

# AGENDA CITY OF GARDENA Regular CITY COUNCIL MEETING

Council Chamber at City Hall, 1700 W. 162<sup>nd</sup> Street, Gardena, California  
Website: [www.cityofgardena.org](http://www.cityofgardena.org)

TASHA CERDA, Mayor  
RODNEY G. TANAKA, Mayor Pro Tem  
MARK E. HENDERSON, Council Member  
ART KASKANIAN, Council Member  
DAN MEDINA, Council Member



MINA SEMENZA, City Clerk  
J. INGRID TSUKIYAMA, City Treasurer  
EDWARD MEDRANO, City Manager  
PETER L. WALLIN, City Attorney

February 26, 2019

Closed Session 7:00 p.m.

Open Session 7:30 p.m.

**The City of Gardena, in complying with the Americans with Disabilities Act (ADA),** requests individuals who require special accommodations to access, attend and/or participate in the City meeting due to disability, to please contact the City Clerk's Office by phone (310) 217-9565 or email [msemenza@cityofgardena.org](mailto:msemenza@cityofgardena.org), at least two business days prior to the scheduled meeting to ensure assistance is provided. Assistive listening devices are available.

**PUBLIC COMMENT:** The City Council will hear from the public on any item on the agenda or any item of interest that is not on the agenda. The City Council cannot legally take action on any item not scheduled on the agenda. Such items may be referred for administrative action or scheduled on a future agenda. The public has the opportunity to address the City Council at the following times:

- Agenda Items – at the time the City Council considers the item or during Oral Communications
- Non-agenda Items – during Oral Communications
- Public Hearings – at the time for Public Hearings listed on the Agenda

If you wish to address the Council, please complete a "Speaker Request" form and present it to the City Clerk. You will be called to the podium by name when it is your turn to address the Council.

Pursuant to California Government Code Section 54953(b)(3), any member of the public wishing to address the legislative body directly pursuant to California Government Code Section 54954.3 may do so at each teleconference location at the time the item is considered.

**CELLPHONES AND OTHER DISTRACTIONS:** Use of cell phones, pagers and other communication devices is prohibited while the Council Meeting is in session. Please turn all devices off or place on a silent alert and leave the Chambers to use. During the meeting, please refrain from applause or other actions that may be disruptive to the speakers and the conduct of City business.

*Thank you for your attendance and cooperation.*

1. ROLL CALL

2. CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL  
ANTICIPATED LITIGATION  
Government Code Section 54956.9(d)(4)  
(1) One case

3. PLEDGE OF ALLEGIANCE & INVOCATION

- A. PLEDGE OF ALLEGIANCE  
Michelle Carrillo Soto and Andrew Espinoza  
Chapman Elementary School
- B. INVOCATION  
The Reverend Ruben Del Pilar, Pastor  
Community Worship Center

4. PRESENTATIONS, PROCLAMATIONS, & APPOINTMENTS

A. PRESENTATIONS

- (1) Gardena Military Veteran Recognition to Honor Veteran Richard A. Burian, who served in the U.S. Army, was chosen at the recommendation of Council Member Dan Medina  
*(to be accepted by Mr. Richard A. Burian)*

B. PROCLAMATIONS

- (1) "WOMEN'S HISTORY MONTH," March 2019 *(to be proclaimed only)*

C. APPOINTMENTS

- (1) Council Appointments to Commissions, Committee, Board, and Council (Commission Appointees to be Ratified and Sworn in; Committee, Board, and Council Appointees to be Ratified Only)
- (a) Human Services Commission
  - (b) Planning and Environmental Quality Commission
  - (c) Recreation and Parks Commission
  - (d) Senior Citizens Commission
  - (e) Gardena Youth Commission
  - (f) Gardena Beautification Committee
  - (g) Gardena Economic Business Advisory Council
  - (h) Gardena Rent Mediation Board, Owner Representative
  - (i) Gardena Rent Mediation Board, Tenant Representative
  - (j) Gardena Rent Mediation Board, At-Large Representative

5. CONSENT CALENDAR

NOTICE TO THE PUBLIC

**Roll Call Vote Required on Consent Calendar** All matters listed under the Consent Calendar will be enacted by one motion unless a Council member requests Council discussion, in which case that item will be removed from the Consent Calendar and considered separately following this portion of the agenda.

A. Waiver of Reading in Full of All Ordinances Listed on This Agenda and That They Be Read by Title Only

B. CITY CLERK

(1) Approval of Minutes

(a) City Council Regular Meeting, February 12, 2019

(b) Planning & Environmental Quality Commission Meeting, February 5, 2019

(2) Affidavit of Posting Agenda on February 22, 2019

C. CITY TREASURER

(1) Approval of Warrants / Payroll Register

(a) February 26, 2019

D. CITY MANAGER

(1) Personnel Report No. P-2019-04

(2) Award Construction Contract and Purchasing Order of a Sun Shade Structure to *USASHADE & FABRIC STRUCTURES* in the Amount of \$55,524.70 for Rowley Park Renovation, JN 879

(3) Revision #6 of the City's Anti-Drug/Alcohol Abuse Policy, Council Policy No. 89-28, to Comply with Federal Regulations (DOT, FTA, FMCSA, and City Mandates)

(4) Approve Payment to CPAC Inc. for Sophos Fullguard License Support Renewal March 4, 2019 through March 4, 2022

6. EXCLUDED CONSENT CALENDAR

## **7. PLANNING & ENVIRONMENTAL QUALITY COMMISSION ACTION SHEET**

### **A. FEBRUARY 19, 2019, MEETING**

#### **(1) General Plan Amendment #1-18; Zone Change #2-18; Tentative Tract Map #4-18; Site Plan Review #8-18; Variance #1-18**

A request to develop a 63-townhome project on a 3.9 gross acre parcel. In order to develop the residential project, the following entitlements are required: General Plan Amendment changing the land use designation from General Commercial to High Density Residential; Zone Change to change the zoning from General Commercial (C-3) to High-Density Residential (R-4); Vesting Tract Map to create 63 townhome lots (VTTM 82263); Site Plan Review for the proposed project; and a Variance to approve the proposed wall for perimeter fencing along South Vermont Avenue which is eight feet on the South Vermont side and six feet on the Project side along South Vermont Avenue. A Mitigated Negative Declaration (MND) and Mitigation Monitoring Program (MMP) have been prepared to address the environmental impacts and will have to be approved and adopted prior to the project approvals. The Commission will consider MND and MMP at the same time and approves those documents for the Tract, Map, Site Plan Review and Variance and recommend the City Council adopt the same for the General Plan Amendment and Zone Change. The Planning Commission will be making a recommendation to the City Council on the General Plan Amendment and Zone Change and approving the Tract Map, Site Plan Review and Variance, subject to Council approval of the other items.

**Project Location:** 14031 South Vermont Avenue and 1017 West 141st Street  
**Applicant:** KB Home Coastal, Inc

**Commission Action:** Commission approved PC Resolution No. 3-19 and PC No. Resolution 4-19, adopting the Mitigated Negative Declaration and Mitigation Monitoring Program for purposes of the Vesting Tentative Tract Map, Site Plan Review and Variance and recommending that the City Council adopt the same for the General Plan Amendment and Zone Change; recommending that the City Council adopt the General Plan Amendment and Zone Change; and approving the Vesting Tentative Tract Map and Site Plan subject to the Legislative approvals.

**Call for Council Review, Appeal Decision, Set Public Hearing, or Receive and File**

### **ORAL COMMUNICATIONS**

*Oral Communications by the public will be heard for one-half hour at or before 8:30 p.m. or at the conclusion of the last agenda item commenced prior to 8:30 p.m. Oral Communications not concluded at that time shall be resumed at the end of the meeting after Council Reports. Speakers are to limit their remarks to three minutes, unless extended by the Mayor. An amber light will appear to alert the speaker when two minutes are complete, and a red light will appear when three minutes are over. Your cooperation is appreciated.*

8. DEPARTMENTAL ITEMS

A. ADMINISTRATIVE SERVICES – *No Items*

B. COMMUNITY DEVELOPMENT – *No Items*

C. ELECTED & ADMINISTRATIVE OFFICES – *No Items*

D. GENERAL SERVICES

(1) Approval and Implementation of City of Gardena Participation in Property Assessed Clean Energy (PACE) Programs and Associated Authorities, and Approving Membership in a Related Joint Powers Authority

(a) Resolution No. 6360, Consenting to the Inclusion of Properties within the City in the California Statewide Communities Development Authority (CSCDA) Open PACE Programs, and other Related Actions

**Staff Recommendation: Adopt Resolution No. 6360**

(b) Resolution No. 6361, Directing Execution of a Joint Exercise of Powers Agreement (JPA) Relating to the California Municipal Finance Authority (CMFA) PACE, and other Related Actions

**Staff Recommendation: Adopt Resolution No. 6361**

(2) Approval of Professional Services Agreement for Engineering Design Services to PENCO, a Cannon Company, in the Amount of \$188,000.00 for the Artesia Boulevard Arterial Improvement Project, from Western Avenue to Vermont Avenue, JN 935

**Staff Recommendation: Approve Professional Services Agreement**

E. POLICE – *No Items*

F. RECREATION & HUMAN SERVICES – *No Items*

G. TRANSPORTATION – *No Items*

9. COUNCIL ITEMS, DIRECTIVES, & REMARKS

A. COUNCIL ITEMS

B. COUNCIL DIRECTIVES

C. CITY MANAGER REMARKS RE: DIRECTIVES / COUNCIL ITEMS

**9. COUNCIL ITEMS, DIRECTIVES, & REMARKS – (Continued)**

**D. COUNCIL REMARKS**

- (1) COUNCIL MEMBER KASKANIAN
- (2) MAYOR PRO TEM TANAKA
- (3) COUNCIL MEMBER HENDERSON
- (4) MAYOR CERDA
- (5) COUNCIL MEMBER MEDINA

**10. ANNOUNCEMENTS**

**11. REMEMBRANCES**

**Mrs. Consuelo Del Carmen Vasquez**, 80 years of age, beloved grandmother of Santiago “Eddie” Vasquez, Custodian II, with the General Services Department

**12. ADJOURNMENT**

The Gardena City Council will adjourn to a Regular City Council Meeting, at 7:00 p.m., on Tuesday, March 12, 2019.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted in the City Hall lobby not less than 72 hours prior to the meeting. A copy of said Agenda is on file in the Office of the City Clerk.

Dated this 22<sup>nd</sup> day of February, 2019

/s/ MINA SEMENZA  
MINA SEMENZA, City Clerk

## **GARDENA MILITARY VETERAN RECOGNITION**

### **HONORING**

### **RICHARD A. BURIAN**

*(selected by Council Member Dan Medina)*

Mr. Burian is a long-time resident of Gardena.

#### **MILITARY SERVICE:**

His service to our country was in the United States Army, from August 1963 to August 1966, and he was honorably discharged with the rank of Specialist E-4.

He served with the 101st Airborne Division / 1st Cavalry Division and, during his service, experienced intense combat in "The Battle of Ia Drang," which took place from November 13 to November 18, 1965.

This battle was the first major one between the United States Army and the People's Army of North Vietnam. Both the United States Army and the People's Army of North Vietnam learned many things from "The Battle of Ia Drang" and both sides claimed victory – as neither side ended up with control of the Valley of Ia Drang.

The battle was made famous in a 2002 film starring Mel Gibson, titled "*We Were Soldiers*."

A documentary was also made by the National Geographic Channel titled "Day Under Fire: The Vietnam War" which focuses on "The Battle of Ia Drang."

For his military service, Burian was awarded the following:

- Purple Heart
- Vietnam Service Medal with 3 Bronze Stars
- Republic of Vietnam Gallantry Cross with Palm Unit Citation Badge
- Republic of Vietnam Campaign Medal
- Parachutist Badge
- Expert Badge with Rifle Bar

*TO BE PROCLAIMED ONLY*

**“ WOMEN’S HISTORY MONTH ”**

**— MARCH 2019 —**

in 1987, Congress established March to be “Women’s History Month” to recognize the achievements of American woman of every race, class, and ethnic background that have made historic contributions to the growth and strength of our Nation.

The Women’s History Month theme for 2019,

**“ Visionary Women: Champions of Peace and Non-Violence. ”**

This year, women are being honored who have led efforts to end war, violence, and injustice and have pioneered the use of nonviolence to change society.

For generations, women have resolved conflicts in their homes, schools, and communities. They have rejected violence as counterproductive and stressed the need to restore respect, establish justice, and reduce the causes of conflict as the surest way to peace.

Therefore, I, Tasha Cerda, Mayor of the City of Gardena, California, hereby proclaim the month of **MARCH 2019**, to be

**“ WOMEN’S HISTORY MONTH ”**

in the City of Gardena and encourage all citizens to recognize and honor the spirit, leadership, and vital and enduring contributions of women in our community, in California, and throughout the Nation.



**MINUTES  
Regular Meeting of the  
City of Gardena City Council  
Tuesday, February 12, 2019**

The regular meeting of the City Council of the City of Gardena, California, was called to order at 7:00 p.m. on Tuesday, February 12, 2019, in the Council Chamber of City Hall, 1700 West 162<sup>nd</sup> Street, Gardena, California; Mayor Tasha Cerda presiding.

**1. ROLL CALL**

Present: Mayor Pro Tem Rodney G. Tanaka; Council Member Mark E. Henderson; Council Member Art Kaskanian; and Council Member Dan Medina. Other City officials and employees present: City Manager Edward Medrano; City Attorney Peter L. Wallin; City Clerk Mina Semenza; and Deputy City Clerk Becky Romero. Mayor Tasha Cerda arrived during Closed Session. City Treasurer Ingrid Tsukiyama was not in attendance.

At 7:00 p.m., before going into Closed Session, City Attorney Wallin presented a request to add Closed Session Item 2.A.(2): Gardena Valley Assembly of God Church vs. City of Gardena (see below) for Council consideration. It needed to be added to the February 12, 2019, Council Meetings Agenda, due to the urgency of having to review a matter with Council at this meeting, because its consideration at the February 26, 2019, Meeting would be too late.

**It was moved by Mayor Pro Tem Tanaka, seconded by Council Member Medina, and carried by the following roll call vote to add Agenda Item 2.A.(2) to Closed Session:**

**Ayes: Mayor Pro Tem Tanaka, and Council Members Medina, Kaskanian, and Henderson**

**Noes: None**

**Absent: Mayor Cerda**

At 7:02 p.m., the City Council recessed into Closed Session in the Management Information Center of the Council Chambers at City Hall, with the following in attendance: Mayor Pro Tem Rodney G. Tanaka; Council Member Mark E. Henderson; Council Member Art Kaskanian; Council Member Dan Medina; City Manager Edward Medrano; City Attorney Peter L. Wallin; and General Services Director Joseph Cruz. Mayor Tasha Cerda arrived during Closed Session.

**2. CLOSED SESSION**

**A. CONFERENCE WITH LEGAL COUNSEL**

**EXISTING LITIGATION**

Government Code Section 54956.9(d)(1)

- (1) California Regional Water Quality Control Board, Los Angeles Region  
Administrative Civil Liability Complaint No. R4-2019-0005  
In the matter of the City of Gardena

- (2) Approval was given to Add this Item to the Agenda:  
Gardena Valley Assembly of God Church v. City of Gardena  
Los Angeles Superior Court Case No. YC 073006

**B. CONFERENCE WITH LEGAL COUNSEL**

**ANTICIPATED LITIGATION**

Government Code Section 54956.9(d)(4)

- (1) One case

2. CLOSED SESSION (Continued)

Mayor Cerda reconvened the meeting to the Regular Open Session at 7:48 p.m., and the City Clerk noted the return of all Council Members who were present at the meeting.

*When City Attorney Wallin was asked if there were any reportable actions from Closed Session, he stated that Council unanimously authorized retention of the Weinrib Law Group to represent some aspects of the City in the case of California Regional Water Quality Control Board in the Matter of the City of Gardena.*

3. PLEDGE OF ALLEGIANCE & INVOCATION

A. PLEDGE OF ALLEGIANCE

Brooke Tam led the Pledge of Allegiance. Brooke is a student at 156<sup>th</sup> Street Elementary School and a member of the Student Council. Her teacher, Mr. Roy Hayashida, and members of her family were then introduced and welcomed by Mayor Cerda.

B. INVOCATION

Reverend Clyde C. Lawrence, Head Pastor of "I Am Blessed Assurance" Baptist Church, gave the Invocation.

4. PRESENTATIONS, PROCLAMATIONS, & APPOINTMENTS

A. PRESENTATIONS

- (1) Gardena Military Veteran Recognition to Honor Veteran Jae Suk Noh, who served in the United States Army. *Mayor Cerda read his Military Biography; then Council Member Kaskanian presented Mr. Noh with a City of Gardena Veterans Commemorative Coin. Mr. Noh was given an opportunity to speak and appropriate photos were taken. Also, on behalf of California Assemblyman Al Muratsuchi, Mayor Pro Tem Tanaka read the text of a Certificate of Recognition from him for Mr. Noh.*
- (2) Certificate of Recognition to Mrs. Jessica Randle in appreciation of Her Service to the Community as a Member of the Senior Citizens Commission *Mrs. Jessica Randle was not in attendance.*
- (3) Recognition of Members of the City of Gardena Police Explorer Post #142 for their Successes in a Recent Explorer Competition and for their Long-Time Service to the Community – *Members of City of Gardena Police Explorer Post #142 and their Leaders were present. Also, on behalf of California Assemblyman Al Muratsuchi, Mayor Pro Tem Tanaka read the text of a Certificate of Recognition presented to them. Appropriate photos were taken.*

B. PROCLAMATIONS

- (1) "Black History Month," February 2019 – *was proclaimed by Mayor Cerda*

C. APPOINTMENTS – *None*

- (1) Council Appointments to Commissions, Committees, Board, and Council (Commission Appointees to be Ratified and Sworn in; Committees, Board and Task Force Appointees to be Ratified Only)
  - (a) Human Services Commission
  - (b) Planning and Environmental Quality Commission
  - (c) Recreation and Parks Commission
  - (d) Senior Citizens Commission
  - (e) Gardena Youth Commission
  - (f) Gardena Beautification Committee
  - (g) Gardena Economic Business Advisory Council
  - (h) Gardena Rent Mediation Board, Owner Representative
  - (i) Gardena Rent Mediation Board, Tenant Representative
  - (j) Gardena Rent Mediation Board, At-Large Representative

**5. CONSENT CALENDAR**

**A. WAIVER OF READING IN FULL OF ALL ORDINANCES LISTED ON THIS AGENDA AND THAT THEY BE READ BY TITLE ONLY**

**B. CITY CLERK**

**(1) Approved: Minutes of**

(a) City Council Regular Meeting, January 22, 2019

(b) Planning & Environmental Quality Commission Meeting, January 15, 2019

**(2) Approved: Affidavit of Posting Agenda on February 8, 2019**

**C. CITY TREASURER**

**(1) Approved: Warrants / Payroll Registers**

(a) February 12, 2019: Wire Transfer: 11750-11752, Prepay Nos. 152583-152585 and Check Nos. 152586-152791; for a total Warrants issued amount of \$1,454,995.62; Total Payroll Issued for February 1, 2019, \$1,615,964.10

**D. CITY MANAGER**

**(1) Approved: Personnel Report No. P-2019-03**

**(2) Approved: RESOLUTION NO. 6357, Amending the List of Authorized Games and Authorizing the Play of Certain Games in Licensed Card Clubs**

**RESOLUTION NO. 6357**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, AMENDING THE LIST OF AUTHORIZED GAMES AND AUTHORIZING THE PLAY OF CERTAIN GAMES IN LICENSED CARD CLUBS

**(3) Approved: Final Tract Map No. 81327, 14321 S. Van Ness Avenue**

**(4) Approved: Withdraw Construction Contract Awarded to California Fence & Supply and Award Contract to A-1 Fence Company, in the amount of \$81,138.00, for tennis court rehabilitation at Rowley Park**

**(5) Approved: Ratify Payment to Tyler Technologies for Eden Maintenance Renewal January 1, 2019 through December 31, 2019**

Council Member Henderson asked the City Manager general questions about Tyler Technologies and the City's current Eden System.

**(6) Approved: Ratify Purchase of Computer Access Switches from Rhino Networks**

**(7) Approved: Letter to Congress Member Maxine Waters in Support of H.R. 530 (Eshoo) which Opposes FCC's Regulations Impacting Local Jurisdictions regarding Small Cells Site: and Seeking the Congress Member's Co-Sponsorship of H.R. 530**

**5. CONSENT CALENDAR (Continued)**

It was moved by Mayor Pro Tem Tanaka, seconded by Council Member Medina, and carried by the following roll call vote to Approve the Consent Calendar:

**Ayes:** Mayor Pro Tem Tanaka, Council Members Medina, Henderson, and Kaskanian, and Mayor Cerda

**Noes:** None

**Absent:** None

**6. EXCLUDED CONSENT CALENDAR**

**7. PLANNING & ENVIRONMENTAL QUALITY COMMISSION ACTION SHEET**

**A. FEBRUARY 5, 2019, MEETING**

**(1) Conditional Use Permit #16-17**

Approval of a conditional use permit to allow the operation of a 1,994 square foot children's daycare facility within an existing commercial building in the General Commercial (C-3)/Mixed-Use overlay (MOU) zone, per Section 18.32.030.G of the Gardena Municipal Code, and direction to staff to file a Notice of Exemption as existing facility.

**Project Location:** 15019 Western Avenue (APN: 4062-017-047/50)

**Applicant:** LaRhonda Mobley/ARISE Family Childcare Center, LLC

**Commission Action:** Commission approved PC Resolution No. 2-19, approving Conditional Use Permit #16-17.

**This item was Received and Filed**

**ORAL COMMUNICATIONS**

- (1) Ms. Stacy Trinidad Alfaro**, Field Representative from Assembly Member Al Muratsuchi's Office: On behalf of Muratsuchi, she thanked those recognized at tonight's Meeting; She announced and invited the community to a "Community Coffee" on March 2, from 10:00 a.m. to 2:00 p.m., in the Gardena City Council Chamber, and spoke of other upcoming events hosted by the Assembly Member. She also gave legislative updates about various Senate Bills.
- (2) Mr. Perry Johnson**, resident: spoke, to Council about his opposition regarding California Senate Bill 50 regarding the City's ability to control Planning, Zoning and Housing Development, and handed out related paperwork to Council. He asked Council for their support of the opposition by writing a letter to the State Legislators opposing the bill.
- (3) Ms. Kimberly Hatten**, representative from Juniper Serra High School: reported about recent school news, updates and miscellaneous announcements. She also mentioned and congratulated Robert Woods, a Serra High School Alumni, who played in the 2019 NFL Superbowl Championship competition.
- (4) Basil Hewitt**, representative of Engineering employees of the Los Angeles County Sanitation District: spoke about who they are, and what the District does for its residents. He gave information about the unfair labor conditions at the District, and he is asking Council for their support.

**8. DEPARTMENTAL ITEMS**

**A. ADMINISTRATIVE SERVICES**

- (1) Approval of Contract for City Audit Services with the Pun Group, LLP for Fiscal Years 2019-2019

City Manager Medrano presented the Staff Report.

**It was moved by Council Member Medina, seconded by Mayor Pro Tem Tanaka, and carried by the following roll call vote to Approve Contract with Pun Group, LLP:**

**Ayes: Council Member Medina, Mayor Pro Tem Tanaka, Council Members Henderson and Kaskanian, and Mayor Cerda**

**Noes: None**

**Absent: None**

- (2) Approval of Contract with Hinderliter, de Llamas and Associates (HdL) Companies for City Sales and Use Tax Services

City Manager Medrano presented the Staff Report.

There was discussion between Council Member Henderson and City Manager Medrano regarding HdL's outstanding reputation and the services they provide. There was also discussion regarding whether HdL's scope of work could be expanded in the future to assist with other services for the City.

**It was moved by Council Member Kaskanian, seconded by Council Member Medina, and carried by the following roll call vote to Approve the Contract with HdL:**

**Ayes: Council Members Kaskanian and Medina, Mayor Pro Tem Tanaka, Council Member Henderson, and Mayor Cerda**

**Noes: None**

**Absent: None**

**B. COMMUNITY DEVELOPMENT – *No Items***

**C. ELECTED & ADMINISTRATIVE OFFICES**

- (1) ORDINANCE NO. 1802: Amending Sections 1.20.010 and 1.20.020 of the Gardena Municipal Code Relating to Administrative Fines for Violations Relating to Illegal Cultivation of Cannabis (Introduced by Mayor Pro Tem Tanaka, January 22, 2019)

**ORDINANCE NO. 1802**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, AMENDING SECTION 1.20.010 AND 1.20.020 OF THE GARDENA MUNICIPAL CODE RELATING TO ADMINISTRATIVE FINES FOR VIOLATIONS RELATING TO ILLEGAL CULTIVATION OF CANNABIS

City Manager Medrano presented the Staff Report.

**8. DEPARTMENTAL ITEMS (Continued)**

**C. ELECTED & ADMINISTRATIVE OFFICES (Continued)**

**(1) ORDINANCE NO. 1802 (Continued)**

There was discussion among Council Members Henderson and Medina, City Manager Medrano, Mayor Cerda, and City Attorney Wallin regarding the process of receiving a Notice of Violation and its fines if one does not comply with the rules set. They also discussed how Property Owners should include language in their rental agreements to establish that they prohibit cannabis cultivation within their property, and that California State law states that, if not prohibited by a lease or rental agreement, one can grow up to six (6) plants in Gardena, but would still need to get a City permit to do so.

**It was moved by Mayor Pro Tem Tanaka, seconded by Council Member Medina, and carried by the following roll call vote to Adopt Ordinance No. 1802:**

**Ayes: Mayor Pro Tem Tanaka, Council Members Medina, Henderson, and Kaskanian, and Mayor Cerda**

**Noes: None**

**Absent: None**

**(2) Purchase of Property at 16004 South Harvard Boulevard**

City Manager Medrano presented the Staff Report.

There was discussion involving Mayor Pro Tem Tanaka, Mayor Cerda, City Manager Medrano, and City Attorney Wallin regarding the renovation of Primm Pool, and how it needs significant repair. The City pool adjoins the Harvard Boulevard property being considered for purchase by the City. It was also mentioned that the City's Alzheimer Clinic is currently located outside the boundaries of our city, and how it would be advantageous to our City to have a pool with an aquatic center, along with the possibility of having an Alzheimer facility nearby to provide recreational services. There was further discussion regarding the State Real Property Relocation Act, which requires a government agency to pay for re-location fees and benefits when acquiring property for public use.

**It was moved by Council Member Medina, seconded by Mayor Pro Tem Tanaka, and carried by the following roll call vote to Approve the Purchase of Property at 16004 So. Harvard Boulevard:**

**Ayes: Council Member Medina, Mayor Pro Tem Tanaka, Council Members Henderson and Kaskanian, and Mayor Cerda**

**Noes: None**

**Absent: None**

**D. GENERAL SERVICES**

**(1) ORDINANCE NO. 1801, Regarding Property Owner Responsibility to Maintain Trees, Shrubs, and Sidewalks in a Non-Hazardous Condition (Introduced by Council Member Medina, January 22, 2019)**

**ORDINANCE NO. 1801**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, REGARDING PROPERTY OWNER RESPONSIBILITY TO MAINTAIN TREES, SHRUBS, AND SIDEWALKS IN A NON-HAZARDOUS CONDITION**

City Manager Medrano presented the Staff Report.

**8. DEPARTMENTAL ITEMS (Continued)****D. GENERAL SERVICES (Continued)****(1) ORDINANCE NO. 1801 (Continued)**

There was discussion which included Council Members Henderson, Kaskanian and Medina, Mayor Pro Tem Tanaka, and Mayor Cerda regarding informing our residents so they can get a better understanding of who is liable for trees when the roots of the trees have uplifted certain sidewalks, and where the parkway starts and ends on their property. It was further discussed that any resident who has questions, should contact our General Services Department first before taking any action regarding maintenance. At that time, the sidewalks, and/or trees could be assessed. City Manager Medrano then stated that he highly encourages our residents to use Gardena Direct for reporting these types of issues; they will be entered into our system where a complete assessment can be maintained.

**It was moved by Council Member Medina, seconded by Mayor Cerda, and carried by the following roll call vote to Adopt Ordinance No. 1801:**

**Ayes: Council Member Medina, Mayor Cerda, Mayor Pro Tem Tanaka, and Council Members Henderson and Kaskanian**

**Noes: None**

**Absent: None**

**E. POLICE – *No Items*****F. RECREATION & HUMAN SERVICES – *No Items*****G. TRANSPORTATION**

- (1) Purchase of 18, 40-foot Compressed Natural Gas (CNG) Buses for \$13,014,913 and Authorize a Program Total Not to Exceed \$13,665,658

City Manager Medrano presented the Staff Report.

Transit Administration Officer Dana Pynn, of GTrans, spoke to Council about the proposed purchase and led a PowerPoint presentation.

There was a discussion among Council Members Medina and Henderson, Mayor Pro Tem Tanaka, Ms. Pynn, and Mayor Cerda regarding the credits we will receive because we are owners of a CNG Fuel facility, and we dispense our own fuel. Ms. Pynn indicated that we are getting credits now for the 6 buses we currently are using. It was further discussed that the buses we are replacing will either go to auction, or we will keep them as back up in the event of an emergency, or donate them to our Sister City of Huatabampo, Mexico, as has been done in the past. Ms. Pynn then clarified that new cameras will be installed on the new buses.

**It was moved by Mayor Pro Tem Tanaka, seconded by Council Member Kaskanian, and carried by the following roll call vote to Approve Purchase of CNG Buses:**

**Ayes: Mayor Pro Tem Tanaka, Council Members Kaskanian, Medina, and Henderson, and Mayor Cerda**

**Noes: None**

**Absent: None**

9. COUNCIL ITEMS, DIRECTIVES, & REMARKS

A. COUNCIL ITEMS

- (1) Verbal Reports: Attendance at the Independent Cities Association (ICA) Winter Seminar in Santa Barbara, CA, January 31, to February 3, 2019  
*(Reports were given by Mayor Cerda and Council Member/ICA President Mark E. Henderson during their Council Remarks)*

B. COUNCIL DIRECTIVES

- (1) Council Member Kaskanian asked about the function of the “speed sensor” on Marine Avenue, between Crenshaw and Van Ness Avenue; and
- (2) Council Member Henderson asked who is responsible for the maintenance of the bus stops, particularly the bus stop at the southeast corner at Pacific Coast Highway and Western Avenue.

C. CITY MANAGER REMARKS RE: DIRECTIVES / COUNCIL ITEMS

City Manager Medrano gave a verbal report of information to follow-up matters that had been directed or requested by the Mayor and Members of Council. Written reports had already been provided to the Council via copies in their regular mail packets. Those items are as follows:

- (1) Flyer, announcing 2019 State of the City scheduled on March 21, 2019, at Nakaoka Community Center;
- (2) 2020 Census, the formation of a committee, headed by Ms. Stephany Santin;
- (3) Study of a proposed cross walk on Western Avenue at 147<sup>th</sup> Street, including the costs associated with the study and any future requests;
- (4) The re-pavement of Gramercy Place, between 169<sup>th</sup> and Artesia and other adjacent roadways; and
- (5) Hazardous Waste Round-up will be on March 23, 2019, at Arthur Johnson Park.

D. COUNCIL REMARKS

- (1) MAYOR PRO TEM TANAKA – apologized for missing the Gardena Valley Lions Club program on Sunday, January 27. He reported that he was fortunate enough to attend the wedding of the niece of Council Member Kaskanian (the daughter of Sam Kaskanyan). He thanked Mayor Cerda for letting him represent her and the City at the BurgerIM Grand Opening on February 9.
- (2) COUNCIL MEMBER HENDERSON – thanked Jessica Randle and her husband J.R. for their support as she served as a member of the Senior Citizens Commission. He said she was diligent and took her job seriously and wanted to let her know that he appreciated her service on the Commission. He went to the BurgerIM Grand Opening. He attended the Independent Cities Association Winter Seminar with sessions about Public Safety. He shared that his goal as President of ICA is to have more diversity on the board. He said that this Winter Seminar was great; that they recognized the workers of CalTrans and Public Safety for the work that they did after last year’s storms. He thanked Mayor Cerda for being present at the Seminar. He said he hopes to get more of the Council to attend the ICA Summer Seminar.



9. COUNCIL ITEMS, DIRECTIVES, & REMARKS (Continued)D. COUNCIL REMARKS (Continued)

- (3) COUNCIL MEMBER MEDINA – reported that, since the last Council Meeting, he visited seven Convalescent Homes and delivered half-sheet birthday cakes; that it has been 16 years since he started delivering cakes and enjoys delivering them. He attended the meeting of the Southern California Association of Governments (SCAG), reporting that they spoke about plans for year 2045 and gave current census statistics for California. He shared that more information can be found on [www.scag.ca.org](http://www.scag.ca.org). He encouraged residents to check out the City's "Live-Work-Play" magazine newly-published and mailed to all addresses in Gardena.
- (4) MAYOR CERDA – shared that, since the last Council Meeting, she attended the City's participation in the County-wide Homeless Count. She thanked the departments who were in charge, as well as residents, police officers, and all the staff members who helped with the orientation and helped identify those who are homeless in our community. She attended the West Basin Municipal Water District Director Installation where they installed Harold Williams, Gloria Gray, and Scott Houston. She attended the funeral services for Mr. Andrew Aaron Jr., who our City Council had previously honored as a Military Veteran at a City Council Meeting. She said that it was a nice funeral service and thanked Chief Kang for attending, as well. She attended the Gardena Valley Lions Club 37<sup>th</sup> Community Recognition banquet, held at El Pollo Inka, where they honored Carol and Richard Luna for their community service, as well as celebrating the Club's 95<sup>th</sup> Anniversary. She also attended the 5<sup>th</sup> Annual South Bay Legislative "Meet and Greet." She said that she and other elected officials from neighboring cities were able to get legislative reports from the representatives of members of Congress, State Senate, and State Assembly. Later that day, she attended a meeting of the Jazz Festival Committee, which is a new one formed to plan the 2019 Jazz Festival. As of now, the Jazz Festival is scheduled for August 26, 2019, and the tickets will go on sale May 6, 2019. She attended the quarterly Finance Committee meeting. She attended the ICA Winter Seminar in Santa Barbara, CA with Council Member Henderson and said it was a great conference. There were over 100 Mayors, City Council Members, City Managers, and City Officials in attendance; 42 cities were represented; and there were 21 speakers and 6 panels with great information. She attended a Black History Month Awards Luncheon in San Bernardino, CA put on by the Southern California Black Chamber Association where they recognized African American Mayors in the California area, and she received the Dignity Award.
- (5) COUNCIL MEMBER KASKANIAN – since the last Council Meeting, he attended the Finance Committee meeting, and assured everyone that the City of Gardena is doing great. He thanked Administrative Services Director Clint Osorio and his team and City Manager Edward Medrano. He attended the Los Angeles County City Selection Committee meeting on behalf of Mayor Cerda and shared that, after waiting an hour, they did not have a quorum, so the meeting was cancelled and will be rescheduled. He apologized to the Gardena Valley Lions Club for not being able to make the event. He congratulated Mr. and Mrs. Luna for being recognized for their service. He apologized to Council Member Henderson for not being able to keep his promise to attend the ICA meeting due to crazy rain.

**10. ANNOUNCEMENTS**

Mayor Cerda announced:

- (1) Afternoon in the Park in celebration of Black History Month, on February 23, 2019, from 10:00 a.m. to 3:00 p.m., at Rowley Park;
- (2) 2020 Census Count Start-Up/Information Meeting, scheduled on Wednesday, February 27, 2019, at 6:00 p.m., in the City Council Chamber;
- (3) State of the City and Community Forum, Thursday, March 21, 2019, at Nakaoka Community Center, beginning at 6:00 p.m.; and
- (4) Free Household Hazardous Round-up at Arthur Johnson Park on Saturday, March 23, 2019, from 9:00 a.m. to 3:00 p.m.

**11. REMEMBRANCES**

Mrs. Yuriko Lillie Fukai, 89 years of age, long-time resident of Gardena and beloved widow of The Honorable Masani 'Mas' Fukai, who served as a City of Gardena Council Member for 24 years, from 1974 to 1998; Mrs. Christina Newell, 88 years old, beloved grandmother of Christina Theobald, Administrative Analyst I in the Recreation and Human Services Department; Ms. Jessica Ruth Woodson, 37 years of age, beloved aunt of Tailor Rogers, Recreation Leader I in the Recreation and Human Services Department; Mr. Dexter Leon Jennings, 80 years old, 46-year resident of Gardena; and Mrs. Gregoria Sanchez, 92 years of age, beloved grandmother of Anahi Corte, Recreation Leader II in the Recreation and Human Services Department.

**12. ADJOURNMENT**

At 9:44 p.m., Mayor Cerda adjourned the Gardena City Council Meeting to the next Regular City Council Meeting, at 7:00 p.m., on Tuesday, February 26, 2019.

MINA SEMENZA  
City Clerk of the City of Gardena and  
Ex-officio Clerk of the Council

By: \_\_\_\_\_  
Becky Romero, Deputy City Clerk

APPROVED:

\_\_\_\_\_  
Tasha Cerda, Mayor

CITY OF GARDENA  
PLANNING & ENVIRONMENTAL QUALITY COMMISSION  
TUESDAY, FEBRUARY 5, 2019, MEETING

\* \* \*

Called to order by Vice-Chair Sherman at 7:00 P.M.

**ROLL CALL**

Present: Dale Pierce, Deryl Henderson, Stephen Langley, Steve Sherman  
Absent: Brenda Jackson  
Also in Attendance: Peter Wallin, City Attorney  
Raymond Barragan, Community Development Manager  
Amanda Acuna, Planning Assistant

**PLEDGE OF ALLEGIANCE**

Led by Commissioner Henderson.

**APPROVAL OF MINUTES**

A motion was made by Commissioner Langley and seconded by Commissioner Pierce to approve the minutes of January 15, 2019. The minutes were approved 4-0.

Ayes: Langley, Pierce, Henderson, Sherman  
Noes: None  
Absent: Jackson

**PUBLIC HEARING**

**Agenda Item #5**

**Conditional Use Permit #16-17**

Approval of a conditional use permit to allow the operation of a 1,994 square foot children's daycare facility within an existing commercial building in the General Commercial (C-3)/Mixed-Use overlay (MUO) zone, per section 18.32.030.G of the Gardena Municipal Code, and direction to staff to file a Notice of Exemption as an existing facility.

**Project Location: 15019 Western Avenue (APN: 4062-017-047/50)**

**Applicant: LaRhonda Mobley/ARISE Family Childcare Center, LLC**

Planning Assistant Amanda Acuna presented the Staff Report and recommended that the Planning and Environmental Quality Commission adopt Resolution No. PC 2-19, approving Conditional Use Permit #16-17 subject to the Conditions of Approval and directing staff to file a Notice of Exemption as an existing facilities project.

Commissioner Langley questioned if the project had been reviewed by the Los Angeles County Fire Department.

Ms. Acuna stated that the project was routed to the Fire Department for review. Ms. Acuna stated that the Fire Department did not include any conditions of approval on the proposed use. Ms. Acuna noted that any tenant improvement will need to be reviewed by the Fire Department prior to the issuance of any building permit.

Commissioner Langley expressed his concern with the potential lack of fire access as the property is completely fenced and the only vehicle access is through the alley.

Commissioner Langley continued by questioning the height of the fence that surrounds the parking lot.

Ms. Acuna stated that the existing fence that surrounds the parking lot is eight feet tall.

Commissioner Langley questioned the portion of the existing fence that is five feet tall.

Ms. Acuna stated that the fence will be eight feet tall all throughout the property. Ms. Acuna continued by stating that the applicant will need to obtain a building permit with the Building and Safety Division for the fence.

Commissioner Langley questioned the entrances/exits within the building.

Ms. Acuna stated that the structure currently has two exits. Ms. Acuna continued by stating that the second ramp within the building that leads to the second exit was required by the Building and Safety Division in order to comply with state guidelines.

Vice-Chair Sherman opened the public hearing and invited the applicant to speak.

Applicant, LaRhonda Mobley, 13504 Daphne Avenue, Gardena, California, 90249, stated that she is the owner and director of ARISE Family Child Care Center. Ms. Mobley stated that she is available to answer any questions the commissioners may have for her.

Commissioner Langley questioned if there will be any form of barrier on the wrought iron fence to protect the children from interacting with the public.

Ms. Mobley stated that a four-foot fence will surround the play area. Ms. Mobley continued by stating that a privacy fence will be installed along the perimeter, not of tarp material, to mitigate any interaction between the children and the public.

Commissioner Langley noted the poor conditions of the previous use on the subject property. Commissioner Langley continued by expressing his concern for the children's safety in regard to the area it is located.

Ms. Mobley stated that the children's safety is of primary concern and that the day care will implement all adequate measures to reduce such incidents from occurring. Ms. Mobley continued by stating that, in her experience with family day cares, there have not been any incidents regarding the children's safety.

Commissioner Langley questioned if the shade requirement to the play area is a state requirement.

Ms. Mobley stated that it is a requirement of the state to provide a certain amount of shade to the play area.

Commissioner Langley noted that the proposed use is subject to all of the state and city requirements.

Commissioner Pierce questioned if there were any additional barrier methods in place to protect the children in the event there is a traffic collision.

Ms. Mobley stated that aside from the perimeter wrought iron fence and four-foot fence of the play area, the landscape will be designed to enact as a barrier for further protection.

Vice-Chair Sherman expressed his concern with the potential traffic impact the proposed use will have on the alley in terms of the number of vehicles dropping off and picking up children.

Ms. Mobley stated that there will be 20 parking spaces available on-site for parents to use as well as two-hour parking available on Western Avenue. Ms. Mobley continued by

stating that parents will be required to sign their children in and out of the facility; thus, be required to park their vehicle. Ms. Mobley noted that the path of travel is designed so that vehicles enter the alley through 150<sup>th</sup> Street and exit towards Marine Avenue.

Vice-Chair Sherman clarified that the plan was to have parents park their vehicles in the stalls rather than have them drop off their children in the alley.

Ms. Mobley stated that the plan is for parents to park their vehicles rather than wait in the alley.

Vice-Chair Sherman questioned the path of travel through the alley.

Ms. Mobley reiterated that the vehicles will enter through 150<sup>th</sup> street and exit toward Marine Avenue. Ms. Mobley continued by stating that this was the best method in reducing any traffic impacts on the surrounding neighborhood.

Commissioner Henderson questioned if there will be any adult-only restrooms within the facility.

Ms. Mobley stated that the two proposed restrooms will be for the children. Ms. Mobley continued by stating that, per state guidelines, she is required to provide another restroom for the staff. Ms. Mobley noted that she was unaware of the requirement and has included the modifications on the most updated version of the plans.

Commissioner Langley questioned the status of the updated plans whether they were included in the packet or are still being finalized for submittal.

Ms. Mobley stated that they are currently being finalized for submittal.

Ms. Acuna stated that the revised plans will be reviewed by the Building and Safety Division in accordance with all state and city regulations, prior to issuance of any building permits.

Commissioner Langley questioned if the two restrooms on the floor plan submitted were to remain for children thereafter installing a third restroom.

Ms. Mobley stated that the two restrooms will remain as the children's restrooms.

Commissioner Langley stated that another restroom could possibly be installed in the area adjacent to the ramp within the facility. Commissioner Langley continued by questioning the height of the toilet stalls.

Ms. Mobley stated that the height of the toilets will be designed for younger children as well as that the bathrooms will be child-proof.

Commissioner Langley questioned if the facility is ADA accessible for children with disabilities.

Ms. Mobley stated that the facility will comply with all applicable ADA standards.

Vice-Chair Sherman closed the public hearing.

MOTION: It was moved by Commissioner Langley and seconded by Commissioner Henderson to adopt Resolution No. PC 2-19, approving Conditional Use Permit #16-17 subject to the Conditions of Approval and directing Staff to file a Notice of Exemption as an existing facilities project.

The motion passed by the following roll call vote:

Ayes: Langley, Henderson, Pierce, Sherman  
Noes: None  
Absent: Jackson

### **ORAL COMMUNICATIONS FROM THE PUBLIC**

There were no oral communications from the public.

### **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

Community Development Manager, Raymond Barragan, informed the Planning Commission that they will be receiving a copy of the Initial Study and Mitigated Negative Declaration for a 63-Unit Townhome project at the conclusion of tonight's meeting. Mr. Barragan continued by stating that the project will be presented to them at the February 19<sup>th</sup> Planning Commission meeting and that staff wanted the Commissioners to have enough time to review the study thoroughly. Mr. Barragan noted that the Commissioners will be receiving the packets the Friday before the hearing date.

Mr. Barragan stated that staff needed direction from the Planning Commission as to how to go about the parking regulations that were discussed at the previous meeting. Mr. Barragan continued by stating that the City's Building Official can present and discuss the background and findings for the new parking guidelines as it relates to ADA standards.

The Planning Commission mutually agreed to have the City's Building Official present the findings for the new parking guidelines.

Mr. Barragan stated that the presentation will be included in the upcoming agenda.

### **PLANNING AND ENVIRONMENTAL QUALITY COMMISSION REPORTS**

Commissioner Langley inquired about the Planning Commissioners workshop that will be held in March 2019 in Long Beach, CA.

Mr. Barragan stated that the Commissioners should have received an email that contains all of the information about the workshop. Mr. Barragan continued by stating that he can follow up with Commissioner Langley about the specific agenda and that there is still time to sign up if anyone is interested.

### **ADJOURNMENT**

Vice-Chair Sherman adjourned the meeting at 7:30 P.M.

Respectfully submitted,



RAYMOND BARRAGAN, SECRETARY  
Planning and Environmental Quality Commission



BRENDA JACKSON, CHAIR  
Planning and Environmental Quality Commission

CONSENT CALENDAR  
AGENDA NO. 5.C.(1)(a)  
February 26, 2019

MEMORANDUM

TO: Honorable Mayor and City Council  
FROM: Treasurer's Department  
DATE: February 22, 2019  
SUBJECT: WARRANT REGISTER  
PAYROLL REGISTER

(a) February 26, 2019 TOTAL WARRANTS ISSUED: \$2,160,819.96

Wire Transfer: 11753-11755  
Prepay: 152792-152809  
Check Numbers: 152810-153034  
Checks Voided:

Total Pages of Register: 26

February 15, 2019 TOTAL PAYROLL ISSUED: \$2,038,922.64

*Mari*  
for: J. Ingrid Tsukiyama, City Treasurer

cc: City Clerk

vchlist  
02/21/2019 5:46:34PM

Voucher List  
CITY OF GARDENA

Page: 1

Bank code : usb

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
11753	2/11/2019	104058 ADMINISURE INC.	021119		WORKERS' COMP CLAIMS ADMINISTR/	15,486.89
Total :						15,486.89
11754	2/11/2019	106110 ADVANCED BENEFIT SOLUTIONS, LLC	020819		HEALTH INSURANCE CLAIMS	164,447.62
Total :						164,447.62
11755	2/20/2019	104058 ADMINISURE INC.	022019		WORKERS' COMP CLAIMS ADMINISTR/	15,404.28
Total :						15,404.28
152792	2/13/2019	110319 CWE DIRECTOR	18254	024-00510	MS4 PERMIT INDUSTRIAL/COMMERCIA/	24,999.00
Total :						24,999.00
152793	2/13/2019	110057 CLIFTONLARSONALLEN LLP	1923411	023-01199	SPECIALACCOUNTING PROJECT - AU	11,173.70
Total :						11,173.70
152794	2/13/2019	110057 CLIFTONLARSONALLEN LLP	1950810	023-01199	SPECIALACCOUNTING PROJECT - SE	8,044.70
Total :						8,044.70
152795	2/13/2019	109839 IZAGUIRRE, KIMBERLY	02/11-02/15		ANNUAL JAIL TRAINING	150.00
Total :						150.00
152796	2/13/2019	110057 CLIFTONLARSONALLEN LLP	1967657	023-01199	SPECIALACCOUNTING PROJECT - OC	5,213.00
Total :						5,213.00
152797	2/13/2019	102791 CPAC, INC.	1286631	023-01190	ADOBE CREATE CLOUD ANNUAL RENE	8,050.90
Total :						8,050.90
152798	2/13/2019	110057 CLIFTONLARSONALLEN LLP	1980532	023-01199	SPECIALACCOUNTING PROJECT - NO	2,360.50
Total :						2,360.50
152799	2/13/2019	110371 HINDERLITER DELLAMAS, & ASSOCIATES	0030516	020-00018	PROFESSIONAL SERVICES ECON DEV	3,850.00
Total :						3,850.00
152800	2/13/2019	106459 ENTERPRISE FM TRUST	3620436	023-01200	ENTERPRISE LEASE JANUARY 2019	14,249.22
Total :						14,249.22
152801	2/13/2019	106459 ENTERPRISE FM TRUST	3630857	023-01200	ENTERPRISE LEASE JANUARY 2019	4,746.31

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Bank code : usb

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152802	2/13/2019	109563 LUCKY LADY CASINO	0850000077		ECONOMIC ASSISTANCE - JANUARY 2019	37,127.10
					Total :	37,127.10
152803	2/13/2019	110014 JENKINS, JOAN STEIN	01/02-01/24/19		MONTHLY CITY PROSECUTOR CHARGES	4,600.00
					Total :	4,600.00
152804	2/13/2019	111260 KJOS, BARBARA JEAN	JANUARY 2019		GARDENA FAMILY CHILD CARE PROGRAM	1,690.00
					Total :	1,690.00
152805	2/13/2019	110487 MARQUIS ESCROW, SANDY JONES	021219		ESCROW DEPOSIT - PURCHASE OF PROPERTY	40,000.00
					Total :	40,000.00
152806	2/19/2019	100097 MISS L.A. COUNTY SCHOLARSHIP, PROGRAM CERDA 18/19			COMMUNITY PROMOTIONS	50.00
					Total :	50.00
152807	2/20/2019	107173 ZAMUDIO, JOSE	02/24-03/11		ADVANCED TRAFFIC COLLISION TRAINING	500.00
					Total :	500.00
152808	2/20/2019	109834 MARCELLUS, ALIX	02/24-03/04		CORRECTIONS TRAINING OFFICER TRAINING	250.00
					Total :	250.00
152809	2/21/2019	100097 MISS L.A. COUNTY SCHOLARSHIP, PROGRAM TANAKA 18/19			COMMUNITY PROMOTIONS	50.00
					Total :	50.00
152810	2/26/2019	110488 AAAAIR SUPPORT	BL #31661		REFUND - BUSINESS LICENSE OVERPAID	25.00
					Total :	25.00
152811	2/26/2019	105149 ADAMSON POLICE PRODUCTS	INV289720 INV292556	035-00890 035-00890	PD TACTICAL EQUIPMENT & SUPPLIES PD TACTICAL EQUIPMENT & SUPPLIES	5,518.80 670.14
					Total :	6,188.94
152812	2/26/2019	104058 ADMINISURE INC.	11697	023-01177	ADMINISURE CLAIMS ADMINISTRATION	11,010.00
					Total :	11,010.00
152813	2/26/2019	101748 AFTERMARKET PARTS COMPANY LLC, THE	81429236 81469584		GTRANS AUTO PARTS GTRANS AUTO PARTS	-74.74 -380.40

Voucher List  
CITY OF GARDENA

Bank code : usb

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			81563905	037-09804	GTRANS AUTO PARTS	1,056.33
			81563906	037-09804	GTRANS AUTO PARTS	1,803.10
					Total :	2,404.29
152814	2/26/2019	100925 AMERICAN MOVING PARTS	01A91918		GTRANS AUTO PARTS	345.20
					Total :	345.20
152815	2/26/2019	108625 ARAD OIL INC.	JANUARY 2019		CAR WASH	200.00
					Total :	200.00
152816	2/26/2019	104275 ASCAP	01-20-2019		IMLA LICENSING FEES - ACCT #500636	712.00
					Total :	712.00
152817	2/26/2019	104687 AT&T	1259657		TELEPHONE	389.07
					Total :	389.07
152818	2/26/2019	616090 AT&T	3232408 02/01/19		TELEPHONE	663.48
					Total :	663.48
152819	2/26/2019	100964 AT&T MOBILITY	287275680401X2012019		PD CELL PHONE ACCT #287275680401	551.32
			287275680780X2012019		PD CELL PHONE ACCT #287275680780	326.20
			287275681023X2012019		PD CELL PHONE ACCT #287275681023	1,998.16
			834935325X01162019		CD/CMO/GS/GTRANS CELL PHONE AC	326.21
					Total :	3,201.89
152820	2/26/2019	102880 AUTOPLEX, INC.	10576		2015 CHEVY TAHOE BATTERY REPLAC	212.38
			10591		2017 FORD INTRCPTR BATTERY REPL	170.77
					Total :	383.15
152821	2/26/2019	106568 BARTS CARTS INC.	41330		2019 FIVE STAR BUS ROADEO SUPPLI	100.00
					Total :	100.00
152822	2/26/2019	110190 BASNET FAMILY CHILD CARE	JANUARY 2019		CHILD CARE PROVIDER	3,192.00
					Total :	3,192.00
152823	2/26/2019	102400 BAYSIDE MEDICAL CENTER	00085509		FIRST AID TREATMENT - G.BIGGS	149.04
			00085510		FIRST AID TREATMENT - A.SMOOT	161.33

Voucher List  
CITY OF GARDENA

Bank code : usb

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152823	2/26/2019	102400 BAYSIDE MEDICAL CENTER	(Continued) OCTOBER 2018		BLOOD DRAW - Z.ZHIYI, B.BHAKTA, Total :	699.60 1,009.97
152824	2/26/2019	802155 BAYSIDE REPORTING COMPANY	10026		CERTIFICATE OF NONAPPEARANCE - (	350.50 Total : 350.50
152825	2/26/2019	102035 BD WHITE TOP SOIL CO., INC.	81287		PARK MAINT SUPPLIES Total :	114.98 114.98
152826	2/26/2019	103641 BECNEL UNIFORMS	17077		BUS UNIFORM SUPPLIES Total :	616.43 616.43
152827	2/26/2019	102135 BEHREND, KENT	00001945	023-01163	IT NETWORK SUPPORT Total :	4,420.00 4,420.00
152828	2/26/2019	107690 BELL, DONNETTA	JANUARY 2019		CHILD CARE PROVIDER Total :	4,370.00 4,370.00
152829	2/26/2019	107747 BENGAR PRODUCTIONS	6262		EMBROIDERY - MLK / COG LOGO Total :	442.00 442.00
152830	2/26/2019	102331 BLUE DIAMOND MATERIALS	1409789		STREET MAINT SUPPLIES Total :	1,865.66 1,865.66
152831	2/26/2019	103373 BOB & MARC PLUMBING	S-95187		SERVICE CALL - SHOWER/KITCHEN ST Total :	180.00 180.00
152832	2/26/2019	108715 BOBBS, CINDY	JANUARY 2019		CHILD CARE PROVIDER Total :	2,886.00 2,886.00
152833	2/26/2019	110496 BOWL THAI	PERMIT #50017-1022		CONS & DEMO PERMIT REFUND - 1630 Total :	5,000.00 5,000.00
152834	2/26/2019	110313 CALTIP	CAL 2019-0053	037-09807	LIABILITY AND VEHICLE PHYSICAL DAI Total :	159,390.00 159,390.00
152835	2/26/2019	823003 CARL WARREN & COMPANY	JANUARY 2019		CLAIMS MANAGEMENT	3,020.00

Voucher List  
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Bank code : usb

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152836	2/26/2019	109845 CARMENITA TRUCK CENTER	70848		GTRANS AUTO PARTS	484.98
			CM66921		GTRANS AUTO PARTS	-75.43
					Total :	409.55
152837	2/26/2019	803420 CARPENTER, ROTHANS & DUMONT, LAW OFI	32234		PROFESSIONAL SERVICES - H.THURM	2,424.53
			32237		PROFESSIONAL SERVICES - J.LAMAS	891.17
			32240		PROFESSIONAL SERVICES - M.SUGGS	2,205.45
			32241		PROFESSIONAL SERVICES - C.JONES	504.96
			32243		PROFESSIONAL SERVICES - A.GRIFFE	1,045.06
					Total :	7,071.17
152838	2/26/2019	103489 CF UNITED LLC	144-H 010119-013119		CAR WASH JANUARY 2019	99.00
					Total :	99.00
152839	2/26/2019	110503 CHANG, PHYLLIS	122018		ENTERTAINMENT - SENIORS CANDLEL	300.00
					Total :	300.00
152840	2/26/2019	110501 CHAVEZ, HECTOR	BL #36848		BUSINESS LICENSE OVERPAYMEN	2,304.95
					Total :	2,304.95
152841	2/26/2019	103127 CHILD 2 CHILD CONNECTION, FAMILY DAY C/	JANUARY 2019		CHILD CARE PROVIDER	5,394.00
					Total :	5,394.00
152842	2/26/2019	110493 CHUKWU, OBINNA	DR #18-5100		REFUND - POLICE REPORT FEE	23.00
					Total :	23.00
152843	2/26/2019	110354 CHUNG, CHRISTINA YONSUN	5		INTERN SERVICES - FEBRUARY 2019	150.00
					Total :	150.00
152844	2/26/2019	110122 COMMANDSTAT ANALYTICS, INC	146		DATABASE MGMT & REPORT PREPAR/	1,800.00
					Total :	1,800.00
152845	2/26/2019	103465 COMMUNITY VETERINARY HOSPITAL	368788		VETERINARY SERVICES - RENO	157.00
					Total :	157.00
152846	2/26/2019	108709 CONVERGINT TECHNOLOGIES LLC	215674	035-00864	PREVENTIVE MAINTENANCE VIDEO PC	6,652.00

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152846	2/26/2019	108709 CONVERGINT TECHNOLOGIES LLC	(Continued) 601SH7656-1	035-00864	PREVENTIVE MAINTENANCE VIDEO PC	11,346.99
					Total :	17,998.99
152847	2/26/2019	102791 CPAC, INC.	1287008	023-01198	SOPHOS XG750 SECURITY APPLIANCE	44,175.41
					Total :	44,175.41
152848	2/26/2019	103461 CPS	SOP48305 SOP48352		TESTING MATERIALS - RIGHT-OF-WAY TESTING MATERIALS - PAYROLL	2,871.00 1,131.25
					Total :	4,002.25
152849	2/26/2019	105935 CRAFTCO, INC.	9401991415		STREET MAINT SUPPLIES	832.16
					Total :	832.16
152850	2/26/2019	103353 CRM COMPANY, LLC.	LA13188		SCRAP TIRE DISPOSAL FEE	29.50
					Total :	29.50
152851	2/26/2019	103892 CSMFO	2019		ANNUAL MEMBERSHIP DUES	480.00
					Total :	480.00
152852	2/26/2019	203317 CUFF, CHRISTOPHER	021119		MGMT ANNUAL HEALTH BENEFIT	218.99
					Total :	218.99
152853	2/26/2019	100126 DATA BUSINESS SYSTEMS, INC.	115600		W2 & 1099 FORMS W/ENVELOPES	366.97
					Total :	366.97
152854	2/26/2019	105951 DECALS BY DESIGN, INC.	13103		GTRANS BUS DECALS	213.79
					Total :	213.79
152855	2/26/2019	312558 DEPARTMENT OF ANIMAL CARE, & CONTROL	DECEMBER 2018	035-00848	MONTHLY HOUSING SERVICES - DECE	16,208.84
					Total :	16,208.84
152856	2/26/2019	303459 DEPARTMENT OF JUSTICE	352712		FINGERPRINT APPS - JANUARY 2019	2,492.00
					Total :	2,492.00
152857	2/26/2019	101412 DEPARTMENT OF MOTOR VEHICLES	021219		2019 VEHICLE CODE BOOKS	113.62
					Total :	113.62

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152858	2/26/2019	104151 DFM ASSOCIATES	020519		2019 CALIFORNIA ELECTIONS CODE B	56.84
					Total :	56.84
152859	2/26/2019	110497 DOUGLAS & DIANE VILLAROS	CIT #16260		REFUND - ADMINISTRATIVE CITATION	250.00
					Total :	250.00
152860	2/26/2019	110500 DRAGONEYE TECHNOLOGY LLC	3214		PD SERVICE REPAIR - LIDARCAM	419.95
					Total :	419.95
152861	2/26/2019	109416 E S SPORTS	10817 10818		CUSTOOM GRAPHIC FOR UNIT V2 CUSTOM GRAPHIC FOR UNIT 923	937.34 755.94
					Total :	1,693.28
152862	2/26/2019	107675 EAN SERVICES, LLC	20026009		CAR RENTAL - SARGENT, M. 1/28-1/30,	510.33
					Total :	510.33
152863	2/26/2019	105418 EMPIRE CLEANING SUPPLY	1092101	024-00532	CUSTODIAL SUPPLIES	339.32
					Total :	339.32
152864	2/26/2019	103795 ESCALANTE FAMILY CHILD CARE	JANUARY 2019		CHILD CARE PROVIDER	4,847.00
					Total :	4,847.00
152865	2/26/2019	107510 ESCALANTE, WENDY E.	JANUARY 2019		CHILD CARE PROVIDER	4,693.00
					Total :	4,693.00
152866	2/26/2019	109426 ESPINOSA, VANESSA	01/16-01/31/19		PROFESSIONAL SERVICES- CASE WOI	1,638.00
					Total :	1,638.00
152867	2/26/2019	108574 EVANBROOKSASSOCIATES, INC.	19001-5 19002-1	037-09760 037-09760	GTRANS NTD PASSENGER MILES DAT/ GTRANS NTD PASSENGER MILES DAT/	5,186.67 5,186.67
					Total :	10,373.34
152868	2/26/2019	100055 FAIR HOUSING FOUNDATION	JANUARY 2019		CDBG CONSULTANT	1,739.42
					Total :	1,739.42
152869	2/26/2019	106109 FASTSIGNS	0094-90685	023-01197	CITY HALL REMODEL PROJECT	1,815.03
					Total :	1,815.03

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
152870	2/26/2019	106129 FEDEX	6-426-60958		SHIPPING SERVICES	23.53
			6-447-62418		SHIPPING SERVICES	25.23
			6-447-77790		SHIPPING SERVICES	67.72
			6-454-46551		SHIPPING SERVICES	56.43
			6-454-81373		SHIPPING SERVICES	45.54
			6-455-29217		SHIPPING SERVICES	157.73
					Total :	376.18
152871	2/26/2019	103083 FIRST ADVANTAGE LNS OCC HEALTH, SOLUT	2506781901		DRUG TEST/ADMIN FEE	353.25
					Total :	353.25
152872	2/26/2019	100447 FIVE-STAR UPHOLSTERY & AUTO, GLASS	20190129		INSTALL BACKUP CAMERA & REAR VIE	399.99
					Total :	399.99
152873	2/26/2019	109315 FLEETCREW	28199		UNIT #64 OPACITY AVERAGE TEST	150.00
			28555		UNIT #45 DURATHON TEST & INSPECT	400.00
			28556		UNIT #46 DURATHON TEST & INSPECT	400.00
			28595		UNIT #8 DURATHON TEST & INSPECT	400.00
					Total :	1,350.00
152874	2/26/2019	106334 FLORENCE FILTER CORPORATION	0110411		GTRANS AUTO PARTS	684.25
					Total :	684.25
152875	2/26/2019	106465 FOX FIRST AID & SAFETY	58628		PARK MAINT SUPPLIES	6.57
			58629		STREET MAINT SUPPLIES	140.16
			58631		STREET MAINT SUPPLIES	50.26
					Total :	196.99
152876	2/26/2019	102394 FRANK SCOTTO TOWING	1900608		TOWING SERVICES FOR BUS #706	437.50
					Total :	437.50
152877	2/26/2019	104563 FUTURISTIC CONTAINER &, PACKAGING CO.	11883		SR BUREAU PROGRAM SUPPLIES	135.00
					Total :	135.00
152878	2/26/2019	110502 G3 URBAN	021919		ESCROW DEPOSIT REFUND - PURCHA	10,000.00
					Total :	10,000.00
152879	2/26/2019	107724 GARCIA, CLAUDIA CRISTINA	JANUARY 2019		CHILD CARE PROVIDER	7,570.00

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152879	2/26/2019	107724 107724 GARCIA, CLAUDIA CRISTINA	(Continued)		Total :	7,570.00
152880	2/26/2019	207133 GARCIA, NANCY C.	JANUARY 2019		CHILD CARE PROVIDER	3,927.00
					Total :	3,927.00
152881	2/26/2019	108183 GARDENAACE HARDWARE	53643		BLDG MAINT SUPPLIES	1.64
			53752		BLDG MAINT SUPPLIES	0.36
			53802/1		BLDG MAINT SUPPLIES	121.26
					Total :	123.26
152882	2/26/2019	107030 GARDENAAUTO PARTS	088579		PW AUTO PARTS	17.52
			088582		PW AUTO PARTS	102.11
			089113		PW AUTO PARTS	10.95
			090273		PD AUTO PARTS	47.52
					Total :	178.10
152883	2/26/2019	107011 GARDENA VALLEY NEWS, INC.	00076014		NOTICE OF PUBLIC HEARING - GENER	346.88
			00076284		NOTICE OF PUBLIC HEARING - CUP #1	142.50
			00076550		SUMMARY OF ORDINANCE NO. 1801 -	106.88
			00076551		SUMMARY OF ORDINANCE NO. 1802 -	106.88
			00077018		PUBLIC NOTICE - CDBG 30-DAY PUBLIC	342.08
					Total :	1,045.22
152884	2/26/2019	106085 GBS LINENS	486014-27		LAUNDRY SERVICES - BANQUET 10' , 1	742.32
					Total :	742.32
152885	2/26/2019	619004 GOLDEN STATE WATER CO.	020619		WATER	6,742.76
					Total :	6,742.76
152886	2/26/2019	109285 GS BROTHERS	14184		GTRANS - LANDSCAPE SERVICE - FEB	1,725.00
					Total :	1,725.00
152887	2/26/2019	110435 GUERRERO, ANGELICA	JANUARY 2019		CHILD CARE PROVIDER	3,452.00
					Total :	3,452.00
152888	2/26/2019	110489 GYPSY SERVICES	021319		ENTERTAINMENT FOR SENIORS SPEC	175.00
					Total :	175.00



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152889	2/26/2019	108607 HENDERSON-BATISTE, TANEKA	JANUARY 2019		CHILD CARE PROVIDER	4,167.00
Total :						4,167.00
152890	2/26/2019	110472 HENRY, KATHERINE	PERMIT #50017-0147		PERMIT DEPOSIT REFUND - 1435 W.	5,000.00
Total :						5,000.00
152891	2/26/2019	208243 HILLARD, JOCELYN	115		IAPRO & DATA INPUT & QUALITY CONT	1,813.50
Total :						1,813.50
152892	2/26/2019	108434 HOME DEPOT CREDIT SERVICES	0240992		PD MAINT SUPPLIES	-49.19
			2043141		PARK MAINT SUPPLIES	35.63
			2050573		PARK MAINT SUPPLIES	28.44
			3314186		HOME IMPROVEMENT PROGRAM	71.03
			4050151		BLDG MAINT SUPPLIES	1,643.60
			4050245		BLDG MAINT SUPPLIES	257.98
			4050292		BLDG MAINT SUPPLIES	177.19
			4314144		BLDG MAINT SUPPLIES	10.88
			5314369		GTRANS MAINT SUPPLIES	610.28
			5524841		SIGNS/SIGNALS SUPPLIES	331.48
			6024208		PD MAINT SUPPLIES	-215.73
			6024217		PD MAINT SUPPLIES	52.47
			6040833		PD MAINT SUPPLIES	208.13
			6321689		HOME IMPROVEMENT PROGRAM	75.27
			7032994		BLDG MAINT SUPPLIES	94.29
			7035309		SIGNS/SIGNALS SUPPLIES	26.25
			7321627		HOME IMPROVEMENT PROGRAM	189.59
			8321608		HOME IMPROVEMENT PROGRAM	60.77
			9314007		BLDG MAINT SUPPLIES	38.06
			9524453		BLDG MAINT SUPPLIES	43.91
Total :						4,121.79
152893	2/26/2019	108430 HOME PIPE & SUPPLY	F04666		BLDG MAINT SUPPLIES	-141.25
			F10152		BLDG MAINT SUPPLIES	332.06
			F10205		BLDG MAINT SUPPLIES	588.45
Total :						779.26
152894	2/26/2019	208613 HUGHES FAMILY DAY CARE	JANUARY 2019		CHILD CARE PROVIDER	175.00

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
152894	2/26/2019	208613 208613 HUGHES FAMILY DAY CARE	(Continued)		Total :	175.00
152895	2/26/2019	110483 IDEMIA IDENTITY & SECURITY USA, LLC	114940		PD SERVICE CALL - ONSITE FSE SUPP	323.19
					Total :	323.19
152896	2/26/2019	109940 INCONTACT, INC.	INV21215	035-00891	ANNUAL MAINTENANCE RENEWAL - TE	7,758.00
					Total :	7,758.00
152897	2/26/2019	108302 INGLEWOOD WHOLESALE ELECTRIC, CO.	259621		BUS FACILITY MAINT SUPPLIES	505.90
					Total :	505.90
152898	2/26/2019	106714 INTERSTATE BATTERIES OF, CALIFORNIA CO.	101123811 101123940		GTRANS AUTO PARTS	656.05
					GTRANS AUTO PARTS	1,638.76
					Total :	2,294.81
152899	2/26/2019	109957 JACKSON, ERIN	021119		MGMT ANNUAL HEALTH BENEFIT	436.93
					Total :	436.93
152900	2/26/2019	108555 JALISCO TIRE & AUTO REPAIR	021419 02182019		(1) FLAT REPAIR	10.00
					FLAT REPAIR	10.00
					Total :	20.00
152901	2/26/2019	210001 JAMISON, JACQUELYN	JANUARY 2019		CHILD CARE PROVIDER	2,600.00
					Total :	2,600.00
152902	2/26/2019	107746 JAS PACIFIC	BI 13052 BI 13113 BI 13140 BI 13156 BI 13186 BI13061	032-00038 032-00038 032-00038 032-00038 032-00038 032-00038	BUILDING INSPECTOR SERVICES - AU BUILDING INSPECTOR SERVICES - OC BUILDING INSPECTOR SERVICES - NO BUILDING INSPECTOR SERVICES - DE BUILDING INSPECTOR SERVICES - JAI BUILDING INSPECTOR SERVICES - SEI	6,190.91 7,547.56 6,980.94 6,605.56 6,521.78 4,840.98
					Total :	38,687.73
152903	2/26/2019	105226 JEKAL FAMILY CHILD CARE	JANUARY 2019		CHILD CARE PROVIDER	5,267.00
					Total :	5,267.00
152904	2/26/2019	110491 JOHNSON, MYKAL R.	DR #17-4155		RETURN MONEY BOOKED AS EVIDENC	45.00

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152904	2/26/2019	110491 110491 JOHNSON, MYKAL R.	(Continued)		Total :	45.00
152905	2/26/2019	110495 JUNG, JEANNIE	T18-5806		REFUND - POLICE REPORT FEE	23.00
					Total :	23.00
152906	2/26/2019	211004 KANG, THOMAS	01102019		MEDICAL REIMBURSEMENT	391.33
					Total :	391.33
152907	2/26/2019	110490 KAPUY, KAREN	020719		REFUND - YOUTH BASKETBALL	60.00
					Total :	60.00
152908	2/26/2019	110456 KHAIRZADA, MAHMOODA	JANUARY 2019		CHILD CARE PROVIDER	3,211.00
					Total :	3,211.00
152909	2/26/2019	111260 KJOS, BARBARA JEAN	021119		REIMBURSEMENT - QB PRO 2019	166.96
					Total :	166.96
152910	2/26/2019	105900 KONECRANES, INC.	154046708		PREVENTATIVE MAINT & INSPECTION	500.00
					Total :	500.00
152911	2/26/2019	312039 L.A. COUNTY FIRE DEPARTMENT	312039	023-01155	FIRE PROTECTION SERVICES - MARCI	681,214.50
					Total :	681,214.50
152912	2/26/2019	109939 LA UNIFORMS & TAILORING	1282 1318 1333		PD UNIFORM SUPPLIES PD UNIFORM SUPPLIES PD UNIFORM SUPPLIES	10.00 103.92 200.00
					Total :	313.92
152913	2/26/2019	112015 LACERDA, DALVANICE	JANUARY 2019		CHILD CARE PROVIDER	8,943.00
					Total :	8,943.00
152914	2/26/2019	110015 LAPAJU INC.	PERMIT #50018-0604		CONST&DEMO DEPOSIT REFUND - 15	5,000.00
					Total :	5,000.00
152915	2/26/2019	105874 LAWSON PRODUCTS, INC.	9306430463		BUS SHOP SUPPLIES	466.60
					Total :	466.60
152916	2/26/2019	112805 LEAGUE OF CALIFORNIA CITIES	189261		ANNUAL MEMBERSHIP DUES	19,662.00

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
152916	2/26/2019	112805 112805 LEAGUE OF CALIFORNIA CITIES	(Continued)		Total :	19,662.00
152917	2/26/2019	110142 LEITH FORD	12222018c		PHOTOGRAPH SERVICES	500.00
					Total :	500.00
152918	2/26/2019	102233 LITTLE PEOPLE DAY CARE	JANUARY 2019		CHILD CARE PROVIDER	8,386.00
					Total :	8,386.00
152919	2/26/2019	108807 LOCKE LORD LLP	1470647		PROFESSIONAL SERVICES - GARDEN/	2,896.62
					Total :	2,896.62
152920	2/26/2019	110056 LONDON, M.D., JAMES T	102918		PROFESSIONAL SERVICES - J.LAMAS'	3,110.00
					Total :	3,110.00
152921	2/26/2019	105236 LONG BEACH ICE, INC.	190776		FIVE STAR ROADEO SUPPLIES	363.83
					Total :	363.83
152922	2/26/2019	109804 LOPEZ, TRACEY	03/10-03/14		ANNUAL JAIL TRAINING	150.00
					Total :	150.00
152923	2/26/2019	105279 LOS ANGELES TRUCK CENTERS LLC	RA220006835	024-00525	TREE TRIMMING TRUCK REPAIR	13,596.80
					Total :	13,596.80
152924	2/26/2019	110464 LPF INVESTMENTS PROPERTIES LLC	PERMIT #50017-0848		PERMIT DEPOSIT REFUND - 2803 W. 14	5,000.00
					Total :	5,000.00
152925	2/26/2019	112602 LUBRICATION ENGINEERS, INC.	IN385885		MONOLEC ENGINE OIL	1,951.40
					Total :	1,951.40
152926	2/26/2019	112607 LUMINATOR MASS TRANSIT, LLC	536635		BUS SHOP SUPPLIES	1,964.94
					Total :	1,964.94
152927	2/26/2019	112615 LU'S LIGHTHOUSE, INC.	01132377		GTRANS SHOP SUPPLIES	47.89
			01132828		GTRANS SHOP SUPPLIES	16.52
			01133095		GTRANS SHOP SUPPLIES	465.16
					Total :	529.57
152928	2/26/2019	113301 M & K METAL CO.	162638		STREET MAINT SUPPLIES	33.77

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152928	2/26/2019	113301 113301 M & K METAL CO.	(Continued)		Total :	33.77
152929	2/26/2019	110204 MA-5	1001	035-00875	INVESTIGATION SERVICES FOR POLIC	4,395.00
			1002	035-00875	INVESTIGATION SERVICES - JANUARY	4,802.50
					Total :	9,197.50
152930	2/26/2019	114143 MAILFINANCE	N7535000		POSTAGE MAILING MACHINE LEASE	786.59
					Total :	786.59
152931	2/26/2019	813030 MANNING & KASS	624457		LEGAL SERVICES - GENERAL MATTER	352.50
			624459		LEGAL SERVICES - L.GUTIERREZ V. G/	5,006.00
			624460		LEGAL SERVICES - K.ROSS JR. V. GAR	6,481.40
			624461		LEGAL SERVICES - F.ALMAROU V. GAR	8,870.50
			624462		LEGAL SERVICES - J.WELLMAN & L.BR	5,576.80
					Total :	26,287.20
152932	2/26/2019	110306 MARIPOSA LANDSCAPES, INC	83399	024-00505	MEDIAN LANDSCAPE MAINTENANCE -	6,000.41
					Total :	6,000.41
152933	2/26/2019	107951 MARK HANDLER & ASSOCIATES	JANUARY 2019	032-00037	BUILDING INSPECTION SERVICES	8,125.00
					Total :	8,125.00
152934	2/26/2019	113003 MARTIN CHEVROLET	770439		PW AUTO PARTS	138.50
					Total :	138.50
152935	2/26/2019	107644 MARTINEZ, CHERYL NAOMI	JANUARY 2019		CHILD CARE PROVIDER	4,578.00
					Total :	4,578.00
152936	2/26/2019	104773 MARTINEZ, KAMBY	JANUARY 2019		CHILD CARE PROVIDER	4,813.00
					Total :	4,813.00
152937	2/26/2019	113046 MARX BROS. FIRE EXTINGUISHER, CO., INC.	301259		FIRE EXTINGUISHER SERVICE~	1,480.83
			301259A		FIRE EXTINGUISHER SERVICE ~	716.03
					Total :	2,196.86
152938	2/26/2019	113064 MCMASTER-CARR SUPPLY COMPANY	85239668		GTRANS SHOP SUPPLIES	120.41
			85337481		GTRANS SHOP SUPPLIES	966.33

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152938	2/26/2019	113064 113064 MCMASTER-CARR SUPPLY COMPANY	(Continued)		Total :	1,086.74
152939	2/26/2019	108699 MEZIERE ENTERPRISES INC.	52572		ELECTRIC WATER PUMP	631.00
			52772		ELECTRIC WATER PUMP	631.00
					Total :	1,262.00
152940	2/26/2019	105775 MILLS, ROBBIE	PRA #5336753		REFUND - PRA #5336753	20.00
					Total :	20.00
152941	2/26/2019	110465 MITCHELL GENERAL CONTRACTORS, INC	50018-0356		REFUND - CONST&DEMO DEPOSIT - 1	7,500.00
					Total :	7,500.00
152942	2/26/2019	103093 MOBILE RELAY ASSOCIATES, INC.	80010967	037-09773	GTRANS BUS RADIO SYSTEM RENTAL	10,606.94
					Total :	10,606.94
152943	2/26/2019	113605 MUTUAL LIQUID GAS & EQUIPMENT, CO., INC	21216		SERVICE AGREEMENT PLAN~	135.00
			37154		PW AUTO PARTS	109.50
			37200		SEWER MAINT SUPPLIES	196.35
			373724		PROPANE GAS	116.39
					Total :	557.24
152944	2/26/2019	105622 N/S CORPORATION	0092278	037-09774	GTRANS BUS WASH EQUIPMENT MAIN	385.00
					Total :	385.00
152945	2/26/2019	110001 NEOPOST	15639717		CC OFFICE SUPPLIES	153.30
					Total :	153.30
152946	2/26/2019	106297 NEW WAVE SOUND	9534		WINDOW TINT	90.00
					Total :	90.00
152947	2/26/2019	115168 OFFICE DEPOT	245388770		FCC OFFICE SUPPLIES	-157.65
			253765138		FCC OFFICE SUPPLIES	72.48
			265103269		FINANCE OFFICE SUPPLIES	109.16
			265432629		CT OFFICE SUPPLIES	62.27
			267596596		CM OFFICE SUPPLIES	25.10
			267596732		CM OFFICE SUPPLIES	30.91
			268270476001		PRINT SHOP OFFICE SUPPLIES	33.68

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152947	2/26/2019	115168 115168 OFFICE DEPOT	(Continued)		Total :	175.95
152948	2/26/2019	315305 ORANGE COUNTY SHERIFF'S DEPT., TRAININ	GUALOTUNA 4/01-4/05		TUITION - HOMICIDE INVESTIGATION	85.00
					Total :	85.00
152949	2/26/2019	111358 O'REILLY AUTO PARTS	248358	G	GTRANS AUTO PARTS	-193.54
			256604		GTRANS AUTO PARTS	-161.01
			267790		PW AUTO PARTS	-19.74
			269582		GTRANS AUTO PARTS	-10.95
			270319		PW AUTO PARTS	161.82
			271939		GTRANS AUTO PARTS	156.52
			3071-270319		SEWER PROGRAM SUPPLIES	161.82
					Total :	94.92
152950	2/26/2019	115430 ORION SAFETY PRODUCTS	00282289	035-00892	FLARES FOR POLICE DEPARTMENT	4,897.68
					Total :	4,897.68
152951	2/26/2019	115810 ORKIN PEST CONTROL	180236045		PEST CONTROL - ACCT #27336703	230.90
			180236046		PEST CONTROL - ACCT #27336703	230.90
			180236047		PEST CONTROL - ACCT #27336703	230.90
					Total :	692.70
152952	2/26/2019	109890 OWUSU FAMILY CHILD CARE	JANUARY 2019		CHILD CARE PROVIDER	4,510.00
					Total :	4,510.00
152953	2/26/2019	110480 PACIFIC HEALTH AND WELLNESS	PHAW-GAR 011419-DS		EMPLOYEE HEALTH FAIR	1,248.00
					Total :	1,248.00
152954	2/26/2019	109976 PARRIS, STEVEN	19-07PD		CLAIM FOR DAMAGES SETTLEMENT	651.57
					Total :	651.57
152955	2/26/2019	101782 PARTY ON RENTALS	T616		BLACK HISTORY MONTH - RENTALS	447.00
					Total :	447.00
152956	2/26/2019	116140 PETE'S ROAD SERVICE, INC.	285951	024-00522 024-00522	TIRES - SMARTWAY HANKOOK DL11	3,232.72

Bank code : usb

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
152956	2/26/2019	116140 116140 PETE'S ROAD SERVICE, INC.	(Continued)		Total :	3,232.72
152957	2/26/2019	108628 PETROLEUM MARKETING EQUIPMENT	3088424		PW MAINT SUPPLIES	162.70
			3088630		PW AUTO SUPPLIES	54.23
					Total :	216.93
152958	2/26/2019	307101 PETTY CASH FUND	12/12-02/04/19		REPLENISH PETTY CASH	237.12
					Total :	237.12
152959	2/26/2019	110358 PHILIPOPOULOS, ALEXANDRA	5		INTERN SERVICES - FEBRUARY 2019	150.00
					Total :	150.00
152960	2/26/2019	101996 PHILLIPS 66 CO/GECRB	020819		FUEL PURCHASES	30.92
					Total :	30.92
152961	2/26/2019	106569 PICO PARTY RENTS & SELLS	267961		FIVE STAR BUS ROADEO SUPPLIES	2,793.90
					Total :	2,793.90
152962	2/26/2019	105574 PINNACLE PETROLEUM, INC.	0185615	037-09762	87 OCTANE REGULAR UNLEADED GAS	23,129.77
					Total :	23,129.77
152963	2/26/2019	102930 PINNER CONSTRUCTION CO., INC.	PERMIT #15844		PERMIT DEPOSIT REFUND - 2100 W. 1E	5,000.00
					Total :	5,000.00
152964	2/26/2019	110494 PODZIMEK, JOE	PERMIT #15901		PERMIT DEPOSIT REFUND - 16032 ARC	500.00
					Total :	500.00
152965	2/26/2019	108295 PROVIDENCE MEDICAL INSTITUTE	011419		EMPLOYEE HEALTH FAIR	500.00
					Total :	500.00
152966	2/26/2019	106092 PRUDENTIAL OVERALL SUPPLY	42357899	024-00527	CUSTODIAL SUPPLIES	2,599.86
			42371160	024-00527	CUSTODIAL SUPPLIES	3,080.10
			42375474	024-00527	CUSTODIAL SUPPLIES	1,847.57
					Total :	7,527.53
152967	2/26/2019	104901 Q-20 ENTERTAINMENT	19-2302		HOST MC/DJ SERVICES - BLACK HISTC	400.00
					Total :	400.00



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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
152968	2/26/2019	102283 QUICK COLOR PRINTING	15049		BANNERS - 180"X36" MLK PARADE BAN	147.83
					Total :	147.83
152969	2/26/2019	103907 QUINN COMPANY	PC810837057		PWAUTO PARTS	58.73
					Total :	58.73
152970	2/26/2019	100147 RCI IMAGE SYSTEMS	75960	032-00039	MICROFICHE SCANNING - 18105 LA SA	36.14
			76000	032-00039	PREP & SCANNING PERMITS	2,600.03
			76001	032-00039	MICROFICHE SCANNING - 14201-25 HA	129.48
					Total :	2,765.65
152971	2/26/2019	103072 REACH	0219977		EAP SERVICES/REACHLINE NEWSLET	902.00
					Total :	902.00
152972	2/26/2019	717819 REDDY, KIMBERLY R.	JANUARY 2019		MSW FIELD SUPERVISION	721.16
					Total :	721.16
152973	2/26/2019	118142 REFRIGERATION SUPPLIES, DISTRIBUTOR	48377710		BLDG MAINT SUPPLIES	56.67
					Total :	56.67
152974	2/26/2019	118476 RICOH USA, INC.	9026839449		RICOH MPC3503 COPIER LEASE - FCC	241.68
			9026839996		RICOH MPC3503 COPIER LEASE - BUS	181.19
			9026921459		RICOH MPC3503 COPIER LEASE - FCC	207.80
			9026921605		RICOH MPC6502SP COPIER LEASE -	304.27
			9026975473		RICOH MPC6502SP & PRO8100S COPIE	809.41
			9026975475		RICOH PRO8100S COPIER LEASE - PD	457.21
			9026975476		RICOH MPC3503 COPIER LEASE - CD	234.99
			9026975477		RICOH MPC3503 COPIER LEASE - CM	245.06
			9026975478		RICOH MPC3503 COPIER LEASE- CLEF	174.77
			9026997451		RICOH MPC3503 COPIER LEASE - ADM	151.91
			9026997460		RICOH MPC3503 COPIER LEASE - FCC	207.80
			9026997789		RICOH MPC3503 COPIER LEASE - REC	186.49
			9026997833		RICOH MPC3503 COPIER LEASE - HS	126.62
			9026997834		RICOH MPC6003 COPIER LEASE - PD S	207.68
			9026997927		RICOH MPC3503 COPIER LEASE - PD C	139.50
			9026998181		RICOH MPC6502SP COPIER LEASE -	304.27
			9026998319		RICOH MPC3503 COPIER LEASE - PW-	164.02

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
152974	2/26/2019	118476 RICOH USA, INC.	(Continued) 9026998637 9026998674 9026998676 9027097550 9027097552 9027097556 9027097560 9027097561		RICOH DD6650P COPIER LEASE - PRIM RICOH MPC3503 COPIER LEASE - SR. I RICOH MPC3503 COPIER LEASE - BUS RICOH MPC3503 COPIER LEASE - CM RICOH MPC3503 COPIER LEASE - CD RICOH PRO8100S COPIER LEASE - PD RICOH MPC6502SP & PRO8100S COPIE RICOH MPC3503 COPIER LEASE - CLEI	552.46 148.77 181.19 245.06 234.99 457.21 809.41 174.77 <b>Total : 7,148.53</b>
152975	2/26/2019	218428 ROBLEDO, LYDIA	020419		MGMT ANNUAL HEALTH BENEFIT	500.00 <b>Total : 500.00</b>
152976	2/26/2019	119126 S.B.R.P.C.A.	03514	035-00894	BUMPERS FOR PATROL VEHICLES	2,508.08 <b>Total : 2,508.08</b>
152977	2/26/2019	119022 SAFEMART OF SOUTHERN, CALIFORNIA	91176		PD PROGRAM SUPPLIES	13.14 <b>Total : 13.14</b>
152978	2/26/2019	119016 SAM'S CLUB	8971 9117 9347		REC PROGRAM SUPPLIES FCC PROGRAM SUPPLIES REC PROGRAM SUPPLIES	18.98 96.55 382.11 <b>Total : 497.64</b>
152979	2/26/2019	319125 SAN BERNARDINO COUNTY, SHERIFF'S DEPT	18210		USE OF SHERIFF'S FIRING RANGE	1,518.00 <b>Total : 1,518.00</b>
152980	2/26/2019	110466 SANDERS, ALICIA	39593		REFUND -TRAFFIC REPORT	23.00 <b>Total : 23.00</b>
152981	2/26/2019	110355 SANTOS, ANGIE	5		INTERN SERVICES - FEBRUARY 2019	150.00 <b>Total : 150.00</b>
152982	2/26/2019	119045 SAXE-CLIFFORD, PH.D., SUSAN	19-0205-3		PSYCHOLOGICAL EVALUATIONS~	450.00 <b>Total : 450.00</b>
152983	2/26/2019	119698 SCCIAA	2019		MEMBERSHIP DUES - S.SALDANA	45.00

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
152983	2/26/2019	119698 119698 SCCIAA	(Continued)		Total :	45.00
152984	2/26/2019	108654 SECTRAN SECURITY INC.	19020602		ARMORED TRANSPORTATION SERVICE	239.57
			19020603		ARMORED TRANSPORTATION SERVICE	179.68
					Total :	419.25
152985	2/26/2019	106050 SHEHATA, AMY	JANUARY 2019		CHILD CARE PROVIDER	6,894.00
					Total :	6,894.00
152986	2/26/2019	119387 SHELL	65266983902		FUEL PURCHASES	292.82
					Total :	292.82
152987	2/26/2019	109918 SHIGE'S FOREIGN CAR SERVICE	75118		2014 FORD INTRCPTR #1442249 SERVI	1,644.68
			75153		2010 DODGE CHARGER #1327044 TRAI	198.63
			75183		2008 DODG CHARGER #1258897 BRAK	510.13
					Total :	2,353.44
152988	2/26/2019	110468 SHIOZAKI, KEITH	39656		REFUND - TRAFFIC REPORT	23.00
					Total :	23.00
152989	2/26/2019	119248 SIDEBOTHAM, RICHARD	08930		COUNTING MACHINE MAINT PARTS	247.38
			08938		COUNTING MACHINE MAINT PARTS	418.20
			08939		COUNTING MACHINE MAINT PARTS	64.56
					Total :	730.14
152990	2/26/2019	101649 SILVIA ESPINOZA FAMILY CHILD, CARE	JANUARY 2019		CHILD CARE PROVIDER	5,392.00
					Total :	5,392.00
152991	2/26/2019	119378 SMARDAN SUPPLY CO.	S3269703		STREET MAINT SUPPLIES	1,297.70
					Total :	1,297.70
152992	2/26/2019	119361 SMART & FINAL IRIS CO.	042335		SR BUREAU PROGRAM SUPPLIES	165.74
			043307		REC PROGRAM SUPPLIES	41.83
			043399		SR BUREAU PROGRAM SUPPLIES	208.81
			057733		REC PROGRAM SUPPLIES	26.70
					Total :	443.08
152993	2/26/2019	109531 SMILLIN, MAGE	JANUARY 2019		CHILD CARE PROVIDER	8,237.00

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
152993	2/26/2019	109531 109531 SMILLIN, MAGE	(Continued)		Total :	8,237.00
152994	2/26/2019	119447 SOUTH BAY FORD	150731		GTRANS AUTO PARTS	17.83
					Total :	17.83
152995	2/26/2019	110449 SOUTHBAY UNIFORM LLC	1181		PD UNIFORM SUPPLIES	105.07
					Total :	105.07
152996	2/26/2019	619003 SOUTHERN CALIFORNIA EDISON	021619		LIGHT & POWER	77,732.70
					Total :	77,732.70
152997	2/26/2019	103202 SOUTHERN COUNTIES LUBRICANTS, LLC	389192		P66 SHIELD CHOICE 5W20 OIL	765.02
					Total :	765.02
152998	2/26/2019	101570 SOUTHWEST OFFSET PRINTING	165142	034-00396	RECREATION GUIDE 2019 SPRING/SUM	11,719.80
					Total :	11,719.80
152999	2/26/2019	108238 SPARKLETTS	15638236 020119		DRINKING WATER FILTRATION SYSTEM	48.00
					Total :	48.00
153000	2/26/2019	109067 SPEAKWRITE	90ad5936		TRANSCRIPTION SERVICES - JANUAR	196.38
					Total :	196.38
153001	2/26/2019	119548 ST. JOHN LUTHERAN CHURCH	FEBRUARY 2019 MARCH 2019		SENIOR CITIZENS DAY CARE SENIOR CITIZENS DAY CARE	900.00 900.00
					Total :	1,800.00
153002	2/26/2019	119594 STANLEY PEST CONTROL	COG 0119 COG 0119-1		PEST CONTROL SERVICE - 1670 W 162 PEST CONTROL SERVICE - 2320 W. 14	654.00 117.00
					Total :	771.00
153003	2/26/2019	119010 STAPLES ADVANTAGE	3404329716		REC OFFICE SUPPLIES	99.61
					Total :	99.61
153004	2/26/2019	220418 TALISON, LUCILLE	JANUARY 2019		CHILD CARE PROVIDER	3,691.00
					Total :	3,691.00
153005	2/26/2019	100609 TANK SPECIALISTS OF CALIFORNIA	28680		CERTIFIED DESIGNATED OPERATOR S	189.75

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
153005	2/26/2019	100609	100609 TANK SPECIALISTS OF CALIFORNIA	(Continued)		
					Total :	189.75
153006	2/26/2019	106870	TENDER LOVING CARE CATERING, INC.	02/01-02/15/19	034-00361	SENIOR FEEDING PROGRAM
						10,227.49
					Total :	10,227.49
153007	2/26/2019	123122	THOMSON REUTERS - WEST	6126643875		CA DESTOP GOVT CODE FULL SET
						168.52
					Total :	168.52
153008	2/26/2019	109411	TITAN LEGAL SERVICES, INC.	SU303422-05-01		PROFESSIONAL SERVICES - R. GREEN
				SU304670-01-01		PROFESSIONAL SERVICES - L.VALDEZ
				SU304670-03-01		PROFESSIONAL SERVICES - L.VALDEZ
				SU304670-06-01		PROFESSIONAL SERVICES - L.VALDEZ
				SU304670-15-01		PROFESSIONAL SERVICES - L.VALDEZ
				SU307458-01-01		PROFESSIONAL SERVICES - J. JOHNS
				SU307785-02-01		PROFESSIONAL SERVICES - A. GRIFFE
				SU307785-03-01		PROFESSIONAL SERVICES - A.GRIFFE
				SU307785-04-01		PROFESSIONAL SERVICES - A.GRIFFE
				SU307785-05-01		PROFESSIONAL SERVICES - A. GRIFFE
				SU307785-06-01		PROFESSIONAL SERVICES - A.GRIFFE
				SU307787-01-01		PROFESSIONAL SERVICES - R.GIBSON
				SU307787-02-01		PROFESSIONAL SERVICES - R.GIBSON
				SU307834-02-01		PROFESSIONAL SERVICES - H.VASQUI
				SU308200-01-01		PROFESSIONAL SERVICES - B.RUIZ V.
				SU308200-02-01		PROFESSIONAL SERVICES - B. BRISEY
				SU308200-04-01		PROFESSIONAL SERVICES - B. BRISEY
				SU308200-05-01		PROFESSIONAL SERVICES - B. BRISEY
				SU308200-06-01		PROFESSIONAL SERVICES - B. BRISEY
				SU308562-03-01		PROFESSIONAL SERVICES - H.THURM
				SU308734-03-01		PROFESSIONAL SERVICES - H.VASQUI
				SU308734-04-01		PROFESSIONAL SERVICES - H.VASQUI
				SU309737-01-01		PROFESSIONAL SERVICES - L.VALDEZ
					Total :	3,291.34
153009	2/26/2019	109127	TREMCO PRODUCTS, INC.	17155		TREMCO COVERT ANTI THEFT SYSTEI
						231.65
					Total :	231.65
153010	2/26/2019	121197	U.S. ARMOR	21721		ENFORCER CONCEALABLE - FEMALE
						844.24

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
153010	2/26/2019	121197 121197 U.S. ARMOR	(Continued)		Total :	844.24
153011	2/26/2019	109900 U.S. BANK CORPORATE PAYMENT, SYSTEMS	CRESPO 11/23/18		CAL CARD STATEMENT 10/22-11/23/18	803.71
			FCC 01/22/19		CAL CARD STATEMENT 12/25-01/22/19	69.00
			JONES 01/22/19		CAL CARD STATEMENT 12/25-01/22/19	2,232.34
			KANG 01/22/19	035-00887	CAL CARD STATEMENT 12/25-01/22/19	4,646.57
			MEDRANO 01/22/19		CAL CARD STATEMENT 12/25-01/22/19	1,151.94
			PD TRAINING 01/22/19		CAL CARD STATEMENT 12/25-01/22/19	427.98
			PD TRAINING1 1/22/19		CAL CARD STATEMENT 12/25-01/22/19	590.40
			PD TRAINING2 1/22/19		CAL CARD STATEMENT 12/25-01/22/19	459.39
			PD TRAINING3 1/22/19		CAL CARD STATEMENT 12/25-01/22/19	289.72
			RENTERIA 01/22/19		CAL CARD STATEMENT 12/25-01/22/19	1,823.60
			V.OSORIO 01/22/19		CAL CARD STATEMENT 12/25-01/22/19	629.23
			VERCELES 01/22/19	020-00020	CAL CARD STATEMENT 12/25-01/22/19	6,993.37
					Total :	20,117.25
153012	2/26/2019	109220 U.S. BANK EQUIPMENT FINANCE	377413166		RICOH MPC4503 COPIER LEASE - CD	150.80
					Total :	150.80
153013	2/26/2019	101448 U.S. HEALTHWORKS MEDICAL, GROUP, PC	3458831		RANDOM BAT DOT, D/S - D.BROWN, K.I	914.00
			3461826		RANDOM BAT, DOT DMV, NIDA D/S -	599.50
			3464844		POST ACC D/S COLLECTION - K.HUMPI	106.50
			3472919		RANDOM BAT-DOT D/S - R.TREJO,	207.00
					Total :	1,827.00
153014	2/26/2019	104692 ULINE	104692		JAIL PROGRAM SUPPLIES	999.06
			105391957		BUS SHOP SUPPLIES	543.21
			105414185		JAIL PROGRAM SUPPLIES	1,673.66
			105443172		BUS SHOP SUPPLIES	235.29
			105678015		PD PROGRAM SUPPLIES	270.89
					Total :	3,722.11
153015	2/26/2019	110504 ULRICH, CLARENCE	020619		ENTERTAINMENT - SENIORS CANDLEL	300.00
					Total :	300.00
153016	2/26/2019	121275 UNDERGROUND SERVICE ALERT, OF SC	120190276		NEW TICKETS	117.25
			18dsbfee203		NEWS TICKET	73.69

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
153016	2/26/2019	121275	121275 UNDERGROUND SERVICE ALERT, OF SC (Continued)		Total :	190.94
153017	2/26/2019	121407 UPS	649922069		SHIPPING SERVICE CHARGES	153.82
			914073059 02/02/19		SHIPPING SERVICE CHARGES	14.95
					Total :	168.77
153018	2/26/2019	106754 URBAN RESTORATION GROUP US, INC.	00021888		GRAFFITI ABATEMENT SUPPLIES	727.78
					Total :	727.78
153019	2/26/2019	105549 VALDEZ, MATILDE	JANUARY 2019		CHILD CARE PROVIDER	7,182.00
					Total :	7,182.00
153020	2/26/2019	108619 VERITEXT	PCR3613895		DEPOSITION TRANSCRIPT - H.THURM/	789.50
					Total :	789.50
153021	2/26/2019	122050 VERIZON WIRELESS	9820660465		REC CELL PHONE SERVICE	309.65
			9821993773		PW CELL PHONE SERVICE	967.69
			9822599846		REC CELL PHONE SERVICE	499.42
					Total :	1,776.76
153022	2/26/2019	110357 VIERA, TATIANA	5		INTERN SERVICES - FEBRUARY 2019	150.00
					Total :	150.00
153023	2/26/2019	107048 VIGILANT SOLUTIONS	21741		CAMERA LICENSE REGISTRATION	1,575.00
					Total :	1,575.00
153024	2/26/2019	101195 WASTE RESOURCES GARDENA	021919		WASTE COLLECTION	230,456.96
					Total :	230,456.96
153025	2/26/2019	101903 WATER TECHNIQUES	74745		DRINKING WATER SYSTEM RENTAL	45.00
			74890		DRINKING WATER SYSTEM RENTAL	45.00
					Total :	90.00
153026	2/26/2019	104107 WAXIE SANITARY SUPPLY	77123013		BUS WASH SUPPLIES	-465.52
			77947535		BUS WASH SUPPLIES	44.24
			77969536		BUS WASH SUPPLIES	257.54
			78060897		BUS WASH SUPPLIES	257.54

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
153026	2/26/2019	104107 104107 WAXIE SANITARY SUPPLY	(Continued)		Total :	93.80
153027	2/26/2019	100107 WAYNE ELECTRIC CO.	189060		GTRANS AUTO PARTS	339.45
			189148		GTRANS AUTO PARTS	169.73
					Total :	509.18
153028	2/26/2019	110370 WESTERN COLLISION CENTER, INC	1005	035-00889	2012 FORD E350 #1391819 BODY REPA	3,677.22
					Total :	3,677.22
153029	2/26/2019	103956 WORTHINGTON FORD	6029774/1		2016 FORD TRUCK #1488054 THE WOF	271.99
					Total :	271.99
153030	2/26/2019	110463 YADIDI INVESTMENT GROUP	PERMIT #50016-1284		PERMIT DEPOSIT REFUND -14927 S. R	5,000.00
					Total :	5,000.00
153031	2/26/2019	125001 YAMADA COMPANY, INC.	77022		PARK MAINT SUPPLIES	981.03
			77023		PARK MAINT SUPPLIES	289.07
			77043		PARK MAINT SUPPLIES	481.79
					Total :	1,751.89
153032	2/26/2019	103601 YINCOM	6347		COMPUTER REPLACEMENT PARTS	699.71
			6348		COMPUTER REPLACEMENT PARTS	170.66
			6349		IT COMPUTER REPLACEMENT PARTS	98.00
			6351		COMPUTER REPLACEMENT PARTS	63.46
			6354		IT COMPUTER REPLACEMENT PARTS	882.02
			6355		PD COMPUTER REPLACEMENT PARTS	513.56
			6356		COMPUTER REPLACEMENT PARTS	378.25
			6360		COMPUTER REPLACEMENT PARTS	209.04
					Total :	3,014.70
153033	2/26/2019	110492 YOUNG, JAMMIE M	BL #25526		REFUND - BUSINESS LICENSE OVERP	10.00
					Total :	10.00
153034	2/26/2019	105945 ZEMARC CORPORATION	3078572		GTRANS AUTO SUPPLIES	1,206.24
			3078854		GTRANS AUTO SUPPLIES	82.17
					Total :	1,288.41
246 Vouchers for bank code : usb						Bank total : 2,160,819.96



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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
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246 Vouchers in this report

Total vouchers : 2,160,819.96

Bank code : usb

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
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## CLAIMS VOUCHER APPROVAL

I hereby certify that the demands or claims covered by the checks listed on pages 1 to 26 inclusive of the check register are accurate and funds are available for payment thereof.

By: 

Accounting/Finance Manager

This is to certify that the claims or demands covered by checks listed on pages 1 to 26 inclusive of the check register have been audited by the City Council of the City of Gardena and that all of the said checks are approved for payment except check numbers:

\_\_\_\_\_  
Mayor2/26/19  
Date\_\_\_\_\_  
Councilmember\_\_\_\_\_  
Date\_\_\_\_\_  
Councilmember\_\_\_\_\_  
Date

Acknowledged:

\_\_\_\_\_  
Councilmember\_\_\_\_\_  
Date\_\_\_\_\_  
Councilmember\_\_\_\_\_  
Date



## CITY of GARDENA

5. D. (1)  
CITY MANAGER  
Report No. P-2019-04  
Date: February 26, 2019

TO: THE HONORABLE MAYOR AND CITY COUNCIL  
SUBJECT: PERSONNEL REPORT

1. Report the Resignation of Transit Mechanic, **GERALD MEDINA**, of the Transportation Department effective February 23, 2019. Mr. Medina had been with the City for two years and nine months.
2. Report the Retirement of Bus Operator, **STEVEN BIGGERS**, of the Transportation Department effective February 8, 2019. Mr. Biggers had been with the City for twenty-four years and three months.
3. Report the Reclassification to former class of **RAMISI WATKINS** to the position of Transportation Operations Supervisor, Schedule 117 (\$6,275 - \$8,008/month), effective February 3, 2019 with the Transportation Department upon the conclusion of Acting assignment.
4. Report the following individuals are on *Family Medical Leave Act / California Family Rights Act (FMLA/CFRA)*:
  - a. Bus Operator, **TEILDA LUCAS**, effective January 11, 2019 through March 21, 2019 on a continuous leave basis.
  - b. Bus Operator, **ERMA HENRY**, effective January 16, 2019 through April 16, 2019 on a continuous leave basis.
  - c. Bus Operator, **ARLESTER LAVINE**, effective January 25, 2019 through March 10, 2019 on a continuous leave basis.
  - d. Bus Operator, **THEODORE TAYLOR**, effective February 4, 2019 through March 17, 2019 on a continuous leave basis.
  - e. Transportation Director, **ERNIE CRESPO**, effective February 7, 2019 through March 10, 2019 on a continuous leave basis.
  - f. Family Child Care Program Assistant III, **GUADALUPE ZENDEJAS**, effective February 13, 2019 through April 21, 2019 on a continuous leave basis.
5. Report that Transit Administrative Officer, **DANA PYNN**, was returned to duty following FMLA/CFRA leave effective February 7, 2019.
6. Report the recruitment for the Open/Competitive position of Transportation Operations Supervisor (Transportation Department). This recruitment closed on February 13, 2019.
7. Report the recruitment for the Open/Competitive position of Administrative Analyst III (Administrative Services Department). This recruitment closed on February 14, 2019.

8. Report the recruitment for the Open/Competitive position of Transit Maintenance Manager (Transportation Department). This recruitment closed on February 25, 2019.

Respectfully submitted,



EDWARD MEDRANO  
City Manager/Human Resources Officer

cc: City Attorney  
City Clerk  
Human Resources  
Payroll



**City of Gardena**  
**City Council Meeting**

Agenda Item No. 5. D. ( 2 )

CONSENT CALENDAR

**AGENDA REPORT SUMMARY**

Meeting Date: FEBRUARY 26, 2019

TO: THE HONORABLE MAYOR AND CITY COUNCIL

AGENDA TITLE: AWARD CONSTRUCTION CONTRACT AND PURCHASING ORDER OF A SUN SHADE STRUCTURE TO *USASHADE & FABRIC STRUCTURES* IN THE AMOUNT OF \$55,524.70 FOR ROWLEY PARK RENOVATION, JN 870

COUNCIL ACTION REQUIRED:

Action Taken

Award Construction Contract and Purchasing Order

RECOMMENDATION AND STAFF SUMMARY:

Staff respectfully recommends that Council award the construction contract and purchasing order to Shade Structures Inc., dba *USAShade & Fabric Structures*, in the amount of \$55,524.70 for the sun shade structure through the SourceWell Cooperative Agreement contract.

*USAShade & Fabric Structures'* services include equipment purchase, design and permit, and construction to replace the existing 60-year old wood shade structure with new fabric shade structure. The fabric structures are made of sustainable and durable fabrics that require less material than canvas, wood, or steel. Fabric shades are easier to replace and allow greater air circulation unlike other materials that trap heat.

SourceWell offers the Cooperative and "Piggyback" contracts to government, educational, and non-profit organizations. Sourcewell holds hundreds of competitively-solicited cooperative contracts ready for use. Gardena Ordinance No. 1780 and Gardena Purchasing Policy APP-2018-003, Section (B) permit contracts using the Cooperative and "Piggyback" Agreements. Gardena is currently a member of SourceWell and the requirements have been confirmed by purchasing staff.

*USAShade & Fabric Structures* is a company that offers comprehensive services; architectural design to engineering development, manufacturing, and construction. As such, they are one of the leaders in fabric structure design and build delivery. Their license and working history have been verified and have been found to be in good status. The design and build are anticipated to take fifteen (15) weeks, with completion of the project by July 2019.

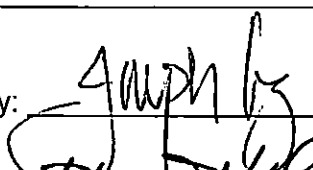
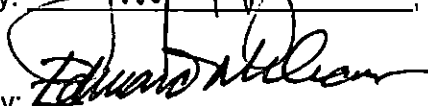
FINANCIAL IMPACT/COST:

Budget Amount: \$55,524.70  
Funding Source: Park in Lieu

ATTACHMENT:

Project Location Map

Submitted by:

Joseph Cruz, General Services Director

Date: 2/20/19

Concurred by:

Edward Medrano, City Manager

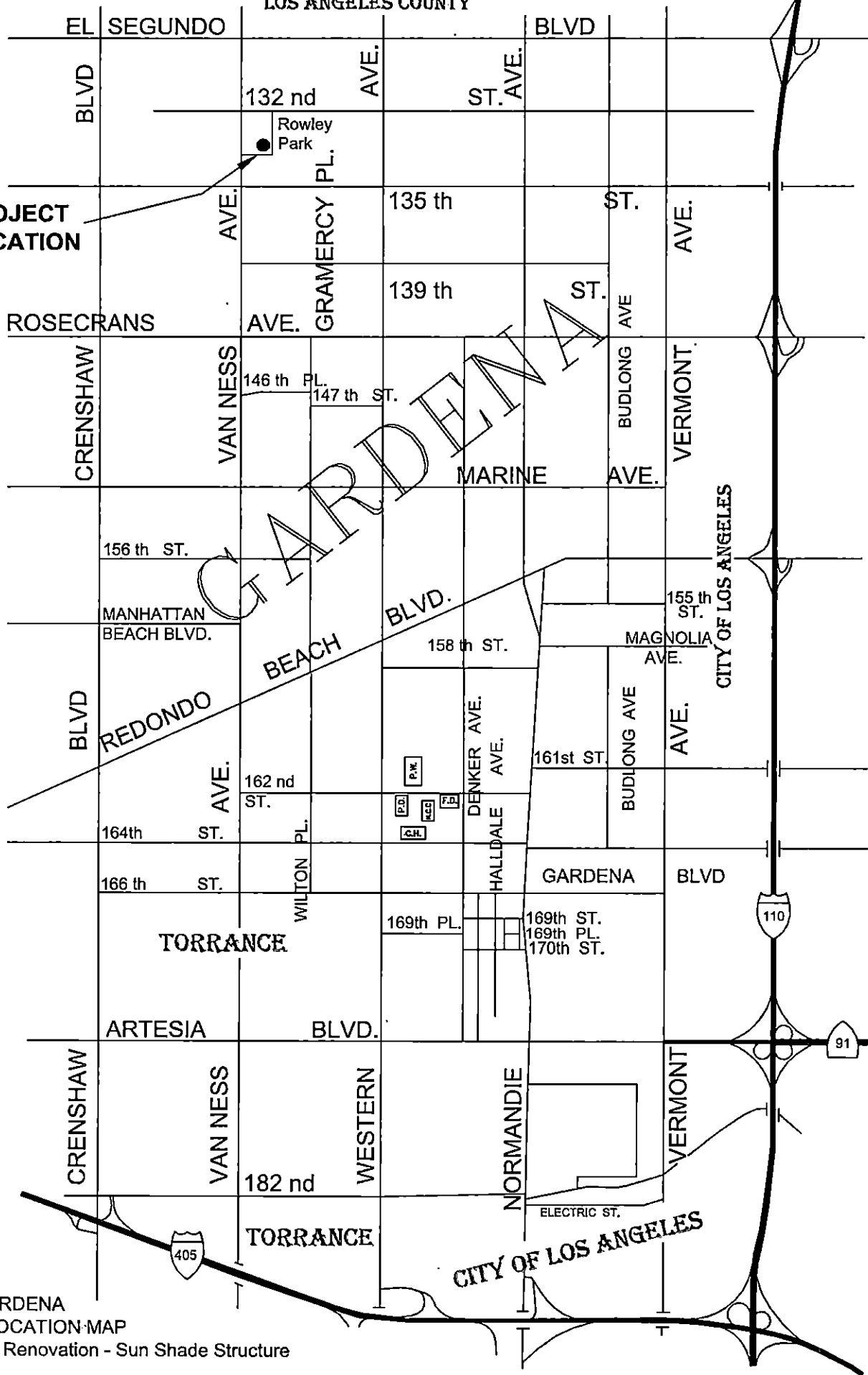
Date: 2/20/19

# LOS ANGELES COUNTY

HAWTHORNE

PROJECT  
LOCATION

LOS ANGELES COUNTY



J.N. 970  
CITY OF GARDENA  
PROJECT LOCATION MAP  
Rowley Park Renovation - Sun Shade Structure



# City of Gardena City Council Meeting

Agenda Item No. 5. D. (3)  
Department: Elected and  
Administrative Offices  
Meeting Date: February 26, 2019

## AGENDA REPORT SUMMARY

TO: THE HONORABLE MAYOR AND CITY COUNCIL

AGENDA TITLE: REVISION #6 OF THE CITY'S ANTI-DRUG/ALCOHOL ABUSE POLICY, COUNCIL POLICY NO. 89-28, TO COMPLY WITH FEDERAL REGULATIONS (DOT, FTA, FMCSA AND CITY MANDATES)

<u>COUNCIL ACTION REQUIRED:</u>  Adopt Revision #6 of the City's Anti-Drug/Alcohol Abuse Policy, Council Policy No. 89-28, including Supplement Policy "A"	<u>Action Taken</u>
<u>STAFF SUMMARY AND RECOMMENDATION:</u>  Staff respectfully recommends the City Council adopts Revision #6 of the City's Anti-Drug/Alcohol Abuse Policy, Council Policy No. 89-28, including Supplement Policy "A".  In March 2010, the City Council adopted a revised Anti-Drug/Alcohol Abuse Policy to comply with regulations for safety-sensitive employees in the Transportation Department as defined by the Federal Transportation Administration ("FTA"). In addition to the FTA regulations, certain other City employees must comply with regulations for safety-sensitive employees as defined by the Federal Motor Carrier Safety Administration ("FMCSA"). FTA and FMCSA are both under the authority of the Department of Transportation ("DOT") but have separate drug and alcohol testing and implementation regulations.  Revision #6 of the Policy submitted for City Council approval is an update to comply with changes in recent federal regulations. Notable changes include updates to FTA definitions of safety-sensitive positions, revising the sections on refusal to submit to testing, FTA post-accident testing types, and changing the drug category tested from "opiates" to "opioids." The minimum thresholds for positive test results were also removed from the Policy as the threshold amounts frequently change. The City will refer to the federal authority for drug cutoff concentrations without the administrative burden of updating the Policy each time there is a federal update.	
<u>FINANCIAL IMPACT/COST:</u>  No financial impact/cost to the City.	
<u>ATTACHMENTS:</u>  1. Revision #6 of the City's Anti-Drug/Alcohol Abuse Policy, Council Policy No. 89-28. 2. Revision to Drug and Alcohol Supplement Policy "A" of the City's Anti-Drug/Alcohol Abuse Policy, Council Policy No. 89-28.	
Submitted by: <u>Edward Medrano</u> , Edward Medrano, City Manager Date: <u>2/21/19</u>	



# **CITY OF GARDENA**

## **ANTI-DRUG/ALCOHOL ABUSE POLICY**

### **COUNCIL POLICY NO. 89-28**

***March 9, 2010***

***As adopted by Gardena City Council on March 9, 2010, with administrative and regulatory updates.***

#### ***Chronology of City Anti-Drug/Alcohol Abuse Policy Documents and Revisions***

- ***Adopted January 1995 to comply with the Omnibus Transportation Act of 1991, and regulations of the Federal Highway and Federal Transit Administration***
- ***Revision Number 1, adopted September 1995 to comply with additional federal requirements***
- ***Revision Number 2, adopted November 1998 to comply with additional federal requirements***
- ***Revision Number 3, adopted November 2004 to comply with additional federal requirements***
- ***Revision Number 4, adopted March 24, 2009 to comply with additional federal requirements following FTA Drug and Alcohol Program Audit***
- ***Revision Number 5, adopted March 9, 2010, with administrative edits and DOT updates.***
- ***Revision Number 6, adopted February 26, 2019, with additional federal requirements***





Tasha Cerda, MAYOR

## COUNCIL POLICY No. 89-28, as revised

### SUBJECT: *ANTI-DRUG/ALCOHOL ABUSE POLICY*

Originally Adopted: January 1995  
Revision #1 September 1995  
Revision #2 November 1998  
Revision #3 November 2004  
Revision #4 March 24, 2009  
Revision #5 March 9, 2010  
Revision #6 February 26, 2019

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Tasha Cerda, MAYOR

## **COUNCIL POLICY No. 89-28, as revised**

### **SUBJECT: *ANTI-DRUG/ALCOHOL ABUSE POLICY***

Originally Adopted: January 1995  
Revision #1 September 1995  
Revision #2 November 1998  
Revision #3 November 2004  
Revision #4 March 24, 2009  
Revision #5 March 9, 2010  
Revision #6 February 26, 2019

#### **SUMMARY**

It is the City's Policy to ensure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; to create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; to prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and to provide for and encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties. The Policy and all forms and procedures related to this Policy can be obtained from the Human Resources Office and on the City's computer network at: **P:\Administrative Procedures\ADMINISTRATIVE PROCEDURES\Administrative Procedure Manual.**

The **City** is obligated to comply with applicable federal and state laws related to drug and alcohol use and abuse. These laws include, but are not limited to, regulations specifically applicable to law enforcement officers and employees who perform safety-sensitive functions, as defined by the Department of Transportation (DOT). Therefore, this Policy contains the policy of three (3) separate and distinct regulatory authorities:

- (1) Employees in the Transportation Department defined as "safety-sensitive" by the **Federal Transportation Authority (FTA)**; **FTA** Policy is identified throughout this Policy by notation **(FTA)**.
- (2) Employees who are required to have a Commercial Driver's License (CDL) and defined as "safety-sensitive" by the **Federal Motor Carrier Safety Administration (FMCSA)**; **FMCSA** Policy is identified throughout this Policy by notation **(FMCSA)**.
- (3) **City of Gardena Authority** applies to all City employees not identified in categories (1) and (2) as "safety-sensitive," and all "safety-sensitive" employees identified in categories (1) and (2) wherein **FTA** and/or **FMCSA** policies are non-directive. **City Policy is identified throughout this Policy in "italics."** City sworn police officers will be governed by City authority and any applicable regulations specific to law enforcement including, but not limited to, the provisions of any Memorandum of Understanding with the City. City police officers assigned as "Metro Officers" for the Transportation Department are not considered "security personnel who carry firearms" under the **DOT** definition.

The City recognizes that federal and state regulations are revised from time to time and by adoption of this Policy declares that it is the intent of the **City** to adhere to the most current applicable regulations, and this Policy shall be administered in accordance with current regulations.

The City's Drug and Alcohol Program Manager (DAPM) will be responsible for monitoring this Policy to ensure compliance with all regulations. If at any time a conflict is found to exist between any two (2) authorities within this Policy (i.e. **FTA**, **FMCSA**, City) the DAPM will be responsible for resolving the conflict.

Should any provision of this Policy be determined to be invalid by reason of any existing or subsequent enacted legislation or by any decree of a court of competent jurisdiction, such invalidation or such portion of this Memorandum shall not invalidate the remaining portions hereof, and the Policy shall remain in full force and effect.

## 1. POLICY STATEMENT

The City of Gardena (City) is dedicated to providing safe, dependable, and economical public services to the community and to transit system passengers served by the City Transportation Department (dba: GTRANS). The City is also dedicated to protecting its most valuable asset, its employees, by providing a healthy and safe working environment. This Policy applies to all employees, including those represented by a labor union; temporary, provisional, and part-time employees; and confidential and appointed employees.

1.1. In meeting these goals it is the City's Policy to:

- 1.1.1. Create a workplace environment free from the adverse effects of drug abuse and alcohol misuse;
- 1.1.2. Ensure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner;
- 1.1.3. Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances;
- 1.1.4. Provide for and encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

1.2. This Policy is intended to strengthen and reaffirm the City's commitment to the safety of our patrons and employees and our dedication to maintaining a Drug Free Workplace.. Any employee violating this Policy is subject to discipline up to and including termination.

1.3. The City Manager shall implement procedures for the enforcement of this Policy and shall designate a Drug and Alcohol Program Manager (DAPM) to oversee implementation and compliance to this Policy, including all required training, testing, update and enforcement of the directives of this Policy. Employees at all levels will be held accountable for reading, understanding and adhering to this Policy. Managers at all levels will be held strictly accountable for fair and consistent enforcement of this Policy.

1.4. Procedures shall provide for: employee and supervisory education and training; specific drug/alcohol testing procedures for employees and applicants for employment with the City; definitions and prohibitive actions and the consequences of engaging in those actions; and administrative actions for recordkeeping, reporting, release of information, certification of compliance with this Policy and all related federal and state regulatory standards. At time of hire, and whenever a Policy revision is adopted, each employee will be given a copy of the Policy and be required to sign a "Statement of Acknowledgement" that he/she has received and read a copy of the Policy.

## 2. PURPOSE

The purpose of this Policy is to ensure worker fitness for duty and to protect our employees, passengers, and the public from the risks posed by the misuse of alcohol and legally prescribed and over-the-counter drugs and the use of prohibited drugs. This Policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol misuse programs in the transit industry. The Federal Transit Administration (FTA), within the U.S. Department of Transportation (DOT), has promulgated 49 CFR Part 655, which sets standards for drug and alcohol testing in the transit industry. In addition, the USDOT has promulgated an Agency-wide regulation, 49 CFR Part 40, which sets standards for the collection and testing of urine and breath specimens. Finally, the Federal government published 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

This Policy identifies the applicable authority and regulation for all employees:

- 2.1. *The City authority and requirements applicable to employees not identified in categories (1) and (2) as "safety-sensitive," and all "safety-sensitive" employees identified in categories (1) and (2) in incidents wherein FTA and/or FMCSA policies are silent;*
- 2.2. The DOT/FTA authority and requirements applicable to safety-sensitive employees in the Transportation Department covered under 49 CFR Parts 40 and 655 Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations; and
- 2.3. The FMCSA authority and requirements applicable to safety-sensitive employees required to have a

Commercial Driver's License (CDL) under 49 CFR Part 382 Controlled Substances and Alcohol Use and Testing.

### 3. DEFINITIONS AND ACRONYMS

For the purposes of this Anti-Drug/Alcohol Abuse Policy, the following definitions of terms apply:

- 3.1. **ACCIDENT** - An incident resulting in damage to body or property wherein there is reasonable suspicion of human error as cause of the damages. Accidents may range from minor to major damage. FTA and FMCSA regulations have a specific definition of "accident" for the purpose of determining when an individual is required to submit to drug/alcohol testing.
- 3.2. **ADULTERATED SPECIMEN** - A urine specimen containing a substance not expected to be present (at all or at a certain volume) in human urine.
- 3.3. **ALCOHOL ABUSE** - Only as used in this Policy as basis for reasonable suspicion (for cause) occurs when an employee arrives at the work site with alcohol in his/her system; has the odor of alcohol on his/her breath; consumes a beverage containing alcohol while on duty or subject to duty, during breaks or lunch periods; is late to work or absent from work due to the consumption of alcohol; exhibits erratic work product, attitude, and/or work relationships due to the consumption of alcohol; or is discovered to have illegal amounts of alcohol in his/her system when undergoing a City or DOT physical examination.
- 3.4. **ALCOHOL CONCENTRATION** - The alcohol in a volume of breath expressed in terms of grams of alcohol per 210L of breath.
- 3.5. **ATF** - Alcohol Testing Form (the alcohol equivalent to the CCF).
- 3.6. **BAT** - Breath Alcohol Technician (Controller).
- 3.7. **CANCELLED TEST** - A test result that is neither negative nor positive.
- 3.8. **CCF** - Custody and Control Form.
- 3.9. **COC** - Chain of Custody.
- 3.10. **CODE OF FEDERAL REGULATIONS (CFR)** - The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.
  - 3.10.1. Part 49 describes the organization of the Department of Transportation and provides for the performance of duties imposed upon, and the exercise of powers vested, in the Secretary of Transportation by law.
  - 3.10.2. 49 CFR Part 29 - "The Drug-Free Workplace Act of 1988 (DFWA)," requires the establishment of drug-free workplace policies and reporting of certain drug-related offenses to the FTA.
  - 3.10.3. 49 CFR Part 40 - Sets standards for the collection and testing of urine and breath specimens for all parties who conduct drug and alcohol tests required by DOT.
  - 3.10.4. 49 CFR Part 382 - Sets standards for drug and alcohol testing required by FMCSA for all employers and employees who operate a commercial motor vehicle used in commerce to transport passengers or property. This Part, as applies to the City and this Policy, defines a commercial motor vehicle as any vehicle with a gross combination weight rating of 11,794 kilograms (26,001 or more pounds) and/or is designed to transport sixteen (16) or more passengers, including the driver.
  - 3.10.5. 49 CFR Part 655 - Sets standards for drug and alcohol testing required by FTA for employers and employees in transit operations.
- 3.11. **CONTROLLED SUBSTANCE** - Drugs that are classified by the Drug Enforcement Administration (DEA) into five (5) schedules or classes on the basis of their potential for abuse, accepted use, and accepted safety under medical supervision. A drug in any of these schedules identifies that it is "controlled" and determines the nature of supervisory control that must be exercised. Prescriptions for drugs in all these controlled schedules must bear the physician's DEA license number. Additionally, a controlled substance is any substance the use, possession, purchase or sale of, which is prescribed or controlled by regulation or law, and, shall, without limitation, include any substance identified by the rules promulgated by FTA for the control of drug use in mass transportation, 49 CFR 655 or 49 CFR 40.

These include, but are not limited to, narcotics, depressants, stimulants, hallucinogens, and cannabis.

- 3.12. **CONTROLLED SUBSTANCE ACT** - Controlled Substance Act (21 U.S.C. 812), Schedules I through V of Section 202, as further defined by 21 CFR 1300.11 through 1300.15.
- 3.13. **DAPM** - Drug and Alcohol Program Manager (same as DER).
- 3.14. **DEA (or USDEA)** – (United States) Drug Enforcement Administration.
- 3.15. **DER** - Designated Employer Representative (same as DAPM).
- 3.16. **DETECTION** – Identification of users and abusers of drugs and/or alcohol through various methods including, but not limited to self-identification; peer or supervisor identification; pre-employment, random or reasonable suspicion testing.
- 3.17. **DETERRENCE** – A variety of methods used to educate, discourage, and/or inform employees that drug and/or alcohol abuse puts them and others at risk and will not be tolerated in the workplace.
- 3.18. **DILUTE SPECIMEN** – A specimen with creatinine and specific gravity values that are lower than expected for human urine.
- 3.19. **DISCIPLINARY PROCEEDINGS** – The specific steps taken to discipline an employee found to be in violation of this Policy. Proceedings will be per City Personnel Rules and Regulations and/or Skelly Hearing per Memorandum of Understanding with labor groups.
- 3.20. **DFWA - Drug Free Workplace Act of 1988** (49 CFR Part 29) and any subsequent amendments.
- 3.21. **DHHS** - Department of Health and Human Services.
- 3.22. **DOT (or USDOT)** - The (United States) Department of Transportation was established by an act of Congress on October 15, 1966. The Department's first official day of operation was April 1, 1967. The mission of the Department is to: serve the United States by ensuring a fast, safe, efficient, accessible and convenient transportation system that meets vital national interests and enhances the quality of life of the American people, today and into the future.
- 3.23. **DRUG** - shall refer to any substance, including alcohol, which may impair job performance or cause behavior that may threaten the safety of the employee or others, whether or not controlled by law or prescribed by a licensed medical practitioner.
- 3.24. **DRUG-FREE** - means that an employee subjected to any test provided for by this Policy does not test positive for any drug and/or is not under the influence of any drug or alcohol.
- 3.25. **EBT** - Evidential Breath-Testing Device.
- 3.26. **FDA (or USFDA)** – (United States) Food and Drug Administration.
- 3.27. **FMCSA** - The Federal Motor Carrier Safety Administration (FMCSA) was established as a separate administration within the U.S. Department of Transportation on January 1, 2000, pursuant to the Motor Carrier Safety Improvement Act of 1999. Primary mission is to reduce crashes, injuries and fatalities involving large trucks and buses. The Federal Motor Carrier Safety Administration was established within the Department of Transportation on January 1, 2000, pursuant to the Motor Carrier Safety Improvement Act of 1999 [Public Law No. 106-159, 113 Stat. 1748 (December 9, 1999)]. Formerly a part of the Federal Highway Administration, the Federal Motor Carrier Safety Administration's primary mission is to prevent commercial motor vehicle-related fatalities and injuries. Part of DOT.
- 3.28. **FTA** - The Federal Transit Administration (FTA) assists in developing improved mass transportation systems for cities and communities nationwide. Through its grant programs, FTA helps plan, build, and operate transit systems with convenience, cost and accessibility in mind. In providing financial, technical and planning assistance, the agency provides leadership and resources for safe and technologically advanced local transit systems while assisting in the development of local and regional traffic reduction.
- 3.29. **FHWA** - The Federal Highway Administration (FHWA), a division of DOT, coordinates highway transportation programs in cooperation with states and other partners to enhance the country's safety, economic vitality, quality of life, and the environment.
- 3.30. **ILLEGAL DRUG OR SUBSTANCE** – Any drug or substance defined by law as an illegal drug, misuse

of legally prescribed drugs, and use of illegally obtained prescription drugs.

- 3.31. **MANDATORY REFERRAL** – A process by which any employee is required by the City Manager, or his/her designee, or any Department Head, or his/her designee, to make an appointment with the Employee Assistance Program (EAP), designated by the City. Such a referral may be based on a variety of facts received from a reliable source or direct observation relating to the employee's conduct or through detection per this Policy that indicates the employee has a drug/alcohol abuse problem. Any employee who refuses to comply with a mandatory referral is subject to discipline up to and including termination.
- 3.32. **MEDICAL APPROVAL FORM (MAP)** – The City form used by employees to notify the City of legally prescribed or over-the-counter medications that may affect the employee's ability to safely perform the duties of his/her position.
- 3.33. **MEDICAL REVIEW OFFICER (MRO)** – The City designated physician(s), who is responsible to review and interpret test results obtained through the drug/alcohol testing program, and in so doing, determines whether alternate medical explanations could account for a positive test result. The MRO is a physician knowledgeable in the medical use of prescription drugs and the pharmacology and toxicology of illicit drugs,
- 3.34. **NHTSA** - The National Highway Traffic Safety Administration (NHTSA) is responsible for reducing deaths, injuries and economic losses resulting from motor vehicle crashes. NHTSA sets and enforces safety performance standards for motor vehicles and equipment and through grants to state and local governments, enables them to conduct effective local highway safety programs. Part of DOT.
- 3.35. **ODAPC** - Office of Drug and Alcohol Policy and Compliance (DOT) who sets definitions, policies and procedures for drug/alcohol programs.
- 3.36. **ON-DUTY** – The status of an employee who is working, including break and spread time.
- 3.37. **OVER-THE COUNTER (OTC)** – Legal medications that can be purchased at a pharmacy or other store without requiring a prescription.
- 3.38. **PERIODIC DRUG-TEST** – Unannounced drug/alcohol tests given to an employee who has returned to duty following a management referral to EAP or as a condition of employee following reasonable suspicion, random or other drug/alcohol testing.
- 3.39. **POSITIVE DRUG/ALCOHOL TEST** – Any blood or urine that is chemically tested (screened), that shows the presence of alcohol or a controlled substance as defined by Federal or State law and in violation of this Policy.
- 3.40. **PRESCRIPTION MEDICATIONS** – Legally controlled substances or drugs that are supplied via a written prescription from a medical professional for the sole use of the individual for whom the prescription is written.
- 3.41. **PROHIBITED SUBSTANCES** – Any substances that are by law defined as illegal and any legal substance that is not used in accordance with any laws governing its use.
- 3.42. **RANDOM POOL** – The group of all safety-sensitive employees who are subject to random drug/alcohol testing as a condition of employment.
- 3.43. **RANDOM DRUG/ALCOHOL TEST** – A drug/alcohol test performed on an irregular and unpredictable schedule so as not to be anticipated by the employee who is to be tested.
- 3.44. **RANDOM DRUG/ALCOHOL POOL** – The list of all individuals from which a random selection is made for drug/alcohol testing.
- 3.45. **REASONABLE SUSPICION (CAUSE)** - A reasonable suspicion referral for testing will be made on the basis of specific, contemporaneously articulated observations concerning the appearance, behavior, speech, and/or body odor of any employee.
- 3.46. **REFUSAL TO BE TESTED** – For purposes of this Policy, "refusal to be tested" is defined as when an employee is unwilling or unable to properly complete a required drug or alcohol test under the specific conditions as defined under FTA, FMCSA and City authority.

3.47. **REHABILITATION PROGRAM** – A program, beyond that provided by the EAP, which is designed to assist an individual to become drug/alcohol free.

3.48. **REQUIRED DRUG AND ALCOHOL TESTS**

- 3.48.1. Pre-Employment Test
- 3.48.2. Post-Accident Test
- 3.48.3. Return-to-Duty/Follow-Up Test
- 3.48.4. Random Test
- 3.48.5. Reasonable Suspicion Test

3.49. **SAFETY-SENSITIVE EMPLOYEE/FUNCTION** - A safety-sensitive employee means a person, including an applicant or transferee, who performs a safety-sensitive function as defined by FTA and FMCSA authority.

3.50. **SAP** - Substance Abuse Professional.

3.51. **SHY BLADDER** – When the body does not produce a sufficient amount of urine for testing.

3.52. **SHY LUNG** – When the body does not produce sufficient air for a breath-alcohol test.

3.53. **SUBJECT TO DUTY** – The status of an employee who is scheduled to report for work at an assigned time and who has not been finally and completely released from the responsibility of performing further work on that day.

3.54. **USDOT (or DOT)** – United States Department of Transportation.

3.55. **VERIFIED TEST** – A drug test result or validity testing result from an HHS Certified Laboratory that has undergone review and final determination by the MRO.

**4. APPLICABILITY**

4.1. **APPLICABILITY TO ALL CITY EMPLOYEES AND REPRESENTATIVES**

- 4.1.1. The CITY has adopted anti-drug and alcohol policies in compliance with the Drug-Free Workplace Act of 1988 and applicable laws of the State of California. The CITY has determined that as a public agency, all employees and representatives of the CITY will be held accountable for maintaining a drug and alcohol free workforce.
- 4.1.2. The City has identified by job classification the positions that include duties which are defined as “safety-sensitive” functions under DOT by either FTA or FMCSA. City Policy and authority applies to all CITY employees, including FTA and FMCSA defined safety-sensitive employees when FTA and/or FMCSA policies do not apply.
- 4.1.3. This Policy applies to all employees and contractors when they are on City property or when performing work on behalf of the City.
- 4.1.4. Visitors, vendors, and contract employees are governed by this Policy while on City premises and will not be permitted to conduct City related business if found to violate this Policy.

4.2. **PROPER APPLICATION OF THE POLICY**

- 4.2.1. The City is dedicated to assuring fair and equitable application of this drug/alcohol abuse Policy. Therefore, supervisors/managers are required to use and apply all aspects of this Policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this Policy, or who is found to deliberately misuse the Policy with regard to subordinates, shall be subject to disciplinary action up to and including termination of employment.
- 4.2.2. This Policy applies to on-site or off-site work hours, off-site lunch periods or breaks when an employee is scheduled to return to work.
- 4.2.3. FTA or FMCSA regulations will be applicable to any employee or contractor in a safety-sensitive function as defined by FTA or FMCSA respectively. The City has evaluated the actual duties performed by employees in all job classifications and determined which



employees perform safety-sensitive functions as defined under FTA or FMCSA regulations. Any new or revised job classification position will be assessed to determine if the position fits the criteria for safety-sensitive function as defined by FTA or FMCSA and designated accordingly.

**4.3. APPLICABILITY TO DOT/FTA SAFETY-SENSITIVE EMPLOYEES**

- 4.3.1. The CITY has adopted DOT/FTA regulations which are applicable to safety-sensitive function as defined by FTA in 49 CFR Parts 40 and 655 Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations.
- 4.3.2. In addition to being subject to all elements of the City Policy, employees who perform safety-sensitive functions under FTA are subject to random drug and alcohol testing and other specific requirements as set forth by FTA regulations whenever the employee is performing, ready to perform, or immediately available to perform any safety-sensitive function related to the operation of mass transit services.

**5. SAFETY SENSITIVE POSITIONS**

**5.1. SAFETY-SENSITIVE POSITION DESIGNATIONS**

- 5.1.1. Positions are designated as "Safety-Sensitive" based on the nature of the work performed and the potential danger that arises if such an employee were to be under the influence of drugs and/or alcohol.
- 5.1.2. The position titles listed in this Policy are those titles currently in the City's Classification Plan. Should any position title change, the department assignment change, or any new position title be added to the Classification Plan, the duties and responsibilities of the position will be evaluated to determine if the duties of said position should be designated as safety-sensitive.
- 5.1.3. If a position is determined to be safety-sensitive, the Department Director, the employee, and, if represented, the employee's labor representative will be notified in writing at the time of designation that such position will be subject to all types of drug and alcohol testing to include, random drug/alcohol testing and all other DOT Testing Provisions. Safety-Sensitive Position Titles are listed in Appendix A.

**5.2. DOT/FTA DEFINITION OF SAFETY-SENSITIVE**

- 5.2.1. Operating a revenue service vehicle, whether or not such vehicle is in revenue service.
- 5.2.2. Controlling dispatch or movement of a revenue service vehicle.
- 5.2.3. Maintaining a revenue service vehicle or equipment used in revenue service.
- 5.2.4. Operating a non-revenue service vehicle when required to be operated by a holder of a Commercial Drivers License (CDL).
- 5.2.5. Carrying a firearm for security purposes. Except that under City Policy, police officers assigned to provide security for transit operations will not be considered safety-sensitive as defined by FTA but will fall under *City regulations applicable to law enforcement*.

**5.3. DOT/FMCSA DEFINITION AS SAFETY-SENSITIVE**

- 5.3.1. Driving a commercial motor vehicle which requires the possession of a commercial driver's license (CDL) under 49 CFR Part 382 Controlled Substances and Alcohol Use and Testing.
- 5.3.2. Inspecting, servicing, or repairing any commercial motor vehicle.
- 5.3.3. Waiting to be dispatched to operate a commercial motor vehicle.
- 5.3.4. Performing all other functions in or upon a commercial motor vehicle.
- 5.3.5. Loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments being loaded or unloaded.
- 5.3.6. Performing driver requirements associated with an accident.
- 5.3.7. Repairing, obtaining assistance, or remaining in attendance upon a disabled commercial

vehicle.

## **6. NON-SAFETY-SENSITIVE POSITIONS**

### **6.1. CITY EMPLOYEES NOT DEFINED AS SAFETY-SENSITIVE**

*City Authority and Requirements: All positions not determined to be safety-sensitive by DOT/FTA/FMCSA regulations are subject to the relevant provisions of this Policy under the City's authority. Under the City authority, ALL City employees are subject to pre-employment, post-accident and reasonable suspicion (for-cause) testing.*

### **6.2. ALL SAFETY-SENSITIVE EMPLOYEES WHEN NOT UNDER FTA/FMCSA AUTHORITY**

*DOT/FTA/FMCSA safety-sensitive employees shall be subject to City drug/alcohol requirements when not governed by DOT Authority and Regulations.*

## **7. PROHIBITED CONDUCT**

### **7.1. MANUFACTURE, TRAFFICKING, POSSESSION, AND USE**

7.1.1. *City Authority and Requirements: Pursuant to the Drug-Free Workplace Act of 1988, all City employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances on City premises, in City vehicles, or while on City business.*

7.1.2. *Any employee who violates this provision will be subject to discipline up to and including immediate termination. The CITY will notify law enforcement where criminal activity is suspected.*

### **7.2. REQUIREMENT TO NOTIFY CITY OF CRIMINAL DRUG CONVICTIONS**

7.2.1. *City Authority and Requirements: Under the Drug Free Workplace Act (DFWA), all employees are required to notify the City in writing of any criminal drug statute conviction or for a violation occurring in the workplace, within five (5) calendar days after such conviction.*

7.2.2. *Failure to comply with this provision shall result in disciplinary action, up to and including termination. The City will notify the appropriate FTA or FMCSA office in writing of any safety-sensitive employee criminal drug statute conviction within ten (10) calendar days of notification of the conviction.*

## **8. PROHIBITED SUBSTANCES**

### **8.1. CONTROLLED SUBSTANCES OR DRUGS**

8.1.1. *The use of any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR 1300.11 through 1300.15, is prohibited at all times unless a legal prescription has been written for the substance.*

8.1.2. *Illegal use includes use of any illegal drug, misuse of legal prescribed drugs, and use of illegally obtained prescription drugs. This includes, but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration.*

8.1.3. *City Authority and Requirements:*

8.1.4. *All City employees will be tested for prohibited drugs and drug metabolites in the following circumstances: pre-employment, post-accident and reasonable suspicion (for cause).*

8.1.5. *Employees who refuse to take a test or fail to pass a test shall be removed from duty immediately and will be subject to discipline up to and including termination.*

8.1.6. *DOT/FTA/FMCSA Authority and Requirements:*

8.1.6.1. *Under 49 CFR Part 655.21, all safety-sensitive employees regulated by FTA will be tested for prohibited drugs and drug metabolites in the following circumstances: pre-employment, post-accident, reasonable suspicion, return to*

duty/follow-up and random.

- 8.1.6.2. Under 49 CFR Part 382 Subpart C, all safety-sensitive employees regulated by FMCSA will be tested for prohibited drugs and drug metabolites in the following circumstances: pre-employment, post-accident, reasonable suspicion random, and return to duty/follow-up.
- 8.1.6.3. A drug test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.
- 8.1.6.4. The following drugs must be tested for in each urine specimen: marijuana, cocaine, amphetamines, opioids, and phencyclidine (PCP). Illegal consumption of these substances is prohibited at all times.

## **8.2. ALCOHOL**

### **8.2.1. City Authority and Requirements:**

- 8.2.1.1. *The consumption/use of beverages containing alcohol or substances, including any medication, mouthwash, food, candy, or any other substance such that alcohol is present in the body at a level of .020 or greater is prohibited while performing City business.*
- 8.2.1.2. *No City employee is permitted to report for duty or remain on duty when his/her ability to perform assigned job functions is adversely affected by alcohol consumption.*
- 8.2.1.3. *No employee shall consume alcohol while on duty, when on call for duty or within four (4) hours prior to reporting for duty.*
- 8.2.1.4. *Any City employee who is suspected of being intoxicated, impaired, or not fit for duty shall be removed from duty and immediately escorted for testing. If the employee is found to have a breath alcohol test result with a concentration of 0.02 or greater, the employee will be suspended without pay for a minimum of one-full shift or eight hours (whichever is greater) and will be subject to discipline up to and including termination.*

### **8.2.2. FTA/FMCSA Authority and Requirements:**

- 8.2.2.1. Under 49 CFR Part 655.31(a) (FTA) and 49 CFR 382 Subpart C (FMCSA) all safety-sensitive employees will be tested for alcohol in the following circumstances: pre-employment, post-accident (as defined by FTA or FMCSA), reasonable suspicion, random, and return to duty/follow-up.
- 8.2.2.2. All FTA/FMCSA safety-sensitive applicants and individuals transferring into safety-sensitive positions will be pre-employment tested for alcohol.
- 8.2.2.3. All FTA/FMCSA safety-sensitive employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.
- 8.2.2.4. No FTA/FMCSA safety-sensitive employee shall consume alcohol within four (4) hours prior to reporting for duty, or during the hours on call for duty.
- 8.2.2.5. A FTA/FMCSA safety-sensitive employee involved in an accident is prohibited from the consumption of alcohol for eight (8) hours following the accident and may be tested or re-tested within that eight (8) hour period.
- 8.2.2.6. After a positive alcohol test result, an employee must submit to and pass a DOT breath alcohol retest with a verified test result of less than 0.02 before returning to a safety-sensitive function. *Any employee with an alcohol test result of 0.04 or greater will be subject to discipline, up to and including termination.*

## **8.3. ILLEGAL USE OR ABUSE OF LEGAL DRUGS**

**8.3.1. City Authority and Requirements**

- 8.3.1.1. Legally prescribed drug use means that an individual has a prescription from a physician for the use of a legal drug in the course of medical treatment. The misuse or abuse of legal drugs while performing City business is prohibited.
- 8.3.1.2. *The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functions, motor skills, or judgment may be adversely affected must be reported to supervisory personnel before performing work related duties.*
- 8.3.1.3. *Employees are strongly urged to seek and obtain medical advice prior to using prescription or over-the-counter drugs that may adversely affect his/her ability to perform safety-sensitive duties.*

**8.3.2. Medical Marijuana:**

- 8.3.2.1. *The use of medical marijuana and hemp products while performing work for the City is considered a violation of this Policy. Because of the City's concern for workplace safety, which could be jeopardized by tetrahydrocannabinol (THC) from any source, employees are encouraged to refrain from using hemp-containing food products of any kind.*
- 8.3.2.2. *Job applicants or employees who test positive for marijuana, claiming use of hemp containing food products will be considered to have a positive drug test result. Any employee verified with a positive drug test result will be subject to discipline, up to and including termination. Additional information regarding legal drug use and the use of hemp products is provided in Appendix B.*

**9. PRESCRIPTIONS AND OVER-THE-COUNTER MEDICATION**

**9.1. REPORTING OF PRESCRIBED DRUGS**

- 9.1.1. *City Authority and Requirements: In the interest of protecting employees and the general public, safety-sensitive employees must make sure that any prescribed drug or any combination of drugs being taken will not adversely impact his/her job performance. The prescribing licensed medical practitioner must approve the medication to ensure that the employee's job duties can be performed safely. This approval must be reported in writing to the City Human Resources Officer (HRO) or designee. A copy of the Medication Approval Form (MAF) is provided in Appendix B of this Policy. The form may also be obtained from the Human Resources Department or printed off the City's computer network at P:\Forms and Templates\Personnel.*
- 9.1.2. *FMCSA Authority and Requirements: Safety-sensitive employees under FMCSA regulations cannot operate a vehicle unless advised by a licensed medical practitioner that the OTC/prescription will not impact his/her ability to safely operate a vehicle. (CFR 382.213 (b))*

**9.2. PRESCRIBED DRUGS THAT DO NOT NEED TO BE REPORTED**

- 9.2.1. *Drugs on the MAF specified as "Drugs That Do Not Need To Be Reported," whether taken alone or in combination with other non-reportable drugs, do not need to be reported. This includes antibiotics, birth control pills, vitamins, local dental injections, creams, ointments, and lotions. When using a drug that does not need to be reported, it is the employee's responsibility to make sure that the drug taken is exactly the same as the drug on the list. (See Appendix B for form and list of non-reportable drugs.)*

**9.3. PRESCRIBED DRUGS THAT MUST BE REPORTED**

*All employees must report prescribed drugs listed under the section of the MAF titled "Mandatory Reportable Drugs With Restrictions" or any other drug that is not listed on the form which may impair an employee's ability to perform his/her job duties safely. When reporting prescribed drugs, all other prescribed drugs being taken at the same time must also be approved and reported. (See Appendix B - MAF form for a list of these drugs.)*

#### **9.4. OVER-THE-COUNTER MEDICATIONS**

- 9.4.1. *Employees are expected to read all warning labels before selecting an over-the-counter medication for use while on work status. Medications whose labels indicate they may affect mental functioning, motor skills or judgment should not be selected if at all possible. The advice of a pharmacist, if available at the purchase site, may be helpful in making a selection appropriate to the employee's job duties. If no alternate medication is available for the condition, employees should seek professional assistance from their pharmacist or physician. Ultimately, the employee may be the best judge of how a substance is impacting his or her ability to perform work duties. As such, the employee has the responsibility while working or subject to duty to refrain from using any over-the-counter medication that causes performance altering side effects, whether or not the label includes a specific warning.*

#### **9.5. SIDE EFFECTS**

- 9.5.1. *An employee who experiences medication side effects or who does not feel fit for duty, regardless of medications or previous approvals, must immediately refrain from performing hazardous activities and advise his/her supervisor of the inability to perform the required duties, including all safety-sensitive functions. The employee should then consult his/her personal physician for advice and/or treatment.*
- 9.5.2. *Although employees are not required to provide written notice to the City when using over-the-counter medications, it is highly recommended that the employee confer with his/her physician regarding the possibility of adverse side effects that may impair job performance. Employees are expected to notify their supervisor of any potential side effects that may interfere with job functioning.*

#### **9.6. HOW TO REPORT MEDICATION**

- 9.6.1. *Employees on medications covered by this Policy should obtain a Medical Approval Form (MAF) from the City Human Resources Department and have his/her licensed medical practitioner read and sign the form. The signed form must be returned to the Human Resources Officer or designee prior to the employee resuming a safety-sensitive function. Forms may be hand delivered, mailed, or faxed to the City's Human Resources Officer.*
- 9.6.2. *Employees have the responsibility to explain their job duties to their medical practitioner to ensure that the use of prescribed medication will not pose a safety risk to themselves, other employees, or the general public. It is recommended that the employee provide the medical professional with a copy of his/her current job description, for review in making this decision. Copies of job descriptions may be obtained by contacting the Human Resources Department at (310) 217-9509.*
- 9.6.3. *If the employee's use of a prescription or over-the-counter drug endangers the employee, other employees or the public, or has contributed to an accident, the employee will be subject to discipline, up to and including termination under City Policy.*

#### **9.7. CONFIDENTIALITY OF RECORDS AND VERIFICATION**

- 9.7.1. *Medication Approval Forms will be kept in a confidential medical file under the control of the Human Resources Officer and may be verified by the City's medical advisors. If an employee's personal physician and the City's medical advisor differ regarding use of a medication, the Human Resources Officer will work with the employee's medical practitioner and the city's medical advisor (MRO or industrial clinic physician) to resolve the disagreement.*

### **10. TESTING REQUIREMENTS**

#### **10.1. TESTING PROCEDURES**

- 10.1.1. *Urine drug testing and breath testing for alcohol use/abuse may be conducted under City Policy or under policies required by DOT/FTA, DOT/FMCSA or other federal regulations. The collection procedures will be performed in a private, confidential manner and every effort will be made to protect the employee's privacy, the integrity of the drug testing procedure, and the validity of the test result.*

- 10.1.2. DOT/FTA/FMCSA Authority and Requirements: In addition to being subject to all other elements of this Policy, employees who perform "safety-sensitive functions" for the City, as that term is defined by DOT (49 CFR 655.45 for FTA; or 49 CFR 382.103 for FMCSA) are subject to random drug and alcohol testing and other special requirements set forth in this Policy. A safety-sensitive function occurs when an employee is performing, ready to perform, or immediately available to perform any duty related to the operation of public transportation services. The employee must have a verified negative drug test result and a breath alcohol test result of less than 0.02 before returning to his/her safety-sensitive functions.
- 10.1.3. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures in 49 CFR Part 40, as amended. Copies of 49 CFR Part 40 are available for review in the Human Resources Department. The Office of Drug and Alcohol Policy and Compliance website (<http://www.DOT.gov/ost/dapc/index.htm>) has a downloadable version of 49 CFR Part 40.

## **10.2. COMPLIANCE WITH TESTING REQUIREMENTS**

- 10.2.1. DOT/FTA Authority and Requirements: All applicants for a safety-sensitive function will be subject to urine drug testing and breath-alcohol testing as a condition of employment.
- 10.2.1.1. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty immediately and *per City Policy will be subject to discipline, up to and including termination. A MRO verified adulterated or substituted drug test result will be cause for termination.*
- 10.2.1.2. *Applicants for City employment will be required to report for testing immediately upon referral to the collection site. Failure to immediately report for testing will disqualify the applicant from further consideration of employment with the City.*
- 10.2.2. Random and reasonable suspicion drug testing can be performed any time a safety-sensitive employee is actually performing a safety-sensitive duty, just before, or just after the performance of a safety-sensitive duty as described in this Policy.
- 10.2.3. *City Authority and Requirements:*
- 10.2.3.1. *Upon notification to report for drug and/or alcohol testing, the employee will be immediately escorted to the collection site by a supervisor. The chain of custody documents will be date and time stamped by the CITY and again by the collection site. A diversion or delay in reporting for the testing will be subject to City disciplinary procedures up to and including termination.*
- 10.2.3.2. *When an employee is to be sent for testing, the supervisor will notify the employee and then the supervisor (or a designee) will immediately escort the employee to the collection site and remain with the employee until the testing is completed. Following the testing, the employee will then be returned to his/her place of work.*
- 10.2.3.3. Under DOT regulations, for random testing only, a safety-sensitive employee does not have to be relieved of duty until test results but can return to work immediately. Reasonable suspicion and post-accident testing require that the employee NOT perform a safety-sensitive function until a negative test result is received. *Under City Policy, the Department Head or Appointing Authority, based on work assignment and relevant circumstances, will determine whether the employee is placed on paid leave, returned to work in a non-safety-sensitive assignment, or returned to regular duty, pending the testing results.*

## **10.3. DRUGS TESTED FOR**

- Marijuana
- Cocaine
- Amphetamines
- Opioids

- Phencyclidine

#### **10.4. REFUSAL TO SUBMIT FOR TESTING**

- 10.4.1.1. Failure to appear for any test (except pre-employment) within a reasonable time.
- 10.4.1.2. Failure to remain at the testing site until the testing process is complete. For pre-employment testing, the testing process does not begin until the donor receives the specimen collection cup for the drug test, or the mouthpiece is selected for the breath alcohol test.
- 10.4.1.3. Failure to provide a urine/breath/saliva specimen for any DOT required drug and/or alcohol test.
- 10.4.2. Failure, in the case of a directly observed or monitored collection in a drug test, to permit the direct observation or monitored collection
  - 10.4.2.1. Failure to provide a sufficient amount of urine for a drug test when directed, when there is no adequate medical explanation for the failure to do so.
  - 10.4.2.2. Failure or declining to take a subsequent test when required. Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures. Failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when directed by the collector).
  - 10.4.2.3. Failing to follow the observer's instructions during an observed collection.
- 10.4.3. Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process.
  - 10.4.3.1. Employee admits to the collector or MRO that he/she adulterated or substituted the specimen.
- 10.4.4. Failure to sign the certification at Step 2 of the Alcohol Test Form.
  - 10.4.4.1. Failure to remain readily available following an accident that requires post-accident drug and alcohol testing.
- 10.4.5. An MRO verified adulterated or substituted drug test result.

#### **10.5. PRE-EMPLOYMENT TESTING**

- 10.5.1. *City Regulations.*
  - 10.5.1.1. *Under City Policy, following a contingent offer of employment or transfer, all applicants for a safety-sensitive position shall undergo breath alcohol testing prior to assuming the duties of a safety-sensitive position. Alcohol testing will be conducted using the alcohol testing procedures set forth in 49 CFR Part 40.*
  - 10.5.1.2. *Receipt by the City of a verified negative drug test result and a negative pre-employment alcohol test result is required prior to employment. A verified positive pre-employment drug and/or alcohol test will disqualify an applicant for employment.*
- 10.5.2. If an employee or applicant has previously failed or refused a DOT pre-employment test, he/she must provide documentation that he/she has successfully completed a referral, evaluation, and treatment plan through a qualified SAP prior to performing a safety-sensitive function.
- 10.5.3. FTA Authority and Requirements:
  - 10.5.3.1. All applicants for FTA regulated safety-sensitive positions, including employees being considered for a transfer from non-safety sensitive to safety-sensitive positions, shall undergo urine drug testing (following procedures set forth in 49 CFR 655.41 and 49 CFR Part 40, Subparts C-I) prior to hire or transfer into a safety-sensitive position.

- 10.5.3.2. If the applicant has worked in a safety-sensitive function within the prior two (2) years, information on drug/alcohol testing must be obtained from the previous employers prior to allowing the applicant to assume duties in a safety-sensitive function. Information requested will include: Alcohol test results of 0.04 or higher alcohol concentration; Verified positive drug tests; Refusals to be tested (including verified adulterated or substituted drug test results); Other violations of DOT agency drug and alcohol testing regulations; Information obtained from previous employers of a drug and alcohol rule violation; and Documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests) when the employee has violated a DOT drug/alcohol regulation. DOT/FMCSA Authority and Requirements: To be considered for employment, all applicants for a safety-sensitive position will be asked to give consent to the City for a background check of their previous DOT covered employer(s) over the previous three (3) years.
- 10.5.3.3. Any safety-sensitive applicant who undergoes a pre-employment test, but who is not actually assigned to perform safety-sensitive duties within ninety (90) days of the date of the test will be required to re-test with negative test results prior to being assigned to safety-sensitive duties. A pre-employment drug/alcohol test will also be performed any time an employee's status changes from an inactive status in a safety-sensitive position to an active status in a safety-sensitive position.
- 10.5.4. FMCSA Authority and Requirements:
  - 10.5.4.1. All applicants for FMCSA regulated safety-sensitive positions, including employees being considered for a transfer from non-safety sensitive to safety-sensitive positions, shall undergo urine drug testing (following procedures set forth in 49 CFR 382.301 and 49 CFR Part 40, Subparts C-I) prior to hire or transfer into a safety-sensitive position.
  - 10.5.4.2. If the applicant has worked in a safety-sensitive function within the prior two (2) years, information on drug/alcohol testing must be obtained from the previous employers prior to allowing the applicant to assume duties in a safety-sensitive function.
  - 10.5.4.3. All safety-sensitive employees who have not performed a safety-sensitive function for ninety (90) or more consecutive calendar days, regardless of the reason, and during the period of non-performance have been out of the random testing pool, must successfully pass a pre-employment drug/alcohol test prior to the performance of any safety-sensitive function.
- 10.6. **REASONABLE SUSPICION TESTING.**
  - 10.6.1. *City Authority and Requirements: Apart from FTA and FMCSA regulations, all City employees and contractors as identified in Policy Section 4, "Applicability," may be subject to a reasonable suspicion test and/or a fitness-for-duty evaluation, including urine and/or breath testing when there is reason to believe that drug/alcohol use is adversely affecting his/her job performance. A supervisor or other City official may make a referral to the Human Resources Officer for reasonable suspicion testing by completing the "Reasonable Suspicion Form" to document the basis of the referral. Testing under the City's authority will be performed using non-DOT testing forms and procedures. Under City regulations, examples of reasonable suspicion under this Policy may include, but are not limited to:*
    - 10.6.1.1. *Supervisor's substantiated observation of specific behavioral performance or patterns of performance (i.e. regular absence from work occurs the day after a payday or before/after a regularly scheduled day off or holiday.)*
    - 10.6.1.2. *Physical signs and symptoms consistent with prohibited substance use or alcohol misuse (Appendix B - Drug and Alcohol Fact Sheets).*
    - 10.6.1.3. *Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substance.*



- 10.6.1.4. *Occurrence of a serious or potentially serious accident that may have been caused by prohibited substance abuse or alcohol misuse and does not meet the threshold for testing under FTA or FMCSA regulations.*
- 10.6.1.5. *Involvement in fights (physical contact with another), assaults, or verbal altercations sufficient to warrant possible disciplinary action. When two (2) or more employees are involved, each employee shall be tested.*
- 10.6.1.6. *Flagrant disregard or violation of established safety, security, or other operating procedures.*
- 10.6.1.7. *Any physical or behavioral attribute that is inconsistent with the employee's normal appearance or behavior that may be indicative of alcohol or abuse of drugs, such as: slurred speech, unsteady gait or balance, glassy eyes; euphoria or excitement unbefitting the situation, extreme mood swings, irritability, aggressiveness, inattentiveness, disorientation or confusion unless employee provides documented evidence of probable cause due to legal use of prescribed or over-the-counter drugs.*

10.6.2. DOT/FTA/FMCSA Authority and Requirements:

- 10.6.2.1. Reasonable suspicion referrals must be based on specific, contemporaneously, articulable observations concerning the appearance, behavior, speech, and/or body odor of the employee. The observations may include indications of the chronic and withdrawal effects of controlled substances. A reasonable suspicion test for drugs can be conducted any time a safety-sensitive employee is on duty or subject to duty. A reasonable suspicion test for alcohol can only be conducted when the observations are made during, just preceding, or just after the performance of safety-sensitive functions. *The supervisor will make a referral to the Human Resources Officer for reasonable suspicion testing by completing the "Reasonable Suspicion Form" to document the basis of the referral.*
- 10.6.2.2. For safety-sensitive employees under the regulation of FTA reasonable suspicion referrals must be made by a supervisor or other City official who has been trained and certified in accordance with 49 CFR Part 672 to detect the physical signs and symptoms, facts, circumstances, physical evidence, or patterns of performance and/or behaviors associated with drug/alcohol misuse under this Policy. If a supervisor trained to identify the signs and symptoms of drug/alcohol use reasonably concludes that objective facts may indicate drug use or alcohol misuse, this will be sufficient justification for testing.
- 10.6.2.3. For safety-sensitive employees under the regulation of FMCSA, the person making the determination must be trained in accordance with 49 CFR Part 382.603.

**10.7. POST-ACCIDENT TESTING**

- 10.7.1. An accident can be the result of a collision with another vehicle or pedestrian, or it can be associated with an incident that occurs on the vehicle without any contact with another vehicle or person. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a safety-sensitive employee from leaving the scene of an accident for a period necessary to obtain assistance in responding to the accident or to obtain the necessary emergency medical care.
- 10.7.2. *City Authority and Requirements The City may test any City employee following an accident while on work status or while driving a City vehicle. Testing under City authority will be done using non-DOT testing forms and procedures. City Policy Definition applies to ALL City Employees not otherwise regulated in the following circumstances:*
  - 10.7.2.1. *Any incident that involves more than one (1) City employee (other than as a passenger in a single vehicle).*
  - 10.7.2.2. *Any accident involving more than one (1) City vehicle.*

- 10.7.2.3. *Any accident that results in a police report that identifies the City employee as the principal cause of the accident.*
- 10.7.2.4. *Any other accident where there is a reasonable question as to cause.*
- 10.7.2.5. *Any employee, under the above circumstance, who fails to remain readily available for drug/alcohol testing (including notifying the City of his/her location) or who otherwise leaves the scene of the accident without appropriate authorization prior to drug and alcohol testing, will be considered to have refused the test. Employees who refuse to submit to a drug/alcohol test shall be subject to discipline, up to and including termination.*
- 10.7.2.6. *If the City is unable to perform a drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), the City may use drug/alcohol post-accident test results administered by State and local law enforcement officials (49 CFR Part 40). The State and local law enforcement officials must have independent authority for the test and the City must obtain the results in conformance with State and local law.*
- 10.7.3. FTA Authority and Requirements Only under the following conditions does an accident meet FTA standards for post-accident drug/alcohol testing. In such incidents testing shall be done using federal forms and procedures:
  - 10.7.3.1. An individual dies (fatality).

An individual suffers bodily injury and immediately receives medical treatment away from the scene.
  - 10.7.3.2. One or more vehicles sustain disabling damage requiring to be towed away.
- 10.7.4. FMCSA Authority and Regulations. Only under the following conditions does an accident meet FMCSA standards for post-accident drug/alcohol testing. In such incidents testing shall be done using federal forms and procedures:
  - 10.7.4.1. A human fatality.
  - 10.7.4.2. An individual suffers bodily injury and is transported away from the scene of the accident to receive immediate medical treatment AND the driver is issued a citation for a moving vehicle violation.
  - 10.7.4.3. Disabling damage to any motor vehicle requiring tow away AND the driver is issued a citation for a moving vehicle violation.
- 10.7.5. DOT/FTA/FMCSA Authority and Regulations. All safety-sensitive employees will be required to undergo urine and breath testing if involved in an accident as defined by the FTA or FMCSA.
  - 10.7.5.1. In the case of a fatality, the surviving safety-sensitive employee operating the vehicle at the time of the accident must be tested, as well as any other safety-sensitive employees not on the vehicle, but whose performance could have contributed to the accident (based upon the best information available at that time, e.g. a mechanic, dispatcher or other associated position).
  - 10.7.5.2. In a non-fatal accident, the safety-sensitive employees operating the vehicle at the time of the accident will be tested unless it is determined the employee's performance can be completely discounted as a contributing factor to the accident. Any other safety-sensitive employee whose performance could have contributed to the accident will also be tested. *The decision regarding being "completely discounted" will be made by the supervisor on the scene based upon the best information available at the time of the incident. The supervisor will document his/her decision on the Post-Accident Form and submit the report to the Human Resources Officer within seventy-two (72) hours of the accident.*
    - 10.7.5.2.1. Following an accident, as defined in this Policy, the safety-sensitive employee will be tested as soon as possible. If the alcohol test is not

administered within two (2) hours of the accident, the supervisor or DER must prepare and maintain on file a "Post Accident" form stating the reason the test was not promptly administered. If an alcohol test is not administered within eight (8) hours following the accident, all attempts to administer the test must cease and the DER must document the reason why the test was not performed on the "Post Accident" form.

10.7.5.2.2. All safety-sensitive employees must be tested within thirty-two (32) hours of the accident for drugs. If a drug test is not administered within thirty-two (32) hours following the accident, all attempts to administer the test must cease and the DER must document the reason why the test was not performed on the "Post Accident" form.

10.7.5.2.3. Any safety-sensitive employee involved in an accident must refrain from alcohol use for eight (8) hours immediately following the accident or until he/she undergoes a post-accident alcohol test. Any safety-sensitive employee who does not remain available for testing or leaves the scene of the accident without a justifiable explanation prior to submission to drug/alcohol testing will be considered to have refused the test and *the employee will be subject to discipline up to and including termination*. Employees tested under this provision will include not only the operator, but also any other covered employee whose performance could have contributed to the accident.

#### **10.8. RETURN TO DUTY/FOLLOW-UP TEST**

10.8.1. Any employee returned to duty subsequent to having a positive drug or alcohol test will be subject to a Return to Duty test and periodic follow-up test for the substance for which he/she tested positive. Testing shall be done in accordance with 49 CFR Part 40, subpart O and shall be in addition to any random testing. (FMCSA: CFR 382.309/3011) (FTA: CFR 655.47-48).

#### **10.9. RANDOM TESTING**

10.9.1. DOT/FTA/FMCSA Authority and Requirements: FTA and FMCSA regulations require random (unannounced and unpredictable) testing for drugs and alcohol for all safety-sensitive employees. The selection of safety-sensitive employees for random drug and alcohol testing will be made using a scientifically valid method that ensures each covered employee will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread throughout the year. Random testing will be conducted on all days and hours during which safety-sensitive functions are performed. A safety-sensitive employee may be tested at any time during an employee's shift (i.e. beginning, middle, and end). Employees are required to proceed immediately and directly to the collection site upon notification of their random selection.

10.9.2. *Under City Policy, any employee who does not proceed immediately to the testing center when notified, or who fails to report to the testing center will be placed on medical hold without pay until the DER investigates the late report. Failure to proceed immediately for testing or to report for testing can result in disciplinary action up to and including termination. An employee with a MRO verified positive on a drug or alcohol test will be immediately removed from his/her safety-sensitive position and referred to a Substance Abuse Professional (SAP), in accordance with 49 CFR 655 and disciplinary proceedings, up to and including termination, will be initiated.*

#### **10.10. BREATH ALCOHOL TESTING**

10.10.1. Breath alcohol testing will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved evidential breath-testing device (EBT) operated by a trained breath alcohol technician (BAT). All breath alcohol test results will be reported only by an MRO or BAT to the Designated Employer Representative (DER) as soon as such results are available.

10.10.2. *City Regulation: Under City Policy, any employee, including safety-sensitive and non-safety sensitive designated, who has a confirmatory breath alcohol test result with a concentration of 0.02 or greater, but less than 0.04 will be immediately removed from duty and placed on non-pay suspension for the remainder of his/her shift or a minimum of eight (8) hours whichever is greater.*

10.10.2.1. *Any City employee with a confirmed breath alcohol test result of 0.04 or greater, or any employee who refuses to submit to an alcohol test (see Policy Section 6.4) will be immediately removed from his/her duties and will be referred to a Substance Abuse Professional (SAP) for assessment and referral in accordance with 49 CFR Part 40. Per City authority and regulations, such employee will be subject to discipline up to and including termination.*

10.10.3. **FTA Regulation:** For all safety-sensitive functions, if the initial test indicates a breath alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. A confirmatory breath alcohol test result of 0.04 or greater will be considered a positive alcohol test result and a violation of this Policy and federal requirements in 49 CFR Part 655 (FTA)

10.10.4. **FMCSA Regulation:** A safety-sensitive employee who has a confirmatory breath alcohol test result of 0.04 or greater will be immediately removed from duty for the remainder of his/her work shift or a minimum of eight (8) hours, whichever is greater.

#### **10.11. URINE TESTING**

10.11.1. **DOT/FTA/FMCSA Authority and Requirements:** DOT regulations only permit urine testing for the following five drugs: marijuana, cocaine, opioids, amphetamines, and phencyclidine (PCP). Urine specimens will be collected using the split specimen collection method as described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a Federal Drug Testing Custody and Control Form (CCF) and identified using a unique identification number that attributes the specimen to the correct individual. An initial drug screen will be conducted on the primary urine specimen. For those specimens with non-negative initial drug screen results, confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR 40.87 as amended. Section 7.9 lists the minimum thresholds established for each drug and/or its metabolites.

10.11.2. **49 CFR Part 40, as amended:** Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. Specimen validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

10.11.3. Any safety-sensitive applicant/employee with a dilute negative test result (creatinine  $\geq$  5 mg/dL) will be directed by the DER to undergo an immediate second unobserved collection.

#### **10.12. OBSERVED COLLECTIONS**

10.12.1. Consistent with the requirements in 49 CFR 40.67, an immediate urine specimen under direct observation (by a person of the same gender) with no advance notice will be conducted if any of the following situations occurs:

10.12.1.1. The DHHS-certified laboratory reports to the MRO that a specimen is invalid, and the MRO reports to the DER that there was no adequate medical explanation for the results.

10.12.1.2. The MRO reports to the DER that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed.

10.12.2. The City may direct an employee to provide a urine specimen under direct observation for return-to-duty and follow-up drug tests.

- 10.12.3. The collector must immediately conduct a collection under direct observation if directed by the DER to do so.
- 10.12.4. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen.
- 10.12.5. The temperature of the original specimen provided was outside the acceptable temperature range of 90-100 degrees Fahrenheit.
- 10.12.6. The original specimen appears to have been tampered with.
- 10.12.7. The MRO directs City to conduct a second specimen collection under direct observation because the creatinine concentration of an applicant/employee's initial specimen provided was equal to or greater than 2 mg/dL but less than or equal to 5 mg/dL.
- 10.12.7.1. -

#### **10.13. EMPLOYEE REQUESTED TESTING**

- 10.13.1. *Any City employee who questions a positive, adulterated or substituted test result of a required drug test identified in this Policy may request that the split sample be tested. This test must be conducted at a different DHHS certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample.*
- 10.13.2. *If an employee requests split sample testing, the split sample test will occur regardless of up-front payment, but CITY reserves the right to seek reimbursement from the employee unless the result of the split sample testing invalidates the result of the original test. The employee's request for a split sample test must be made to the MRO within seventy-two (72) hours of notice of the original sample verified test result. Requests submitted after seventy-two (72) hours will only be accepted if the delay was due to verifiable facts that were beyond the employee's control. No split specimen test will be authorized for invalid test results.*

### **11. EMPLOYEE ASSISTANCE AND TREATMENT PROGRAMS**

#### **11.1. AVAILABILITY OF SERVICES**

*The City's Employee Assistance Program (EAP) offers help for employees to improve or maintain job performance by solving personal problems. A component of that program is to help employees who have some type of personal problem related to abuse or addiction to drug or alcohol. EAP contact information will be posted in each department where all employees can readily and discreetly obtain the information, if needed. All employees are encouraged to make use of the available resources for treatment of alcohol/drug misuse and/or illegal drug use problems*

#### **11.2. VOLUNTARY TREATMENT REQUIREMENTS**

- 11.2.1. *City Authority and Requirements: Any employee who voluntarily discloses before a disciplinary matter develops and/or before notification for a required test that he/she has a drug or alcohol abuse problem or is under the influence of a prescribed or over-the counter medication will, as a condition of continued employment, be subject to a return-to-duty drug/alcohol test and will be required to submit to periodic follow-up testing (non-DOT). The purpose of a return-to-duty and periodic testing is to provide the City with a degree of assurance that the employee is drug and alcohol free, i.e., the employee is able to return to work without undue concern of continued drug abuse or alcohol misuse.*
- 11.2.2. *To be eligible to return to a safety-sensitive or non-safety-sensitive position, the employee must be referred to the Employee Assistance Program (EAP) and evaluated by a Substance Abuse Professional (SAP) and pass a return-to-duty test. A return-to-duty test will include both drug and alcohol testing as well as meet other return-to-duty requirements as may be required by the City.*
- 11.2.3. *Once returned to duty and as a condition of ongoing employment, the employee must follow the recommended frequency and duration of periodic follow-up testing from the EAP/SAP. Any employee who refuses or fails to comply with requirements for treatment, after-care, or return-to-duty shall be discharged. The cost of any treatment or rehabilitation services will be paid for directly by the employee or his/her insurance provider. Employees will be allowed to*

*take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program. Any follow-up testing will be apart from, and in addition to, participation in the random testing program.*

## **12. INFORMATION DISCLOSURES**

### **12.1. CONFIDENTIALITY**

12.1.1. *The City affirms the need to protect individual dignity, privacy and confidentiality throughout the drug/alcohol testing process. Laboratory reports or test results shall be kept separate from the employee's general personnel file. Information of this nature will be kept under the control of the Drug and Alcohol Program Manager (DAPM).*

12.1.2. Test results will be provided to the employee's Department Head, manager and/or supervisor only on a need to know basis.

12.1.3. Without the employee's written consent, records will only be revealed only to those who are authorized under DOT/FTA rules (49 CFR 40.331).

### **12.2. RECORDS RELEASE**

12.2.1. *All drug and alcohol testing records will be maintained in a secure manner by the Human Resources Officer so that disclosure of information to unauthorized persons does not occur. If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40, necessary legal steps will be taken by the City to contest the issuance of the order.*

12.2.1.1. Information will only be released in the following circumstances with a signed written consent by the employee:

12.2.1.1.1. To the employer

12.2.1.1.2. To a Union Representative

12.2.1.1.3. To a subsequent employer

12.2.1.1.4. To any other third party designated by the employee

12.2.1.2. No signed release is required when information is provided to:

12.2.1.2.1. To the National Transportation Safety Board during an accident investigation;

12.2.1.2.2. To Administrative proceedings initiated by or on the behalf of the employee tested and resulting from a positive test result or test refusal

12.2.1.2.3. To the USDOT or any other USDOT agency with regulatory authority over the employer or any of its employees;

12.2.1.2.4. To State DOT or grantee that has oversight responsibility and is required to certify compliance with FTA regulations (to the FTA)

12.2.1.2.5. When a criminal or civil action results from an employee's performance of safety-sensitive duties in which a court or competent jurisdiction determines the test information is relevant to the case and orders the employer to produce the information.

## **13. TRAINING REQUIREMENTS**

### **13.1. City Authority and Requirements:**

13.1.1. *The City may provide and/or require any additional training of safety-sensitive and non-safety sensitive supervisors periodically or on a scheduled basis as it deems necessary for the safety of its employees and general.*

13.1.2. *All employees may be required to receive training as the City deems necessary.*

### **13.2. DOT/FTA Authority and Requirements:**

- 13.2.1. All safety-sensitive employees and their supervisors as defined must undergo a minimum of one (1) hour of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training must also include manifestations and behavioral cues that may indicate prohibited drug use.
  - 13.2.2. Supervisors for safety-sensitive positions, in addition to the above general training, must also receive one (1) hour of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and one (1) hour of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.
- 13.3. DOT/FMCSA Authority and Requirements:
- 13.3.1. All safety-sensitive employees and their supervisors as defined must undergo a minimum of one (1) hour of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training must also include manifestations and behavioral cues that may indicate prohibited drug use.
  - 13.3.2. Supervisors for safety-sensitive positions, in addition to the above general training, must also receive one (1) hour of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and one (1) hour of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

**###**

**CITY OF GARDENA  
ANTI-DRUG/ALCOHOL ABUSE POLICY  
COUNCIL POLICY – NO. 89-28, REVISION #6**

**APPENDIX A**

**FORMS AND PROCEDURES**

1.	Anti-Drug/Alcohol Official Contact List.....	A - 2
2.	Safety-Sensitive Position Titles .....	A - 3
3.	Statement of Acknowledgement .....	A - 4
4.	Medical Approval Form (MAP) .....	A - 5
5.	Class “G” Random Drug Screen Profile.....	A - 7
6.	FTA Required Applicant Follow-Up Questionnaire.....	A - 8
7.	Applicant Authority for Release of Information.....	A – 9



**CITY OF GARDENA  
ANTI-DRUG AND ALCOHOL PROGRAM  
OFFICIAL CONTACT LIST**

**PROGRAM MANAGERS**

Edward Medrano, City Manager  
City of Gardena, Gardena City Hall  
1700 W 162<sup>nd</sup> Street, Gardena, CA 90247

(310) 217-9503 (office)

[emedrano@cityofgardena.org](mailto:emedrano@cityofgardena.org)

**DRUG AND ALCOHOL PROGRAM (DAPM) MANAGER/ HUMAN RESOURCES OFFICER**

Nora Verceles, Human Resources Manager  
City of Gardena, Gardena City Hall  
1700 West 162<sup>nd</sup> Street, Gardena, CA 90247

(310) 217-9509 (office)

[nverceles@cityofgardena.org](mailto:nverceles@cityofgardena.org)

**LABORATORIES/COLLECTION SITES**

US Health Works (24/7)  
1149 W. 190th Street, Torrance, CA 90248  
(310) 324-5777

<http://www.ushealthworks.com>

US Health Works (Mon-Fri 8:00 a.m. – 5:30 p.m.)  
16630 Broadway Street, Gardena, CA 90248  
(310) 768-8155

**MEDICAL REVIEW OFFICER**

Stuart B. Hoffman, MD, FACP  
First Advantage  
480 Quadrangle Drive, Suite D  
Bolingbrook, IL 60440

**EMPLOYEE ASSISTANCE PROGRAM (EAP)**

REACH Employee Assistance Program  
101 E. Lincoln Ave, Suite #230, Anaheim, CA 92805

**REACH HELP LINE: 1-800-273-5273**

<http://reachline.com>

## SAFETY-SENSITIVE POSITION TITLES IN THE CITY CLASSIFICATION PLAN

<b>DOT/FTA Authority and Requirements</b> <b>Safety-Sensitive - Position Titles</b>	<b>Class Type</b>	<b>Drug/Alcohol Testing Requirements</b>
<ol style="list-style-type: none"> <li>1. Transportation Director</li> <li>2. Transportation Deputy Director</li> <li>3. Transportation Superintendent</li> </ol>	Administrative and Supervisory	<b>NOT Safety-Sensitive</b> - Pre-Employment - Reasonable Suspicion
<ol style="list-style-type: none"> <li>1. Bus Operator</li> <li>2. Relief Bus Operator</li> <li>3. Paratransit Operator</li> <li>4. Transportation Operations Supervisor <ol style="list-style-type: none"> <li>(a) when operating a revenue service vehicle, or</li> <li>(b) when providing hands-on training with a Bus Operator or Paratransit Operator</li> </ol> </li> </ol>	Operating a revenue service vehicle, including when not in revenue service	- Pre-Employment - Post Accident - Reasonable Suspicion - Random
<ol style="list-style-type: none"> <li>1. Transportation Operations Manager (when working in dispatch or providing direction to dispatch)</li> <li>2. Transit Training and Safety Supervisor (when working in dispatch or providing direction to dispatch)</li> <li>3. Transportation Operations Supervisor</li> <li>4. Paratransit Dispatcher</li> <li>5. A Bus Operator or Paratransit Operator (when assigned to perform dispatch functions)</li> </ol>	Controlling dispatch or movement of a revenue service vehicle	- Pre-Employment - Post Accident - Reasonable Suspicion - Random
<ol style="list-style-type: none"> <li>1. Transit Maintenance Manager</li> <li>2. Transit Mechanic</li> <li>3. Lead Mechanic</li> <li>4. Transportation Equipment Utility Worker I&amp;II</li> <li>5. Senior Transit Utility Specialist</li> </ol>	Maintenance - Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service	- Pre-Employment - Post Accident - Reasonable Suspicion - Random

<b>FMCSA Authority and Requirements</b> <b>Safety Sensitive - Position Titles</b>	<b>Drug/Alcohol Testing Requirements</b>
<ol style="list-style-type: none"> <li>1. Cement Finisher</li> <li>2. Electrical/Signal Technician I &amp; II</li> <li>3. Equipment Mechanic (Public Works)</li> <li>4. Equipment Mechanic Lead (Public Works)</li> <li>5. Graffiti Technician</li> <li>6. Heavy Equipment Operator</li> <li>7. Public Works Lead</li> <li>8. Right-of-Way Maintenance Worker</li> <li>9. Sewer Maintenance Worker</li> <li>10. Street Maintenance Worker</li> <li>11. Street Sweeper Operator</li> <li>12. Street Traffic Painter</li> <li>13. Tree Trimmer I &amp; II</li> </ol>	- Pre-Employment - Post Accident - Reasonable Suspicion - Random

<b>City Authority and Requirements</b> <b>Non-Safety Sensitive Position Titles</b>	<b>Drug/Alcohol Testing Requirements</b>
All positions not identified as Safety-Sensitive	- Pre-Employment - Reasonable Suspicion (Cause)



**CITY OF GARDENA, CA  
ANTI-DRUG/ALCOHOL ABUSE POLICY  
COUNCIL POLICY NO. 89-28**

**STATEMENT OF ACKNOWLEDGEMENT**

Name of Employee: \_\_\_\_\_ Position Title: \_\_\_\_\_

Department: \_\_\_\_\_ ☐ Safety-Sensitive ☐ Non-Safety-Sensitive

Reasons for Receipt and Acknowledgement: \_\_\_\_\_  
(e.g. new hire; assuming safety-sensitive position, return to duty, amended policy, other)

The City of Gardena is a drug-free workplace and has adopted a Anti-Drug/Alcohol Abuse Policy and Substance Abuse Program. This a notice to all employees that the policy will be made available to all City employees as follows:

1. All new hires will be provided a copy of the policy at orientation;
2. All employees transferring from a non-safety-sensitive to a safety-sensitive position governed by DOT prior to beginning the safety-sensitive function;
3. All employees whenever any amendment or revisions to the policy is adopted;
4. Copy will be posted on the City's network drive (P: Forms and Templates/Personnel);
5. Additional copies will be available in the Human Resources Office at City Hall.

I hereby acknowledge that I am a \_\_\_\_\_ (safety-sensitive/non-safety-sensitive) employee and that I have received and read a copy of the City's Anti-Drug/Alcohol Abuse Policy (Council Policy No. 89-28) Version #\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Employee Signature, Title

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Witnessed by: Manager/Supervisor Signature, Title

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Received by: DAPM/HR Officer Signature, Title

\_\_\_\_\_  
Date Signed

**REACH Help Line: 1-800-273-5273**

Anyone who has questions regarding this policy or needs assistance is encouraged to contact the Human Resources Officer. Additionally, REACH, the City's Employee Assistance Program (EAP) is available at no cost to all employees and their families who may need intervention and/or referral services to address issues that may be associated with drug/alcohol abuse.



## MEDICATION APPROVAL FORM (MAF)

**PLEASE NOTE the following medications DO NOT need to be reported:** antibiotics, birth control pills, vitamins, local dental injections, creams, ointments, and lotions. (See the page 2 of this form for a complete list of non-reportable drugs.)

The use of any substance which carries a warning label that indicates that mental functions, motor skills, or judgment may be adversely affected must be reported to supervisory personnel before performing work related duties.

### EMPLOYEE COMPLETES THIS SECTION:

Employee Name \_\_\_\_\_ Contact Phone Number \_\_\_\_\_

Department \_\_\_\_\_ Job Title \_\_\_\_\_

Supervisor/Manager Name \_\_\_\_\_ Employee ID # \_\_\_\_\_

I hereby agree to comply with the prescribed use of these medications and with the recommendations and restrictions made by my physician and/or City of Gardena Human Resources. The information provided in this Medication Approval Form is true and correct to the best of my knowledge. I understand and will comply with the prescribed use of these medications and their restrictions while working.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**Dear Physician:**

We are requesting your assistance in determining if it is safe for your patient to perform safety-sensitive functions while taking medication that you prescribe by completing this form. Safety-sensitive functions include operating or repairing a vehicle, such as a car, small to heavy trucks and equipment or bus. The safety of the traveling public and our employees is our greatest priority at the City of Gardena. Based on your best medical opinion, your signature below acknowledges that you are aware of this employee's job duty requirements and that the prescribed medication(s) currently being taken will not adversely impair performance or endanger the safety of this individual, coworker, customer, passenger, or the public. Please indicate below what, if any, restrictions should be placed upon the time between when the medication is taken and the time the individual can safely perform his/her job duties.

### PHYSICIAN COMPLETES THIS SECTION:

**Medication Employee is Currently Taking:**

Name of Drug	Date Prescribed	Date Approval Expires	Restrictions/ Instructions
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

Please Print the Following:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**CITY OF GARDENA  
ANTI-DRUG AND ALCOHOL POLICY**

**DRUGS THAT DO NOT NEED TO BE REPORTED**

The following drugs do **NOT** need to be reported unless known by the employee to cause problems or if restrictions are imposed by the prescribing physician.

<b><u>Antibiotics</u></b> All	<b><u>Allergy, Asthma &amp; Decongestants</u></b> Alph-pned Brethaire Entex Guaifensin Hismanal Ipratropium Inhaler Kenalog Nasalide Phenylenpropanolamine PPA-GG-LA Pseudoephedrine Seldane Sine-Aid Sudafed Terbutaline Inhaler Terbutaline Terienadine Theo-Dur Thepnilline Zephrex	<b><u>Analgesics</u></b> Acetaminophen Advil Anacin-3 Anaprox Asprin Datril Fenoprofen Ibuprofen Indocin Medipren Motrin Nalfon Naprosyn Nuprin Panadol Rufin Trendar Tylenol	<b><u>Antihypertensives</u></b> Aldactide Aldactone Aldomet Calan Capoten Captopril Catapres TTS Catapress Chlorothiazide Diuril Enalapril HCTZ Hydrodiuril Hydrochlorothiazide Lasix Lisinopril Lopressor Methyldopa Moduretic Prinivil Procardia Vasoretic Vasotec	<b><u>Miscellaneous</u></b> Ablalon A Oph Drops Acyclovir Aristocort Beconase Carafate Cimetidine Colbenemid Cortisone Digoxin Donnagel Ergotec Lanoxin Meclomen Prednisone Prilosec Synthroid Tagamet Vancenase Viagra Zantac
<b><u>Birth Control Pills</u></b> All				
<b><u>Dental</u></b> Lidocaine Xylocaine				
<b><u>Immunizations</u></b> All				
<b><u>Topical Agents</u></b> Lotions, Creams, etc.				
<b><u>Vitamins</u></b> All				

**MANDATORY REPORTABLE DRUGS**

**FTA/DOT Authority and Requirements:**

**EMPLOYEE RESPONSIBILITY:** Discuss your prescription drugs with your personal physician or pharmacist to determine if the drug has any potential side affects that may affect your ability to perform your work duties. It is suggested that you provide your physician with a copy of your job description to assist him/her in making a determination. All safety-sensitive employees are required to report any prescribed drug not listed above that has the effect or potential effect of interfering with an employee's performance in a safety-sensitive function.

**City Authority and Requirements:**

**EMPLOYEE RESPONSIBILITY:** Discuss your prescription drugs with your personal physician or pharmacist to determine if the drug has any potential side affects that may affect your ability to perform your work duties. If so, or if you suspect that it might, you should discuss this with your supervisor or the Human Resources Officer prior to assuming your work duties. You do not need to disclose the medication but may have to provide a physicians statement.

# **CITY OF GARDENA**

**1700 W. 162<sup>nd</sup> Street  
Gardena, CA 90247  
(310) 217-9688**

## **CLASS "G" RANDOM (DOT) DRUG SCREEN PROFILE**

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**ADMIT:** No appointments necessary. U.S. HealthWorks hours of operation: Monday thru Friday, 8:00 am to 5:00 pm. Send new employee with Authorization Slip. The only individuals authorized to send new hires are Nora Verceles, Abigail Quiroz and Edward Medrano.

### **STANDARD PROCEDURES:**

**URINE DRUG SCREEN COLLECTION  
MEDTOX NIDA  
SEND CUSTODY FORM TO CHOICEPOINT (NSA)**

**DISCHARGE:** Email CCF, ATF, and Authorization Form to Abigail Quiroz at [aquiroz@gardenapd.org](mailto:aquiroz@gardenapd.org) and Nora Verceles at [nverceles@cityofgardena.org](mailto:nverceles@cityofgardena.org).  
Mail original copies to 1700 W. 162<sup>nd</sup> St, Gardena, CA 90247.

**BILLING:** City of Gardena Human Resources Offices, 1700 West 162<sup>nd</sup> Street,  
Gardena, CA 90247 – Attention: Nora Verceles

**Questions or problems? Contact:**  
Nora Verceles, HR Manager, (310) 217-9509 or [nverceles@cityofgardena.org](mailto:nverceles@cityofgardena.org)  
Abigail Quiroz, Administrative Analyst I, (310) 965-2337 or [aquiroz@gardenapd.org](mailto:aquiroz@gardenapd.org)



**FTA Required Applicant Follow-Up Questionnaire**

Date of Request: \_\_\_\_\_

TO: \_\_\_\_\_  
Agency Name

RE: \_\_\_\_\_  
Name of Applicant                      Date of Birth                      Social Security No.

Dear Human Resources Manager or Drug and Alcohol Program Manager:

The above-named individual has applied for employment with the City of Gardena in the position of \_\_\_\_\_ which is a safety-sensitive position in the Transportation Department. In compliance with 49 CFR Section 40.25 (a,b), this is a request for information regarding drug and alcohol testing and test results for the applicant while he/she was employed by your agency for a period of two (2) years prior to the date of this request.

	YES	NO	N/A
Was the employee in a safety-sensitive position subject to 49 CFR Section 40.25 (a,b)?	[ ]	[ ]	[ ]
Under Department of Transportation testing requirements and going back two (2) years,			
Has this person had an alcohol test with a result of 0.04 or higher alcohol concentration?	[ ]	[ ]	[ ]
Has this person had a verified positive drug test?	[ ]	[ ]	[ ]
Has this person refused to be tested (including verified adulterated or substituted drug test results)?	[ ]	[ ]	[ ]
Has this person violated DOT agency drug and alcohol testing regulations?	[ ]	[ ]	[ ]
Did a previous employer report a drug or alcohol rule violation to you?	[ ]	[ ]	[ ]
If this person has violated a DOT drug and alcohol regulation, do you have documentation of the employee's successful completion of DOT return-to-duty requirements, including follow-up tests? (Please send this documentation back with this form, if applicable.)	[ ]	[ ]	[ ]

A Release of Information form signed by the applicant is attached.

Please provide a written response to my attention at the above address or via fax at (310) 217-9694. If you have any questions or wish to discuss this further, you may contact me at (310) 965-2337. Receipt of your reply within the next seven (7) days would greatly assist us in our selection process. Thank you in advance for your cooperation in this matter.

Very truly yours,

ABIGAIL QUIROZ  
Human Resources Administrative Analyst I

Agency Name: \_\_\_\_\_

Address: \_\_\_\_\_  
City State, Zip Code

Telephone: \_\_\_\_\_

Completed By: \_\_\_\_\_  
Print Name Signature Date



## APPLICANT AUTHORIZATION FOR RELEASE OF INFORMATION

I, \_\_\_\_\_, understand that in connection with the application process, the City of Gardena (City) may request information from my past employers and/or references, and I also understand that such investigation may include a review of any criminal records. I certify that I have provided complete and truthful information to the City regarding all sources of information concerning my past employment, education, certification and criminal conviction record, as well as any other information requested in my employment application, and have been fully informed that any misrepresentations or material omissions concerning such information will be grounds for denying my application, withdrawing any offer of employment, or immediate discharge. In order to assist the City in obtaining documents and information to confirm my background, I hereby consent to the release of information as described below.

I request, authorize and consent to the release of information to the City regarding my previous and current employment, and authorize all employers or agents that they may designate, to respond forthrightly to verbal or written inquiries from the City regarding my employment record, including but not limited to: positions held; date of employment; work performance; disciplinary records; reliability and any incidents of dishonesty; insubordination, violence and/or unsafe behavior; harmful or threatening behavior, including information based upon materials in my personnel file.

As an applicant for a safety-sensitive position under the regulations of DOT/FTA I have attested to and further authorize and request the release of any records related to the following as it relates to drug/alcohol testing for two (2) years prior to the date of this signed authorization:

- (1) Alcohol tests with a result of 0.04 or higher alcohol concentration;
- (2) Verified positive drug tests;
- (3) Refusals to be tested (Including verified adulterated or substituted drug test results);
- (4) Other violations of DOT agency drug and alcohol testing regulations; and
- (5) With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (Including follow-up tests).

I further have attested to, authorize and request the release to the City investigator information on whether I have a record of criminal convictions and, if so, the nature of such criminal convictions and all surrounding circumstances available through lawful means. The City has advised me that any criminal background check will focus on convictions, and that a conviction as such will not necessarily disqualify me from employment.

Further, I direct you to release such information upon request of any duly accredited representative of the City, regardless of any agreement, instructions or representations I may have made with you previously to the contrary. I also waive any and all rights and claims I may have against, its employees, representatives or agents; former educational institutions, or any person listed as a reference, from any and all liability, claims, or damages that may directly or indirectly result for the use, disclosure or release of such information by any person or party, whether such information is favorable or unfavorable to me in compliance with California Civil Code Section 47 as amended.

It is with full understanding and consent that I agree that a photocopy of this authorization may be used only for the purposes stated above.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Social Security No. (Last 4 digits): XXX-XX-\_\_\_\_\_

Date of Birth: \_\_\_\_\_

This authorization expires: \_\_\_\_\_ (Must be no less than thirty (30) days from signature date)

Witnessed By: \_\_\_\_\_  
City Representative Name and Title

Date: \_\_\_\_\_

[Type here]

A - 9

[Type here]

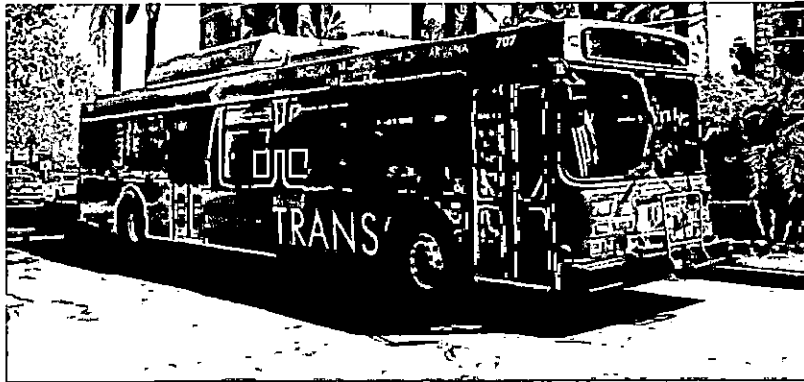




**CITY OF GARDENA  
ANTI-DRUG/ALCOHOL ABUSE  
POLICY  
COUNCIL POLICY NO. 89-28**

***DRUG AND ALCOHOL  
SUPPLEMENTAL POLICY "A"***

***FTA Regulations Applicable to the City  
Transportation Department,  
..... dba GTRANS***



***Council Policy No. 89-28 adopted by the Gardena City Council on  
March 9, 2010; Supplemental Policy "A" adopted on February 28, 2012.***

***Chronology of Drug and Alcohol Supplemental Policy "A" Documents and Revisions***

- Adopted February 2012 to comply with FTA Regulations***
- Revision #1, adopted February 2019 to comply with additional federal requirements***

# DRUG AND ALCOHOL SUPPLEMENTAL POLICY “A”

## FTA Regulations Applicable to the City Transportation Department dba GTRANS

Adopted by Council 2/28/2012

Revision #1 February 26, 2019

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### POLICY “A” SUMMARY

The Federal government has published 49 CFR Part 29, “The Drug-Free Workplace Act of 1988,” which requires that employers establish drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

*The City has an obligation and responsibility to ensure that no employee performs any work assignment if impaired by the use of prohibited drugs or the misuse of alcohol. “The City of Gardena Anti-Drug/Alcohol Abuse Policy No. 89-28 (Policy “#89-28”)” and its amendments set policies applicable to all City employees to protect employees and the public from potential harm from the use of prohibited drugs and alcohol misuse while at work. All City employees are bound by this Policy. Any employee who is found to be in violation of this Policy shall be immediately removed from duty and will be subject to discipline, up to and including termination.*

Additionally, employees within the City Transportation Department, dba GTRANS, must comply with Code of Federal Regulations 49 CFR Part 655 under the U.S. Department of Transportation (DOT), Federal Transit Administration (FTA). The DOT/FTA rules set standards for drug and alcohol testing for individuals performing safety-sensitive functions in the transit industry. DOT has promulgated Agency-wide regulations, 49 CFR Part 40, which sets standards for the collection and testing of urine and breath specimens.

The City may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of DOT/FTA regulations. (49 CFR 655.15(j)) If at any time a conflict is found to exist between Policy “A” and Policy “89-28 or any other City policy the DAPM will be responsible for resolving said conflict to comply with all applicable regulations. Should any provision of Policy “A” be determined to be invalid by reason of any existing or subsequent enacted legislation or by any decree of a court of competent jurisdiction, such invalidation of a portion of Policy “A” shall not invalidate the remaining portions hereof, and Policy “A” shall remain in full force and effect.

Drug and Alcohol Supplemental Policy “A” - FTA Regulations Applicable to the Transportation Department, dba GTRANS is applicable to all employees defined as performing a safety-sensitive function. Employees covered by Policy “A” are also bound by Policy “#89-28”. *City policies and rules included in Policy “A” are in italics.*

### ARTICLE 1. POLICY STATEMENT

- 1) The Human Resources Officer shall implement procedures for the enforcement of Policy “A” and shall be or designate a FTA Drug and Alcohol Program Manager (DAPM) to oversee implementation and compliance with FTA regulations, including but not limited to all required training, testing, updates and enforcement of policy directives. All employees designated as safety-sensitive will be held accountable for reading, understanding and adhering to this Policy.
- 2) Title 49 PART 655 states that “The purpose of this part is to establish programs to be implemented by employers that receive financial assistance from the Federal Transit Administration (FTA) and by contractors of those employers that are designed to help prevent accidents, injuries, and fatalities resulting from the misuse of alcohol and use of prohibited drugs by employees who perform safety-sensitive functions.”
- 3) These procedures shall provide for: employee and supervisory education and training; specific drug/alcohol testing procedures for employees and applicants for employment with

# **DRUG AND ALCOHOL SUPPLEMENTAL POLICY "A"**

## **FTA Regulations Applicable to the City Transportation Department dba GTRANS**

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the City in a FTA safety-sensitive position; definitions and prohibitive actions and the consequences of engaging in those actions; and administrative actions for recordkeeping, reporting, release of information, certification of compliance with this Policy and all related federal and state regulatory standards. At time of hire, and whenever a Policy revision is adopted, each employee will be given a copy of Policy "A" and be required to sign a "Statement of Acknowledgement" that he/she has received and read a copy of Policy "A". Such signature shall attest to the fact that the employee is accountable for his/her actions as defined within this Policy. Supervisors shall attest to the fact that they are also accountable for understanding and enforcing the applicable provisions of this Policy with all subordinates under his/her supervision.

- 4) It is the City's intent to fully comply with the most currently published federal regulations. The Drug and Alcohol Program Manager (DAPM) is responsible for monitoring and updating this Policy. Administrative Addendums to this Policy issued by the DAPM shall be considered fully incorporated into the Policy until such addendums are integrated into the Policy document/s and formally adopted by City Council action. All management and supervisory staff will be held strictly accountable for fair and consistent enforcement of this Policy.

### **ARTICLE 2. PURPOSE**

- 1) The purpose of this Policy is to ensure worker fitness for duty and to protect City employees, the general public and passengers on public transportation operated by the City from the risks posed by the use of prohibited drugs and misuse of alcohol and legally prescribed and over-the-counter drugs.
- 2) Policy "A" specifies the DOT/FTA authority and requirements applicable to safety-sensitive employees in the Transportation Department covered under 49 CFR Parts 40 and 655 Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations.

### **ARTICLE 3. APPLICABILITY**

#### **1) APPLICABILITY TO EMPLOYEES AND APPLICANTS**

**A.** *The CITY has adopted anti-drug and alcohol policies in compliance with the Drug-Free Workplace Act of 1988 and applicable laws of the State of California. The CITY has determined that as a public agency, all employees and representatives of the CITY will be held accountable for maintaining a drug and alcohol-free workforce.*

**B.** At the time a position within the Transportation Department is established, modified and/or filled, the Human Resources Officer will determine if the functions of the position fall within the FTA definition of "safety-sensitive". If the position is classified as FTA safety-sensitive, employees and applicants assuming said position will be covered by and held accountable for compliance with "Drug and Alcohol Supplemental Policy "A", FTA Regulations Applicable to the Transportation Department (Policy A).

#### **2) PROPER APPLICATION OF THE POLICY**

**A.** *The City is dedicated to assuring fair and equitable application of Policy A. Therefore, all*

# DRUG AND ALCOHOL SUPPLEMENTAL POLICY "A"

## FTA Regulations Applicable to the City Transportation Department dba GTRANS

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*supervisors/managers are required to use and apply all aspects of this Policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this Policy, or who is found to deliberately misuse the Policy with regard to subordinates, shall be subject to disciplinary action up to and including termination of employment.*

B. This Policy applies to on-site or off-site work hours, off-site lunch periods or breaks when an employee is scheduled to return to work.

C. Policy "A" regulations are applicable to any employee or contractor in a safety-sensitive function as defined by FTA. The City has evaluated the actual duties performed by employees in all job classifications and determined which employees perform safety-sensitive functions as defined BY FTA regulations. Any new or revised job classification position will be assessed to determine if the position fits the criteria for safety-sensitive function as defined by FTA and the position will be designated accordingly.

D. The applicability of Policy A is in addition to City policies and does not exempt an employee covered by Policy A from compliance with other policies and regulations issued by the City or other regulatory agencies.

### 3) APPLICABILITY TO DOT/FTA SAFETY-SENSITIVE EMPLOYEES

A. The CITY has adopted DOT/FTA regulations which are applicable to safety-sensitive function as defined by FTA in 49 CFR Parts 40 and 655 Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations.

B. In addition to being subject to all elements of the City Policy, employees who perform safety-sensitive functions under FTA are subject to random drug and alcohol testing and other specific requirements as set forth by FTA regulations whenever the employee is performing, ready to perform, or immediately available to perform any safety-sensitive function related to the operation of mass transit services.

## ARTICLE 4. SAFETY SENSITIVE POSITIONS

### 1) SAFETY REGULATIONS IN THE WORKPLACE

A. Many positions and functions in the workplace have applicable safety regulations and requirements but this does not mean that under the City or DOT/FTA policies the position is designated as "safety-sensitive".

B. For the purposes of Drug/Alcohol Policy "A" the use of the term "safety-sensitive" has an explicit DOT/FTA definition. Only those positions within the City Classification Plan that meet the definition will be designated as FTA safety-sensitive positions and be bound by Policy "A".

### 2) DOT/FTA DEFINITION OF SAFETY-SENSITIVE

A. DOT/FTA defines a Safety-Sensitive Function based on the potential danger that arises if an individual is impaired by the use of drug and/or alcohol while performing one of the following functions:

- 1) Operating a revenue service vehicle, whether or not such vehicle is in revenue service.
- 2) Operating a non-revenue service vehicle when required to be operated by a holder of a Commercial Driver's License (CDL).

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- 3) Controlling dispatch or movement of a revenue service vehicle.
  - 4) Maintaining a revenue service vehicle or equipment used in revenue service.
  - 5) Carrying a firearm for security purposes. *Under City Policy, employees of the City Police Department, whether sworn or non-sworn, assigned to provide security for transit operations will not be considered safety-sensitive as defined by FTA but will fall under City policy and/or regulations*
- 3) CITY DESIGNATION OF CLASSIFICATION OR FUNCTION AS FTA SAFETY-SENSITIVE
- A. The position titles listed in Appendix A4 are designated as safety-sensitive and are bound by DOT/FTA Drug and Alcohol regulations as defined in Policy “A”.
  - B. The positions listed are those titles currently in the City’s Classification Plan. Regardless of the exact title of a position, any employee or applicant assigned to perform a safety-sensitive function as defined by DOT/FTA will be covered by Policy “A”.
  - C. If a new position title is created and added to the Classification Plan, the DAPM will evaluate the duties and responsibilities of the position and determine if said position should be designated as safety-sensitive. If the DAPM determines that the position is safety-sensitive under FTA rules, the incumbent employee (if any), the Department Director, and if applicable the employee’s labor representative will be notified in writing that any employee performing this function will be subject to Policy “A”.

### ARTICLE 5. PROHIBITED CONDUCT

#### 1) REQUIREMENT TO NOTIFY FTA OF CRIMINAL DRUG CONVICTION

- A. *City Authority and Requirements: Under the Drug Free Workplace Act (DFWA), all employees are required to notify the City in writing of any criminal drug statute conviction or for a violation occurring in the workplace, within five (5) calendar days after such conviction.*
- B. *Failure to comply with this provision shall result in disciplinary action, up to and including termination.*
- C. The City is required to notify the appropriate FTA office in writing of any safety-sensitive employee criminal drug statute conviction within ten (10) calendar days of notification of the conviction.

### ARTICLE 6. PROHIBITED SUBSTANCES

#### 1) CONTROLLED SUBSTANCES OR DRUGS

- A. The use of any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR 1300.11 through 1300.15, is prohibited at all times unless a legal prescription has been written for the substance.
- B. Illegal use includes use of any illegal drug, misuse of legal prescribed drugs, and use of illegally obtained prescription drugs. This includes, but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug

# DRUG AND ALCOHOL SUPPLEMENTAL POLICY “A”

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Administration.

### 2) PROHIBITED DRUGS UNDER DOT/FTA AUTHORITY

A. All safety-sensitive employees regulated by DOT/FTA will be tested for prohibited drugs and drug metabolites as specified by DOT regulations any time that they are on duty under the following circumstances: pre-employment, post-accident, reasonable suspicion (for cause), random, and return to duty/follow-up. (49 CFR Part 655.21)

B. A drug test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.

C. The following drugs must be tested for in each urine specimen: cannabinoids (marijuana), cocaine, opioids, amphetamines, and phencyclidine (PCP). Consumption of these substances is prohibited at all times while on duty. (49 CFR Subpart C 655.21(b))

### 3) ALCOHOL USE UNDER DOT/FTA AUTHORITY:

A. Under 49 CFR Part 655.31(a) (FTA) all safety-sensitive employees will be tested for alcohol in the following circumstances: pre-employment, post-accident, reasonable suspicion, random, and return to duty/follow-up.

B. *All DOT/FTA safety-sensitive applicants and individuals transferring into safety-sensitive positions will be pre-employment tested for alcohol.*

C. All DOT/FTA safety-sensitive employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.

D. No DOT/FTA safety-sensitive employee shall consume alcohol within four (4) hours prior to reporting for duty, or during the hours on call for duty.

E. A DOT/FTA safety-sensitive employee involved in an accident, as defined by FTA regulations, is prohibited from the consumption of alcohol for eight (8) hours following the accident and may be tested or re-tested within that eight (8) hour period.

F. After an alcohol test result of .02 or above, an employee must submit to and pass a DOT breath alcohol retest with a verified test result of less than 0.02 before returning to a safety-sensitive function. *Employees with an alcohol test result of 0.04 or greater will be subject to discipline, up to and including termination.*

## ARTICLE 7. TESTING REQUIREMENTS AND CONSEQUENCES OF NON-COMPLIANCE

### 1) Drug and Alcohol Testing

A. Urine drug testing and breath testing for alcohol use/abuse may be conducted under City Policy or under policies required by DOT/FTA or other federal regulations.

B. The collection procedures will be performed in a private, confidential manner and every effort will be made to protect the employee's privacy, the integrity of the drug testing procedure, and the validity of the test results.

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C. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS).

### 2) DOT/FTA Authority and Requirements:

A. In addition to being subject to all other elements of this Policy, employees who perform “safety-sensitive functions” for the City, as that term is defined by FTA (49 CFR 655.45) are subject to random drug and alcohol testing and other special requirements set forth in this Policy.

B. A safety-sensitive function occurs when an employee is performing, ready to perform, or immediately available to perform any duty related to the operation of public transportation services.

C. DOT/FTA Authority and Requirements: All applicants and employees in a safety-sensitive function will be subject to urine drug testing and breath-alcohol testing as a condition of employment or continued employment.

1) *Applicants for City employment will be required to report for testing immediately upon referral to the collection site. Failure to immediately report for testing as determined by the DAPM will disqualify the applicant from further consideration of employment with the City.*

2) *Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty immediately and per City Policy will be subject to discipline, up to and including termination. A MRO verified adulterated or substituted drug test result will be cause for termination.*

B. Random and reasonable suspicion alcohol testing may only be performed just before a safety-sensitive employee performs a safety-sensitive duty, during that performance, or just after the performance of a safety-sensitive duty as described in this Policy.

### 3) REFUSAL TO SUBMIT FOR TESTING

A. Refusal to submit for alcohol and drug testing as directed will have the same consequences as a positive test result and the employee will be subject to discipline, *up to and including termination.*

B. The following actions and behaviors are considered a refusal to submit to testing:

1) Failure to appear for any test (except pre-employment) within a reasonable time.

2) Failure to remain at the testing site until the testing process is complete. For pre-employment testing, the testing process does not begin until the donor receives the specimen collection cup for the drug test or the mouthpiece is selected for the breath alcohol test.

3) Failure to provide a urine/breath/saliva specimen for any DOT required drug and/or alcohol test.

4) Failure, in the case of a directly observed or monitored collection in a drug test, to permit the direct observation or monitored collection

5) Failure to provide a sufficient amount of urine for a drug test when directed, when there is no adequate medical explanation for the failure to do so.



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- 6) Failure or declining to take a subsequent test when required.
- 7) Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the “shy bladder” or “shy lung” procedures.
- 8) Failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when directed by the collector).
- 9) Failing to follow the observer’s instructions during an observed collection.
- 10) Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process.
- 11) Employee admits to the collector or MRO that he/she adulterated or substituted the specimen.
- 12) Failure to sign the certification at Step 2 of the Alcohol Test Form.
- 13) Failure to remain readily available following an accident that requires post-accident drug and alcohol testing.
- 14) The MRO verifies a drug test result as adulterated or substituted.

### **4) POSITIVE TEST RESULTS – DOT/FTA AUTHORITY AND REQUIREMENTS**

**A.** A drug test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body equal to or greater than the cutoff concentrations as defined in 49 CFR Part 40, as amended.

**B.** All DOT/FTA safety-sensitive employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.

**C.** Drug Test: For all safety-sensitive functions, the minimum cutoff thresholds for a positive drug test as defined by the Department of Health and Human Services (HHS) are listed in Appendix A-3.

**D.** Alcohol Test: For all safety-sensitive functions, if the initial test indicates a breath alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. A confirmatory breath alcohol test result of 0.04 or greater will be considered a positive alcohol test result and a violation of this Policy and federal requirements in 49 CFR Part 655 (FTA).

### **5) CONSEQUENCES OF A POSITIVE DRUG OR ALCOHOL TEST RESULT**

**A.** Immediately after receiving a notice from the MRO that a covered employee has a verified positive drug test result or notice from a BAT that the employee has a positive alcohol test (i.e., 0.04 or higher) the DAPM will require that the covered employee cease performing a safety-sensitive function (49 CFR 655.61 (a)(3)).

**B.** The DAPM will advise the employee of the resources available, including but not limited to the City’s Employee Assistance Program (EAP), for evaluating and resolving problems associated with prohibited drug use and alcohol misuse, including the names, addresses, and telephone numbers of substance abuse professionals (SAPs) and counseling and treatment

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programs.

C. If a covered employee refuses to submit to a drug or alcohol test the DAPM will be immediately notified and will remove the employee from duty. If an employee refuses to take a drug or alcohol test as directed or has a verified test result of 0.04 or above, *the employee will be subject to discipline, up to and including termination.*

D. No covered employee tested under FTA regulations and who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 will be allowed to perform or continue to perform a safety-sensitive function:

- 1) Until the employee's alcohol concentration measures less than 0.02, or
- 2) Until the start of the employee's next regularly scheduled work period, but not less than eight (8) hours following administration of the test.
- 3) Per FTA regulations no action will be taken against an employee based solely on test results showing an alcohol concentration less than 0.04 except that the City may act independent of FTA authority as is consistent with law. (49 CFR 655.35 (b))

### ARTICLE 8. TESTING FOR DOT/FTA PROHIBITED SUBSTANCES

#### 1) PRE-EMPLOYMENT TESTING – DOT/FTA AUTHORITY AND REQUIREMENTS

A. A verified negative pre-employment drug and alcohol test result are preconditions to assuming a safety-sensitive position. (49 CFR 655.41 (a)(1))

- 1) Following a contingent offer of employment or transfer to a safety-sensitive position and prior to assuming the duties of safety-sensitive position, a candidate for hire or transfer must produce a verified negative drug test and a verified negative alcohol test result.
- 2) All applicants for a FTA regulated safety-sensitive position, including current employees being considered for a transfer from a non-safety-sensitive position to a safety-sensitive position shall undergo urine drug testing per the procedures set forth in 49 CFR 655.41 and 49 CFR Part 40 Subpart C-I and obtain a verified negative result.
- 3) A pre-employment drug/alcohol test with a verified negative result will also be required any time an employee's status changes from an inactive status in a safety-sensitive position to an active status in a safety-sensitive position.
- 4) If a pre-employment drug test is cancelled, the covered employee or applicant will be required to take another pre-employment drug test and produce a verified negative result prior to assuming any safety-sensitive job function (49 CFR 655.41(c)).

B. If the applicant or transferee has worked in a safety-sensitive function within the prior two (2) years, information on drug/alcohol testing must be obtained from the previous employers prior to the applicant assuming duties in a safety-sensitive function (49 CFR 40.25). Information requested will include:

- 1) Alcohol test results of 0.04 or higher alcohol concentration;
- 2) Verified positive drug tests;
- 3) Test Refusals (including verified adulterated or substituted drug test results);

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- 4) Other violations of DOT/FTA agency drug and alcohol testing regulations;
- 5) Information obtained from previous employers of a drug and alcohol rule violation; and
- 6) Documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests) when the employee has violated a DOT drug/alcohol regulation.

C. A verified positive pre-employment drug and/or alcohol test will disqualify an applicant for employment in a safety sensitive position.

D. If an employee or applicant has previously failed or refused a DOT pre-employment test, he/she must provide documentation that he/she has successfully completed a referral, evaluation, and treatment plan through a qualified SAP prior to performing a safety-sensitive function.

### E. Ninety (90) Calendar Day Rule

1) If a covered employee or applicant has not performed a safety-sensitive function for at least ninety (90) consecutive calendar days, regardless of the reason why, and the employee has not been included in the random selection pool during that time (that is the employee was listed as “inactive” or his/her name was removed from the random selection pool thereby having no chance to be drawn randomly for testing), then the employee must be sent for a pre-employment test and produce a verified negative result before the employee can resume duties in a safety-sensitive function. (49 CFR 655.41 (d))

2) Any safety-sensitive applicant who undergoes a pre-employment test, but who is not actually assigned to perform safety-sensitive duties within ninety (90) days of the date of the test will be required to re-test with verified negative test results prior to being assigned to safety-sensitive duties.

## 2) REASONABLE SUSPICION TESTING - DOT/FTA AUTHORITY AND REQUIREMENTS

A. Reasonable suspicion referrals must be based on specific, contemporaneously, articulable observations concerning the appearance, behavior, speech, and/or body odor of the employee.

1) A reasonable suspicion test for drugs can be conducted any time a safety-sensitive employee is on duty or subject to duty.

2) A reasonable suspicion test for alcohol can only be conducted when the observations are made during, just preceding, or just after the performance of safety-sensitive functions.

B. For safety-sensitive employees under the regulation of FTA, reasonable suspicion referrals can only be made by a supervisor or other City official who has been trained to detect the physical signs and symptoms, facts, circumstances, physical evidence, or patterns of performance and/or behaviors associated with drug/alcohol misuse under this Policy.

1) If a supervisor trained to identify the signs and symptoms of drug/alcohol use reasonably concludes that objective facts may indicate drug use or alcohol misuse, this will be sufficient justification for testing. *The supervisor will immediately see that the employee is removed from the safety-sensitive function and is taken directly for a reasonable suspicion drug/alcohol test.*

2) *If a supervisor who has not been trained per FTA regulations suspects that a safety*

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sensitive employee is impaired due to drug/alcohol use that supervisor shall immediately notify a supervisor who has been trained to identify the signs and symptoms of drug/alcohol use. The trained supervisor shall make an evaluation of the employee's condition and if he/she reasonably concludes that objective facts may indicate drug use or alcohol misuse, the trained supervisor will immediately see that the employee is removed from the safety-sensitive function and is taken directly for a reasonable suspicion drug/alcohol test.

*C. Employee may be required to refrain from performing a safety-sensitive function until a verified negative test result is received by the DAPM.*

### 3) POST-ACCIDENT TESTING - DOT/FTA AUTHORITY AND REQUIREMENTS

A. An accident can be the result of a collision with another vehicle or pedestrian, or it can be associated with an incident that occurs on the vehicle without any contact with another vehicle or person. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a safety-sensitive employee from leaving the scene of an accident for a period necessary to obtain assistance in responding to the accident or to obtain the necessary emergency medical care.

B. Only under the following conditions does an accident meet FTA standards for post-accident drug/alcohol testing. In such incidents testing shall be done using federal forms and procedures:

- 1) An individual dies (fatality).
- 2) An individual suffers bodily injury and immediately receives medical treatment away from the scene.

C. One or more vehicles sustain disabling damage requiring to be towed away. FTA Authority and Regulations. All safety-sensitive employees will be required to undergo urine and breath testing if involved in an accident as defined by the FTA.

- 1) In the case of a fatality, the surviving safety-sensitive employee operating the vehicle at the time of the accident must be tested, as well as any other safety-sensitive employees not on the vehicle, but whose performance could have contributed to the accident (based upon the best information available at that time, e.g. a mechanic, dispatcher or other associated position).

- 2) In a non-fatal accident, the safety-sensitive employees operating the vehicle at the time of the accident will be tested unless it is determined the employee's performance can be completely discounted as a contributing factor to the accident. Any other safety-sensitive employee whose performance could have contributed to the accident will also be tested. The decision regarding being "completely discounted" will be made by the supervisor on the scene based upon the best information available at the time of the incident. The supervisor will document his/her decision on the Post-Accident Form and submit the report to the Human Resources Officer within seventy-two (72) hours of the accident.

- 3) Following an accident, as defined in this Policy, the safety-sensitive employee will be tested as soon as possible.

- (a) Any safety-sensitive employee who does not remain available for testing or leaves the scene of the accident without a justifiable explanation prior to submission to drug/alcohol testing will be considered to have refused the test and the employee will be subject to discipline up to and including termination.

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(b) Employees tested under this provision will include not only the operator, but also any other covered employee whose performance could have contributed to the accident.

(c) *Employee may be required to refrain from performing a safety-sensitive function until a verified negative test result is received by the DAPM.*

### 4) Post-Accident Alcohol Testing:

(a) If the alcohol test is not administered within two (2) hours of the accident, the supervisor or DER must prepare and maintain on file a "Post Accident" form stating the reason the test was not promptly administered.

(b) If an alcohol test is not administered within eight (8) hours following the accident, all attempts to administer the test must cease and the DER must document the reason why the test was not performed on the "Post Accident" form

(c) Any safety-sensitive employee involved in an accident must refrain from alcohol use for eight (8) hours immediately following the accident or until he/she undergoes a post-accident alcohol test.

### 2) Post-Accident Drug Testing:

(a) All safety-sensitive employees must be tested for prohibited drugs within thirty-two (32) hours of the accident.

(b) If a drug test is not administered within thirty-two (32) hours following the accident, all attempts to administer the test must cease and the DER must document on the "Post Accident" form the reason why the test was not performed.

### 4) RETURN TO DUTY AND FOLLOW-UP TESTS - FTA Regulations and Authority

A. FTA Return to Duty Testing (49 CFR 655.47) is required whenever a covered employee is to return to duty in a safety-sensitive function:

- 1) Following a refusal to submit to a test as directed,
- 2) Following a verified positive drug test result, and/or
- 3) Following a breath alcohol test result of 0.04 or greater.

B. The employee must have a verified negative drug test result and a breath alcohol test result of less than 0.02 before returning to his/her safety-sensitive functions.

C. The employee will also be subject to periodic, unannounced follow-up drug and/or alcohol tests based on a schedule of testing recommended by a qualified SAP.

D. Follow-up testing shall be done in accordance with 49 CFR Part 40, subpart O and shall be in addition to any random testing. (FTA: CFR 655.47-48). The covered employee must return a verified negative result to continue performing a safety-sensitive function.

E. *In order to continue employment with the City after a positive test result, the employee will*

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*be required to enter into a signed Last Chance Agreement. Failure to comply with the terms of the Last Chance Agreement will be cause for termination.*

### 5) RANDOM TESTING - DOT/FTA AUTHORITY AND REQUIREMENTS

**A.** FTA regulations require random (unannounced and unpredictable) testing for drugs and alcohol for all safety-sensitive employees.

1) The selection of safety-sensitive employees for random drug and alcohol testing will be made using a scientifically valid method that ensures each covered employee will have an equal chance of being selected each time selections are made.

2) The random tests will be unannounced and spread throughout the year. Random testing will be conducted on all days and hours during which safety-sensitive functions are performed.

3) A covered employee may be randomly tested:

(a) For alcohol misuse only while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing a safety-sensitive function.

(b) For prohibited drug use any time while on duty (i.e. beginning, middle, and end of work hours).

**B.** Employees are required to proceed immediately and directly to the collection site upon notification of their random selection.

1) *Upon notification to report for drug and/or alcohol testing, the employee will be immediately escorted by the supervisor directly to the collection site without delay.*

(a) *The supervisor will remain with the employee until the testing is completed*

(b) *Following completion of the tests, the supervisor will escort the employee back to the worksite.*

(c) *The chain of custody documents will be date and time stamped:*

(i) *Date and Time to be hand written and initialed by supervisor and employee if no date/time stamp is available. At the collection site at time of arrival for testing and when the testing is completed.*

(ii) *Any diversion or delay in reporting for the testing will be investigated and depending on the outcome may be subject to City disciplinary procedures up to and including termination.*

**C.** An employee with a verified positive result on a drug or alcohol test will be immediately removed from his/her safety-sensitive position and referred to a Substance Abuse Professional (SAP), in accordance with 49 CFR 655.

1) *A verified positive drug or alcohol test will be cause for discipline up to and including termination.*

### 6) SPLIT SPECIMEN TESTING

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**A.** Any City employee who questions a positive, adulterated or substituted test result of a required drug test identified in this Policy may request that the split sample be tested.

- 1) The employee's request for a split sample test must be made to the MRO within seventy-two (72) hours of notice of the original sample verified test result.
- 2) Requests submitted after seventy-two (72) hours will only be accepted if the delay was due to verifiable facts that were beyond the employee's control.
- 3) No split specimen test will be authorized for invalid test results.

**B.** An employee requested test must be conducted at a different DHHS certified laboratory and the test must be conducted on the split sample that was provided by the employee at the same time as the original sample.

**C.** *If an employee requests split sample testing, the split sample test will occur regardless of up-front payment, but CITY reserves the right to seek reimbursement from the employee unless the result of the split sample testing invalidates the result of the original test.*

### ARTICLE 9. TESTING PROCEDURES - DOT/FTA AUTHORITY AND REQUIREMENTS

#### 1) BREATH ALCOHOL TESTING

**A.** Breath alcohol testing will be conducted in accordance with the 49 CFR Part 40 requirements utilizing a National Highway Traffic Safety Administration (NHTSA) approved evidential breath-testing device (EBT) operated by a trained breath alcohol technician (BAT). All breath alcohol test results will be reported only by the BAT to the Designated Employer Representative (DER) as soon as such results are available.

**B.** FTA Regulation: For all safety-sensitive functions, if the initial test indicates a breath alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. A confirmatory breath alcohol test result of 0.04 or greater will be considered an alcohol violation under DOT/FTA regulations.

#### 2) URINE TESTING - DOT/FTA AUTHORITY AND REQUIREMENTS

**A.** DOT/FTA regulations only permit urine testing for the following five prohibited drugs:

- 1) Marijuana,
- 2) Cocaine,
- 3) Opioids,
- 4) Amphetamines, and
- 5) Phencyclidine (PCP)

**B.** Urine specimens will be collected using the split specimen collection method as described in 49 CFR Part 40, as amended.

- 1) Each specimen will be accompanied by a Federal Drug Testing Custody and Control Form (CCF) and identified using a unique identification number that attributes the specimen to the correct individual.

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- 2) An initial drug screen will be conducted on the primary urine specimen. For those specimens with non-negative initial drug screen results, confirmatory test will be performed.
- 3) The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR 40.87 as amended. See Appendix A-3.
- 4) Under 49 CFR Part 40, as amended, specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority.
- 5) Any safety-sensitive applicant/employee with a dilute negative test result (creatinine  $\geq$  5 mg/dL) will be directed by the DER to undergo an immediate second unobserved collection. The second test result will be the result on record.

### 3) OBSERVED URINE COLLECTIONS - DOT/FTA AUTHORITY AND REQUIREMENTS

A. Consistent with the requirements in 49 CFR 40.67, an immediate urine specimen collection under direct observation (by a person of the same gender) with no advance notice will be conducted if any of the following situations occurs:

- 1) The DHHS-certified laboratory reports to the MRO that a specimen is invalid, and the MRO reports to the DER that there was no adequate medical explanation for the results.
- 2) The MRO reports to the DER that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed.

B. The collector must immediately conduct a collection under direct observation if:

- 1) Directed to do so by the DER.
- 2) The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen.
- 3) The temperature of the original specimen provided was outside the acceptable temperature range of 90-100 degrees Fahrenheit.
- 4) The original specimen appears to have been tampered with.
- 5) The MRO directs City to conduct a second specimen collection under direct observation because the creatinine concentration of an applicant/employee's initial specimen provided was equal to or greater than 2 mg/dL but less than or equal to 5 mg/dL.

## ARTICLE 10. EMPLOYEE ASSISTANCE AND TREATMENT PROGRAMS

### 1) AVAILABILITY OF SERVICES

A. *The City's Employee Assistance Program (EAP) offers help for employees to improve or maintain job performance by solving personal problems. A component of that program is to help employees who have some type of personal problem related to abuse or addiction to drug or alcohol. EAP contact information will be posted in each department where all employees can readily and discreetly obtain the information, if needed. All employees are encouraged to make use of the available resources for treatment of alcohol/drug misuse and/or illegal drug use problems.*

B. Contact Information: Appendix A5



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### 2) MANDATORY REFERRAL

A. To be eligible to return to a safety-sensitive or non-safety-sensitive position, the employee must be referred to the Employee Assistance Program (EAP) and evaluated by a Substance Abuse Professional (SAP) and pass a return-to-duty test. A return-to-duty test may include both drug and alcohol testing. *The employee may also be required to meet other return-to-duty requirements as may be required by the City.*

B. If returned to duty, as a condition of ongoing employment, the employee must follow the recommended frequency and duration of periodic follow-up testing recommended by the SAP. Any employee who refuses or fails to comply with requirements for treatment, after-care, or return-to-duty shall be discharged.

1) *The cost of any treatment or rehabilitation services will be paid for directly by the employee or his/her insurance provider.*

2) *Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program.* Any follow-up testing will be apart from, and in addition to, participation in the required FTA random testing program.

## ARTICLE 11. INFORMATION DISCLOSURES

### 1) CONFIDENTIALITY

A. *The City affirms the need to protect individual dignity, privacy and confidentiality throughout the drug/alcohol testing process. Laboratory reports or test results shall be kept separate from the employee's general personnel file. Information of this nature will be kept under the control of the Drug and Alcohol Program Manager (DAPM).*

B. Test results will only be provided to the employee's Department Head; manager and/or supervisor on a need to know basis.

C. Without the employee's written consent, records will only be revealed only to those who are authorized under DOT/FTA rules (49 CFR 40.331).

### 2) RECORDS RELEASE AND RETENTION

A. All drug and alcohol testing records will be maintained in a secure manner as directed by the DAPM so that disclosure of information to unauthorized persons does not occur. All records referenced in this Policy will be maintained in accordance with 49 CFR Parts 40 and 655.

B. If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40, necessary legal steps will be taken by the City to contest the issuance of the order.

1) Information will only be released in the following circumstances with a signed written consent by the employee:

(a) To the employee

(b) To a Union Representative

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- (c) To a Subsequent employer
- (d) To any other third party designated by the employee
- 2) No signed release is required when information is provided to:
  - (a) To the National Transportation Safety Board during an accident investigation;  
To the decision-maker in a lawsuit, grievance,
  - (b) To Administrative proceedings initiated by or on the behalf of the employee tested and resulting from a positive test result or test refusal
  - (c) To the USDOT or any other USDOT agency with regulatory authority over the employer or any of its employees;
  - (d) To State DOT or grantee that has oversight responsibility and is required to certify compliance with FTA regulations (to the FTA)
  - (e) When a criminal or civil action results from an employee's performance of safety-sensitive duties in which a court or competent jurisdiction determines the test information is relevant to the case and orders the employer to produce the information.

### **ARTICLE 12. TRAINING REQUIREMENTS**

#### **1) DOT/FTA Authority and Requirements:**

**A.** All safety-sensitive employees and their supervisors as defined must undergo a minimum of one (1) hour of training on the signs and symptoms of drug use, including the effects and consequences of drug use on personal health, safety, and the work environment. The training must also include manifestations and behavioral cues that may indicate prohibited drug use.

**B.** Supervisors for safety-sensitive positions, in addition to the above general training, must also receive one (1) hour of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and one (1) hour of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

#### **2) City Authority and Requirements:**

**A.** The City may provide and/or require any additional training of safety-sensitive and non-safety sensitive supervisors periodically or on a scheduled basis as it deems necessary for the safety of its employees and general.

**B.** All City employees may be required to receive additional training as the DAPM deems necessary.

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### **APPENDIX – A1**

#### **ACRONYMS**

<b>ATF</b>	Alcohol Testing Form (the alcohol equivalent to the CCF);
<b>BAT</b>	Breath Alcohol Technician (Controller);
<b>CCF</b>	Custody and Control Form;
<b>CFR</b>	Code of Federal Regulations;
<b>COC</b>	Chain of Custody;
<b>DAPM</b>	Drug and Alcohol Program Manager (same as DER);
<b>DEA</b>	Drug Enforcement Administration (same as USDEA);
<b>DER</b>	Designated Employer Representative (same as DAPM);
<b>DFWA</b>	Drug Free Workplace Act of 1988 (49 CFR Part 29) and amendments;
<b>DHHS</b>	Department of Health and Human Services (same as HHS);
<b>DOT</b>	Department of Transportation;
<b>EAP</b>	Employee Assistance Program;
<b>EBT</b>	Evidential Breath-Testing Device;
<b>FDA</b>	(United States) Food and Drug Administration (same as USFDA);
<b>FMCSA</b>	Federal Motor Carrier Safety Administration;
<b>FTA</b>	Federal Transit Administration;
<b>FHWA</b>	Federal Highway Administration;
<b>HHS</b>	Health and Human Services (same as DHHS)
<b>GC/MS</b>	Gas Chromatography/Mass Spectrometry
<b>MAP</b>	Medical Approval Form;
<b>MRO</b>	Medical Review Officer;
<b>NHTSA</b>	National Highway Traffic Safety Administration;
<b>NIDA</b>	National Institute on Drug Abuse;
<b>ODAPC</b>	Office of Drug and Alcohol Policy and Compliance;
<b>OTC</b>	Over the Counter;
<b>SAP</b>	Substance Abuse Professional;
<b>USDOT</b>	United States Department of Transportation (same as DOT);
<b>USDEA</b>	United States Drug Enforcement Administration (same as DEA);

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### APPENDIX - A2

#### DEFINITIONS

**ACCIDENT** - An event resulting in damage to body or property. Such event may range from minor to major injury and/or damage and may or may not have been caused or preventable by an act or failure to act of one or more individuals.

**Accident as defined by FTA:** The FTA regulations applicable to the Transportation Department covered employees not only requires but only allows drug and alcohol testing under FTA authority based on the FTA definition of “accident” which means: An occurrence associated with the operation of a vehicle, both revenue producing and non-revenue producing/not-in-service vehicles, if as a result:

- An individual dies; or
- An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or
- With respect to an occurrence in which the mass transit vehicle involved is a bus, electric bus, van, or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle.

**ADULTERATED SPECIMEN** – A urine specimen containing a substance not expected to be present (at all or at a certain volume) in human urine.

**ALCOHOL CONCENTRATION** – The alcohol in a volume of breath expressed in terms of grams of alcohol per 210L of breath.

**ANTI-DRUG PROGRAM** - A program to detect and deter the use of prohibited drugs.

**CANCELLED TEST** – A test result that is neither negative nor positive.

**CODE OF FEDERAL REGULATIONS (CFR)** - The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

Title 49 describes the organization of the Department of Transportation and provides for the performance of duties imposed upon, and the exercise of powers vested, in the Secretary of Transportation by law.

49 CFR Part 29 - “The Drug-Free Workplace Act of 1988 (DFWA),” requires the establishment of drug-free workplace policies and reporting of certain drug-related offenses to the FTA.

49 CFR Part 40 - Sets standards for the collection and testing of urine and breath specimens for all parties who conduct drug and alcohol tests required by DOT.

49 CFR Part 382 - Sets standards for drug and alcohol testing required by FMCSA for all employers and employees who operate a commercial motor vehicle used in commerce to transport passengers or property. This Part, as applies to the City and this Policy, defines a commercial motor vehicle as any vehicle with a gross combination weight rating of 11,794 kilograms (26,001 or more pounds) and/or is designed to transport sixteen (16) or more passengers, including the driver.

49 CFR Part 655 – Sets standards for drug and alcohol testing required by FTA for employers and employees in transit operations.

**CONTRACTOR** – A person or organization that provides a safety-sensitive service for a recipient, subrecipient,

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employer, or operator consistent with a specific understanding or arrangement. The understanding can be a written contract or an informal arrangement that reflects an ongoing relationship between the parties.

**CONTROLLED SUBSTANCE** - Drugs that are classified by the Drug Enforcement Administration (DEA) into five (5) schedules or classes on the basis of their potential for abuse, accepted use, and accepted safety under medical supervision. A drug in any of these schedules identifies that it is “controlled” and determines the nature of supervisory control that must be exercised. Prescriptions for drugs in all these controlled schedules must bear the physician’s DEA license number. Additionally, a controlled substance is any substance the use, possession, purchase or sale of, which is prescribed or controlled by regulation or law, and, shall, without limitation, include any substance identified by the rules promulgated by FTA for the control of drug use in mass transportation, 49 CFR 655 or 49 CFR 40. These include, but are not limited to, narcotics, depressants, stimulants, hallucinogens, and cannabis.

**CONTROLLED SUBSTANCE ACT** - Controlled Substance Act (21 U.S.C. 812), Schedules I through V of Section 202, as further defined by 21 CFR 1300.11 through 1300.15.

**COVERED EMPLOYEE** – A person, including an applicant or transferee, who performs or will perform a safety-sensitive function for the Transportation Department. A volunteer is a covered employee if the volunteer performs a safety-sensitive function for an entity subject to this part and receives remuneration in excess of his or her actual expenses incurred while engaged in the volunteer activity.

**DETECTION** – Identification of users and abusers of drugs and/or alcohol through various methods including, but not limited to self-identification; peer or supervisor identification; pre-employment, random or reasonable suspicion testing.

**DETERRENCE** – A variety of methods used to educate, discourage, and/or inform employees that drug and/or alcohol abuse puts them and others at risk and will not be tolerated in the workplace.

**DILUTE SPECIMEN** – A specimen with creatinine and specific gravity values that are lower than expected for human urine.

**DISABLING DAMAGE** - Damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs including damage to a motor vehicle, where the vehicle could have been driven, but would have been further damaged if so driven.

Exclusion: Damage that can be remedied temporarily at the scene of the accident without special tools or parts.

Exclusion: Tire disablement without other damage even if no spare tire is available.

Exclusion: Headlamp or tail light damage.

Exclusion: Damage to turn signals, horn, or windshield wipers, which make the vehicle inoperable.

**DISCIPLINARY PROCEEDINGS** – The specific steps taken to discipline an employee found to be in violation of Policy “A” will be per City Personnel Rules and Regulations and/or Skelly Hearing per Memorandum of Understanding with labor groups.

**DOT (or USDOT)** - The (United States) Department of Transportation was established by an act of Congress on October 15, 1966. The Department’s first official day of operation was April 1, 1967. The mission of the Department is to: serve the United States by ensuring a fast, safe, efficient, accessible and convenient transportation system that meets vital national interests and enhances the quality of life of the American people, today and into the future.

**DOT AGENCY** - An agency (or “operating administration”) of the United States Department of Transportation administering regulations requiring drug and alcohol testing. See 14 CFR part 121, appendices I and J; 33 CFR part 95; 46 CFR parts 4, 5, and 16; and 49 CFR parts 199, 219, 382, and 655.

# **DRUG AND ALCOHOL SUPPLEMENTAL POLICY “A”**

## **FTA Regulations Applicable to the City Transportation Department dba GTRANS**

Adopted by Council 2/28/2012

Revision #1 February 26, 2019

**DRUG** - shall refer to any substance, including alcohol, which may impair job performance or cause behavior that may threaten the safety of the employee or others, whether or not controlled by law or prescribed by a licensed medical practitioner.

**DRUG-FREE** - means that an employee subjected to any test provided for by this Policy does not test positive for any drug and/or is not impaired by any drug or alcohol.

**EMPLOYER** - a recipient or other entity that provides mass transportation service or which performs a safety-sensitive function for such recipient or other entity. This term includes subrecipients, operators, and contractors.

**FMCSA** - The Federal Motor Carrier Safety Administration (FMCSA) - Established as a separate administration within the U.S. Department of Transportation on January 1, 2000, pursuant to the Motor Carrier Safety Improvement Act of 1999. Primary mission is to reduce crashes, injuries and fatalities involving large trucks and buses. The Federal Motor Carrier Safety Administration was established within the Department of Transportation on January 1, 2000, pursuant to the Motor Carrier Safety Improvement Act of 1999 [Public Law No. 106-159, 113 Stat. 1748 (December 9, 1999)]. Formerly a part of the Federal Highway Administration, the Federal Motor Carrier Safety Administration's primary mission is to prevent commercial motor vehicle-related fatalities and injuries. Part of DOT.

**FOLLOW-UP TESTING** - Unannounced drug/alcohol tests given to an employee who has returned to duty following a management referral to the SAP or as a condition of employment following a positive drug/alcohol test.

**FTA** - The Federal Transit Administration (FTA), a division of the U.S. Department of Transportation that assists in developing improved mass transportation systems for cities and communities nationwide. Through its grant programs, FTA helps plan, build, and operate transit systems with convenience, cost and accessibility in mind. Provides financial, technical and planning assistance, the agency provides leadership and resources for safe and technologically advanced local transit systems while assisting in the development of local and regional traffic reduction.

**FHWA** - The Federal Highway Administration (FHWA), a division of DOT, coordinates highway transportation programs in cooperation with states and other partners to enhance the country's safety, economic vitality, quality of life, and the environment.

**ILLEGAL DRUG OR SUBSTANCE** – Any drug or substance defined by law as an illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.

**MANDATORY REFERRAL** – A process by which any employee is required by the City Manager, or his/her designee, or any Department Head, or his/her designee, to make an appointment with the Employee Assistance Program (EAP), designated by the City. Such a referral may be based on a variety of facts received from a reliable source or direct observation relating to the employee's conduct or through detection per this Policy that indicates the employee has a drug/alcohol abuse problem. Any employee who refuses to comply with a mandatory referral is subject to discipline up to and including termination.

**MASS TRANSIT VEHICLE** - A vehicle used for mass transportation or for ancillary services.

**MEDICAL APPROVAL FORM (MAP)** – The City form used by employees to notify the City of legally prescribed or over-the-counter medications that may affect the employee's ability to safely perform the duties of his/her position.

**MEDICAL REVIEW OFFICER (MRO)** – The City designated physician(s), who is responsible to review and interpret test results obtained through the drug/alcohol testing program, and in so doing, determines whether alternate medical explanations could account for a positive test result. The MRO is a physician knowledgeable in the medical use of prescription drugs and the pharmacology and toxicology of illicit drugs.

**NHTSA** - The National Highway Traffic Safety Administration (NHTSA) is responsible for reducing deaths, injuries and economic losses resulting from motor vehicle crashes. NHTSA sets and enforces safety performance

# **DRUG AND ALCOHOL SUPPLEMENTAL POLICY “A”**

## **FTA Regulations Applicable to the City Transportation Department dba GTRANS**

Adopted by Council 2/28/2012

Revision #1 February 26, 2019

standards for motor vehicles and equipment and through grants to state and local governments, enables them to conduct effective local highway safety programs. Part of DOT.

**ODAPC** - Office of Drug and Alcohol Policy and Compliance (DOT) who sets definitions, policies and procedures for drug/alcohol programs.

**ON-DUTY** – The status of an employee who is working, including break and spread time. FTA Rule Section 655.32 prohibits a covered employee from using alcohol while performing safety-sensitive functions. No employer having actual knowledge that a covered employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions.

**OVER-THE COUNTER (OTC)** – Legal medications that can be purchased at a pharmacy or other store without requiring a prescription.

**PERIODIC DRUG-TEST** – See Follow-Up Testing

**POSITIVE DRUG/ALCOHOL TEST** – Any breath or urine sample that is chemically tested (screened), that shows the presence of alcohol or a controlled substance above a minimum threshold level as defined by Federal or State law and in violation of this Policy.

**POSITIVE RATE FOR RANDUM DRUG TESTING** – The number of verified positive results for random drug tests conducted under this part plus the number of refusals of random drug tests required by this part, divided by the total number of random drug tests results (i.e., positive, negative, and refusals).

**PRE-DUTY USE OF ALCOHOL** - FTA Rule Section 655.33 prohibits a covered employee from using alcohol within four (4) hours prior to performing safety-sensitive functions. No employer having actual knowledge that a covered employee has used alcohol within four hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions. On-call employees. An employer shall prohibit the consumption of alcohol for the specified on-call hours of each covered employee who is on-call with the following provisions: The covered employee shall have the opportunity to acknowledge the use of alcohol at the time he or she is called to report to duty and the inability to perform his or her safety-sensitive function. If the covered employee has acknowledged the use of alcohol, but claims to be able to perform his or her safety-sensitive function, the covered employee must take an alcohol test prior to assuming safety-sensitive duties.

**PRESCRIPTION MEDICATIONS** – Legally controlled substances or drugs that are supplied via a written prescription from a medical professional for the sole use of the individual for whom the prescription is written.

**PROHIBITED SUBSTANCES** – Any substances that are by law defined as illegal and any legal substance that is not used in accordance with any laws governing its use. Use of these substances is prohibited at all times.

**RANDOM POOL** – The group of all safety-sensitive employees who are subject to random drug/alcohol testing as a condition of employment.

**RANDOM DRUG/ALCOHOL TEST** – A drug/alcohol test performed on an irregular and unpredictable schedule so as not to be anticipated by the employee who is to be tested.

**RANDOM DRUG/ALCOHOL POOL** – The list of all individuals from which a random selection is made for drug/alcohol testing.

**REASONABLE SUSPICION (CAUSE)** - A reasonable suspicion referral for testing will be made on the basis of specific, contemporaneously articulated observations concerning the appearance, behavior, speech, and/or body odor of any employee.

**RECIPIENT** - An entity receiving Federal financial assistance under 49 U.S.C. 5307, 5309, or 5311; or under 23 U.S.C. 103(e)(4).

**REFUSE TO SUBMIT** - Any circumstance outlined in 49 CFR 40.191 and 40.261.

# **DRUG AND ALCOHOL SUPPLEMENTAL POLICY “A”**

## **FTA Regulations Applicable to the City Transportation Department dba GTRANS**

Adopted by Council 2/28/2012

Revision #1 February 26, 2019

**REFUSAL TO BE TESTED** – For purposes of this Policy, “refusal to be tested” is defined as when an employee is unwilling or unable to properly complete a required drug or alcohol test under the specific conditions as defined under FTA, FMCSA and City authority.

**REHABILITATION PROGRAM** – A program, beyond that provided by the EAP, which is designed to assist an individual to become drug/alcohol free.

**REQUIRED DRUG AND ALCOHOL TESTS** - Pre-Employment Test; Post-Accident Test; Return-to-Duty/Follow-Up Test; Random Test; Reasonable Suspicion (for cause) Test

**SAFETY-SENSITIVE FUNCTION** - A person, including an applicant or transferee, who performs a safety-sensitive function as defined by FTA authority.

**SAP** - Substance Abuse Professional.

**SHY BLADDER** – When the body does not produce a sufficient amount of urine for testing.

**SHY LUNG** – When the body does not produce sufficient air for a breath-alcohol test.

**SPECIMEN VALIDITY TESTING** - The evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

**SUBJECT TO DUTY** – The status of an employee who is scheduled to report for work at an assigned time and who has not been finally and completely released from the responsibility of performing further work on that day.

**USDOT (or DOT)** – United States Department of Transportation.

**VEHICLE** - A bus, electric bus, van, automobile. A mass transit vehicle is a vehicle used for mass transportation or for ancillary services.

**VERIFIED TEST** – A drug test result or validity testing result from an HHS Certified Laboratory that has undergone review and final determination by the MRO.

## **APPENDIX – A3**

### **DRUGS TESTED FOR**

- Marijuana
- Cocaine
- Amphetamines
- Opioids
- Phencyclidine



# **DRUG AND ALCOHOL SUPPLEMENTAL POLICY “A”**

## **FTA Regulations Applicable to the City Transportation Department dba GTRANS**

Adopted by Council 2/28/2012

Revision #1 February 26, 2019

### **APPENDIX – A4**

#### **POSITION TITLES PERFORMING FTA SAFETY-SENSITIVE FUNCTION**

Employees working in the Transportation Department with the following position titles or assignments are designated as “FTA Safety-Sensitive” and are covered by the regulations set forth in Policy “A”.

**SAFETY-SENSITIVE FUNCTION** – A covered employee is considered to be performing a safety-sensitive function as herein defined by FTA regulations. Including any period in which he/she is actually performing, ready to perform, or immediately available to perform such functions. Any of the following duties, when performed by employees of recipients, subrecipients, operators, or contractors are designated as FTA Safety-Sensitive Positions whether or not the employee’s position title is as stated in this document:

- A) Operating a revenue service vehicle, including when not in revenue service:
  - 1) Bus Operator
  - 2) Relief Bus Operator
  - 3) Paratransit Operator
  - 4) Transportation Operations Supervisor
    - (a) When operating a revenue service vehicle, or
    - (b) When providing hands-on training with a Bus Operator or Paratransit Operator
  - 5) Any maintenance employee when operating a revenue service vehicle.
- B) Operating a nonrevenue service vehicle, when required to be operated by a holder of a Commercial Driver’s License: Not Applicable to the Transportation Department.
- C) Controlling dispatch or movement of a revenue service vehicle:
  - 1) Transportation Operations Manager (when working in dispatch or providing direction to dispatch)
  - 2) Transit Training & Safety Supervisor (when working in dispatch or providing direction to dispatch)
  - 3) Transportation Operations Supervisor
  - 4) Paratransit Dispatcher
  - 5) A Bus Operator or Paratransit Operator (when assigned to perform dispatch functions)
- D) Maintenance - Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service:
  - 1) Transit Maintenance Manager
  - 2) Transit Mechanic
  - 3) Lead Mechanic
  - 4) Transportation Equipment Utility Worker I & II
  - 5) Senior Transit Utility Specialist
- E) Carrying a firearm for security purposes:
  - 1) Excludes sworn Police or law-enforcement officer providing security for the Transportation Department.

# DRUG AND ALCOHOL SUPPLEMENTAL POLICY “A”

## FTA Regulations Applicable to the City Transportation Department dba GTRANS

Adopted by Council 2/28/2012

Revision #1 February 26, 2019

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### APPENDIX – A5

#### DRUG & ALCOHOL PROGRAM CONTACTS/RELATED INFORMATION

**A. Drug/Alcohol Program Manager (DAPM)/  
Designated Employer Representative (DER)**

Nora Verceles, Human Resources Manager  
City of Gardena, Gardena City Hall  
1700 West 162<sup>nd</sup> Street, Gardena, CA 90247

(310) 217-9509 (office)

[nverceles@cityofgardena.org](mailto:nverceles@cityofgardena.org)

**Medical Review Officer (MRO)**

Stuart B. Hoffman, MD, FACP  
First Advantage  
480 Quadrangle Drive, Suite D  
Bolingbrook, IL 60440

**B. Drug/Alcohol Testing Site**

US Health Works (24/7)  
1149 W. 190th Street, Torrance, CA 90248  
(310) 324-5777

<http://www.ushealthworks.com>

US Health Works (Mon-Fri 8:00 a.m. – 5:30 p.m.)  
16630 Broadway Street, Gardena, CA 90248  
(310) 768-8155

**C. Substance Abuse Professional (SAP)**

Marcus Dayhoff, MD  
REACH Employee Assistance Program  
101 E. Lincoln Ave, Suite #230, Anaheim, CA 92805

**D. Employee Assistance Program (EAP)**

**REACH HELP LINE: 1-800-273-5273**

REACH Employee Assistance Program  
101 E. Lincoln Ave, Suite #230, Anaheim, CA 92805

<http://reachline.com>

**E. Federally Approved Testing Laboratories**

MEDTOX Laboratories, Inc.  
402 Street, County Road, St. Paul, MN 55112

**F. Federally Approved Testing Devices**

Breath alcohol testing will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved evidential breath-testing device (EBT) operated by a trained breath alcohol technician (BAT) and will be conducted consistent with the procedures in 49 CFR Part 40, as amended. DOT drug testing is performed only at a laboratory that is certified by HHS under the National Laboratory Certification Program (NLCP) for all testing required by 49 CFR Part 40. A copy of 49 CFR Part 40 is available for review in the Human Resources Department at City Hall or at: <http://www.dot.gov/odapc/part40.html>.



# City of Gardena

## City Council Meeting

Consent Calendar No.: 5. D. (4)

Meeting Date: February 26, 2019

### AGENDA REPORT SUMMARY

TO: THE HONORABLE MAYOR AND THE CITY COUNCIL

AGENDA TITLE: APPROVE PAYMENT TO CPAC INC. FOR SOPHOS FULLGUARD LICENSE SUPPORT RENEWAL MARCH 4, 2019 THROUGH MARCH 4, 2022

<u>COUNCIL ACTION REQUIRED:</u>	<u>Action Taken</u>
Approve Payment	
<u>STAFF SUMMARY AND RECOMMENDATION:</u>	
<p>Staff recommends that the City Council approve payment of \$44,175.40, to be made on February 27, 2019 to CPAC Inc. for Sophos Fullguard Enhanced Support.</p> <p>Sophos Fullguard Enhanced Support provides server protection to minimize business disruption and maximize protection while safeguarding the City's investment in technology. The following services are included:</p> <ul style="list-style-type: none"><li>• 24/7 Multi-channel support</li><li>• Automatic software downloads and updates</li><li>• Advanced hardware replacement for as long as your support plan is active</li><li>• Comprehensive suite of services built to match the City's needs</li><li>• Premium services that include personalized support</li></ul> <p>Staff was able to negotiate a three year service contract for the price of two years, saving the City \$22,087.70, with the caveat that payment was made in advance of the three year contract period. Staff therefore requests approval of this purchase to remain in compliance with the City's purchasing policy.</p>	
<u>FINANCIAL IMPACT/COST:</u>	
<p>\$ 30,922.78 General Fund/Computer Replacement Fund \$ 13,252.62 Enterprise Funding \$ 44,175.40 Total Expenditure</p>	
<u>ATTACHMENTS:</u>	
Invoice #SI-1287008	
Submitted by: <u>Clint D. Osorio</u> , Clint D. Osorio, Director of Administrative Services Date: 02/26/2019	
Concurred by: <u>Edward Medrano</u> , Edward Medrano, City Manager Date: 02/26/2019	



4749 E. Wesley Drive  
Anaheim, CA 92807  
Ph: (800) 778-2722 Fax: (714) 692-6680



## Sales Invoice

SI - 1287008

Jan-31-2019



### Bill To

CITY OF GARDENA  
ACCOUNTS PAYABLE  
PO BOX 47003  
GARDENA CA 90247  
UNITED STATES  
Phone # (310)217-9520

### Contact

CITY OF GARDENA  
ALEX PINTO  
GARDENA CA 90247  
UNITED STATES  
Phone # (310)217-9520

### Ship To

CITY OF GARDENA  
ALEX PINTO  
1700 W. 162 ST. ROOM 104  
GARDENA CA 90247  
UNITED STATES  
Phone # (310)217-6167

Account		Terms	Due Date		Rep	Ship Date	
22338		NET 30 DAYS	Mar-02-2019		DAVE MORRIS	Jan-15-2019	
SO		PO	Reference		Ship Via	Page 1 of 1	
1167812		023-01198	SOPHOS 3YR PROMO		UPS GROUND	Printed : Feb-01-2019 09:22:17	
L	Item Code	Description	Ordered	Shipped	Price	UOM	Amount
	XF753CTEA	3YR XG750 FULLGUARD LICs ENHANCED SUPPORT RENEWAL	1	1	\$40,560.70	EA	\$40,560.70
	XG75TCHUS	SOPHOS XG750 SECURITY APPLIANCE US POWER	1	1	\$5.00	EA	\$5.00
	XGSZTCHF2	** SOPHOS PROMOTION 3YR RENEWAL INCLUDES DUPLICATE STANDBY UNIT ** SOPHOS 40GBE 2PORT QSFP FLEXI PORT XG750 ** NEW TERM ON 3 YEAR RENEWAL 3/4/19 - 3/4/22. **	1	1	\$3,296.10	EA	\$3,296.10
		NEW - FACTORY SEALED RETAIL PACKAGE					
	FREEFREIGHT	***FREE GROUND FREIGHT***	1	1	\$0.00	EA	\$0.00
		RETURN PRODUCTS: IN MOST CASES, ITEMS THAT HAVE BEEN RECEIVED BY THE CUSTOMER AND HAVE HAD THE FACTORY SEAL BROKEN ARE NOT RETURNABLE TO CPAC. CUSTOMER IS ADVISED THAT ANY RETURNS ACCEPTED BY CPAC ARE SUBJECT TO A MINIMUM 20% RESTOCKING FEE PLUS SHIPPING COST. FOR MORE DETAILS ON CPAC'S RETURN POLICY, PLEASE CONSULT WWW.CPACINC.COM, SUPPORT OPTION.					

Shipment Date	Delivery Method	Shipment Tracking Number
Jan-31-2019	UPS GROUND	1ZX966760346906236
Jan-31-2019	UPS GROUND	1ZX966760347244646
Jan-31-2019	EMAIL-ELECTRONIC DELIVERY	EMAIL

NOTE: Price and availability subject to change per market conditions; No returns on Special Orders, Software, Custom-Builds, or Refurbished Items; in most cases, new items with broken factory seal are not returnable; Approved returns subject to a minimum 20% Re-stock fee plus freight cost. For return policy details, visit <http://cpacinc.com/index.php/rma/>

All payments are due as stated on invoice. A late fee of 1.5% per month will be assessed on all past due balances. All cost of collection, including reasonable attorney's fees, shall be paid by buyer.

Tax Details	Taxable	Amount
CA950LA \$313.604	Tax	\$313.60
EXEMPT \$0.000	Non Taxable	\$40,560.70
	Total	\$44,175.40
	Paid	\$0.00
	Pay Discount	\$0.00
	Balance	\$44,175.40



**CITY OF GARDENA**  
**PLANNING & ENVIRONMENTAL QUALITY COMMISSION**  
CITY COUNCIL CHAMBER ■ 1700 WEST 162<sup>nd</sup> STREET ■ 7:00 P.M.  
Telephone: (310) 217-9524 ■ E-mail address: CDDPlanningZoning@cityofgardena.org

**REPORT OF ACTIONS**  
**FEBRUARY 19, 2019**

**5. General Plan Amendment #1-18; Zone Change #2-18; Tentative Tract Map #4-18; Site Plan Review #8-18; Variance #1-18**

A request to develop a 63-townhome project on a 3.9 gross acre parcel. In order to develop the residential project, the following entitlements are required: General Plan Amendment changing the land use designation from General Commercial to High Density Residential; Zone Change to change the zoning from General Commercial (C-3) to High-Density Residential (R-4); Vesting Tract Map to create 63 townhome lots (VTM 82263); Site Plan Review for the proposed project; and a Variance to approve the proposed wall for perimeter fencing along South Vermont Avenue which is eight feet on the South Vermont side and six feet on the Project side along South Vermont Avenue. A Mitigated Negative Declaration (MND) and Mitigation Monitoring Program (MMP) have been prepared to address the environmental impacts and will have to be approved and adopted prior to the project approvals. The Commission will consider MND and MMP at the same time and approves those documents for the Tract, Map, Site Plan Review and Variance and recommend the City Council adopt the same for the General Plan Amendment and Zone Change. The Planning Commission will be making a recommendation to the City Council on the General Plan Amendment and Zone Change and approving the Tract Map, Site Plan Review and Variance, subject to Council approval of the other items.

**Project Location: 14031 South Vermont Avenue and 1017 West 141st Street**

**Applicant: KB Home Coastal, Inc**

**Commission Action:** Commission approved PC Resolution No. 3-19 and PC No. Resolution 4-19, adopting the Mitigated Negative Declaration and Mitigation Monitoring Program for purposes of the Vesting Tentative Tract Map, Site Plan Review and Variance and recommending that the City Council adopt the same for the General Plan Amendment and Zone Change; recommending that the City Council adopt the General Plan Amendment and Zone Change; and approving the Vesting Tentative Tract Map and Site Plan subject to the Legislative approvals.

**Ayes: Langley, Pierce, Henderson, Sherman, Jackson**

**Noes:**

**Absent:**

**City Clerk Action:** Receive and File

**City Council Action:** Set Public Hearing Date

**ALL CASE MATERIALS ARE AVAILABLE FOR REVIEW IN THE  
OFFICE OF THE COMMUNITY DEVELOPMENT DEPARTMENT**



# City of Gardena

## City Council Meeting

Agenda Item No. 8. D. ( 1 ) (a) (b)

Department: GENERAL SERVICES

Meeting Date: February 26, 2019

### AGENDA REPORT SUMMARY

TO: THE HONORABLE MAYOR AND CITY COUNCIL

AGENDA TITLE: APPROVAL AND IMPLEMENTATION OF CITY OF GARDENA PARTICIPATION IN PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAMS AND ASSOCIATED AUTHORITIES, AND APPROVING MEMBERSHIP IN A RELATED JOINT POWERS AUTHORITY

- (a) Resolution No. 6360, Consenting to the Inclusion of Properties within the City in the California Statewide Communities Development Authority (CSCDA) PACE Programs, and other Related Actions
- (b) Resolution No. 6361, Directing Execution of a Joint Exercise of Powers Agreement (JPA) Relating to the California Municipal Finance Authority (CMFA) PACE, and other Related Actions

#### COUNCIL ACTION REQUIRED:

- (a) Adopt Resolution No. 6360; and
- (b) Adopt Resolution No. 6361

Action Taken

#### RECOMMENDATION AND STAFF SUMMARY:

Staff respectfully recommends that the City Council adopt Resolution No. 6360 and Resolution No. 6361 to allow providers licensed by the State to offer PACE financing services in the City, implement loan repayment via property tax assessment, and approve membership in the Joint Powers Authority.

Advantages of the program include:

1. Financing up to 100% of project costs for renewable energy, energy efficiency, water conservation and seismic improvement projects with repayment through voluntary property tax assessment;
2. Expansion of financial services to promote competition that encourages consumer-friendly financing rates and terms;
3. Deferral of upfront costs of improvements with repayment over a lengthy period of time while simultaneously reaping the benefits of potentially lowering energy and water usage bills, and improving safety during seismic events;
4. Eligible financing evaluated on property equity as well as ability for repayment;
5. Potential transferable assessment for loan liability upon change in property ownership; and,
6. Enabling legislation and consumer protections enacted by State.

The transactions are conducted strictly between PACE providers and property owners. The City will incur no cost or liability associated with the PACE programs. Administrative support and marketing costs of the PACE programs are sole obligations of the providers.

FINANCIAL IMPACT/COST: N/A

#### ATTACHMENTS:

- Resolution No. 6360
- Resolution No. 6361
- Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority

Submitted by: Joseph Cruz, Joseph Cruz, General Services Director

Date: 2/20/19

Concurred by: Edward Medrano, Edward Medrano, City Manager

Date: 2/20/19

# CITY COUNCIL MEETING AGENDA STAFF REPORT

Agenda Item No.	8. D. ( 1 ) (a) (b)
Department:	GENERAL SERVICES
Meeting Date:	February 26, 2019

- AGENDA TITLE: APPROVAL AND IMPLEMENTATION OF CITY OF GARDENA PARTICIPATION IN PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAMS AND ASSOCIATED AUTHORITIES, AND APPROVING MEMBERSHIP IN A RELATED JOINT POWERS AUTHORITY
- (a) Resolution No. 6360, Consenting to the Inclusion of Properties within the City in the California Statewide Communities Development Authority (CSCDA) PACE Programs, and other Related Actions
  - (b) Resolution No. 6361, Directing Execution of a Joint Exercise of Powers Agreement (JPA) Relating to the California Municipal Finance Authority (CMFA) PACE, and other Related Actions

## RECOMMENDATIONS:

Staff respectfully recommends that the City Council:

- (a) Adopt Resolution No. 6360; and
- (b) Adopt Resolution No. 6361

## BACKGROUND:

PACE financing programs, authorized under State legislation AB 811 (2008) and SB 555 (2011), allow residential and commercial property owners to finance renewable energy, energy efficiency, water conservation and seismic improvement projects on their properties. Property owners borrow funds from a PACE provider and repay the loan via a voluntary property tax assessment.

Adoption of Resolution No. 6360 and Resolution No. 6361, as well as approval of the JPA with CMFA, are necessary to enable PACE providers to offer financing services in the City and implement loan repayment via property tax assessment. The City is already a member of CSCDA and executed a JPA in November 2001.

Expansion of financing mechanisms and providers will promote competition and encourage consumer-friendly financing rates and terms. PACE financing programs will also allow property owners to defer the upfront costs of improvements with repayment over a lengthy period of time, up to the average useful life of the improvements, while simultaneously reaping the benefits of potentially lowering energy and water usage bills and improving safety during seismic events.

Eligibility for PACE financing is evaluated on property equity as well as the ability of the property owner to make repayment and may include 100% financing for eligible improvements. The assessment may be transferable with the property upon sale if both the buyer and seller agree; otherwise, the assessment may require repayment prior to close of escrow.

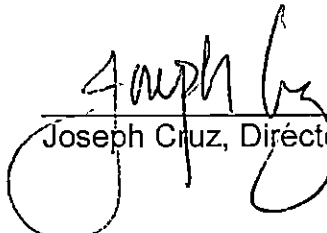
The transactions are conducted strictly between PACE providers and property owners. The City will incur no cost or liability associated with the PACE programs. Administrative support and marketing costs of the PACE programs are sole obligations of the providers.

In addition to enabling language, legislation was enacted by the State to provide consumer protections, including:

1. AB 2693 (2016) – requires written disclosures to homeowners participating in PACE programs and guarantees the right to cancel financing within three business days of execution;
2. SB 242 (2017) – requires live, recorded telephone calls between PACE providers and residential consumers to confirm key terms of the agreement in plain language;
3. AB 1284 (2017) – establishes the California Department of Business Oversight as the statewide regulator for PACE programs that are not local governments and requires licensing under California Financing Law.

In September 2018, the City of Redondo Beach and the City of Torrance adopted similar resolutions enabling CSCDA and California Development Enterprise Authority (CEDA) to operate and provide PACE financing programs in their respective jurisdictions. CEDA is authorized to provide PACE financing programs within the City already and no further action relative to CEDA is required.

Submitted by:

  
\_\_\_\_\_  
Joseph Cruz, Director of General Services

Date:

2/20/19

Attachments:

- Resolution No. 6360
- Resolution No. 6361
- Joint Exercise of Powers Agreement (JPA) with CMFA



## **RESOLUTION NO. 6360**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE CITY IN THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) OPEN PACE PROGRAMS; AUTHORIZING THE CSCDA TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS, AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE CITY; AND AUTHORIZING RELATED ACTIONS**

**WHEREAS**, the California Statewide Communities Development Authority (the "Authority") is a joint exercise of powers authority, the members of which include numerous cities and counties in the State of California, including the City of Gardena (the "City"); and

**WHEREAS**, the Authority is implementing Property Assessed Clean Energy (PACE) programs, which it has designated CSCDA Open PACE, consisting of CSCDA Open PACE programs each administered by a separate program administrator (collectively with any successors, assigns, replacements or additions, the "Programs"), to allow the financing or refinancing of renewable energy, energy efficiency, water efficiency and seismic strengthening improvements, electric vehicle charging infrastructure and such other improvements, infrastructure or other work as may be authorized by law from time to time (collectively, the "Improvements") through the levy of contractual assessments pursuant to Chapter 29 of Division 7 of the Streets & Highways Code ("Chapter 29") within counties and cities throughout the State of California that consent to the inclusion of properties within their respective territories in the Programs and the issuance of bonds from time to time; and

**WHEREAS**, the program administrators currently active in administering Programs are the AllianceNRG Program (CounterPointe Energy Solutions [CA] LLC), PACE Funding Group LLC, CaliforniaFirst (Renew Financial Group LLC), CleanFund Commercial PACE Capital, and Petros PACE Finance; and the Authority will notify the City in advance of any additions or changes; and

**WHEREAS**, Chapter 29 provides that assessments may be levied under its provisions only with the free and willing consent of the owner or owners of each lot or parcel on which an assessment is levied at the time the assessment is levied; and

**WHEREAS**, the City desires to allow the owners of property ("Participating Property Owners") within its territory to participate in the Programs and to allow the Authority to conduct assessment proceedings under Chapter 29 within its territory and to issue bonds to finance or refinance Improvements; and

**WHEREAS**, the territory within which assessments may be levied for the Programs shall include all of the territory within the City's official boundaries; and

**WHEREAS**, the Authority will conduct all assessment proceedings under Chapter 29 for the Programs and issue any bonds issued in connection with the Programs; and

**WHEREAS**, the City will not be responsible for the conduct of any assessment proceedings; the levy of assessments; any required remedial action in the case of delinquencies

in such assessment payments; or the issuance, sale or administration of any bonds issued in connection with the Programs;

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

**SECTION 1.** This City Council hereby finds and declares that properties in the territory of the City will benefit from the availability of the Programs within the territory of the City and, pursuant thereto, the conduct of special assessment proceedings by the Authority pursuant to Chapter 29 and the issuance of bonds to finance or refinance Improvements.

**SECTION 2.** In connection with the Programs, the City hereby consents to the conduct of special assessment proceedings by the Authority pursuant to Chapter 29 on any property within the territory of the City and the issuance of bonds to finance or refinance Improvements; provided, that:

(1) The Participating Property Owners, who shall be the legal owners of such property, execute a contract pursuant to Chapter 29 and comply with other applicable provisions of California law in order to accomplish the valid levy of assessments; and

(2) The City will not be responsible for the conduct of any assessment proceedings; the levy of assessments; any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of any bonds issued in connection with the Programs.

**SECTION 3.** The appropriate officials and staff of the City are hereby authorized and directed to make applications for the Programs available to all property owners who wish to finance or refinance Improvements; provided, that the Authority shall be responsible for providing such applications and related materials at its own expense. The following staff persons, together with any other staff persons chosen by the City Manager or Mayor of the City from time to time, are hereby designated as the contact persons for the Authority in connection with the Programs: Community Development Manager.

**SECTION 4.** The appropriate officials and staff of the City are hereby authorized and directed to execute and deliver such certificates, requisitions, agreements and related documents as are reasonably required by the Authority to implement the Programs.

**SECTION 5.** The City Council hereby finds that adoption of this Resolution is not a "project" under the California Environmental Quality Act, because the Resolution does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4).

**SECTION 6.** This Resolution shall take effect immediately upon its adoption. The City Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the Secretary of the Authority at: Secretary of the Board, California Statewide Communities Development Authority, 1400 K Street, Sacramento, CA 95814.

**BE IT FURTHER RESOLVED** that the City Clerk shall certify to the passage and adoption of this Resolution; shall cause the same to be entered among the original Resolutions of said City; and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted

Passed, approved and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
TASHA CERDA, Mayor

ATTEST:

\_\_\_\_\_  
MINA SEMENZA, City Clerk

AS APPROVED AS TO FORM:

  
\_\_\_\_\_  
PETER L. WALLIN, City Attorney

## **RESOLUTION NO. 6361**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, APPROVING, AUTHORIZING, AND DIRECTING EXECUTION OF A JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY; CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE CITY IN THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY PACE PROGRAMS; AUTHORIZING THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS, AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE CITY; AND AUTHORIZING RELATED ACTIONS**

**WHEREAS**, the California Municipal Finance Authority (the "Authority") is a joint exercise of powers authority, the members of which include numerous cities and counties in the State of California (the "Members"), formed pursuant to a Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the "Agreement"), for the purpose of promoting economic, cultural and community development, and to exercise any powers common to its Members, including the issuance of bonds, notes or other evidences of indebtedness; and

**WHEREAS**, the City of Gardena (the "City"), has determined that it is in the public interest and for the public benefit that the City become a Member of the Authority in order to facilitate the promotion of economic, cultural and community development activities in the City, including the financing of projects therefor by the Authority; and

**WHEREAS**, there is now before this City Council the form of the Agreement; and

**WHEREAS**, the Agreement has been filed with the City, and the members of the City Council, with the assistance of its staff, have reviewed said document; and

**WHEREAS**, the Authority is implementing Property Assessed Clean Energy (PACE) programs, which it has designated CMFA PACE, consisting of CMFA PACE programs each administered by a separate program administrator (collectively with any successors, assigns, replacements or additions, the "Programs"), to allow the financing or refinancing of renewable energy, energy efficiency, water efficiency and seismic strengthening improvements, electric vehicle charging infrastructure and such other improvements, infrastructure or other work as may be authorized by law from time to time (collectively, the "Improvements") through the levy of contractual assessments pursuant to Chapter 29 of Division 7 of the Streets & Highways Code ("Chapter 29") within counties and cities throughout the State of California that consent to the inclusion of properties within their respective territories in the Programs and the issuance of bonds from time to time; and

**WHEREAS**, the program administrators currently active in administering Programs are Energy Efficient Equity, Inc.; BlueFlame PACE Services LLC; OnPACE Energy Solutions, LLC; PACE Equity, LLC; Samas Capital LLC; Structured Finance Associates, LLC; and Twain Community Partners II LLC; and the Authority will notify the City in advance of any additions or changes; and

**WHEREAS**, Chapter 29 provides that assessments may be levied under its provisions only with the free and willing consent of the owner or owners of each lot or parcel on which an assessment is levied at the time the assessment is levied; and

**WHEREAS**, the City desires to allow the owners of property ("Participating Property Owners") within its territory to participate in the Programs and to allow the Authority to conduct assessment proceedings under Chapter 29 within its territory and to issue bonds to finance or refinance Improvements; and

**WHEREAS**, the territory within which assessments may be levied for the Programs shall include all of the territory within the City's official boundaries; and

**WHEREAS**, the Authority will conduct all assessment proceedings under Chapter 29 for the Programs and issue any bonds issued in connection with the Programs; and

**WHEREAS**, the City will not be responsible for the conduct of any assessment proceedings; the levy of assessments; any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale, administration repayment or guarantee of any bonds issued in connection with the Programs;

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

SECTION 1. The City Council hereby finds and declares that the foregoing recitals are true and correct.

SECTION 2. The Agreement is hereby approved and the Mayor, City Manager, or the designee thereof is hereby authorized and directed to execute said document, and the City Clerk or such clerk's designee is hereby authorized and directed to attest thereto.

SECTION 3. The City Council hereby finds and declares that properties in the territory of the City will benefit from the availability of the Programs within the territory of the City and, pursuant thereto, the conduct of special assessment proceedings by the Authority pursuant to Chapter 29 and the issuance of bonds to finance or refinance Improvements.

SECTION 4. In connection with the Programs, the City hereby consents to the conduct of special assessment proceedings by the Authority pursuant to Chapter 29 on any property within the territory of the City and the issuance of bonds to finance or refinance Improvements; provided, that

(1) The Participating Property Owners, who shall be the legal owners of such property, execute a contract pursuant to Chapter 29 and comply with other applicable provisions of California law in order to accomplish the valid levy of assessments; and

(2) The City will not be responsible for the conduct of any assessment proceedings; the levy of assessments; any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale, administration, repayment or guarantee of any bonds issued in connection with the Programs.

SECTION 5. The appropriate officials and staff of the City are hereby authorized and directed to make applications for the Programs available to all property owners who wish to finance or refinance Improvements; provided, that the Authority shall be responsible for providing such applications and related materials at its own expense. The following staff persons, together with any other staff persons chosen by the Mayor or City Manager of the City from time to time, are

hereby designated as the contact persons for the Authority in connection with the Programs: Community Development Manager.

**SECTION 6.** The appropriate officials and staff of the City are hereby authorized and directed to execute and deliver such certificates, requisitions, agreements and related documents as are reasonably required by the Authority to implement the Programs.

**SECTION 7.** The City Council hereby finds that adoption of this Resolution is not a "project" under the California Environmental Quality Act, because the Resolution does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4)).

**SECTION 8.** The City may withdraw from the Programs or any Program upon six (6) months written notice to the Authority. The City may withdraw its consent and approval for the conduct of special assessment proceedings by any specific program administrator under a Program within the jurisdictional limits of the City upon thirty (30) days written notice to the Authority without (a) liability to the Authority or any affiliated entity, and (b) withdrawing its consent and approval for the conduct of special assessment proceedings by any other program administrators under the other Programs. The City's withdrawal from any Program shall not affect the validity of any voluntary assessment contract entered into prior to the date of such withdrawal or entered into after the date of such withdrawal so long as the application for such voluntary assessment contract was submitted to and approved by the Authority prior to the date of the City's notice of withdrawal.

**SECTION 9.** This Resolution shall take effect immediately upon its adoption.

**BE IT FURTHER RESOLVED** that the City Clerk shall certify to the passage and adoption of this Resolution; shall cause the same to be entered among the original Resolutions of said City; and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted. The City Clerk is also hereby authorized and directed to transmit a certified copy of this resolution to the Financial Advisor of the Authority at California Municipal Finance Authority, 2111 Palomar Airport Road, Suite 320, Carlsbad, CA 92011, Attn: Travis Cooper.

Passed, approved and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
TASHA CERDA, Mayor

ATTEST:

\_\_\_\_\_  
MINA SEMENZA, City Clerk

AS APPROVED AS TO FORM:

  
\_\_\_\_\_  
PETER L. WALLIN, City Attorney

**JOINT EXERCISE OF POWERS AGREEMENT  
RELATING TO THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY**

THIS AGREEMENT, dated as of January 1, 2004, among the parties executing this Agreement (all such parties, except those which have withdrawn as provided herein, are referred to as the "Members" and those parties initially executing this Agreement are referred to as the "Initial Members"):

**WITNESSETH**

WHEREAS, pursuant to Title 1, Division 7, Chapter 5 of the California Government Code (in effect as of the date hereof and as the same may from time to time be amended or supplemented, the "Joint Exercise of Powers Act"), two or more public agencies may by agreement jointly exercise any power common to the contracting parties; and

WHEREAS, each of the Members is a "public agency" as that term is defined in Section 6500 of the Joint Exercise of Powers Act; and

WHEREAS, each of the Members is empowered by law to promote economic, cultural and community development, including, without limitation, the promotion of opportunities for the creation or retention of employment, the stimulation of economic activity, the increase of the tax base, and the promotion of opportunities for education, cultural improvement and public health, safety and general welfare; and

WHEREAS, each of the Members may accomplish the purposes and objectives described in the preceding preamble by various means, including through making grants, loans or providing other financial assistance to governmental and nonprofit organizations; and

WHEREAS, each Member is also empowered by law to acquire and dispose of real property for a public purpose; and

WHEREAS, the Joint Exercise of Powers Act authorizes the Members to create a joint exercise of powers entity with the authority to exercise any powers common to the Members, as specified in this Agreement and to exercise the additional powers granted to it in the Joint Exercise of Powers Act and any other applicable provisions of the laws of the State of California; and

WHEREAS, a public entity established pursuant to the Joint Exercise of Powers Act is empowered to issue or execute bonds, notes, commercial paper or any other evidences of indebtedness, including leases or installment sale agreements or certificates of participation therein (herein "Bonds"), and to otherwise undertake financing programs under the Joint Exercise of Powers Act or other applicable provisions of the laws of the State of California to accomplish its public purposes; and

WHEREAS, the Members have determined to specifically authorize a public entity authorized pursuant to the Joint Exercise of Powers Act to issue Bonds pursuant to the Joint Exercise of Powers Act or other applicable provisions of the laws of the State of California; and

WHEREAS, it is the desire of the Members to use a public entity established pursuant to the Joint Exercise of Powers Act to undertake the financing and/or refinancing of projects of any nature, including, but not limited to, capital or working capital projects, insurance, liability or retirement programs or facilitating Members use of existing or new financial instruments and mechanisms; and

WHEREAS, it is further the intention of the Members that the projects undertaken will result in significant public benefits to the inhabitants of the jurisdictions of the Members; and

WHEREAS, by this Agreement, each Member desires to create and establish the "California Municipal Finance Authority" for the purposes set forth herein and to exercise the powers provided herein;

NOW, THEREFORE, the Members, for and in consideration of the mutual promises and agreements herein contained, do agree, as follows:

**Section 1. Purpose.**

This Agreement is made pursuant to the provisions of the Joint Exercise of Powers Act. The purpose of this Agreement is to establish a public entity for the joint exercise of powers common to the Members and for the exercise of additional powers given to a joint powers entity under the Joint Powers Act or any other applicable law, including, but not limited to, the issuance of Bonds for any purpose or activity permitted under the Joint Exercise of Powers Act or any other applicable law. Such purpose will be accomplished and said power exercised in the manner hereinafter set forth.

**Section 2. Term.**

This Agreement shall become effective in accordance with Section 17 as of the date hereof and shall continue in full force and effect until such time as it is terminated in writing by all the Members; provided, however, that this Agreement shall not terminate or be terminated until all Bonds issued or caused to be issued by the Authority (defined below) shall no longer be outstanding under the terms of the indenture, trust agreement or other instrument pursuant to which such Bonds are issued, or unless a successor to the Authority assumes all of the Authority's debts, liabilities and obligations.

**Section 3. Authority.**

**A. CREATION AND POWERS OF AUTHORITY.**

Pursuant to the Joint Exercise of Powers Act, there is hereby created a public entity to be known as the "California Municipal Finance Authority" (the "Authority") and said Authority shall be a public entity separate and apart from the Members. Its debts, liabilities and obligations do not constitute debts, liabilities or obligations of any Members.

**B. BOARD.**

The Authority shall be administered by the Board of Directors (the "Board," or the "Directors" and each a "Director") of the California Foundation for Stronger Communities, a nonprofit public benefit corporation organized under the laws of the State of California (the "Foundation"), with each such Director serving in his or her individual capacity as a Director of



the Board. The Board shall be the administering agency of this Agreement and, as such, shall be vested with the powers set forth herein, and shall administer this Agreement in accordance with the purposes and functions provided herein. The number of Directors, the appointment of Directors, alternates and successors, their respective terms of office, and all other provisions relating to the qualification and office of the Directors shall be as provided in the Articles and Bylaws of the Foundation, or by resolution of the Board adopted in accordance with the Bylaws of the Foundation.

All references in this Agreement to any Director shall be deemed to refer to and include the applicable alternate Director, if any, when so acting in place of a regularly appointed Director.

Directors may receive reasonable compensation for serving as such and shall be entitled to reimbursement for any expenses actually incurred in connection with serving as a Director, if the Board shall determine that such expenses shall be reimbursed and there are unencumbered funds available for such purpose.

The Foundation may be removed as administering agent hereunder and replaced at any time by amendment of this Agreement approved as provided in Section 16; provided that a successor administering agent of this Agreement has been appointed and accepted its duties and responsibilities under this Agreement.

#### C. OFFICERS; DUTIES; OFFICIAL BONDS.

The officers of the Authority shall be the Chair, Vice-Chair, Secretary and Treasurer (defined below). The Board, in its capacity as administering agent of this Agreement, shall elect a Chair, a Vice-Chair, and a Secretary of the Authority from among Directors to serve until such officer is re-elected or a successor to such office is elected by the Board. The Board shall appoint one or more of its officers or employees to serve as treasurer, auditor, and controller of the Authority (the "Treasurer") pursuant to Section 6505.6 of the Joint Exercise of Powers Act to serve until such officer is re-elected or a successor to such office is elected by the Board.

Subject to the applicable provisions of any resolution, indenture, trust agreement or other instrument or proceeding authorizing or securing Bonds (each such resolution, indenture, trust agreement, instrument and proceeding being herein referred to as an "Indenture") providing for a trustee or other fiscal agent, and except as may otherwise be specified by resolution of the Board, the Treasurer is designated as the depository of the Authority to have custody of all money of the Authority, from whatever source derived and shall have the powers, duties and responsibilities specified in Sections 6505, 6505.5 and 6509.5 of the Joint Exercise of Powers Act.

The Treasurer of the Authority is designated as the public officer or person who has charge of, handles, or has access to any property of the Authority, and such officer shall file an official bond with the Secretary of the Authority in the amount specified by resolution of the Board but in no event less than \$1,000.

The Board shall have the power to appoint such other officers and employees as it may deem necessary and to retain independent counsel, consultants and accountants.

The Board shall have the power, by resolution, to the extent permitted by the Joint Exercise of Power Act or any other applicable law, to delegate any of its functions to one or more of the Directors or officers, employees or agents of the Authority and to cause any of said Directors, officers, employees or agents to take any actions and execute any documents or instruments for and in the name and on behalf of the Board or the Authority.

#### **D. MEETINGS OF THE BOARD.**

##### **(1) Ralph M. Brown Act.**

All meetings of the Board, including, without limitation, regular, adjourned regular, special, and adjourned special meetings shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code of the State of California), or any successor legislation hereinafter enacted (the "Brown Act").

##### **(2) Regular Meetings.**

The Board shall provide for its regular meetings; provided, however, it shall hold at least one regular meeting each year. The date, hour and place of the holding of the regular meetings shall be fixed by resolution of the Board. To the extent permitted by the Brown Act, such meetings may be held by telephone conference.

##### **(3) Special Meetings.**

Special meetings of the Board may be called in accordance with the provisions of Section 54956 of the Government Code of the State of California. To the extent permitted by the Brown Act, such meetings may be held by telephone conference.

##### **(4) Minutes.**

The Secretary of the Authority shall cause to be kept minutes of the regular, adjourned regular, special, and adjourned special meetings of the Board and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each Director.

##### **(5) Quorum.**

A majority of the Board shall constitute a quorum for the transaction of business. No action may be taken by the Board except upon the affirmative vote of a majority of the Directors constituting a quorum, except that less than a quorum may adjourn a meeting to another time and place.

#### **E. RULES AND REGULATIONS.**

The Authority may adopt, from time to time, by resolution of the Board such rules and regulations for the conduct of its meetings and affairs as may be required.

#### **Section 4. Powers.**

The Authority shall have the power, in its own name, to exercise the common powers of the Members and to exercise all additional powers given to a joint powers entity under any of the laws of the State of California, including, but not limited to, the Joint Exercise of Powers Act, for any purpose authorized under this Agreement. Such powers shall include the common powers specified in this Agreement and may be exercised in the manner and according to the method provided in this Agreement. The Authority is hereby authorized to do all acts necessary for the exercise of such power, including, but not limited to, any of all of the

following: to make and enter into contracts; to employ agents and employees; to acquire, construct, provide for maintenance and operation of, or maintain and operate, any buildings, works or improvements; to acquire, hold or dispose of property wherever located; to incur debts, liabilities or obligations; to receive gifts, contributions and donations of property, funds, services, and other forms of assistance from person, firms, corporations and any governmental entity; to sue and be sued in its own name; to make grants, loans or provide other financial assistance to governmental and nonprofit organizations (e.g., the Members or the Foundation) to accomplish any of its purposes; and generally to do any and all things necessary or convenient to accomplish its purposes.

Without limiting the generality of the foregoing, the Authority may issue or cause to be issued Bonds, and pledge any property or revenues as security to the extent permitted under the Joint Exercise of Powers Act, or any other applicable provision of law; provided, however, the Authority shall not issue Bonds with respect to any project located in the jurisdiction of one or more Members unless the governing body of any such Member, or its duly authorized representative, shall approve, conditionally or unconditionally, the project, including the issuance of Bonds therefor. Such approval may be evidenced by resolution, certificate, order, report or such other means of written approval of such project as may be selected by the Member (or its authorized representative) whose approval is required. No such approval shall be required in connection with Bonds that refund Bonds previously issued by the Authority and approved by the governing board of a Member.

The manner in which the Authority shall exercise its powers and perform its duties is and shall be subject to the restrictions upon the manner in which a California general law city could exercise such powers and perform such duties. The manner in which the Authority shall exercise its powers and perform its duties shall not be subject to any restrictions applicable to the manner in which any other public agency could exercise such powers or perform such duties, whether such agency is a party to this Agreement or not.

#### **Section 5. Fiscal Year.**

For the purposes of this Agreement, the term "Fiscal Year" shall mean the fiscal year as established from time to time by resolution of the Board, being, at the date of this Agreement, the period from July 1 to and including the following June 30, except for the first Fiscal Year which shall be the period from the date of this Agreement to June 30, 2004.

#### **Section 6. Disposition of Assets.**

At the end of the term hereof or upon the earlier termination of this Agreement as set forth in Section 2, after payment of all expenses and liabilities of the Authority, all property of the Authority both real and personal shall automatically vest in the Members in the manner and amount determined by the Board in its sole discretion and shall thereafter remain the sole property of the Members; provided, however, that any surplus money on hand shall be returned in proportion to the contributions made by the Members.

#### **Section 7. Bonds.**

From time to time the Authority shall issue Bonds, in one or more series, for the purpose of exercising its powers and raising the funds necessary to carry out its purposes under this Agreement.

The services of bond counsel, financing consultants and other consultants and

advisors working on the projects and/or their financing shall be used by the Authority. The expenses of the Board shall be paid from the proceeds of the Bonds or any other unencumbered funds of the Authority available for such purpose.

#### **Section 8. Bonds Only Limited and Special Obligations of Authority.**

The Bonds, together with the interest and premium, if any, thereon, shall not be deemed to constitute a debt of any Member or pledge of the faith and credit of the Members or the Authority. The Bonds shall be only special obligations of the Authority, and the Authority shall under no circumstances be obligated to pay the Bonds except from revenues and other funds pledged therefor. Neither the Members nor the Authority shall be obligated to pay the principal of, premium, if any, or interest on the Bonds, or other costs incidental thereto, except from the revenues and funds pledged therefor, and neither the faith and credit nor the taxing power of the Members nor the faith and credit of the Authority shall be pledged to the payment of the principal of, premium, if any, or interest on the Bonds nor shall the Members or the Authority in any manner be obligated to make any appropriation for such payment.

No covenant or agreement contained in any Bond or related document shall be deemed to be a covenant or agreement of any Director, or any officer, employee or agent of the Authority in his or her individual capacity and neither the Board of the Authority nor any Director or officer thereof executing the Bonds shall be liable personally on any Bond or be subject to any personal liability or accountability by reason of the issuance of any Bonds.

#### **Section 9. Accounts and Reports.**

All funds of the Authority shall be strictly accounted for. The Authority shall establish and maintain such funds and accounts as may be required by good accounting practice and by any provision of any Indenture (to the extent such duties are not assigned to a trustee of Bonds). The books and records of the Authority shall be open to inspection at all reasonable times by each Member.

The Treasurer of the Authority shall cause an independent audit to be made of the books of accounts and financial records of the Authority by a certified public accountant or public accountant in compliance with the provisions of Section 6505 of the Joint Exercise of Powers Act. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code of the State of California and shall conform to generally accepted auditing standards. When such an audit of accounts and records is made by a certified public accountant or public accountant, a report thereof shall be filed as a public record with each Member and also with the county auditor of each county in which a Member is located; provided, however, that to the extent permitted by law, the Authority may, instead of filing such report with each Member and such county auditor, elect to post such report as a public record electronically on a website designated by the Authority. Such report if made shall be filed within 12 months of the end of the Fiscal Year or Years under examination.

The Treasurer is hereby directed to report in writing on the first day of July, October, January, and April of each year to the Board and the Members which report shall describe the amount of money held by the Treasurer for the Authority, the amount of receipts since the last such report, and the amount paid out since the last such report (which may exclude amounts held by a trustee or other fiduciary in connection with any Bonds to the extent that such trustee or other fiduciary provided regular reports covering such amounts.)

Any costs of the audit, including contracts with, or employment of, certified public accountants or public accountants in making an audit pursuant to this Section, shall be borne by the Authority and shall be a charge against any unencumbered funds of the Authority available for that purpose.

In any Fiscal Year the Board may, by resolution adopted by unanimous vote, replace the annual special audit with an audit covering a two-year period.

#### **Section 10. Funds.**

Subject to the applicable provisions of any Indenture, which may provide for a trustee or other fiduciary to receive, have custody of and disburse Authority funds, the Treasurer of the Authority shall receive, have the custody of and disburse Authority funds pursuant to the accounting procedures developed under Sections 3.C and 9, and shall make the disbursements required by this Agreement or otherwise necessary to carry out any of the provisions of purposes of this Agreement.

#### **Section 11. Notices.**

Notices and other communications hereunder to the Members shall be sufficient if delivered to the clerk of the governing body of each Member; provided, however, that to the extent permitted by law, the Authority may, provide notices and other communications and postings electronically (including, without limitation, through email or by posting to a website).

#### **Section 12. Additional Members/Withdrawal of Members.**

Qualifying public agencies may be added as parties to this Agreement and become Members upon: (1) the filing by such public agency with the Authority of an executed counterpart of this Agreement, together with a copy of the resolution of the governing body of such public agency approving this Agreement and the execution and delivery hereof; and (2) adoption of a resolution of the Board approving the addition of such public agency as a Member. Upon satisfaction of such conditions, the Board shall file such executed counterpart of this Agreement as an amendment hereto, effective upon such filing.

A Member may withdraw from this Agreement upon written notice to the Board; provided, however, that no such withdrawal shall result in the dissolution of the Authority so long as any Bonds remain outstanding. Any such withdrawal shall be effective only upon receipt of the notice of withdrawal by the Board which shall acknowledge receipt of such notice of withdrawal in writing and shall file such notice as an amendment to this Agreement effective upon such filing.

#### **Section 13. Indemnification.**

To the full extent permitted by law, the Board may authorize indemnification by the Authority of any person who is or was a Director or an officer, employee of other agent of the Authority, and who was or is a party or is threatened to be made a party to a proceeding by reason of the fact that such person is or was such a Director or an officer, employee or other agent of the Authority, against expenses, including attorneys' fees, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, if such person acted in good faith in a manner such person reasonably believed to be in the best interests of the Authority and, in the case of a criminal proceeding, had no

reasonable cause to believe the conduct of such person was unlawful and, in the case of an action by or in the right of the Authority, acted with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

#### **Section 14. Contributions and Advances.**

Contributions or advances of public funds and of the use of personnel, equipment or property may be made to the Authority by the Members for any of the purposes of this Agreement. Payment of public funds may be made to defray the cost of any such contribution or advance. Any such advance may be made subject to repayment, and in such case shall be repaid, in the manner agreed upon by the Authority and the Member making such advance at the time of such advance. It is mutually understood and agreed to that no Member has any obligation to make advances or contributions to the Authority to provide for the costs and expenses of administration of the Authority, even though any Member may do so. The Members understand and agree that a portion of the funds of the Authority that otherwise may be allocated or distributed to the Members may instead be used to make grants, loans or provide other financial assistance to governmental units and nonprofit organizations (e.g., the Foundation) to accomplish any of the governmental unit's or nonprofit organization's purposes.

#### **Section 15. Immunities.**

All of the privileges and immunities from liabilities, exemptions from laws, ordinances and rules, and other benefits which apply to the activity of officers, agents or employees of Members when performing their respective functions within the territorial limits of their respective public agencies, shall apply to the same degree and extent to the Directors, officers, employees, agents or other representatives of the Authority while engaged in the performance of any of their functions or duties under the provisions of this Agreement.

#### **Section 16. Amendments.**

Except as provided in Section 12 above, this Agreement shall not be amended, modified, or altered, unless the negative consent of each of the Members is obtained. To obtain the negative consent of each of the Members, the following negative consent procedure shall be followed: (a) the Authority shall provide each Member with a notice at least sixty (60) days prior to the date such proposed amendment is to become effective explaining the nature of such proposed amendment and this negative consent procedure; (b) the Authority shall provide each Member who did not respond a reminder notice with a notice at least thirty (30) days prior to the date such proposed amendment is to become effective; and (c) if no Member objects to the proposed amendment in writing within sixty (60) days after the initial notice, the proposed amendment shall become effective with respect to all Members.

#### **Section 17. Effectiveness.**

This Agreement shall become effective and be in full force and effect and a legal, valid and binding obligation of each of the Members on the date that the Board shall have received from two of the Initial Members an executed counterpart of this Agreement, together with a certified copy of a resolution of the governing body of each such Initial Member approving this Agreement and the execution and delivery hereof.

#### **Section 18. Partial Invalidity.**

If any one or more of the terms, provisions, promises, covenants or conditions of this

Agreement shall to any extent be adjudged invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants and conditions of this Agreement shall not be affected thereby, and shall be valid and enforceable to the fullest extent permitted by law.

**Section 19. Successors.**

This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto. Except to the extent expressly provided herein, no Member may assign any right or obligation hereunder without the consent of the other Members.

**Section 20. Miscellaneous.**

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

The section headings herein are for convenience only and are not to be construed as modifying or governing the language in the section referred to.

Wherever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

This Agreement shall be governed under the laws of the State of California.

This Agreement is the complete and exclusive statement of the agreement among the Members, which supersedes and merges all prior proposals, understandings, and other agreements, whether oral, written, or implied in conduct, between and among the Members relating to the subject matter of this Agreement.

IN WITNESS WHEREOF, the City of Gardena has caused this Agreement to be approved, executed and attested by its duly authorized representatives as of the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
TASHA CERDA, Mayor

ATTEST:

\_\_\_\_\_  
MINA SEMENZA, City Clerk

AS APPROVED AS TO FORM:

  
\_\_\_\_\_  
PETER L. WALLIN, City Attorney



# City of Gardena

## City Council Meeting

Agenda Item No. 8. D. ( 2 )

Department: General Services

Meeting Date: February 26, 2019

### AGENDA REPORT SUMMARY

TO: THE HONORABLE MAYOR AND CITY COUNCIL

AGENDA TITLE: APPROVAL OF PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING DESIGN SERVICES TO *PENCO*, A CANNON COMPANY, IN THE AMOUNT OF \$188,000.00 FOR THE ARTESIA BOULEVARD ARTERIAL IMPROVEMENT PROJECT, FROM WESTERN AVENUE TO VERMONT AVENUE, JN 935

#### COUNCIL ACTION REQUIRED:

Approve Professional Services Agreement

#### Action Taken

#### RECOMMENDATION AND STAFF SUMMARY:

Staff respectfully recommends that the City Council approve a Professional Engineering Design Services Contract to *PENCO*, a Cannon Company, 16842 Von Karman Avenue, Suite 150, Irvine, CA 92606, in the amount of \$188,000.00.

This project will upgrade five (5) traffic signals in the project limits and implement other traffic engineering solutions that will be recommended in the traffic study/analysis to reduce vehicle delay along Artesia Boulevard. Incidental to those components, all non-compliant curb ramps, curbs, gutters, and sidewalks will be removed and replaced. Portions of the asphalt pavement will be repaired, using grind and overlay.

In late 2015, the City applied for a Measure R South Bay Highway Program grant. As a result, the Artesia Boulevard Project was selected to receive a total of \$2,654,000. In August 2018, a Financial Agreement between the City and Metro was entered into for \$220,000.00 for the project's design phase. This agreement shall be amended to include the construction phase based on the results and recommendation of the design phase.

In September 2018, staff extended a Request for a Professional Engineering Design Services Proposal to two firms, *PENCO* and *PSOMAS*. After reviewing and rating each proposal, staff is recommending that City Council award the contract to *PENCO* based on their understanding of the project and acceptable fee. The fee will include an optional task, Traffic Analysis, which *PSOMAS* did not provide. *PENCO*'s design fee (without the optional task fee) is 7% lower than *PSOMAS*' fee.

The services of a Design team are needed to supplement the department's staff and capacity. Engineering Design is expected to be completed in December of 2019, and construction completion is expected by Summer 2020.

#### FINANCIAL IMPACT/COST:

Amount of Expense: \$188,000.00

Funding Source: Measure R South Bay Highway Program Grant

#### ATTACHMENTS:

Project Location Map, Consultant Proposals

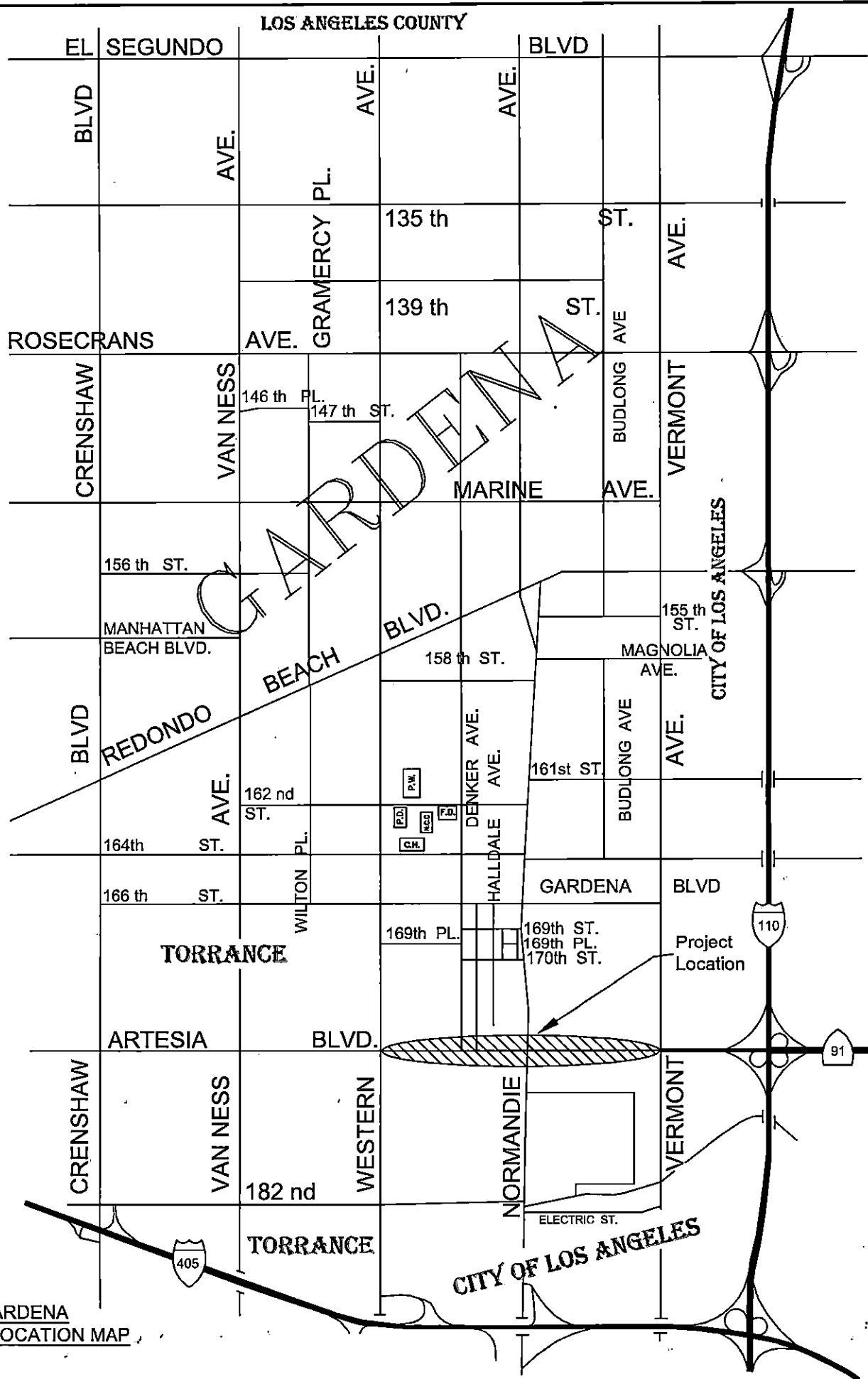
Submitted by: Joseph Cruz, Joseph Cruz, General Services Director

Date: 2/20/19

Concurred by: Edward Medrano, Edward Medrano, City Manager

Date: 2/20/19







January 14, 2019  
PN: 99145.18

Mr. William Mendoza  
City of Gardena  
Public Works Engineering  
1717 West 162<sup>nd</sup> Street  
Gardena, CA 90247-3778

## **Proposal for Engineering Design Services for the Artesia Blvd Arterial Improvements Project, from Western Ave to Vermont Ave**

Dear Mr. Mendoza,

PENCO, a Cannon Company (PENCO) appreciates the opportunity to present this proposal to provide professional engineering design services for the Artesia Boulevard Arterial Improvements project (Project), from Western Avenue to Vermont Avenue, for the City of Gardena (City). The Project is funded through the Measure R Southbay Highway Program and shall conform to its requirements. This important project will continue the City's high priority to improve traffic efficiency and reduce vehicle delay without capacity enhancement along Artesia Boulevard. The improvements will be located at the following five (5) intersections within the project limits:

- |                                 |                                      |
|---------------------------------|--------------------------------------|
| 1. Artesia Blvd/Normandie Ave   | 4. Artesia Blvd/Dalton Ave           |
| 2. Artesia Blvd/Shopping Center | 5. Artesia Blvd/Gardena Market Place |
| 3. Artesia Blvd/Gateway         |                                      |

From discussions with City staff, one of the main goals of this project is to complete 100% Final PS&E by December 2019. PENCO will meet, if not beat, this schedule by committing the necessary resources to meet the City's funding deadline and give City staff the flexibility to go out to construction sooner.

The following sections will detail the PENCO Team, Project Discussion, Scope of Services, Schedule and Fees, all of which is based on our understanding of the project.

### **PENCO TEAM**

The PENCO team will be led by Senior Project Manager, **Gary Solsona, PE, QSD**, who will be the single point of contact for the City. With more than 17 years of civil engineering experience in providing management and design of public works projects including street rehabilitation and ADA compliance for local cities, Gary will be a useful resource in successfully completing this project in a timely manner. PENCO's **subconsultant Iteris**, led by **Paul Frislie, PE**, will provide traffic engineering services for the traffic signal related improvements at the 5 intersections within the project limits. **Melanie Mills, PE**, Senior Landscape Architect, has over 16 years of

relevant landscape design experience and will be responsible for the median landscape planting and irrigation enhancements. The team will also be supported by PENCO's project engineers and design engineers in the preliminary and final engineering design services. The entire team is committed to the success of this project!

## **PROJECT DISCUSSION**

The project consists of the preparation of a Preliminary Design Report (PDR) and preparation of Plans, Specifications and Estimate (PS&E) construction documents for traffic signal, street improvements and median landscape enhancements along Artesia Boulevard, from Western Avenue to Vermont Avenue (Length = 1.1 miles  $\pm$ ).

PENCO has identified the following observations / major project elements as follows:

### **IMPROVE TRAFFIC EFFICIENCY & TRAFFIC SIGNAL UPGRADES**

- PENCO's subconsultant Iteris will develop design recommendations for improved roadway and intersection geometry (at the 5 intersections previously mentioned), as required, accomplishing any channelization modifications
- Upgrade traffic signals at the 5 intersections, which will consider upgrading of poles, signal heads, wiring, battery backup, etc.
- PENCO's subconsultant Iteris will evaluate signal timing, which will include basic timing calculations, existing and proposed network modeling, new timing implementation and field fine-tuning

### **MEDIAN ENHANCEMENTS**

- Develop recommendations for landscape planting and irrigation enhancements and street tree improvements in the existing medians along Artesia Blvd
- Per prior discussions with City staff, PENCO will refer to the existing medians along Rosecrans Avenue (from Vermont Avenue to Crenshaw Avenue) for a sample of the City's preference for the proposed median landscaping improvements

### **STREET IMPROVEMENTS**


- Railroad crossing pavement enhancement, i.e. pavement rehabilitation at Normandie intersection (Length = 60' along Artesia), consisting of 2-inch grind and overlay
- Pavement rehab from 300' west of Vermont Ave to Vermont Ave (Length = 300'), excludes Vermont intersection to avoid curb ramp upgrades within Caltrans R/W and excludes obtaining a Caltrans permit (since Artesia Blvd converts to SR-91 on ramp at Vermont), consisting of 2-inch grind and inlay to avoid reducing the median curb face height
- Repair damaged C&G and sidewalk to eliminate hazard(s) for pedestrians
- Existing curb ramps within the project limits for ADA compliance. If upgrade required, standard plans for curb ramps with case identified will be utilized, not custom details
- Per prior discussions with the City, the project will exclude construction of concrete bus pads at existing bus stop locations
- Traffic Control Plans for the construction of the proposed street, traffic signal and median landscape improvements will be addressed in the project specifications

## SCOPE OF SERVICES

Task	Description	Deliverables
<b>TASK 1: PRELIMINARY ENGINEERING DESIGN</b>		
<b>1.1</b>	<b>KICK-OFF MEETING</b>	
	The project will commence with a kick-off meeting with City staff. The project objectives will be discussed / confirmed. The project schedule will be reviewed, and lines of communication will be established.	✓ Meeting agenda and minutes
<b>1.2</b>	<b>RECORDS RESEARCH &amp; UTILITY COORDINATION</b>	
	<p>Immediately upon receipt of the project Notice to Proceed, PENCO will research and obtain available data (to facilitate the final engineering design), including utility company contact names, City &amp; County record documents, City-provided geotechnical data / reports (if available), and as-built record drawings. All data will be compiled, reviewed, and be made available to the project team throughout the design effort.</p> <p>PENCO will prepare initial preliminary utility notifications to utility companies (from a City-provided list) within the project limits, making the utility agencies aware of the upcoming project and construction activities. We will send out 2nd utility notices (with 95% plans) within 1 week after issuance of the 95% PS&amp;E submittal to City staff, for verification of facilities. We will send out final utility notices along with approved plans, a tentative pre-construction meeting date and a tentative schedule date for construction. As with all of our design projects, we will maintain a utility log to track who and when notifications were sent to and document the responses to the notices.</p>	<ul style="list-style-type: none"> <li>✓ Compiled Existing Records</li> <li>✓ Utility Coordination Log, Notices &amp; Correspondence</li> </ul>
<b>1.3</b>	<b>BASE SHEET PREPARATION &amp; FIELD REVIEW</b>	
	<p>Utilizing the City-provided base maps, PENCO will update the base maps (1"=40' scale) in AutoCAD, which will include dimensions, street names, north arrow, scale, match lines, street centerline, existing R/W, stationing, location of surface topographic features from R/W to R/W, location of surface and subsurface utilities (within the areas of proposed improvements only).</p> <p>Upon completion of base map preparation, PENCO will perform a comprehensive field review within the project limits to confirm completeness / accuracy of the base maps, note existing conditions that may affect the design, note access concerns / traffic control concerns, note potential utility issues and other construction challenges and collect a photo-document log of the project site. From the data collected during our field review, the project's existing CAD base mapping will be updated.</p>	<ul style="list-style-type: none"> <li>✓ Field Notes &amp; Photos</li> <li>✓ Base Map in AutoCAD</li> </ul>
<b>1.4</b>	<b>PRELIMINARY TRAFFIC ENGINEERING RESEARCH &amp; FIELD INVESTIGATION (<i>subconsultant Iteris</i>)</b>	
	<p><b>RESEARCH AND FIELD INVESTIGATION</b></p> <p>PENCO's subconsultant Iteris will research and obtain all the existing pertinent street improvement, signing and striping, and utility plans available for the project area. Iteris will conduct a field investigation to verify all existing features on the plans and to identify all other relevant features. The field review will include work necessary to inspect the project site with respect to needs for preparing engineering plans. Existing physical street improvements, traffic signal equipment, utilities and obstructions, signing and striping and other relevant items would be located in the field with sufficient precision to be shown accurately on the design plans. All information obtained from records would be verified in the field in conjunction with this review.</p>	<ul style="list-style-type: none"> <li>✓ Turning Movement Counts</li> <li>✓ Technical writeup to be included in the Preliminary Design Memorandum (see Task 1.5)</li> </ul>

Task	Description	Deliverables
<b>TRAFFIC VOLUME/TURNING MOVEMENT DATA COLLECTION</b> <p>The focus of this task is to collect the necessary information to thoroughly understand existing traffic conditions and level of service for each project intersection. Traffic volumes and turning movement counts will be conducted for one typical mid-week day (Tuesday, Wednesday, or Thursday) at all signalized intersections during the AM, midday, and PM peak periods. No weekend turning moving counts or mid-block median left turn counts will be conducted.</p> <b>ACCIDENT DATA COLLECTION</b> <p>Historical collision summaries and diagrams will be reviewed to identify potential signal operation improvements to improve safety. For example, a movement experiencing a high volume of rear-end collisions may require further review of the clearance intervals to ensure there is no yellow trap or other geometric restrictions causing such incidents.</p>		
<b>1.4A</b>	<b>TRAFFIC ANALYSIS (<i>subconsultant Iteris</i>)</b>	
	Utilizing the traffic count data from Task 1.4, Iteris will prepare a level of service (LOS) analysis of the corridor using the delay-based Highway Capacity Manual (HCM) methodology. The analysis will be performed using Synchro software. The traffic analysis will document the methodologies, findings, and recommendations will be submitted to the City of Gardena for review. The report will include lane configuration and traffic volume figures, intersection count data, and all Synchro output sheets within the appendix. The analysis will be included in the Preliminary Design Report Task 1.5.	✓ Traffic analysis
<b>1.5</b>	<b>PRELIMINARY DESIGN REPORT (35% Plans with Cost Estimates)</b>	
	<p>A preliminary design report (PDR) will be prepared to identify the existing conditions and project background, project analysis and recommendations for final design. PENCO will reference the City's most recent PDRs for Vermont Avenue and Rosecrans Avenue Arterial Improvements and similarly match the format of these sample PDRs. PENCO's subconsultant Iteris will develop design recommendations for improved roadway and intersection geometry as required accomplishing any channelization modifications and discuss with City staff recommendations to the project intersections. For the proposed landscape improvements, we will develop 2 to 3 plan palettes and tree recommendations within the median only for City's review/selection and include a brief basis of design memorandum for incorporation into the PDR. The proposed street improvements will generally consist of pavement rehabilitation, repair to damaged sidewalk and curb and gutter and curb ramp upgrades to ADA compliance.</p> <p>The improvements recommendations mentioned above will be shown on 35% level design plans and will be reviewed to determine a construction cost which will be summarized in a Preliminary Opinion of Estimate Construction Cost. The data will be compiled in the PDR.</p> <p>PENCO will meet with City staff to review the preliminary engineering concepts and recommended approaches so that priorities can be established and to verify that the proposed improvements meet the terms of the grant and that they are within the project budget. Once the preliminary engineering concepts and recommended approaches are approved by City staff, the final engineering will advance to completion of the Final PS&amp;E construction documents suitable for bidding purposes.</p>	✓ Preliminary Design Report ✓ 35% design plans ✓ Preliminary Opinion of Probable Construction Cost (Cost Estimate)

Task	Description	Deliverables
<b>TASK 2: FINAL ENGINEERING DESIGN PS&amp;E</b>		
<b>2.1</b>	<b>SIGNAL TIMING (<i>subconsultant Iteris</i>)</b>	
	<p>Some of the tasks, especially data collection and field review, for signal synchronization will be occurring simultaneously and independently of the signal upgrades. Iteris ensures that field visits are conducted to maximize the staff's time, especially if accompanied by City staff. This task will only be completed at the five (5) City of Gardena project intersections, which are:</p> <ul style="list-style-type: none"> <li>• Gardena Market/Marukai</li> <li>• Dalton Ave</li> <li>• Normandie Ave</li> <li>• Gateway</li> <li>• Shopping Center</li> </ul> <p><b>FIELD INVENTORY</b></p> <p>Iteris will collect all pertinent information (such as speed surveys, collision history, Agency timing preferences, etc.) that will support the signal timing activities as part of this project. Iteris will also conduct fieldwork at each intersection to take digital pictures, measure crosswalk distances, and collect intersection phasing and controller cabinet information. Bicycle distances will be measured per the City's preference, whether using an aerial map or a recent design plan. Iteris will prepare a technical memorandum that will detail the findings of the fieldwork, summarize all data collected, and identify any planned or programmed improvements. Furthermore, Iteris will develop low-cost improvements that can enhance traffic operations. The field work for this signal timing task will be performed in conjunction with the field work for the PS&amp;E as identified in Task 1.4.</p> <p><b>BASIC TIMING CALCULATIONS</b></p> <p>Prior to conducting any signal timing coordination optimization, Iteris will first perform basic timing calculations analysis for all intersections along the study corridor. Iteris will use data collected from the Field Inventory task and the latest version of the California Manual on Uniform Control Devices (CA MUTCD) to review vehicle, pedestrian, and bicycle clearance timing parameters.</p> <p><b>EXISTING NETWORK MODELING</b></p> <p>Using counts and data collected, Iteris will generate Synchro Version 10 networks for all peak periods (AM, MD, PM) for City review and comments. Once the network files are approved, the proposed cycle lengths and optimized network models will be developed.</p> <p><b>PROPOSED NETWORK MODEL</b></p> <p>Iteris will meet with the City to review the results of the basic timing analyses before proceeding with timing optimization. The typical optimization steps by Iteris to obtain optimized timing plans are shown on the graphic to the right.</p> <p>The optimization of any project corridor in the City is unique in that though the project is for one corridor, all major crossing and neighboring corridors are just as important, especially if it was recently or will be coordinated. As a lesson learned that will be implemented in this task, is that the cycle length analysis will have a larger emphasis on highlighting any fixed or</p>	<ul style="list-style-type: none"> <li>✓ Field Inventory Tech Memo</li> <li>✓ Corridor Measurements (pedestrian and bicycle)</li> <li>✓ Proposed Basic Timing, including individual intersection Excel files</li> <li>✓ Existing Synchro Network Model</li> <li>✓ Tru-Traffic Trip Logs</li> <li>✓ Cycle Length Recommendations</li> <li>✓ Optimized Synchro and Tru-Traffic network files</li> <li>✓ Implementation-ready Synchro and Tru-Traffic files</li> <li>✓ Database files of Existing Timings</li> <li>✓ PDF files of Implemented Timings</li> <li>✓ Tru-Traffic trip logs</li> <li>✓ Final Fine-Tuned Tru-Traffic and Synchro networks</li> <li>✓ Tru-Traffic Trip Logs</li> <li>✓ Final timing sheets</li> </ul>

Task	Description	Deliverables
	<p>crossing corridor for potential modification as it may hinder improvements. Upon approval of signal grouping and cycle lengths, the detailed optimized timing will be provided in Synchro and Tru-Traffic format for review and approval.</p> <p><b>NEW TIMING IMPLEMENTATION</b></p> <p>Building on the successful implementation of multiple similar signal synchronization projects throughout Southern California, Iteris will be available to implement the timings in the field or at the City's Traffic Operations Center in QuicNet, depending on when the City approves the implementation of new timing. Iteris staff can also load the controllers with the desired timing and run a test in the lab before implementing them in the field.</p> <p>Iteris will coordinate with City staff to ensure minimal disruption during implementation. All uploaded signal databases will be archived prior to making any changes and a copy of the downloaded timing will also be saved and PDF'd to record the changes made.</p> <p><b>FINE TUNING</b></p> <p>The field fine-tuning task will begin immediately after the timing is implemented to ensure the timing is running as modeled and that there are no significant delays, especially for the side streets and left turns. Iteris will use the Tru-Traffic software to provide the participating agencies with historical data during the travel runs and to identify reasoning for any modifications requested during the fine-tuning task. Any modifications made will be recorded and updated onto the Synchro networks to generate a final fine-tuned network.</p>	 <ul style="list-style-type: none"> <li>• Collect counts</li> <li>• Conduct field review</li> <li>• Update basic timing parameters</li> <li>• For each intersection as an isolated intersection to meet vehicle, bicycle, and/or pedestrian demand</li> <li>• Various signals based on distance between signals, turn at left, pattern and coordination factor</li> <li>• Account for existing cross coordination</li> <li>• Determine full, half and/or treatment cycle lengths</li> <li>• Generate a signalized intersection capabilities (minimum threshold) and field demand</li> <li>• Review on progression and impact of left-turn and side street delay</li> <li>• Update timing and/or phase lengths as needed</li> </ul>
<b>2.2</b>	<b>PLANS</b>	
	<p>Based on review of the project limits and scope of work, the following is the anticipated plan sheet count:</p> <ul style="list-style-type: none"> <li>• One (1) Title Sheet</li> <li>• Two (2) Typical Sections and Detail Sheets</li> <li>• Three (3) Street Improvement Plan Sheets (at 1"=40' scale)</li> <li>• Five (5) Traffic Signal Modification Plan Sheets</li> <li>• Two (2) Signing and Striping Plan Sheets (at 1"=40' scale)</li> <li>• Two (2) Traffic Details Sheets</li> <li>• Twelve (12) Landscape Planting and Irrigation Plans Sheets (at 1"=40' scale) and Detail Sheets</li> </ul> <p><b>Total = Approximately Twenty-seven (27) sheets</b></p> <p>Traffic Signal Improvements will be prepared for each of the following 5 intersections:</p> <ol style="list-style-type: none"> <li>1. Artesia Blvd/Normandie Ave</li> <li>2. Artesia Blvd/Shopping Center</li> <li>3. Artesia Blvd/Gateway</li> <li>4. Artesia Blvd/Dalton Ave</li> <li>5. Artesia Blvd/Gardena Market Place</li> </ol>	<ul style="list-style-type: none"> <li>✓ 65%, 95% and 100% Final PS&amp;E Submittal Package</li> <li>✓ Approved, signed reproducible plans on Mylar, Bid PS&amp;E</li> <li>✓ Written responses from City plan check comments</li> </ul>

Task	Description	Deliverables
	<p>Landscaping design includes carrying out point of connection (POC) coordination and development of water efficient landscape documentation, including Maximum Applied Water Allowance (MAWA) calculations.</p> <p><u>QA/QC Reviews</u>                      Prior to all milestone submittals for City plan check review, an experienced / independent in-house team, led by PENCO's QA/QC Manager, will perform a thorough review of said documents to confirm their quality, clarity, constructability and that all the project goals are being met. Deliverables are prepared in accordance with engineering practices that address required standards and guidelines. Documents submitted to the City are independently checked and back-checked. The review process will include a 2<sup>nd</sup> thorough "back check" review of all recommended corrections.</p> <p><u>Construction Document Processing</u>                      Process 65%, 95% and 100% PS&amp;E for approval with City staff (3 City plan checks). After receiving final approval of the 100% PS&amp;E by the City, PENCO will provide the City with a project file of the final signed plans on Mylar for City's signature, specifications and construction cost estimate.</p>	
<b>2.3</b>	<b>TECHNICAL SPECIFICATIONS</b>	
	<p>Prepare technical specifications based upon the boiler plate supplied by the City. Described bid items required by the plans or otherwise needed to accomplish the project construction in the General Provisions and include them in the Contractor's bid list. Reference Special Provisions to the SSPWC Greenbook (2015 Edition), Caltrans or other appropriate specifications. A bid schedule will also be prepared which will be broken out into sufficiently detailed tasks to assist in evaluating the bids and preparing progress payments. City will furnish the front-end contract and insurance documents, to complete the specification package.</p>	<ul style="list-style-type: none"> <li>✓ 65%, 95% and 100% Specs</li> <li>✓ MS Word file (.doc) of Final Specs</li> </ul>
<b>2.4</b>	<b>COST ESTIMATE</b>	
	<p>A detailed Engineer's Opinion of Probable Construction Costs will be developed in accordance with City's requirements for the 65%, 95% and 100% Final submittals to the City. The estimates will incorporate recent relevant bid prices, price quotes from equipment vendors as necessary and will reflect the most recent trends in construction pricing</p>	<ul style="list-style-type: none"> <li>✓ 65%, 95% and 100% Estimate</li> <li>✓ MS Excel file (.xls) of Final Estimate</li> </ul>
<b>2.5</b>	<b>UNION PACIFIC RAILROAD (UPRR) COORDINATION</b>	
	<p>Prior to completion of the design phase, the UPRR representative in Southern California will need to be informed of the project. We will coordinate with the UPRR representative and issue the 65%, 95% and 100% PS&amp;E documents, for review and approval in order to obtain a UPRR permit.</p> <p>The proposed project does not change any UPRR-owned facility. Since the roadway alignment or width is not being altered, there is no consequential modification that is needed for the grade crossing. UPRR will determine whether a flag person would be required during the construction phase to avoid impacts to their operation. Coordination with the California Public Utilities Commission (CPUC) will not be required, since there is no impact to the grade crossing.</p>	<ul style="list-style-type: none"> <li>✓ UPRR Permit</li> </ul>



Task	Description	Deliverables
<b>TASK 3: PROJECT MANAGEMENT</b>		
<b>3.1</b>	<b>PROJECT MANAGEMENT AND PROGRESS MEETINGS</b>	
	<p>Project Manager Gary Solsona will manage the project administration for the duration of the contract and implement the following documentation tools:</p> <ul style="list-style-type: none"> <li>• Written team meeting agenda and minutes with the City's Project Manager and other stakeholders</li> <li>• All directions documents in writing with distribution to City and all team members</li> <li>• Detailed monthly invoices broken down by task, staff hours and hourly rates, in accordance with City's requirements</li> </ul> <p>Provide coordination with City staff and other stakeholders for the work stated herein. This encompasses conducting meetings, providing necessary meeting minutes, conference calls and email correspondence. All meetings will be held at City Hall and PENCO will prepare all meeting agendas and minutes. The project schedule will be reviewed and refined at each meeting (as needed). Progress meetings are anticipated to consist of up to three (3) design and/or project milestone submittal meetings.</p>	<ul style="list-style-type: none"> <li>✓ Meeting agenda and minutes</li> <li>✓ Updated project schedule</li> </ul>

## OPTIONAL TASKS

### TASK 4. BEFORE AND AFTER STUDIES

#### BEFORE STUDY

As an optional scope of service, PENCO's subconsultant Iteris will perform 'before' travel time studies using Tru-Traffic software, a GPS unit, and the floating car method. A minimum of five (5) runs will be conducted in each direction to obtain a statistically valid estimation. 'Before' study travel times will be conducted during the time periods identified for coordinated traffic signal timing operation approximately 1-2 weeks prior to timing implementation to ensure the comparison is within the same season as the 'after' studies.

Measures of effectiveness (MOE) will be compiled from Tru-Traffic field data. The data will be used to evaluate the effects of the Synchronization plan improvements.

#### AFTER STUDY

As an optional scope of service, similar to the 'before' travel time study, PENCO's subconsultant Iteris will use the Tru-Traffic software, a GPS unit, and the floating car method to complete the 'after' travel time study. The 'after' travel time study will be done on the same days and time periods as the 'before' travel time study. The same Measure of Effectiveness (MOE) elements will be collected to evaluate the improvements of the synchronization plans. Similar to the 'before' travel time study, five runs per direction will be conducted to obtain a statistically legitimate estimation and comparison. Note that no 'after' studies will be collected until after the City's acceptance of the new timing plans.

Iteris will submit a Before and After Study Report specifying the results of the 'before' and 'after' travel time studies with reference to the Measure of Effectiveness elements. Absolute and percent differences will be compared for the entire corridor and agency segments by direction

and time period. This report will also detail all tasks completed as part of the project, which includes discussions of activities noted during fine-tuning and potential recommendations for future improvements along the corridor.

*Deliverables: Before Study MOE Results*  
*After Study MOE Results*  
*Draft Before and After Study Report*  
*Final Before and After Study Report*

## **Assumptions and Exclusions**

- City shall make available all existing data, record drawings and information relevant to the proposed project
- Design scope of work for landscaping and irrigation improvements are within the median only along Artesia Boulevard. Landscaping and irrigation enhancements within the parkway/sidewalk are excluded from the scope of work. PENCO's design will consider using existing irrigation meter, controller, and mainline, if possible. Otherwise new valves, laterals, and drip system to be designed in irrigation plans
- No tree survey is available, therefore locations of trees will be approximate based on PENCO's arborist field walk. We proposed to retain existing mature trees that are in good health
- Scope excludes outside agency fees, traffic control plan preparation, design of utility relocations, SWPPP preparation, water quality enhancements or environmental document preparation, design of intersection widening or modification of existing roadway geometrics, coordination with Caltrans and/or City of Torrance for signal timing at both ends of Artesia Blvd (i.e. at Western Avenue and at Vermont Avenue), obtaining Caltrans permit, Traffic Index calculation for pavement rehabilitation, public outreach, advertising for bids and awarding of construction contracts, bidding and construction supports services (including attendance at pre-construction meeting, review of RFIs and submittals and preparation of as-built plans), construction management, administration, inspection and materials testing for the construction phase, and construction staking
- All work not set forth in the scope of work shall be deemed additional work. Should additional work be required, it is the responsibility of City staff and/or PENCO to initiate negotiations for such work. Additional work will be charged at our regular hourly rates per the attached fee schedule and on time and material basis if a fee is not negotiated. Additional work will not be commenced without written authorization from City staff

## PROJECT SCHEDULE

The schedule of performance for the project is proposed below. We will revisit the schedule during the kick-off meeting and make revisions, if necessary.

<b>TASK / MILESTONE</b>	<b>Weeks Following NTP (end task / milestone by)</b>
Notice to Proceed (NTP) .....	0 (assume Jan 28, 2019)
Kick-Off Meeting .....	0 to 1
Records Research / Utility sendouts .....	2
Field Review / Base Mapping .....	4
Traffic Analysis .....	6
1 <sup>st</sup> Draft Preliminary Design Report (PDR) .....	8
City Review of PDR .....	10
Final PDR .....	12
Prepare & Submit 65% PS&E .....	18
City Plan Check Review of 65% PS&E .....	20
Prepare & Submit 95% PS&E .....	24
City Plan Check Review of 95% PS&E .....	26
Prepare & Submit 100% PS&E .....	28
City Plan Check Review of 100% PS&E .....	30
Submit Final construction documents ready for bidding .....	32 (assume mid-September 2019)

## FEES

The following is a summary of the Lump Sum not to exceed fees required to provide the previously detailed scope of work. A detailed breakdown of the proposed fees is also attached for your information. The fees should be considered as a negotiable offer. We would be happy to discuss the fees and their association to our proposed scope of work and make revisions where mutually agreeable.

### **TASK NO. & DESCRIPTION**

### **FEE**

#### **TASK 1: PRELIMINARY ENGINEERING DESIGN**

1.1: Kick-off Meeting.....	\$ 1,990
1.2: Records Research & Utility Coordination.....	\$ 2,635
1.3: Base Sheet Preparation & Field Review.....	\$ 4,490
1.4: Preliminary Traffic Engineering Research & Field Investigation.....	\$ 12,195
1.4A: Traffic Analysis.....	\$ 15,125
1.5: Preliminary Design Report .....	\$ 12,945

#### **TASK 2: FINAL ENGINEERING DESIGN PS&E**

2.1: Signal Timing .....	\$ 16,210
2.2: Plans (65%, 95% and 100% Submittals) .....	\$ 81,365
2.3: Technical Specifications (65%, 95% and 100% Submittals) .....	\$ 13,950
2.4: Cost Estimates (65%, 95% and 100% Submittals) .....	\$ 10,635
2.5: UPRR Coordination.....	\$ 3,940

#### **TASK 3: PROJECT MANAGEMENT**

3.1: Project Management & Progress Meetings .....	\$ 10,000
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Subtotal = \$ 185,480

Reimbursables = \$ 2,520

**GRAND TOTAL NOT TO EXCEED FEE = \$ 188,000**

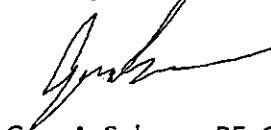
#### Notes:

1. Traffic Engineering related tasks above includes 6.5% markup on subconsultant Iteris.
2. Fee for Optional Task 4 Before and After Studies = add \$ 5,240 (includes 6.5% markup on subconsultant Iteris)

The fees above would be invoiced monthly, based on percentage complete. We appreciate the opportunity to provide our service to the City of Gardena and look forward to working together with you!

Sincerely,

**PENCO, a Cannon Company**



Gary A. Solsona, PE, QSD  
Senior Project Manager



## COMPENSATION FOR SERVICES

FOR: **City of Gardena**  
**Artesia Blvd Arterial Improvements Project** PN #99145.18 DATE: 1/14/19

DEPT	PHASE & TASK	DESCRIPTION	No of	QA QC	SR PM	PE	AE	SR LA	LA	SUB+/- 6.5% Markup	TOTAL FEE
			Shts	220	205	165	115	155	100		
		<b>TASK 1: PRELIMINARY ENGINEERING DESIGN</b>									
		1.1 Kick-off Meeting			3			2		\$1,065	\$1,990
		1.2 Records Research & Utility Coordination			1		8	2	12		\$2,635
		1.3 Base Sheet Preparation & Field Review			2	8	24				\$4,490
		1.4 Preliminary Traffic Engineering Research & Field Investigation (sub Iteris)								\$12,195	\$12,195
		1.4A Traffic Analysis (sub Iteris)								\$15,125	\$15,125
		1.5 Preliminary Design Report (35% Plans with Cost Estimates, sub Iteris)			8	8	16	8	24	\$4,505	\$12,945
		<b>TASK 2: FINAL ENGINEERING DESIGN PS&amp;E</b>									
		2.1 Signal Timing (sub Iteris)								\$16,210	\$16,210
		2.2 Plans (65%, 95% & 100% Submittals)									
		Title Sheet	1		1	2	8				\$1,455
		Typical Sections & Details	2		1	4	16				\$2,705
		Street Improvement Plan	3		8	16	64				\$11,640
		Traffic Engineering Plans								\$50,055	\$50,055
		Traffic Signal Modification	5								(included in Traffic Engineering Plans task above)
		Signing & Striping	2								(included in Traffic Engineering Plans task above)
		Traffic Detail Sheets	2								(included in Traffic Engineering Plans task above)
		Landscaping Irrigation & Planting Plans and Details	12					18	92		\$11,990
		QA/QC Reviews		16							\$3,520
		2.3 Technical Specifications (65%, 95% & 100% Submittals)			8	20		16		\$6,530	\$13,950
		2.4 Cost Estimates (65%, 95% & 100% Submittals)			2	6	20		24	\$4,535	\$10,635
		2.5 UPRR Coordination			16	4					\$3,940
		<b>TASK 3: PROJECT MANAGEMENT</b>									
		3.1 Project Management & Progress Meetings			24			16		\$2,600	\$10,000
		<b>SUBTOTALS (hrs)</b>	27	16	74	68	156	62	152	\$112,820	

Sub-Total = **\$185,480**  
Reimbursables = **\$2,520**  
**GRAND TOTAL NOT-TO-EXCEED = \$188,000**

**PSOMAS**

Balancing the Natural and Built Environment

October 29, 2018

Mr. William E Mendoza, PE  
Associate Engineer  
**City of Gardena**  
1717 West 162nd Street  
Gardena, CA 90247

**SUBJECT: City of Gardena – Artesia Boulevard Improvement from Western Avenue to Vermont Avenue**

Dear Mr. Mendoza,

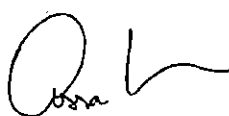
Psomas is submitting the revised enclosed document with the understanding that the City will receive Measure R funding to examine traffic efficiency, mobility, and improve multi-modal accessibility along Artesia Boulevard from Western Avenue to Vermont Avenue. This proposal is to provide preliminary and final engineering design services, with optional construction management and inspection services for the Artesia Boulevard corridor. Psomas has a thorough understanding of the project background, funding availability and requirements, and intimate knowledge of the City's goals and objectives for the corridor.


The Psomas Team will continue to be led by Assistant Project Manager, Vincent Hellens, with overall leadership and oversight by Officer-in-Charge Anissa Voyiatzes, PE, ENV SP. Anissa will ensure Vincent and team has all the resources needed to provide the City with professional engineering service and deliver the project on time and within the budget. Every member of our project team has had hands on experience on recent City projects which allows minimal to no learning curve in delivery of this project. The Psomas, Iteris, and Armstrong & Walker combo is a team of diverse experts that fully understand the Artesia Blvd corridor and the City's goals and objectives to deliver the project successfully. The team we present is the same team who successfully delivered the Rosecrans Avenue Improvements project. In addition, the Psomas team will be enhanced by the support from AndersonPenna who will assist in coordinating with Union Pacific (UP) to obtain an entry permit and memorandum of understanding (MOU), or construction and maintenance (C&M) agreement for the improvements adjacent to the rail corridor.

The Psomas Team is confident you will find our team's experience and capabilities to be an excellent match to the needs of this project, and we stand ready to commence work immediately. Our proposed scope and fee is outlined in the attached document.

Should you have any questions or desire additional information please do not hesitate to contact me at (213) 223-1460 and [vincent.hellens@psomas.com](mailto:vincent.hellens@psomas.com).

Sincerely,  
**PSOMAS**

  
**Anissa Voyiatzes, PE, ENV SP**  
Vice President/ Sr Project Manager

  
**Vincent Hellens, QSD, ENV SP**  
Assistant Project Manager

555 S Flower Street  
Suite 4300  
Los Angeles, CA 90071  
Tel 213.223.1400  
Fax 213.223.1444  
[www.psomas.com](http://www.psomas.com)

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## **SCOPE OF WORK**

Services provided by Psomas Team will include:

1. Site Field Investigation and Research Existing Improvements
2. Preparation of a conceptual civil improvements identifying limits of work/ improvements, existing traffic signal improvements, and median landscape enhancements (Preliminary Design Memorandum - 35% Design Completion).
3. Preparation of construction plans with necessary roadway improvements, traffic signal modifications, ADA accessibility improvements, and landscaping improvements.
4. Specifications and Engineer's Opinion of Probable Construction Cost: Specifications, construction cost estimates, and quantity calculations shall be provided at the 90% and Final submittal stages.
5. Coordination with Union Pacific for curb ramp improvements at Normandie Avenue and Artesia Boulevard.

A detailed scope of services is listed below along with an exhibit delineating the proposed improvements for the project.

## **DESCRIPTION OF WORK**

### **Task I – Project Management and Administration**

#### **A. Project Management and Administration**

The Psomas Team management will develop the scope, a schedule, and work plan, and direct staff throughout all phases of the assigned project. This would include a kickoff meeting with the City to establish goals and objectives, as well as roles and responsibilities. Psomas will conduct, participate in, document, and/ or facilitate up to (2) two meetings with affected parties. Psomas will provide minutes of project related meetings, provide written monthly status reports, and detailed monthly invoices.

We will also implement our Quality Assurance/ Quality Control Program. Our commitment to quality coupled with our lessons learned from our past projects with you will greatly benefit the City.

**Task I – Project Management and Administration Total: \$11,090 (3%)**

### **Task II – Preliminary Engineering**

#### **A. Topographic Aerial Survey and Reduction**

Psomas will prepare a 1-foot pixel resolution, color Digital Orthographic image from 2014 covering the entire 1.2-mile extent of Artesia Boulevard between Western Avenue and Vermont Avenue.

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**B. Research and Utility Investigation**

The Psomas Team will research and obtain all the existing pertinent street improvements, signing and striping, and traffic signal record drawings available for the project area. Psomas will request maps and records from utility owners with facilities within the project limits and field verify the major utilities that are impacted using observable surface features only.

This task also covers the collection of the necessary information to thoroughly understand the existing traffic conditions and level of service for each project intersection. Traffic volumes and turning movement counts will be conducted for one typical mid-week day (Tuesday, Wednesday, or Thursday) at all signalized intersections during the AM, midday, and PM peak periods. No weekend turning moving counts will be conducted. In addition, accident data will be collected. Historical collision summaries and diagrams will be reviewed to identify potential signal operation improvements to improve safety. For example, a movement experiencing a high volume of rear-end collisions may require further review of the clearance intervals to ensure there is no yellow trap or other geometric restrictions causing such incidents.

**C. Field Walk, Site Evaluation, and Base Mapping**

We will conduct field investigations to verify all visible existing surface features (including manholes, valves, meters, and pull boxes) on the plans and to identify all the relevant features that are needed to create the topographic base map. The field investigation will also consist of Psomas team members thoroughly investigating the site and measuring the proposed improvements with a measuring wheel and smart level. Existing physical street improvements, utilities and obstructions, signing and striping and other relevant items would be located in the field with sufficient precision to be shown accurately on the design plans. All information obtained from records would be verified in the field in conjunction with this review. The field investigation will also be used to prepare an AutoCAD base map for final design plans.

The field review will include the evaluation necessary for preparing the preliminary design memorandum.

**D. Union Pacific Coordination (Pre-Design Phase)**

The Psomas team acknowledges that the crossing at Normandie Avenue and Artesia Boulevard is not included on the list of California Public Utilities Commission (CPUC) grade crossings needing to be upgraded, and therefore, will not need to be upgraded in any way by the City. Any improvements to gates and signals, and if necessary, installation of crossing panels will be handled separately by UP.

However, during the pre-design phase, the Psomas Team will meet with UP to discuss the project, construction requirements and permits/agreements needed. We will also discuss the plan review process, document and provide recommendations to the City.



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**E. Preliminary Design Memorandum (35% Submittal)**

Psomas will prepare conceptual 35% plans identifying limits of improvements, including roadway and intersection geometry, as required, for the traffic signal modifications, pavement improvements adjacent to the rail line west of Normandie Blvd, design of ADA compliant curb ramps, median landscaping improvements, and signing and striping plans. Plans will include typical sections, grading limits, traffic signal plans, as needed. Additionally, Psomas will prepare a construction estimate based on the conceptual plan. This task includes one meeting with City Staff.

The information, analysis, findings, and recommendations will be compiled in a Technical Memorandum that will be prepared in coordination with the City. This will ensure priorities are determined and that the proposed improvements meet the goals of the City and can be constructed within the project's budget.

**Task II – Preliminary Engineering Total: \$43,800 (11%)**

**Task III – Plans, Specification, and Cost Estimate (65%, 95%, and Final Submittal)**

**A. 65% Design Plans**

The Psomas Team will perform the final design services which include the preparation of plans, specifications, and construction cost estimates for the approved conceptual design improvements. Psomas will develop improvements plans which will include sidewalk, and curb and gutter removals, proposed new curb, gutter, and sidewalk improvements, traffic signal improvements, proposed new landscaping in medians, and dimensions needed to properly construct the project. The plans will be prepared in accordance with the City of Gardena Standard Plans, supplemented by the "Greenbook" Standard Specification for Public Works Construction, Caltrans Standard Plans and Specifications, and California MUTCD. All the traffic engineering design will conform to the Caltrans standard specifications

The final design phase will include the following:

- (1) Title Sheet with List of Abbreviations, List of Contacts (City, Permits, and Utilities), Datum Sheet and Vicinity and Location Maps
- (5) Civil Detail Sheets including Typical Section
- (5) Traffic Signal Modifications (1" = 20' Scale)
- (2) Signing and Striping Sheets (1" = 40' Scale; Dual Panel)
- (2) Traffic Detail Sheets
- (3) Median Hardscape Sheets
- (3) Irrigation and Water Use Calculation Plan Sheets
- (3) Planting Plan Sheets
- (2) Landscaping Detail Sheets

**TOTAL = 26 Sheet**

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**B. 95% Design Plans**

The Psomas team will prepare and submit the 95% plans for review and comment by the City. The 95% plans will include 65% Plans updated in response to comments received from the City. In addition to the plans Psomas will provide the City with a comment matrix summarizing the City's 65% comments with Psomas responses to all comments. The plans go through our QC program and will be field checked against existing site conditions prior to approval.

**C. Final Design Plans**

After the City and any other affected agencies has completed their reviews of the 95% plans, the Psomas Team will prepare the plans to be submitted to the City for the final submittal. Along with the plans Psomas will provide the City with a comment matrix summarizing the City's 95% comments with Psomas responses to all comments.

**D. 95% and Final Specifications**

The Psomas Team will prepare specifications and Contract Documents using the City of Gardena's boilerplate. The specifications will be submitted along with the plans to the City at 95% and Final submittals for approval.

**E. Engineer's Estimate (65%, 95%, Final)**

The Psomas Team will prepare an engineer's estimate of construction cost to be included in the 65%, 95% and Final submittals. A final Contract Item List (Bid Sheet) for all work items shown on the plans will be prepared for the final submittal. The cost estimate will include quantities and unit costs with back up information as necessary.

This ENGINEER'S opinion of probable construction cost is based on recent bid results on similar projects. Since Psomas has no control over the cost of labor, materials, equipment, or services furnished by others; the Contractor's methods of determining prices; or competitive bidding or market conditions, Psomas cannot and does not guarantee that proposal, bids, or actual construction cost will not vary from opinions of probable construction cost as prepared by the Psomas.

Reimbursables: \$2,410

**Task III – PS&E (65%, 95%, and Final Submittal) Total: \$113,670 (37%)**

**Task IV – Signal Timing**

Some of the tasks, especially data collection and field review, for signal synchronization will be occurring simultaneously and independently of the signal upgrades. The Psomas Team supported by Iteris will ensure that field visits are conducted to maximize the staff's time, especially if accompanied by City staff. This task will only be completed at the five (5) City of Gardena project intersections, which are:

- Gardena Market/Marukai
- Dalton Ave

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- Normandie Ave
- Gateway
- Shopping Center

**A. Field Inventory**

The Psomas Team will collect all pertinent information (such as speed surveys, collision history, Agency timing preferences, etc.) that will support the signal timing activities as part of this project. The Team will also conduct fieldwork at each intersection to take digital pictures, measure crosswalk distances, and collect intersection phasing and controller cabinet information. Bicycle distances will be measure per the City's preference, whether using an aerial map or a recent design plan. We will prepare a technical memorandum that will detail the findings of the fieldwork, summarize all data collected, and identify any planned or programmed improvements. Furthermore, the Team will develop low-cost improvements that can enhance traffic operations. The field work for this signal timing task will be performed in conjunction with the field work for the PS&E as identified in Task 1.

**B. Basic Timing Calculations**

Prior to conducting any signal timing coordination optimization, the Psomas Team will first perform basic timing calculations analysis for all intersections along the study corridor. We will use data collected from the Field Inventory task and the latest version of the California Manual on Uniform Control Devices (CA MUTCD) to review vehicle, pedestrian, and bicycle clearance timing parameters.

**C. Existing Network Modeling**

Using counts and data collected, the Psomas Team will generate Synchro Version 10 networks for all peak periods (AM, MD, PM) for City review and comments. Once the network files are approved, the proposed cycle lengths and optimized network models will be developed.

**D. Proposed Network Model**

The Team will meet with the City of Gardena to review the results of the basic timing analyses before proceeding with timing optimization. The typical optimization steps by the Team to obtain optimized timing plans are shown on below.

The optimization of any project corridor in the City of Gardena is unique in that though the project is for one corridor, all major crossing and neighboring corridors are just as important, especially if it was recently or will be coordinated. As a lesson learned that will be implemented in this task, is that the cycle length analysis will have a larger emphasis on highlighting any fixed or crossing corridor for potential modification as it may hinder improvements. Upon approval of signal grouping and cycle lengths, the detailed optimized timing will be provided in Synchro and Tru-Traffic format for review and approval.

**E. New Timing Implementation**

Building on the successful implementation of multiple similar signal synchronization projects throughout Southern California, The Psomas Team will be available to implement the timings in the field or at the City's Traffic Operations Center in QuicNet, depending on when the City approves the implementation of new timing. The Team staff can also load the controllers with the desired timing and run a test in the lab before implementing them in the field.

The Psomas Team will coordinate with City staff to ensure minimal disruption during implementation. All uploaded signal databases will be archived prior to making any changes and a copy of the downloaded timing will also be saved to record the changes made.

**F. Fine Tuning**

The field fine-tuning task will begin immediately after the timing is implemented to ensure the timing is running as modeled and that there are no significant delays, especially for the side streets and left turns. The Psomas Team will use the Tru-Traffic software to provide the participating agencies with historical data during the travel runs and to identify reasoning for any modifications requested during the fine-tuning task. Any modifications made will be recorded and updated onto the Synchro networks to generate a final fine-tuned network.

**Deliverables:** Field Inventory Tech Mem, Corridor Measurements (pedestrian and bicycle)

Proposed Basic Timing, including individual intersection Excel files, Existing Synchro Network Model, Tru-Traffic Trip Logs, Cycle Length Recommendations, Optimized Synchro and Tru-Traffic network files, Implementation-ready Synchro and Tru-Traffic files, Database files of Existing Timings, PDF files of Implemented Timings, Tru-Traffic trip logs, Final Fine-Tuned Tru-Traffic and Synchro networks, Tru-Traffic Trip Logs, Final timing sheets

**Task IV – Signal Timing Total: \$18,220 (6%)**

**Task V – Optional Design Services**

**A. Before Studies and After Studies**

*Before Study*

The Psomas Team will perform 'before' travel time studies using Tru-Traffic software, a GPS unit, and the floating car method. A minimum of five (5) runs will be conducted in each direction to obtain a statistically valid estimation. 'Before' study travel times will be conducted during the time periods identified for coordinated traffic signal timing operation approximately 1-2 weeks prior to timing implementation to ensure the comparison is within the same season as the 'after' studies.

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Measures of effectiveness (MOE) will be compiled from Tru-Traffic field data. The data will be used to evaluate the effects of the Synchronization plan improvements.

*After Studies*

Similar to the ‘before’ travel time study, The Psomas Team will use the Tru-Traffic software, a GPS unit, and the floating car method to complete the ‘after’ travel time study. The ‘after’ travel time study will be done on the same days and time periods as the ‘before’ travel time study. The same Measure of Effectiveness (MOE) elements will be collected to evaluate the improvements of the synchronization plans. Similar to the ‘before’ travel time study, five runs per direction will be conducted to obtain a statistically legitimate estimation and comparison. Note that no ‘after’ studies will be collected until after the City’s acceptance of the new timing plans.

The Psomas Team will submit a Before and After Study Report specifying the results of the ‘before’ and ‘after’ travel time studies with reference to the Measure of Effectiveness elements. Absolute and percent differences will be compared for the entire corridor and agency segments by direction and time period. This report will also detail all tasks completed as part of the project, which includes discussions of activities noted during fine-tuning and potential recommendations for future improvements along the corridor.

**Deliverables:** Before Study MOE Results, After Study MOE Results, Draft Before and After Study Report, Final Before and After Study Report

**B. Union Pacific Coordination (65% and 95% Plan Processing)**

Once the 65% and 95% plans and engineering estimate are complete, the Psomas Team through our team member AndersonPenna will submit the documents to UP and meet with UP representatives to confirm the construction limits and scope, gather comments for revisions. The Team will prepare a draft permit, MOU and/or construction and maintenance agreements for City review.

**Task V – Optional Design Services Total: \$12,654 (2%)**

**Task VI – Design Construction Support (Optional Services)**

**C. Pre-Construction Meeting**

The Psomas Team is committed to providing design support services throughout bid and construction phase. The Psomas Design team will participate in one pre-construction meeting.

**D. RFI/ Submittal Review**

The Psomas Team will assist in the City in providing construction support which will include providing information and assistance to the City regarding RFIs, submittals, and necessary plan changes to issue as addendums during bidding and preparation of change orders during construction. Psomas has assumed 40 hours for this task. If

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additional time is needed, Psomas will discuss and obtain approval of an extension prior to continuing.

**E. Record Drawings**

Psomas Team will verify that the Contractor maintains an accurate record of all changes in the plans and specification including those under Change Orders, Requests for Information, addendum, and any additional details needed for the construction of the project but not shown on the plans. It is very important that changes to the contract drawings are documented as the project proceeds. The Psomas Team will work with the Contractor to maintain an updated set of record drawings denoting deviations from the design drawings during construction. The Psomas Team will review and compile these drawings, which will be transmitted to the City at the end of the project.

**Task VI – Design Construction Support Total: \$19,200 (6%)**

**Task VII – Construction Management and Inspection (Optional Services)**

**A. Construction Management and Inspection**

Psomas assumes a construction duration of 40 days for the Construction Management and Inspection services with 40 hours for preconstruction services and 40 hours for post construction services. Hours beyond will be considered extra work and provided for on a time and material basis, only with pre-approval by the City.

**B. Pre-Construction Phase Services**

*Pre-Construction Conference* – Psomas' Construction Manager will facilitate a pre-construction conference with the Contractor prior to the start of construction activities on the project. Our Construction Manager will develop an invitation list based upon discussions with the CITY Project Manager and project design team to include all interested CITY staff, local utilities and oversight agencies. A project specific meeting agenda is developed by Psomas, attendees are recorded, and meeting minutes will be summarized for distribution to the CITY Project Manager, the approved meeting participants and the project record files.

**C. Construction Phase Services**

*RFI's, Shop Drawings, Samples and Other Submittals* – Psomas' Construction Manager will log submittals received from the Contractor, will briefly review for completeness then forward submittals to the appropriate individual for review. Upon receipt of the reviewed submittal, our Construction Manager will forward it to the Contractor. A complete tracking log of each submittal's status (i.e. approved, approved as noted, etc.) will be maintained in the project records by the Construction Manager. Outstanding submittal issues will be addressed at each progress meeting.

RFIs received from the Contractor will be logged in and then forwarded by Psomas' Construction Manager to the appropriate individual for review. All related

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transmittals/responses will be logged and reviewed at each progress meeting with copies forwarded to the City Project Manager.

*Change Order Preparation, Negotiations and Processing* - Our Construction Manager will use a Potential Change Order (PCO) tracking system whereby issues are given a PCO number and then reviewed in detail with the CITY Project Manager and responsible Design Engineer. Approved PCO's that result in change orders will be issued in a format acceptable to CITY. Rejected potential change orders are recorded, logged, and filed as potential claims for further evaluation. Psomas' team will investigate and offer resolution to these potential claim issues promptly.

*Progress Payments* - Pay item quantities will be developed using identified locations, stationing limits, dates measured, and other notations as required to fully document all pay items properly performed for monthly progress pay estimates. Once negotiated and approved by the contractor, Psomas will submit to CITY for approval in CITY's desired format.

*Photographs and Videos (prior to and during construction)* – Our Construction Manager will document pre-construction conditions using photographs, written notes and video recordings. This documentation is extremely helpful by providing a visual record of the condition of the project site and surrounding area prior to the start of construction activities. This record then can be used to require the Contractor to restore disturbed areas and helps to protect the CITY against potential claims from the Contractor, impacted businesses, residents, utilities, or other outside agencies. Any damage attributable to the Contractor's actions will be documented and tracked until the Contractor repairs the damage to pre-project conditions or to the requirements of the contract plans and specifications.

*Contractor's Safety Program* - Psomas will maintain awareness of health and safety requirements and will enforce contract provisions for protection of public and project personnel in and around the construction site. As always, Psomas cannot be responsible for the construction Contractor's means, methods, or techniques, or for safety measures, precaution or programs at the project site. However, we will stress to the Contractor that the safety of the public, the workers, and all project participants will be monitored at all times. Should safety issues develop during construction, Psomas will notify CITY, agree upon the necessary course of action and document the issue as thoroughly as possible.

#### **D. Final Acceptance/Closeout Services**

*Punchlist* - Generation of project punch lists and the completion of deficient work in an important element to our overall quality control plan for each and every project we

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City of Gardena – Artesia Blvd Improvements  
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manage. For all contract item work that approaches completion, our Construction Manager will generate a punch list of any and all deficiencies.

After the Contractor has completed the correction of all deficient items noted in the preliminary punch lists, our Construction Manager will coordinate and lead a final “job walk” through of the project. Once all items are complete, Psomas notify the CITY stating that to the best of our knowledge and belief, the project has been completed in accordance with the Construction Contract Documents and recommend CITY acceptance.

*Final Payment* – Psomas will make a final check to ensure that all items necessary for contract close-out are complete and recommend issuance of the Contractor’s final payment. Final payment will be made to the Contractor in accordance with the contract documents and the CITY’s procedures.

Exclusion from Construction Management Scope of services includes site surveying during construction, materials testing and Inspection, legal services, and labor compliance monitoring.

**Task VII – CM&I Total: \$95,640 (31%)**

**TOTAL FEE: \$314,274**

**Assumptions and Exclusions:**

1. No public meetings and/ or outreach is included in this proposal.
2. Geotechnical services, geologic reports and testing and observation during design or construction are not included in this proposal. It is assumed Psomas will implement a standard cold mill and overlay rehabilitation method for construction. If full digout areas are identified Psomas will follow Greenbook to determine pavement sections.
3. Hydrology and Hydraulic analysis are not included in this proposal, but can be provided upon request.
4. Utility coordination, mapping, and relocation design is not a part of this proposal, but can be provided upon request.
5. It is assumed that no permits are required for this project as all processing and reviews will be through City of Gardena. The Contractor will be required to coordinate with UPPR for encroachment permitting.
6. SWPPP and/ or SUSMP is excluded from scope.



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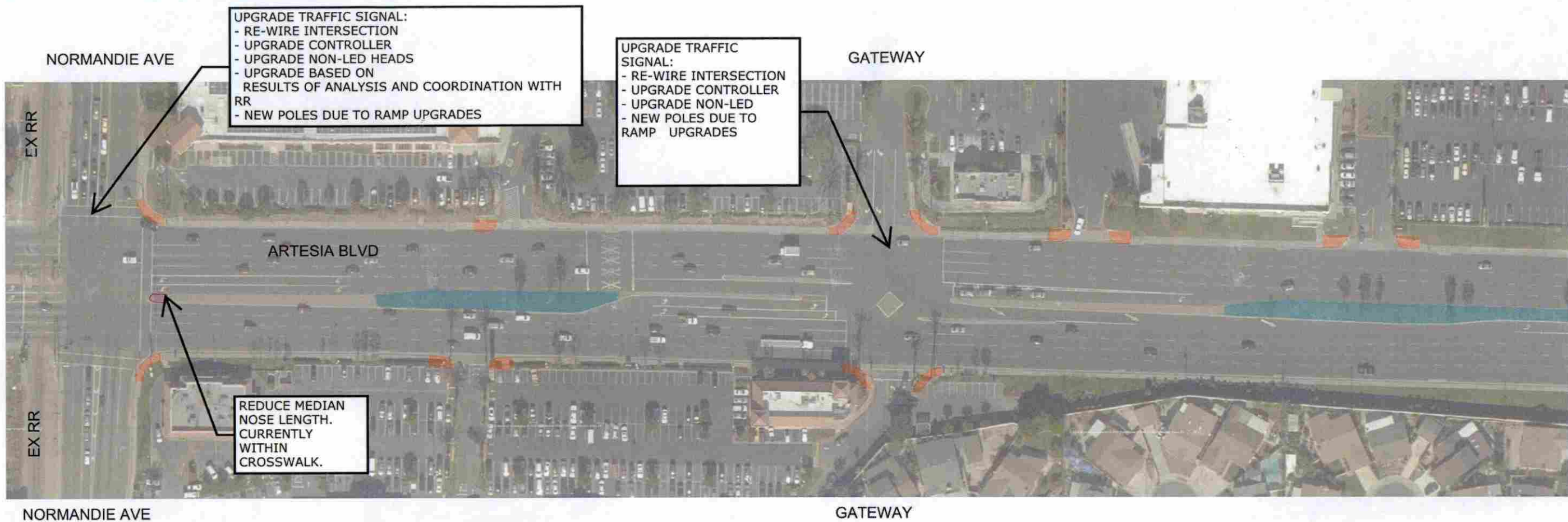
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7. Items not specifically mentioned are excluded including but not limited to street lighting plans, storm drain system improvements, water quality improvements, and traffic control plans.
8. Coordination with Caltrans and/or City of Torrance for signal timing at both ends of Artesia Blvd
9. TI calculation for pavement rehabilitation and traffic analysis of the corridor including channelization, storage, and LOS are excluded from scope of work.
10. Meetings will be limited to (4) four, any additional will be per a time and material (T&M) basis.
11. It is assumed no bus pad or bus furniture will be installed or designed on Artesia Boulevard and removed from the scope of services.




City of Gardena  
Artesia Boulevard Improvements  
Western Avenue to Vermont Avenue  
Fee Schedule  
October 30, 2018

PSOMAS

WORK BREAKDOWN STRUCTURE (WBS) DESCRIPTION	PSOMAS								ITEMS						ARMSTRONG AND WALKER					Total Cost
	QA/QC Manager/ Constructability Manager	Project Manager/ Arlene Vojtisek	Assistant Project Manager/ Vincent Herrera	Civil Design Engineer/ Jorge Castillo	Project Assistant/ Gloria Tenekeles	Process Survey	Points Construction Management and Construction	Total Hours	QA/QC Manager/ Bernard D.	Project Manager/ Paul Hake	Design Engineer/ Noreen Kim	Associate Engineer	Assistant Engineer	Total Hours	Landscape Architect/ Anna Armstrong	Landscape Designer	Project Assistant	Total Hours	Assistant Project Manager/ Project Manager/ Union Pacific Coordinator	
<b>Task I - Project Management and Administration</b>																				
Project Management, Administration, and Meetings	4	8	14	8	4			38		12	8			22	4	4		8		
								\$ 5,610						\$ 6,680				\$ 800		
<b>Task II - Preliminary Engineering</b>																				
A Topographic Aerial Survey and reduction		6	18	40		4		178						78		1		48		
								\$ 8,550						\$ 18,800				\$ 4,580		\$ 7,400
B Research & Utility Investigation		2	4	4	8			18							1	2		3		
								\$ 2,040										\$ 270		
C Field Walk/ Site Evaluation				18	2			24		2	6	20	20	48	3	3		6		
								\$ 2,730						\$ 6,570				\$ 600		
D Union Pacific Coordination (Pre-Design Phase)		2	4	4				10												
								\$ 1,400												
E Preliminary Design Memorandum (35% Submittal)	2	4	12	24	8			50	2	2	4	8	12	28	17	20	2	39		
								\$ 6,210						\$ 4,230				\$ 3,710		\$ 7,400
<b>Task III - Plans, Specification, and Cost Estimate (65%, 95%, Final Submittal)</b>																				
								280						418				128		
								\$ 36,580						\$ 15,130				\$ 11,560		
A 65% Design Plans		4	24	80				108	6	7	36	60	70	179	18	38	2	58		
								\$ 13,040						\$ 26,235				\$ 5,025		
B 95% Design Plans	2	4	18	48				72	4	4	22	35	35	102	11	23	2	35		
								\$ 9,050						\$ 15,741				\$ 3,015		
C Final Design Plans	2	2	12	24				40	2	3	14	24	24	57		14		21		
								\$ 5,190						\$ 10,404				\$ 2,010		
D 90% and Final Specifications	2	4	24					30	2	4	12	18		35	3		4	7		
								\$ 4,670						\$ 6,150				\$ 500		
E Engineer's Estimate (65%, 95%, and Final)	2	2	6	8				20	2	4	8		20	34	1	4	2	7		
								\$ 2,850						\$ 5,260				\$ 510		
F Union Pacific Coordination (65% and 95% Plan Processing)		2	4	4				10												
								\$ 1,400												
<b>Task IV - Signal Timing</b>																				
A Field Inventory														181						
								\$ -						\$ 19,278				\$ -		
B Basic Timing Calculations														18						
								\$ -						\$ 2,380				\$ -		
C Existing Network Modeling									2		6	8	14	30						
								\$ 9,050						\$ 4,410				\$ -		
D Proposed Network Model									1		4	8		13						
								\$ 2,130						\$ 2,130				\$ -		
E New Timing Implementation									1		2			3						
								\$ 670						\$ 670				\$ -		
F Fine Tuning									2		8	8		20						
								\$ 2,960						\$ 2,960				\$ -		
<b>Task V - Signal Timing</b>																				
A Field Inventory									1		2	8	8	19						
								\$ 2,670						\$ 2,670				\$ -		
<b>Task VI - Signal Timing</b>																				
A Field Inventory																				
								\$ 3,000						\$ 3,000				\$ -		
<b>PROJECT TOTAL =</b>	<b>14</b>	<b>38</b>	<b>142</b>	<b>258</b>	<b>22</b>	<b>4</b>	<b>-</b>	<b>488</b>	<b>27</b>	<b>38</b>	<b>128</b>	<b>206</b>	<b>220</b>	<b>619</b>	<b>64</b>	<b>108</b>	<b>13</b>	<b>818</b>	<b>16</b>	<b>7,400</b>
								\$ 63,610						\$ 98,830				\$ 16,940		\$ 196,780
<b>Task VII - Before and After Studies (Optional Services)</b>																				
A Before and After Studies																				
								\$ -												
B Union Pacific Coordination (65% and 95% Plan Processing)										2	2	14	18	36						
								\$ -						\$ 4,920				\$ -		\$ 7,734
<b>Task VIII - Construction Support (Optional Services)</b>																				
A Pre-Construction Meeting		4	4					8		2	2			4						
								\$ 1,340						\$ 353				\$ 800		
B RFI/ Submittal Review		4	12	24				40		6	14	20		40	10	18	6	34		
								\$ 5,140						\$ 6,707				\$ 2,860		
C Record Drawings		2	4	8				14												
								\$ 1,500						\$ 1,500				\$ -		
<b>Task IX - Construction Management and Inspection (Optional Services)</b>																				
A Construction Management and Inspection (assume 40 days, Single RE/ Inspector), and Pre-Conf/ Project Closeout								400				24		104						
								\$ 75,200						\$ 20,440				\$ -		
<b>Optional Services Total =</b>	<b>10</b>	<b>20</b>	<b>32</b>	<b>8</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>400</b>	<b>90</b>	<b>18</b>	<b>58</b>	<b>-</b>	<b>-</b>	<b>166</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>42</b>	<b>3,660</b>	<b>7,734</b>
								\$ 82,180						\$ 33,920				\$ 3,660		\$ 119,760
<b>TOTAL PROJECT FEE =</b>																				<b>\$ 314,274</b>



### LEGEND

-  ROADWAY MEDIAN IMPROVEMENTS
-  ADA RAMP IMPROVEMENTS
-  LANDSCAPING IMPROVEMENTS

GENERAL TRAFFIC SCOPE:  
1. SIGNAL COORDINATION OF CITY SIGNALS



WESTERN AVE

GARDENA MARKET PL

MAGNOLIA WAY

DENKER AVE

DALTON AVE

UPGRADE TRAFFIC SIGNAL:  
- RE-WIRE INTERSECTION  
- UPGRADE CONTROLLER  
- UPGRADE NON-LED HEADS  
- UPGRADE BASED ON RESULTS OF ANALYSIS

UPGRADE TRAFFIC SIGNAL:  
- RE-WIRE INTERSECTION  
- UPGRADE CONTROLLER  
- UPGRADE NON-LED HEADS  
- UPGRADE BASED ON RESULTS OF ANALYSIS

LIMITS OF CONSTRUCTION

ARTESIA BLVD

LOCALIZED DRAINAGE IMPROVEMENTS

WESTERN AVE

MARUKAI

ARTESIA SQUARE

DALTON AVE

GENERAL TRAFFIC SCOPE:  
SIGNAL COORDINATION OF CITY SIGNALS  
REFRESH SIGNING AND STRIPING, CURB PAINTING

NORMANDIE AVE

RAILROAD COORDINATION NEEDED FOR CIVIL AND SIGNAL IMPROVEMENTS

RAIL ROAD

ARTESIA BLVD

PAVEMENT UPLIFT REPAIR

RAIL ROAD

### LEGEND

- CROSS GUTTER IMPROVEMENTS
- ADA RAMP IMPROVEMENTS
- LANDSCAPING IMPROVEMENTS
- RAILROAD PAVING IMPROVEMENTS