services, Community events account.

LEGAL REVIEW

The City Attorney has reviewed this report.

BACKGROUND

On June 12, 2019, the City Council and Mayor directed staff to present ideas for holiday activities that usher in the holidays, provide enjoyment, and City pride to our residents. For City Council's consideration, staff created the City of Maywood's Residential Holiday Decoration competition wherein residents decorate their homes for the holidays, and can submit a nomination form, or City staff can nominate a home to be considered for recognition by the City Council. Under the proposed program, City Hall Staff will lead the efforts and serve as judges.

DISCUSSION

The homes will be judged based on the following categories: Lawn displays, use of decorating lights, theme and best overall submission. Winners will receive a yard sign, Certificate of Recognition from City Council, and staff will promote the winner's home via its various communication channels, including Facebook and the City website.

Program Judging and Criteria

- Maywood City Hall staff will serve as the judges and shall physically visit those homes that have entered the competition;
- City staff will be given an evaluation form to fill out for each nomination;
- Nominations will be judged on a number scale of 1 to 5, with 5 being outstanding in the following categories:
 - Use of Lights - Unique design and creative use of lights
 - Lawn Display - Displays and placement of decorations or animation visible to the public
 - Theme - Story line and/or cohesive scene
 - Best Overall
- City staff will return their nomination forms to City Council to be presented during the Council meeting;
- Staff will compile the results for a final vote;
- Staff will notify the winners and place all photographs on the City website.

Exhibition Timeline

In order to timely schedule for the 2019 Holiday Season, Staff would need to begin the logistical planning phase during the month of September.

The following is a timeline of related actions to launch this year:

- October
 - Notify all City staff of the proposed home exhibition
 - Begin preparing the exhibition materials
 - Order yard signs
 - Draft press/notice release

- Prepare nomination form
- November
 - Issue press/notice release
 - Post on applicable social media platforms
 - Open registration to those who wish to participate in the competition
- December
 - Schedule dates and times with participants for the judges' visit
 - City staff will visit participant's homes (December 9-13)
 - Staff will tally up all scores and place the two finalists for each category on Facebook for public voting during the week of December 15th
- January
 - Participant will be notified to attend the Council meeting, which will take place on December 20th, where the nomination results will be announced and the winners will receive a certificate of recognition, take a photo with City Council and receive a prize
 - Staff will publish the photos of the winners on the City's website and appropriate social media platforms

In conclusion, the goal of the Residential Holiday Decoration competition is to nurture holiday spirit, foster participation for events within the City, cultivate friendly competition among neighbors, bring individual households together, and encourage residents to interact with one another in a positive manner.

It is the hope of City staff that this program will provide infectious holiday cheer, which can be enjoyed by people of all ages.



AGENDA 8
ITEM NO. _____

CITY COUNCIL STAFF REPORT

DATE: AUGUST 28, 2019

TO: HONORABLE MAYOR, AND MEMBERS OF THE CITY COUNCIL

FROM: JENNIFER E. VASQUEZ, CITY MANAGER *JV*

PREPARED BY: YENISE CAMACHO, FINANCE SPECIALIST

RE: RESOLUTION APPROVING THE ACCEPTANCE OF THE 2019 NATIONAL FITNESS CAMPAIGN GRANT IN THE AMOUNT OF \$30,000 FOR THE INSTALLATION OF AN OUTDOOR FITNESS COURT AT RIVERFRONT PARK.

RECOMMENDATION

Staff recommends that the City Council adopt the Resolution approving the acceptance of the 2019 National Fitness Campaign (NFC) grant in the amount of \$30,000 to fund the installation of the Outdoor Fitness Court at the Maywood Riverfront Park.

FISCAL IMPACT

The total projected cost is \$125,000 plus installation. The installation cost will vary depending on site conditions of Riverfront Park. The City has been awarded \$30,000 by the National Fitness Campaign and is required to match the grant and provide \$30,000, which funds can come from Proposition 68 grant if the City receives the grant award. Moreover, in partnership with the National Fitness Campaign, the City is to identify and raise sponsorship monies projected at \$99,700. If the City was to utilize the General Fund for the match, the fiscal impact is illustrated on (attachment 1).

Other Funds to consider are as follows:

- Community Benefit Fund
- \$200,000 AB 74 grant

- California Department of State Parks and Recreation, Statewide Park Program, Proposition 68 grant (subject to grant award)

LEGAL REVIEW

The City Attorney has reviewed this report

BACKGROUND

The National Fitness Campaign is a social enterprise that works towards the ultimate goal to better the health of people all across America. The National Fitness Campaign (NFC) was originally founded in 1979 with a commitment to make fitness available to everyone free of charge. The first projects were completed in the 1980's and included fitness courts equipped with stations for exercising the body to promote good health. The NFC is a public-private partnership where corporate sponsors provide much of the funding to bring fitness courts and programming to communities. NFC acts as the catalyst to bring the funding to the public spaces to install the fitness centers.

In June 20, 2019, the City of Maywood submitted a grant application (attachment 2) to the National Fitness Campaign to build an outdoor fitness court, which will be located at Riverfront Park. The need for this outdoor gym was identified during the conduction of public meetings, where residents completed surveys expressing the need for a fitness facility free to access, and that caters to all age backgrounds.

On July 18, 2019, City staff received an email stating that the City of Maywood was awarded a \$30,000 grant from the NFC to participate in the 2020 Healthy Cities Campaign (Attachment 3). The grant award was based on the City's commitment to free health and fitness options, development of residents' consensus, and the exceptional location of Riverfront Park.

The purpose of the Outdoor Fitness Court is to provide park visitors with accessibility to a workout routine that will be guided through mobile application technology, and is an amenity that will provide free access to Maywood's residents and neighboring communities alike.

DISCUSSION

In response to the lack of access to health clubs and a rising tide of health issues, the National Fitness Campaign goal is to reach better health outcomes in communities across America including making fitness club style workouts accessible to the general public, across all socio-economic levels and geographies, at no charge.

As previously mentioned, the total grant amount is \$30,000 and the City is required to match \$30,000. If the Proposition 68 grant funding is awarded to the City, these funds are identified as suitable to provide the matching component required by the NFC. Additionally, the NFC can offer assistance identifying funding opportunities within local and regional networks to find the additional needed funds for the remaining balance. In addition, the AB 74 grant awarded to the City in the amount of \$200,000, can offer this project a security net that can guarantee completion of the project.

The location envisioned for the outdoor gym is along Alamo Avenue between Slauson Avenue and 69th Place. Considering this location is visible to traffic and pedestrians walking by, it will help promote the launching of the new facility and boost park user attendance.

City staff seeks to improve residents' health and fitness through the installation of this fitness court. This is an overall opportunity to enhance the quality of life in Maywood by providing more opportunities for the community to have recreational access. Once installed, this outdoor gym could be utilized for fitness programs hosted by health and wellness organizations along with public use. For over 25 years, the NFC has been dedicated to helping communities fund, build and activate the world's best outdoor gyms. They are committed to creating healthy communities across the country, and envision a world that is digitally connected through a common goal, lifelong wellness for adults of all ages. Thus, together the City of Maywood and the NFC can open the door to a healthier future for Maywood residents and generations to come.

ATTACHMENT(S)

Attachment No. 1- Fiscal Impact on General Fund and Project costs breakdown

Attachment No. 2- City of Maywood's NFC submitted grant application

Attachment No. 3- NFC grant award letter to the City of Maywood

Attachment No. 4- Resolution

ATTACHMENT NO. 1

Fiscal Impact on General Fund

FUNDING DATA FOR MATCH	Fiscal Source			ONE TIME COSTS	Fiscal Impact	
	Fund:	General Fund	01		Fiscal Year 19/20 Balance:	\$70,000.00
	Department:	General Government	681		Fiscal Year 19/20 Financial Impact:	(\$30,000.00)
	Account:	Community Benefit Fund Expenditures	537		Estimated Remaining Fiscal Year 19/20 Account Balance:	\$40,000.00
				ON-GOING COSTS	Annual Estimated Maintenance	\$6,000.00

The following is a breakdown of the overall budget and estimated costs:

COST ELEMENT	ESTIMATED COSTS		\$
A	Project Cost Estimate		\$125,000.00
B	Freight and Packaging		\$3,500.00
C	Fitness Court Installation Kit		\$1,200.00
D	Equipment Installation Estimate (include: concrete, excavation, fitness court assembly and graphic installation)	Cost ranging from \$20,000 up to \$65,000	\$65,000.00
	Estimated Costs (A + B+C+D)		\$194,700.00
	INITIAL FUNDING SOURCES		
E	National Fitness Campaign (NFC) 2020 Healthy Cities Campaign		(\$30,000.00)
F	City of Maywood Match or Proposition 68 (California Department of Parks and Recreation, Statewide Park Program) (Award to be determined)		(\$30,000.00)
	NFC & City Funding Sources (E + F)		(\$60,000.00)
G	REMAINING PROJECT COSTS		\$134,700.00
	SUBSEQUENT FUNDING SOURCES		
H	California State Parks Grant		(\$200,000.00)
I	Money left over (subject to grant awards)		\$65,300.00

ATTACHMENT NO. 2



Thursday, June 20, 2019

NFC Healthy City Grant Application | 2020

2019 NFC Collegiate Grant Application

Regular Application Period Deadline: October 31st, 2018

Read and follow the instructions carefully prior to submitting your application.

For questions on the application, required documentation or grant eligibility, please contact partnerships@nfchg.com.

All awardees in this grant cycle will be notified on or before November 10th, 2018.

I. General Information

Submission Date: Thursday, June 20, 2019

Legal Name of Organization: City of Maywood

Organization Address: 4319 E Slauson Ave
Maywood, CA, 90270
United States

Web Site URL: <https://www.cityofmaywood.com/>

Information for the person to be contacted on matters involving this application:

Full Name: David Mango

Email: david.mango@cityofmaywood.org

Office Phone: (323) 5625721

II. School Eligibility Details

Please list any campus groups and organizations that will be involved with activating and promoting this initiative.

The City of Maywood is forging a partnership with the YMCA Southeast-Rio Vista staff to improve the amount of physical activity and fitness of our residents. Together we will promote the benefits of having this outdoor fitness facility. Our City staff is currently in discussions with healthcare organizations such as Kaiser Permanente to team-up and host health fairs for physical and mental wellness in this park. Members who are vocal and active in our City, have offered to door knock with flyers promoting this initiative.

III. Program Support Verification

**Why should
National Fitness
Campaign select
your campus for a
\$30,000 National
Grant in the 2019
Campaign?**

The City of Maywood is bordered by highly-industrialized cities such as the City of Vernon and City of Commerce and is neighboring the I-5 and 710 freeways. As a result, Maywood residents are at risk of exposure to poor air quality and toxic chemicals that may cause chronic health problems. In addition. Studies have shown that obesity, diabetes, and other diseases can be caused by a sedentary lifestyle and a lack of exercise, which is a major problem in low- income communities.

According to a health report from the Los Angeles County Department of Health (see attached), 29% of adult residents who are 18 years or older are meeting the recommended guidelines for physical activity and 29% are obese. The residents of the City of Maywood are from low-income backgrounds and have barriers to obtaining adequate physical activity that can be overcome by offering this community benefit

Our City is currently in the process of submitting a grant application under California State Parks Proposition 68, which will give us resources to revitalize our existing parks. One of the requirements was to conduct public meetings and engage residents in the process by listening to their park needs. Many residents express the need for outdoor fitness features that would cater to people of all ages.

Elder retired residents mentioned that they can't afford a gym membership on a fixed income, but would use free access fitness facilities within the City. Gyms have joining and monthly fees, which are a barrier for low-income families. Other residents mentioned that they would exercise if facilities were accessible during different times of the day, which a park can offer. Many residents with children mentioned that having a fitness located in proximity

to playgrounds is ideal for parent, were they can watch their kids and get some actual exercise done.

Describe your fitness and wellness offerings for students and faculty on campus.

The City of Maywood is currently in the process of selecting a consultant on July 10th to conduct a Bicycle Master Plan. This plan will address connectivity issues and promote bicycle ridership. Also, the City is conducting an ADA Self- Certification Project that's addressing ADA access City-wide, to promote pedestrian safety and ease of access, which will be completed in August. Currently, we have a walking trail around the Riverfront Park, but we intend to address any possible enhancements with our engineering team.

Please describe the timeline, approval milestones and stakeholders required for successful implementation of each phase of this program on your school campus.

IV. Site Information

Location Name: Riverfront Park

Location Type: Public Outdoor Park

Is this site both highly visible and easily accessible? Yes

Has the site been approved by appropriate stakeholders on campus? Yes

Please describe what makes this site the best, most iconic or active option for your first Fitness Court on campus:

The Maywood Riverfront Park has a high visibility and plenty of active users making it the ideal location for this community fitness court. This is the most highly utilized park in our City and it connects with neighboring communities from the Los Angeles River Bike Path which has access from the northeast corner of the park. This park has sitting and shaded areas provided by trees to keep exercisers cool between workouts. The fitness court will be placed near the northwest corner of the park near the intersection of Alamo and Slauson Avenues. It is also near the parking area for convenient access, and near the walking trail where existing amenities such as restrooms, water fountains and trash cans are conveniently in place. This corner is visible to pedestrians, drivers and in proximity from the 710 freeway.

Google Maps or other web URL of location

<https://www.google.com/maps/place/Riverfront+Park/@33.9847354,-118.1744538,17.75z/data=!4m5!3m4!1s0x0:0x24fbe6f87c6ee59d!8m2!3d33.9852311!4d-118.1722068>

Do you plan to apply for an additional site?

No

Additional graphic
aids or materials
can be uploaded
below or sent via
email to
partnerships@nfc
hq.com

[Maywood Health
Profiles.pdf](#)

V. Timing & Funding Information

SPRING 2019 LAUNCH MILESTONES:

Funding Commitment: 2/15/2019

Fitness Court Shipped: 2/21/2019

Fitness Court Open: 4/15/2019

FALL 2019 LAUNCH MILESTONES:

Funding Commitment: 7/1/2019

Fitness Court Shipped: 7/10/2019

Fitness Court Open: 8/31/2019

In order to qualify for grant funding, applicants must select a launch window in which completion of key milestones is reasonable and possible. In which of the following windows will you plan to launch your Fitness Court?

Q2-2020 (Launch
Deadline 6/30/2020)

If awarded the \$30,000 Fitness Grant, how do you plan to develop the remaining program and installation funding? (select all that apply)

Municipal budget

State or federal grants

VI. Activation & Campus Promotion

NFC strives to build partnerships with those who demonstrate a commitment to adopting, integrating and innovating their unique Fitness Court program on campus.

Do you agree to help promote fitness and wellness on your campus in the following ways:

VII. National Grant Award Acceptance

The undersigned representative certifies, to the best of his or her knowledge and belief, that the information contained in this application is true.

Further, the undersigned organization recognizes that in accepting this grant award there is no binding obligation to proceed with the project at this time.

VIII. Applicant's E-Signature

E-Signature: David Mango Assistant City
Manager

ATTACHMENT NO. 3



Congratulations — the City of Maywood has been selected as a 2020 National Fitness Campaign Grant Recipient!

Dear David,

On behalf of the National Fitness Campaign Grants Committee, I am pleased to share that the City of Maywood has been selected as one of 200 awardees in the 2020 Healthy Cities Campaign!

This award notification letter is the first step towards formal confirmation of your participation. The next step is the official Grant Award Call to be scheduled with our National Grants Committee within the next 7 days.

This \$30,000 Grant Award will be confirmed on your official Grant Award Call, where the qualifications submitted in your Grant Application will be reviewed by NFC's Senior Director and team. Upon approval, we will share a formal letter confirming NFC's funding commitment to your city.

We have assigned a Campaign Manager – Cindy Trevino – as your dedicated partner and champion in support of this partnership. Over the coming months, Cindy will work with our team to support the path outlined in your grant application, and to develop and activate your program in 2020.

The 2020 Healthy Cities Campaign is part of a national movement to make world-class fitness free and accessible in public spaces across the country – thank you for your commitment to supporting this goal.

Here is a sneak peak at what's ahead:

- Fitness Court Launch Party – Cut the ribbon on your beautiful new outdoor gym & announce free fitness to the community!
- Classes & Challenges – Get residents moving & keep them engaged with ongoing group classes, individual training, and competitive events.
- Press & Promotions – Shine a spotlight on your community for joining this exciting and innovative wellness movement!

Once again, we are thrilled to invite you to join us as a partner in the 2020 Healthy Cities Campaign, and we look forward to making world-class fitness free in Maywood!

Best in Fitness,

Mitch Menaged, Founder
National Fitness Campaign

ATTACHMENT NO. 4

RESOLUTION NO. 6063

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAYWOOD APPROVING THE GRANT AWARD FROM NATIONAL FITNESS CAMPAIGN IN THE AMOUNT OF \$30,000 FOR THE OUTDOOR FITNESS GYM AT MAYWOOD RIVERFRONT PARK

WHEREAS, the City of Maywood ("City") has submitted a grant application to National Fitness Campaign (NFC) for participation in their 2020 initiative to install and activate outdoor Fitness Courts® in 200 cities and schools across the country, and;

WHEREAS, the City will accept a \$30,000 National Grant from NFC, and provide a local match in the amount of \$30,000 to promote and implement a free-to-the-public outdoor Fitness Court, and;

WHEREAS, the City will secure supplemental funding as needed through community sponsors, which will be made available and committed to this program for the purchase of the outdoor Fitness Court, and;

WHEREAS, the City commits to construction and launch of the outdoor Fitness Court by the end of the 2020 calendar year, and;

WHEREAS, the City believes the outdoor Fitness Court is an important wellness ecosystem that supports healthier communities, commits to funding/fundraising to participate in NFC's 2020 Campaign, and will earn local and national recognition as a leader in providing affordable health and wellness.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAYWOOD HEREBY FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

Section 1. The recitals set forth above and true and correct and incorporated herein as if set forth in full.

Section 2. The City Council accepts the grant award from the National Fitness Campaign in the amount of \$30,000.

Section 3. The City Council certifies that the City will have available, prior to commencement of any work on the project, the sufficient funds to complete the Fitness Court project.

Section 4. The City Council authorizes the City Manager to develop a sponsorship program to subsidize the cost of the Fitness Court, including the development of marketing material and the execution of sponsorship agreements, with all proceeds to be used for the Fitness Court project.

Section 5. This resolution shall be effective immediately upon its adoption.

Section 6. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED THIS 28th day of August, 2019.


Eduardo De La Riva, Mayor

ATTEST:


Gerardo Mayagoitia, City Clerk

APPROVED AS TO FORM:


Roxanne Diaz, City Attorney

I, Gerardo Mayagoitia, City Clerk of the City Council of the City of Maywood do hereby certify that foregoing Resolution No. 6063 was duly passed and adopted by the City Council of the City of Maywood, at a regular meeting of the City Council held on the 28th day of August of 2019 by the following roll call vote, to wit:

AYES: Alvarez, Marquez, Medina, Lara, and DeLaRiva

NOES:

ABSENT:

ABSTAIN:


Gerardo Mayagoitia, City Clerk