

AGENDA

Paramount City Council
November 15, 2016



Adjourned Meeting
City Hall Council Chambers
5:00 p.m.

City of Paramount

16400 Colorado Avenue ♦ Paramount, CA 90723 ♦ (562) 220-2000 ♦ www.paramountcity.com

Public Comments: If you wish to make a statement, please complete a Speaker's Card at the beginning of the meeting. Speaker's Cards are located at the entrance. Give your completed card to a staff member or put it on the staff table located at the front of the room. When your name is called, please go to the rostrum provided for the public. Persons are limited to a maximum of 5 minutes unless an extension of time is granted. No action may be taken on items not on the agenda except as provided by law.

Americans with Disabilities Act: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office at (562) 220-2027 at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Note: Agenda items are on file in the City Clerk's office and are available for public inspection during normal business hours. Materials related to an item on this Agenda submitted after distribution of the agenda packet are also available for public inspection during normal business hours in the City Clerk's office. The office of the City Clerk is located at City Hall, 16400 Colorado Avenue, Paramount.

Notes

CALL TO ORDER:

Mayor Daryl Hofmeyer

ROLL CALL OF
COUNCILMEMBERS:

Councilmember Gene Daniels
Councilmember Tom Hansen
Councilmember Diane J. Martinez
Vice Mayor Peggy Lemons
Mayor Daryl Hofmeyer

PUBLIC COMMENTS

CONSENT CALENDAR

All items under the Consent Calendar may be enacted by one motion. Any item may be removed from the Consent Calendar and acted upon separately by the City Council.

1. [ORDINANCE NO. 1077 \(Adoption\)](#) Adding Section 29-6.4 (k) to Chapter 29, Article II, of the Paramount Municipal Code Limiting or Stopping, Standing or Parking in Designated Tow Away Zones

NEW BUSINESS

2. [APPROVAL](#) Installation of a Disabled Parking Zone in Front of 8425 Elburg Street
3. [PUBLIC HEARING](#) Host Fee Agreement Between the City of Paramount and Paramount Resource and Recycling, Inc.
4. [RESOLUTION NO. 16:029](#) Social Media Use Policy, Standards and Procedures

COMMENTS

- Staff
- Councilmembers

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code Section 54956.8

Property: Century Boulevard and Ruther Avenue
Agency Negotiator: City Manager
Negotiating Parties: City of South Gate
Under Negotiation: Price and Terms of Payment

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9

Number of potential cases: One

ADJOURNMENT

To a meeting on December 13, 2016 at 6:00 p.m.

NOVEMBER 15, 2016

ORDINANCE NO. 1077

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
PARAMOUNT ADDING SECTION 29-6.4 (k) TO CHAPTER 29, ARTICLE
II, OF THE PARAMOUNT MUNICIPAL CODE LIMITING OR STOPPING,
STANDING OR PARKING IN DESIGNATE TOW AWAY ZONES”

MOTION IN ORDER:

READ BY TITLE ONLY, WAIVE FURTHER READING, AND ADOPT
ORDINANCE NO. 1077.

APPROVED: _____

DENIED: _____

MOVED BY: _____

SECONDED BY: _____

ROLL CALL VOTE:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____



To: Honorable City Council

From: John Moreno

By: Lana Chikami

Date: November 15, 2016

Subject: ORDINANCE NO. 1077

The City Council, at its regularly scheduled meeting on November 1, 2016, introduced Ordinance No. 1077.

ORDINANCE NO. 1077

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARAMOUNT ADDING SECTION 29-6.4 (k) TO CHAPTER 29, ARTICLE II, OF THE PARAMOUNT MUNICIPAL CODE LIMITING OR STOPPING, STANDING OR PARKING IN DESIGNATE TOW AWAY ZONES”

Attached is the agenda report from the November 1, 2016 meeting.

Recommended Action

It is recommended that the City Council read by title only, waive further reading, and adopt Ordinance No. 1077.



To: Honorable City Council

From: John Moreno

By: Maria Meraz/Adriana Lopez

Date: November 1, 2016

Subject: ORDINANCE NO. 1077 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARAMOUNT ADDING SECTION 29-6.4 (k) TO CHAPTER 29, ARTICLE II, OF THE PARAMOUNT MUNICIPAL CODE LIMITING OR STOPPING, STANDING OR PARKING IN DESIGNATED TOW AWAY ZONES

REQUEST FOR PERMIT PARKING

The Gundry/Brayton neighborhood is located in the southwest quadrant of the city, north of Alondra Boulevard and east of Orange Avenue. The neighborhood consists of 77 single-family homes (Attachment 1). On July 17, 2016, a letter (Attachment 2) was submitted by a homeowner requesting resident permit parking for this neighborhood. Per the letter, there appears to be a general increase in suspicious vehicles and business vehicles being parked on the streets for extended periods of time. At the Mobile City Council visit to Meadows Park, residents from this neighborhood shared information with staff about limited street parking since the City approved the restriction for resident permit parking in the nearby Delcombre/Aravaca neighborhood. They referenced residents from the apartments on Orange Avenue contributing to the problem because they park their vehicles in this neighborhood.

NEIGHBORHOOD SURVEY AND RESULTS

A door-to-door survey was conducted by Public Safety, on August 24, 2016, to determine the sentiment of the residents regarding resident permit parking. A mail-in survey was left at the properties where no one was home to answer the survey questions. Residents were given a week to return the surveys.

Surveys were collected from 52 of the 77 homes in the neighborhood for a response rate of 68%. Staff was unable to make contact with the residents of 25 of the homes. In the survey, residents were asked how they felt about restricting parking via resident permits. The following table shows the survey results for the 52 homes surveyed:

How do you feel about restricting parking via resident permits?		
Support	37	71%
Oppose	14	27%
No Opinion	1	2%

COMMISSION MEETING

The Public Safety Commission reviewed the request for resident permit parking for the Gundry/Brayton neighborhood at the regular meeting on September 27, 2016. Staff presented the results from the survey and ten residents completed Speaker's Cards and provided feedback. Nine were in favor of implementing resident permit parking and one was opposed, as her home is located on the north end of Brayton and she is not affected by the problems referenced by other residents. After hearing all of the public comments, the Public Safety Commission made a motion to recommend that the City Council approve the request for resident permit parking in the Gundry/Brayton neighborhood. Residents from the neighborhood were invited to appear before the City Council this evening to provide their comments (Attachment 3) and a Public Hearing Notice was published as well (Attachment 4).

PROPOSED ORDINANCE NO. 1077

In order to effect the resident permit parking restriction for the Gundry/Brayton neighborhood, Ordinance No. 1077 would need to be adopted, and would amend section 29.6.4 of the Paramount Municipal Code to specifically include this neighborhood. Currently, resident permit parking is in place on the following streets:

- Virginia Avenue between Alondra Boulevard and Madison Street
- 1st, 2nd, and 3rd Streets
- Vans Street between 8830 Vans Street and 8842 Vans Street
- Passage Avenue, Perilla Avenue, Coke Avenue, Castana Avenue between Neardale Street and Contreras Street
- Rancho Cerna Drive between Rancho Obispo Road and Rancho Clemente Drive
- Colony Court
- Indiana Avenue between Monroe Street and Jackson Street
- Colorado Avenue between Jefferson Street and Somerset Boulevard
- Heritage Walk (15552 thru 15542 Orange Avenue, Cypria Circle, Julia Lane, and Windmill Lane)
- 6400 San Luis Street
- 14300 block of Orizaba Avenue and the 8100 block of 144th Street
- Alondra Boulevard between 6729 Alondra Boulevard and 6743 Alondra Boulevard; and on Delcombre Avenue, Aravaca Drive, Festina Drive, Banda Drive, Caldora Avenue between Alondra Boulevard and Myrrh Street

If Ordinance No. 1077 is approved, we will work with the residents to provide them with permits and with Public Works for the placement of proper signage throughout the neighborhood to effect the new restriction.

RECOMMENDED ACTION

It is recommended that the City Council conduct a public hearing and read by title only, waive further reading, introduce Ordinance No. 1077, and place it on the next regular agenda for adoption.

CITY OF PARAMOUNT
LOS ANGELES COUNTY, CALIFORNIA

ORDINANCE NO. 1077

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
PARAMOUNT ADDING SECTION 29-6.4 (k) TO CHAPTER 29,
ARTICLE II, OF THE PARAMOUNT MUNICIPAL CODE LIMITING OR
STOPPING, STANDING OR PARKING IN DESIGNATED TOW AWAY
ZONES

THE CITY COUNCIL OF THE CITY OF PARAMOUNT DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1. Section 29-6.4 of Chapter 29, Article II of the Paramount Municipal Code is hereby amended by adding subsection (k) to read as follows:

“(k) A person shall not park or let stand any vehicle, unless such vehicle displays a permit authorized hereunder on Madison Street between 7110 and 7116 Madison Street and on Gundry Avenue between 15500 to 15700 Gundry Avenue and on Brayton Street between 15500 to 15700 Brayton Street.

SECTION 2. The City Manager, or his designee, is directed to clearly post limited parking signs effectuating Section 29-6.4 (k) to give notice that this Section is in effect.

SECTION 3. Authority. This Ordinance is adopted pursuant to the provisions of Section 22507 of the California Vehicle Code.

SECTION 4. CEQA. This Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to §§ 15060 (c) (2) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060 (c) (3) (the activity is not a project as defined in § 15378 of the CEQA Guidelines Title 14, Chapter 3 of the California Code of Regulations) because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of this City hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause or phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, clauses, phrases, or portions are declared invalid or unconstitutional.

SECTION 6. Effective Date. This Ordinance shall take full force and effect thirty (30) days after its adoption.

SECTION 7. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Paramount this 13th day of December 2016.

Daryl Hofmeyer, Mayor

Attest:

Lana Chikami, City Clerk

ATTACHMENT 1

GUNDRY/BRAYTON/MADISON NEIGHBORHOOD



ORANGE AVE

ATTACHMENT 2

Concerned Neighbor
Paramount, Ca. 90723
July 17, 2016

Public Safety
Att. Maria Meraz
Paramount, Ca. 90723

Dear Ms. Meraz :

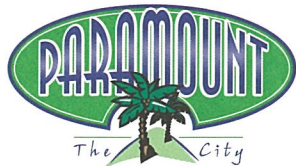
Our neighborhood is bringing invaded by strange cars, business vehicle i.e. taxi cabs, Vans and trucks parking in front in of our homes for days and week at a time. Car alarms going off at all hours of the night disrupting our sleep. We recently hosted a baby shower in our home and our guest had no place to park. Often times these strange vehicles owners leave their trash i.e. glass beer bottles, beer cans, cigarette butts and nasty condoms in the street and sidewalks. Some of us have to park our cars in the yard because no parking in front of our residence. Police don't patrol our streets; our cars are vandalize i.e. windows broken, mirror and accessories stolen. Suspicious people in the neighborhood late nights and early morning Heated argument and threats made toward homeowners.

Please accept this letter as a petition request for permit parking in our neighborhood, Gundry, Madison and Brayton street.

Thank you, and we look forward to hearing from you!

Sincerely;
Neighborhood Watch Homeowner

ATTACHMENT 3



Paramount
PUBLIC SAFETY

October 17, 2016

Re: Public Notice

Dear Resident:

The Public Safety Department received a request to modify parking in your neighborhood by implementing "Resident Permit Parking" in your tract. In order to better assess the parking situation in your neighborhood, this item will be heard at the next City of Paramount City Council meeting:

Date: Tuesday, November 1, 2016
Time: 6:00 PM
Location: 16400 Colorado Avenue (Council Chambers)

The City of Paramount City Council will consider a proposal to implement the above parking changes at all times on all days throughout the year. You are invited to attend this meeting to provide your input on this street parking change. If approved, "Resident Permit Parking" will be implemented in the Gundry/Brayton neighborhood.

If you have any questions about proposed change, please contact me at (562) 220-2001 or my assistant, Adriana Lopez at (562) 220-2170 (refer to map).

CITY OF PARAMOUNT

Maria G. Meraz
Public Safety Director

ATTACHMENT 4

CITY OF PARAMOUNT
16400 COLORADO AVENUE
PARAMOUNT, CALIFORNIA

PUBLIC HEARING

NOTICE OF PROPOSED ORDINANCE NO. 1077

Notice is hereby given that the City of Paramount will conduct a hearing to consider adding Section 29-6.4 (k) to Chapter 29, Article II to the Paramount Municipal Code regulating parking on certain streets in the City of Paramount.

The public hearing will be held at the regular meeting of the City Council to be held at 6:00 p.m. on November 1, 2016, in the Council Chambers, City Hall, 16400 Colorado Avenue, Paramount, California.

If you challenge the Ordinance in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Paramount at, or prior to, the public hearing.

Any correspondence regarding this matter should be sent to the City Clerk, City Hall, 16400 Colorado Avenue, Paramount California. For information please contact the Director of Public Safety, Maria Meraz, at (562) 220-2002.

Lana Chikami, City Clerk

PRESS TELEGRAM

DATE OF PUBLICATION: Thursday, October 20, 2016

NOVEMBER 15, 2016

DISABLED PARKING ZONE IN FRONT OF 8425 ELBURG STREET

MOTION IN ORDER:

DENY OR APPROVE A REQUEST FOR THE INSTALLATION OF A
DISABLED PARKING ZONE IN FRONT OF 8425 ELBURG STREET.

APPROVED: _____ DENIED: _____

MOVED BY: _____

SECONDED BY: _____

ROLL CALL VOTE:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____



To: Honorable City Council
From: John Moreno
By: Christopher S. Cash/Sarah Ho
Date: November 15, 2016

Subject: REQUEST FOR INSTALLATION OF A DISABLED PARKING ZONE IN FRONT OF 8425 ELBURG STREET

We have received a request from Ms. Maria Reyes for the installation of a disabled parking zone in front of her home at 8425 Elburg Street. The request is for Ms. Reyes' son Renato who has a valid Disabled Person Placard. Ms. Reyes is requesting that the disabled parking zone be installed in front of her home due to limited parking in the neighborhood.

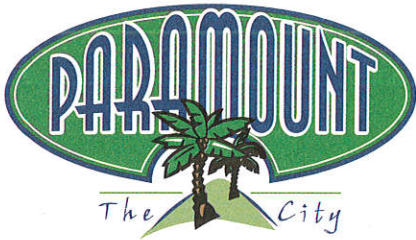
Staff has inspected the site and found that on-street parking can be limited throughout the day and can cause a need to park some distance away. The applicant's residence does have some off-street parking via the driveway; however, the driveway is too narrow to provide ADA accessibility to the vehicle. Staff also verified that there were no other disabled parking zones on the street.

If approved, approximately 15 feet of curb in front of 8425 Elburg Street would be marked blue for disabled parking only. The designated disabled parking zone will be available for anyone that possesses a valid Disabled Person Placard to use.

At their November Public Works Commission meeting, the Commission recommended to the City Council approval of the request for a disabled parking zone. A notice (attached) indicating that the City Council would hear this item was sent to all properties on Elburg Street from Anderson Street to Downey Avenue.

Recommended Action

It is recommended that the City Council deny or approve a request for the installation of a disabled parking zone in front of 8425 Elburg Street.



DARYL HOFMEYER
Mayor

PEGGY LEMONS
Vice Mayor

GENE DANIELS
Councilmember

TOM HANSEN
Councilmember

DIANE J. MARTINEZ
Councilmember

November 8, 2016

Dear Resident:

Please be advised that the Public Works Commission at their meeting of November 3, 2016, recommended to the City Council the approval of the request to install a blue "Handicapped Parking" zone in front of 8425 Elburg Street.

This is to inform you that the Paramount City Council will discuss this recommendation at their meeting on November 15, 2016. The meeting will begin at 6:00 P.M. and will be held in the Paramount City Hall Council Chambers, 16400 Colorado Avenue.

At this meeting, a decision will be made by the Paramount City Council to accept or deny the recommendation of the Public Works Commission to install a blue "Handicapped Parking" zone in front of 8425 Elburg Street. If you have more information regarding this topic or would like to give further input, please attend this meeting.

Please note that should the City Council approve the installation of the handicapped parking zone, the zone may be used by anyone with a valid handicapped parking placard and is not solely dedicated to the applicant.

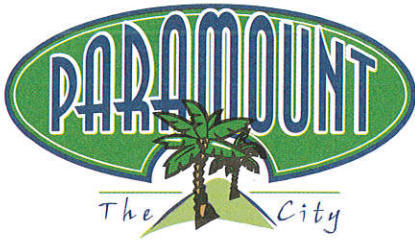
Should you have further questions regarding this meeting, please call me at (562) 220-2020.

Para información en español, favor de llamar al (562)220-2020.

CITY OF PARAMOUNT

Christopher S. Cash
Director of Public Works

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DARYL HOFMEYER
Mayor

PEGGY LEMONS
Vice Mayor

GENE DANIELS
Councilmember

TOM HANSEN
Councilmember

DIANE J. MARTINEZ
Councilmember

October 17, 2016

Dear Resident:

We have received a request to install a blue curb "Handicapped Parking" zone in front of 8425 Elburg Street. The curb at 8425 Elburg Street is currently not colored, which means parking is allowed there at any time (except for street sweeping days/hours). This letter is to inform you that the Public Works Commission will discuss this request at their meeting of Thursday, November 3, 2016. The meeting will begin at 6:00 PM and will be held in the Paramount City Hall Council Chambers, 16400 Colorado Avenue.

At this meeting, a decision by the Public Works Commission will be made to deny or recommend to the Paramount City Council the request to install the blue curb "Handicapped Parking" zone in front of 8425 Elburg Street. The Commission requests that all those having an interest in the installation of the handicapped curb please attend this meeting.

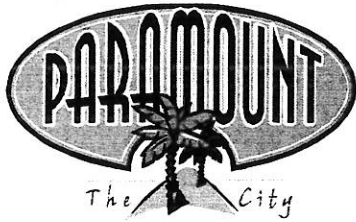
Should you have further questions regarding this matter, please call me at (562) 220-2020.

Para información en español, favor de llamar al (562)220-2020.

CITY OF PARAMOUNT

Christopher S. Cash
Director of Public Works

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Public Works Department

16400 Colorado Avenue

Paramount, CA 90723

Phone: 562-220-2020 Fax: 562-220-2105

Application for On-Street Disabled Parking Zone

Date: 9/13/16

Fee: \$100
Non-Refundable

Last Name: Reyes First Name: Renato

Street Address: 8425 El Burg St

City & Zip Code: PARAMOUNT 90723

Telephone #: () Cell #: 424 232 5064

Email: Mom's Name: MARIA REYES

Disabled Parking Placard #: 060935D Expiration Date: 6/30/17

	Yes	No
Is there an existing driveway at this address? <u>too narrow</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is there a garage at this address?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are you the owner of this property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If yes, please explain why you can not use your driveway or garage to park your vehicle:

We have 2 car and I have a son
Disabled and is very Dificult To
fine parking and bring him to my house (Continue on the back)

If you are not the owner of this property, please have the owner attest to their support of the application by submitting a separate letter supporting the need for a disabled parking zone.

Note: An on-street disabled parking zone can not be reserved for the sole use of an individual and may be used by any person with valid disabled parking placard.

Please attach proof of disability to this application - Valid DMV proof would be a current Permanent Disabled Person Placard or a vehicle registration with a number in the appropriate DP or DV series.

I hereby confirm that the above information is correct. I understand that the details in this application, that I have given, will be checked to determine eligibility.

Maria H. Reyes
Signature

9/13/16
Date



CUSTOMER RECEIPT COPY

EXPIRES: 06/30/2017

*** D I S A B L E D P E R S O N P L A C A R D ***

PLACARD NUMBER: 060935D

PIC: 1

TV: 92

DATE ISSUED: 09/27/16

MO/YR: XW

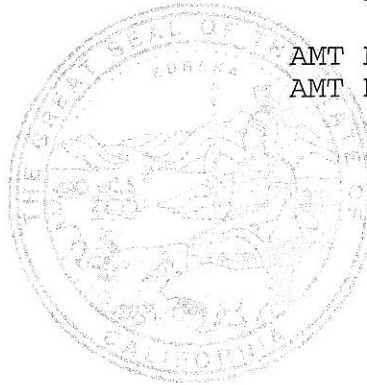
REYES RENATO
8425 ELBURG ST

DT FEES RECVD: 09/27/16

PARAMOUNT
CA

90723

CO: 19



AMT DUE : NONE
AMT RECVD - CASH :
- CHCK :
- CRDT :

H00 606 03 0000000 0034 CS H00 092716 N1 060935D

DEPARTMENT OF MOTOR VEHICLES PLACARD IDENTIFICATION CARD

THIS IDENTIFICATION CARD OR FACSIMILE COPY IS TO BE CARRIED BY THE PLACARD OWNER. PRESENT IT TO ANY PEACE OFFICER UPON DEMAND. IMMEDIATELY NOTIFY DMV BY PHONE OR MAIL OF ANY CHANGE OF ADDRESS. WHEN PARKING, HANG THE PLACARD FROM THE REAR VIEW MIRROR. REMOVE IT WHEN DRIVING.

A Public Service Agency

PLACARD#: 060935D
EXPIRES: 06/30/2017

PLACARD HOLDER: REYES RENATO
8425 ELBURG ST

ISSUED: 09/27/16
TYPE: N1

PARAMOUNT
CA 90723

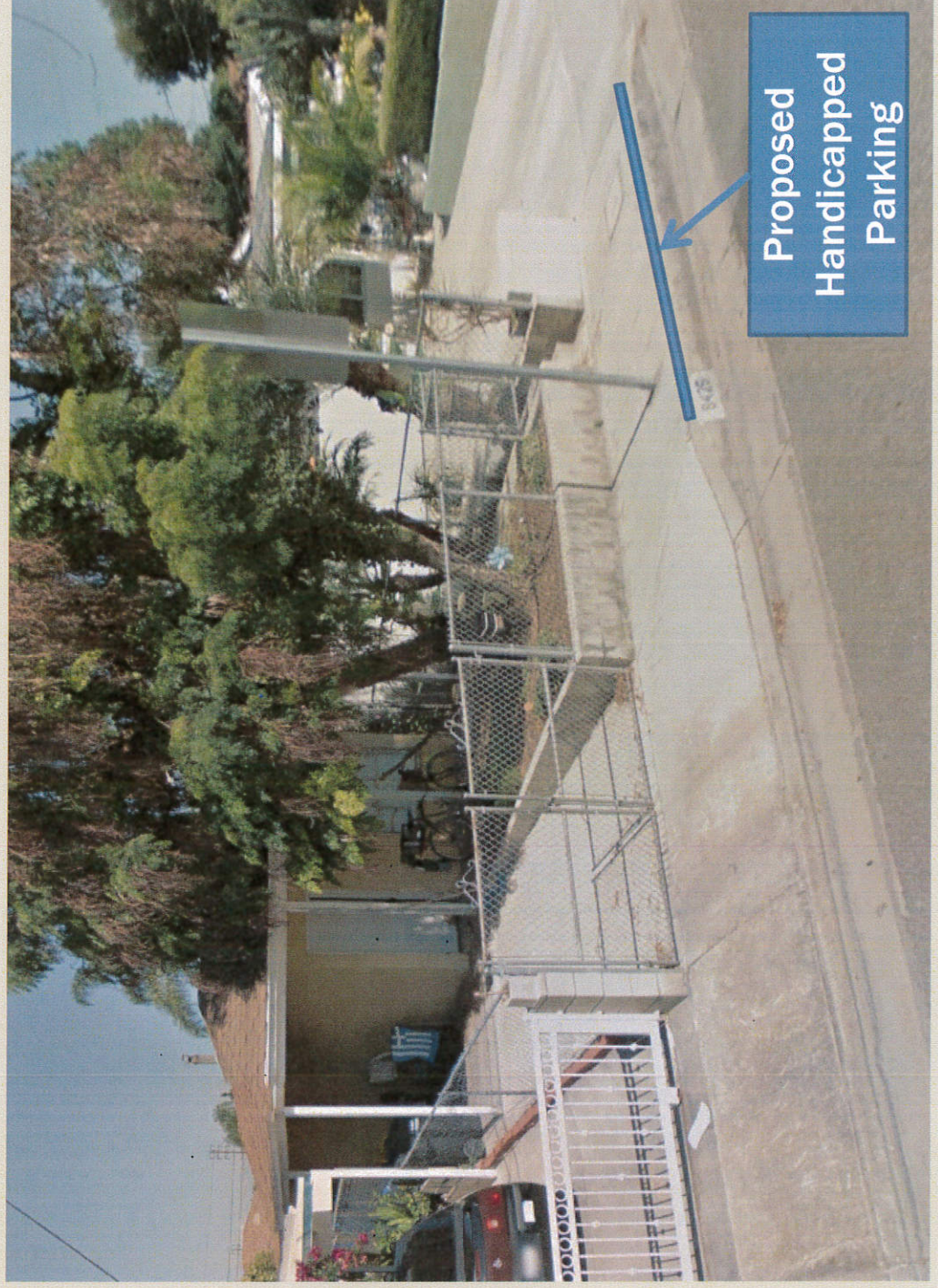
PURCHASE OF FUEL (BUSINESS & PROFESSIONS CODE 13660):
STATE LAW REQUIRES SERVICE STATIONS TO REFUEL A DISABLED PERSON'S VEHICLE AT SELF-SERVICE RATES, EXCEPT SELF-SERVICE FACILITIES WITH ONLY ONE CASHIER.

WHEN YOUR PLACARD IS PROPERLY DISPLAYED, YOU MAY PARK IN/ON:
*DISABLED PERSON PARKING SPACES (BLUE ZONES) *STREET METERED ZONES WITHOUT PAYING *GREEN ZONES WITHOUT RESTRICTIONS TO TIME LIMITS *STREET WHERE PREFERENTIAL PARKING PRIVILEGES ARE GIVEN TO RESIDENTS AND MERCHANTS.

YOU MAY NOT PARK IN/ON: *RED ZONES *TOW AWAY ZONES *WHITE OR YELLOW ZONES *SPACES MARKED BY CROSSHATCH LINES NEXT TO DISABLED PERSON PARKING SPACES.

IT IS CONSIDERED MISUSE: *TO DISPLAY A PLACARD UNLESS THE DISABLED OWNER IS BEING TRANSPORTED *TO DISPLAY A PLACARD WHICH HAS BEEN CANCELLED OR REVOKED *TO LOAN YOUR PLACARD TO ANYONE, INCLUDING FAMILY MEMBERS. MISUSE IS A MISDEMEANOR (SECTION 4461VC) AND CAN RESULT IN CANCELLATION OR REVOCATION OF THE PLACARD. LOSS OF PARKING PRIVILEGES. AND/OR FINES.

8425 ELBURG STREET



NOVEMBER 15, 2016

PUBLIC HEARING

HOST FEE AGREEMENT BETWEEN THE CITY OF PARAMOUNT AND
PARAMOUNT RESOURCE RECYCLING, INC.

1. HEAR STAFF REPORT
2. OPEN THE PUBLIC HEARING
3. HEAR TESTIMONY IN THE FOLLOWING ORDER:

(1) THOSE IN FAVOR

(2) THOSE OPPOSED

4. MOTION TO CLOSE THE PUBLIC HEARING

MOVED BY: _____

SECONDED BY: _____

5. MOTION IN ORDER:

APPROVE THE HOST FEE AGREEMENT BETWEEN THE CITY OF
PARAMOUNT AND PARAMOUNT RESOURCE RECYCLING, INC.

APPROVED: _____ DENIED: _____

MOVED BY: _____

SECONDED BY: _____

ROLL CALL VOTE:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____



To: Honorable City Council

From: John Moreno

By: Kevin Chun/John Carver

Date: November 15, 2016

Subject: Host Fee Agreement between the City of Paramount and Paramount Resource Recycling, Inc. (PRR)

Background

This item is a public hearing regarding the Host Fee Agreement between the City of Paramount and Paramount Resource Recycling, Inc. (PRR) located at 7230 Petterson Lane. Conditional Use Permit (CUP) No. 445 was approved for PRR in 1998 to allow 1,500 tons of construction and demolition debris, green waste, and self-haul waste, source separated recyclables, residential curb-side recycling materials, and municipal solid waste per day. In May 2015, the Planning Commission approved an amendment to CUP No. 445, restricting PRR to receive, process, and transfer up to 570 daily tons of construction and demolition debris, green waste, and self-haul waste.

Also at its May 2015 meeting, the Planning Commission approved CUP No. 721, allowing the new Royal Recycling and Transfer (RRT) facility to eventually receive, process and transfer up to 2,450 tons per day of source separated recyclables, residential curb-side recycling materials, and municipal solid waste at 14001 Garfield Avenue. Once RRT is open, PRR will only accept refuse as specified in its May 2015 amended CUP.

Host Fee Agreement

Currently, PRR pays a business license fee that is established in the Municipal Code, and is calculated at five percent of the County landfill tipping fee per ton of material received at the facility. Based on the County landfill tipping fee, the City collects \$1.92 per ton of waste processed by PRR, which translates into approximately \$288,000 annually from this tipping fee.

The Host Fee Agreement before the City Council this evening is based on a similar agreement approved by the Council for RRT in March. Both agreements contain a three tier formula to determine the fee paid to the City. The fees from PRR will be collected starting 30 days after RRT begins operations. Below is the proposed three tiered host fee:

Tier 1: For annual gross tonnage up to 71,000 tons:

▶ \$ 2.09 per ton;

Tier 2: For annual gross tonnage above 71,000 tons up to 107,000 tons:

▶ \$ 2.16 per ton; and

Tier 3: For annual gross tonnage above 107,000 tons:

▶ \$ 2.25 per ton.

Below are two examples of how the host fee could work:

Example 1: Annual tonnage of 91,000 tons:

Tier 1 = \$ 148,390 (71,000 tons x \$2.09) +

Tier 2 = \$ 43,200 (20,000 tons x \$2.16)

Total = \$ 191,590 payment to the City

Example 2: Annual tonnage of 177,840 tons:

Tier 1 = \$ 148,390 (71,000 tons x \$2.09) +

Tier 2 = \$ 77,760 (36,000 tons x \$2.16) +

Tier 3 = \$ 159,390 (70,840 tons x \$2.25)

Total = \$ 385,540 payment to the City

The tiered payments would be collected on a monthly basis. After the first full year of the tiered host fee, rates for all tiers will be annually adjusted by the Consumer Price Index, or 2%, whichever is greater (not to exceed an increase of more than 3%).

Recommended Action

It is recommended that the City Council approve the Host Fee Agreement with PRR.

HOST FEE AGREEMENT

Between
CITY OF PARAMOUNT
A California Municipal Corporation
And
PARAMOUNT RESOURCE RECYCLING, INC.
A California Corporation

HOST FEE AGREEMENT

This Host Fee Agreement ("Agreement") is entered on _____, 2016 by and between the CITY OF PARAMOUNT ("**CITY**") and PARAMOUNT RESOURCE RECYCLING, Inc. ("**PRR**"), and are sometimes individually referred to as "Party" and collectively as "Parties."

RECITALS

WHEREAS, PRR has applied to CITY for land use entitlements ("Approvals") necessary to operate a facility that processes construction and demolition debris, green waste, and self-haul waste at 7230 Petterson Lane, City of Paramount, California.

WHEREAS, in May 2015, the City of Paramount Planning Commission approved an amendment to Conditional Use Permit ("CUP") No. 445, allowing PRR to receive, process, and transfer up to 570 tons per day of construction and demolition debris, green waste, and self-haul waste.

WHEREAS, in May 2015, the City of Paramount Planning Commission also approved CUP No. 721, allowing the operation of Royal Recycling and Transfer ("RRT") at 14001 Garfield Avenue. CUP No. 721 allows for the receipt, processing, and transfer of up to 2,450 tons per day of source separated recyclables, residential curb-side recycling materials, and municipal solid waste (MSW). RRT is not yet operational.

WHEREAS, PRR has agreed to enter into this Agreement whereby PRR agrees to pay a certain amount of money to CITY based on the number of Gross Tonnage Received.

NOW, THEREFORE, in consideration of the covenants, promises, and agreements hereafter set forth, CITY and PRR do mutually agree as follows:

AGREEMENT

1. PURPOSE OF AGREEMENT

The purpose of this Agreement is to establish certain obligations between the Parties and their successor(s), including an obligation of PRR to pay CITY, a Host Fee based upon the Gross Tonnage Received as long as PRR is in operation.

This Agreement shall become effective 30 days after the PRR facility has implemented the changes detailed in the amendment to CUP No. 445

(reduction of tonnage to 570 tons per day and acceptance of construction debris, green waste, and self-haul waste) and shall remain in full effect thereafter as long as the amendment to CUP No. 445 remains valid and terms and conditions of this Agreement are in compliance.

2. DEFINITIONS

Whenever any terms used in this Agreement has been defined by the City of Paramount Municipal Code or Division 30, Part 1, Chapter 2 of the California Public Resources Code, the definitions in the Municipal Code or Public Resources Code shall apply unless the term is otherwise defined in this Agreement.

- “CITY” means the City of Paramount
- “City Manager” means the City Manager or his/her designee.
- “Day” means a calendar day (unless otherwise specified).
- “Gross Tonnage Received” means all construction and demolition debris, green waste, and self-haul waste received at PRR less tons delivered by CITY and received at no cost to CITY.

3. COMPLIANCE WITH LAWS AND REGULATIONS

PRR warrants that it will comply with all applicable laws and regulations as they, from time to time, may be amended, specifically including, but not limited to all applicable laws, ordinances of the CITY and Federal and State regulations as they apply to PRR and with all conditions of approval of CUP No. 445 issued for PRR by the CITY.

4. EQUIPMENT

PRR shall provide an adequate number of vehicles and equipment for the services for which it performs. All equipment shall conform to the highest industry standards, shall be maintained in a clean and efficient condition and shall comply with all measures and procedures promulgated by all agencies with jurisdiction.

5. PRR HOST FEE PAYMENT TO CITY

Upon the effective date of this Agreement, and subject to provisions within, PRR shall pay a host fee based on the following three tiered calculation:

Tier 1: For Annual Gross Tonnage Received up to 71,000 tons:

▶ \$2.09 per ton;

Tier 2: For Annual Gross Tonnage Received above 71,000 tons up to 107,000 tons:

▶ \$2.16 per ton; and

Tier 3: For Annual Gross Tonnage Received above 107,000 tons:

▶ \$2.25 per ton.

Below are two (2) illustrations of how the Host Fee under this Agreement would be calculated:

Example 1: Annual Gross Tonnage Received of 91,000 tons:

Tier 1 = \$148,390 (71,000 tons x \$2.09) +

Tier 2 = \$ 43,200 (20,000 tons x \$2.16)

Total = \$191,590 total payments to CITY

Example 2: Annual Gross Tonnage Received of 177,840 tons:

Tier 1 = \$148,390 (71,000 tons x \$2.09) +

Tier 2 = \$ 77,760 (36,000 tons x \$2.16) +

Tier 3 = \$ 159,390 (70,840 tons x \$2.25)

Total = \$385,540 total payments to CITY

The tiered Host Fee payments will be paid by PRR to CITY on a monthly basis, due within thirty (30) days after a payment month. After the first full year of the tiered Host Fee in effect, per ton rates for all tiers will be annually adjusted by the greater of an amount equal to 100% of any increase in the Consumer Price Index for All Urban Consumers, All Items (Base Year 1982-84=100) for the Los Angeles-Riverside-Orange County area, published by the U.S. Department of Labor, Bureau of Labor Statistics ("CPI") for the most recent annual period preceding the adjustment date or 2%; but in no event shall such annual adjustment exceed 3%. The adjusted rate will become the new rate for consideration of future annual adjustments.

6. BOOKS, REPORTS, and RECORDS; AUDITS

- PRR shall submit to CITY an accounting of the Gross Tonnage Received for each quarter. Such accounting shall consist of, at a minimum, the official monthly tonnages as reported to the County of Los Angeles Department of Public Health, Solid Waste Management Program. After the above tiered payment due dates, interest shall accrue at the maximum legal rate allowed under California law. Failure to make payment in full within thirty (30) days

from the last day of each quarter shall be a breach of this Agreement subject to damages and/or remedies as described herein, including suspension or revocation of CUP No. 445.

- In addition to the record retention requirements set forth below, PRR shall maintain all tonnage records relating to this Agreement, including, but not limited to, facility weight tickets, bills of lading, recyclable shipments, landfill records, and self-monitoring reports, for a minimum of three (3) years, while the CUP remains in effect and up to three (3) years after the CUP becomes null. The CITY shall have the right, upon reasonable advance notice, to inspect, audit and copy all records referred to above relating to this Agreement to verify tonnage received. In the absence of extraordinary circumstances, seven (7) days' notice shall be considered reasonable. Such records shall be made available to CITY at PRR's corporate offices.
- The books, records, and accounts relating to PRR's Gross Tonnage Received shall be audited by a certified public accountant at the end of each calendar year, upon request by CITY. The report and all work papers utilized in the preparation of such audit shall be submitted to the City Manager. The City Manager or his designee shall review the work and work papers and may require further information from PRR. If any such audit discloses a deviation of greater than 2% with respect to the Gross Tonnage Received reported by PRR for the period of such audit, the cost of the audit shall be paid to the CITY by PRR. Otherwise, the cost of such audit shall be borne by the CITY.
- The CITY shall notify PRR in writing of the findings resulting from any audit or review of Gross Tonnage Received pursuant to this Agreement. Should the audit or review reveal an underpayment to the CITY by PRR, the amount of the underpayment, plus interest compounded daily at the maximum lawful rate, shall be paid to CITY within thirty (30) days from receipt of written notice of the findings. Should PRR dispute the findings, it may appeal said findings in writing to the City Manager within thirty (30) days of the written notification. The City Manager or his designee shall then hold a hearing on the matter within fifteen (15) days. At the hearing, the City Manager or his designee shall take into account all reports submitted by PRR, the report and other information submitted by the auditor, and any other such information PRR may wish to submit. Evidence may be submitted either orally or in writing. The City Manager or his designee shall issue a written decision within fifteen (15) days of the close of the hearing which decision shall be final.

- CITY's Right to Request Information: PRR shall provide additional information reasonable and directly pertaining to this Agreement on an "as-needed" basis.
- Certification: All reports by this Agreement shall be signed under penalty of perjury, by the responsible corporate official, that the report is true and correct.
- Submission of Reports: Any reports and/or other communications required or requested per this Agreement shall be submitted to:

City Manager
City of Paramount
16400 Colorado Avenue
Paramount, CA 90723-5012

7. **INDEMNIFICATION**

Indemnification of CITY: That PRR agrees to defend, indemnify and hold harmless the CITY, its elected officials, officers, employees, volunteers, agents, assigns and any successor or successors to CITY's interest from any claim, action or proceeding against the CITY or its elected officials, officers, employees, volunteers, agents, assigns and any successor or successors to CITY's interest to attack, set aside, void or annul an approval of the CITY or any of its Council, commissions, committees or boards arising from or in any way related to PRR or any actions or operations conducted pursuant thereto. Should the CITY, its elected officials, officers, employees, volunteers, agents, assigns and any successor or successors to CITY's interest receive notice of any such claim, action or proceeding, the CITY shall promptly notify PRR of such claim, action or proceeding, and shall cooperate fully in the defense thereof.

8. **INSURANCE**

PRR shall procure and maintain during the entire time that this Agreement is effective the following types of insurance, and shall maintain the following minimum levels of coverage, which shall apply to any claims which may arise from or in connection with PRR's operations of PRR or the actions or inactions of any of PRR's officers, agents, representatives, employees, or subcontractors in connection with PRR's operations of PRR under this Agreement. The insurance requirements hereunder in no way limit PRR's various defense and indemnification obligations, or any other obligations as set forth herein.

A. Minimum Scope of Insurance. Coverage shall be at least as broad as:

1. The most recent editions of Insurance Services Office Commercial General Liability coverage ("occurrence" form CG 00 01).
2. The most recent editions of Insurance Services Office form number CA 00 1 covering Automobile Liability, code 1 "any auto" and endorsement CA 00 25.
3. Workers' Compensation insurance as required by the Labor Code of the State of California and Employers Liability insurance.

B. Minimum Limits of Insurance. PRR shall maintain in force for the term of this Agreement limits no less than:

1. Comprehensive General Liability: Five Million Dollars (\$5,000,000) limit aggregate and Five Million Dollars (\$5,000,000) limit per occurrence for bodily injury, Personal injury and property damage.
2. Automobile Liability: Five Million Dollars (\$5,000,000) limit aggregate and One Million Dollars (\$1,000,000) single limit per accident for bodily injury and property damage.
3. Workers' Compensation and Employers Liability: Workers' compensation limits as required by the Labor Code of the State of California (or provide evidence of State approval to be self-insured).

C. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by CITY. At the option of CITY, either: the insurer shall reduce or eliminate such deductibles or self-insured retention's as respects CITY, its officials, employees and agents; or PRR shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

D. Other Insurance Provisions. The policies are to contain, or be endorsed to contain, the following provisions:

1. General Liability and Automobile Liability Coverages
 - a) CITY, its elective and appointive boards, commissions, officials, employees, agents and volunteers are to be named as additional insureds as respects: liability arising out of activities performed by or on behalf of PRR; products and completed operations of PRR; Premises owned, leased or used by PRR; or vehicles owned,

leased, hired or borrowed by PRR. The coverage shall contain no special limitations on the scope of protection afforded to CITY, its elective and appointive boards, commissions, officials, employees, agents or volunteers.

- b) PRR's insurance coverage shall be primary insurance as respects CITY, its elective and appointive boards, commissions, officials, employees, agents and volunteers. Any insurance or self-insurance maintained by CITY, its officials, elective and appointive boards, commissions, employees, agents or volunteers shall be excess of PRR's insurance and shall not contribute with it.
- c) Any failure to comply with reporting provisions of the policies shall not affect coverage provided to CITY, its officials, elective and appointive boards, commissions, employees, agents or volunteers.
- d) Coverage shall state that PRR's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

2. Workers' Compensation and Employers Liability Coverage - The insurer shall agree to waive all rights of subrogation against CITY, its officials, elective and appointive boards, commissions, employees, agents and volunteers for losses arising from work performed by PRR for CITY.

3. All Coverages - Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to CITY.

E. Acceptability of Insurers. The insurance policies required by this section shall be issued by an insurance company or companies authorized to do business in the State of California and with a rating in the most recent edition of Best's Insurance Reports of size category VII or larger and a rating classification of A or better.

F. Verification of Coverage. PRR shall cause its insurance carrier(s) to furnish CITY by direct mail with certificate(s) of insurance showing that such insurance is in full force and effect, and CITY, its elective and appointive

boards, commissions, officials, employees, agents and volunteers are named as additional insured with respect to this Agreement as described above and the obligations of Agreement hereunder. Further, the certificate(s) shall contain the covenant of the insurance carrier(s) that thirty (30) calendar days written notice (ten [10] calendar days in the event of cancellation for non-payment) shall be given to CITY prior to modification, cancellation or reduction in coverage of such insurance. In the event of any such modification, cancellation or reduction in coverage and on the effective date thereof, this Agreement shall terminate forthwith, unless CITY receives prior to such effective date another certificate from an insurance carrier that the insurance required herein is in full force and effect. Such certificates shall show the type and amount of coverage, effective dates and dates of expiration of policies, and shall have all required endorsements. The certificates and endorsements for each insurance policy are to be signed by a Person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on forms provided by or acceptable to the City Attorney and are to be received and approved by CITY before work commences. CITY reserves the right to require complete, certified copies of all required insurance policies at any time.

Renewal certificates will be furnished periodically to CITY to demonstrate maintenance of the required coverage throughout the Term.

G. Companies and Subcontractors. PRR shall include all companies, including contract trucking companies ("companies") as insureds under its policies or shall furnish separate certificates and endorsements for each contractor. All coverages for companies shall be subject to all of the requirements stated herein.

H. Required Endorsements

1. The Workers' Compensation policy shall contain an endorsement in substantially the following form:

"Thirty (30) days (or ten [10] days in the event of cancellation for non-payment) prior written notice by certified mail, return receipt requested, shall be given to CITY in the event of cancellation, reduction in coverage, or non-renewal of this policy. Such notice shall be sent to:

City Manager
City of Paramount
16400 Colorado Ave.
Paramount, CA 90723

2. The Public Liability policy shall contain endorsements in substantially the following form:

- a) "Thirty (30) days (or ten [10] days in the event of cancellation for non-payment) prior written notice shall be given to CITY in the event of cancellation, reduction in coverage, or non-renewal of this policy. Such notice shall be sent to:

City Manager
City of Paramount
16400 Colorado Ave.
Paramount, CA 90723

- b) "PRR agrees to endorse the third party general liability coverage required herein to include as additional insureds CITY, its elective and appointive boards, commissions, officials, employees, agents and volunteers, using standard ISO endorsement No. CB 2010 with an edition date of 1985, or equivalent provisions as determined acceptable by the Office of the City Attorney for the City of Paramount in its sole discretion. PRR also agrees to require all contractors, subcontractors and anyone else involved in any way with the project contemplated by this agreement, to do likewise."
- c) "This policy shall be considered primary insurance as respects any other valid and collectible insurance maintained by CITY, including any self-insured retention or program of self-insurance, and any other such insurance shall be considered excess insurance only."
- d) "Inclusion of CITY as an additional insured shall not affect CITY's rights as respects any claim, demand, suit or judgment brought or recovered against PRR. This policy shall protect PRR and CITY in the same manner as though a separate policy had been issued to each, but this shall not operate to increase PRR's liability as set forth in the policy beyond the amount shown or to which PRR would have been liable if only one party had been named as an insured."

I. Other Insurance Requirements

1. In the event any services are delegated to another company or subcontractor, including subsidiary companies, PRR shall require such company or subcontractor to provide statutory workers' compensation insurance and employer's liability insurance for all of the company's or subcontractor's employees engaged in the work in accordance with this Section. The liability insurance required by this Section shall cover all companies or subcontractors or the companies or subcontractors must furnish evidence of insurance provided by it meeting all of the requirements of this Section.
2. PRR shall comply with all requirements of the insurers issuing policies. The carrying of insurance shall not relieve PRR of any obligation under this Agreement. If any claim exceeding the amount of any deductibles or self-insured reserves is made by any third Person against PRR or any company or subcontractor on account of any occurrence related to this Agreement, PRR shall promptly report the facts in writing to the insurance carrier and to CITY.

If PRR fails to procure and maintain any insurance required by this Agreement, CITY may take out and maintain, at PRR's expense, such insurance as it may deem proper and deduct the cost thereof from any moneys due PRR.

9. ASSIGNMENT; CITY CONSENT

- Except as provided below, this Agreement may not be assigned by either party, without the written consent of the other, which may not be withheld unreasonably and is not required with respect to an assignment by PRR to an affiliate.
- If this Agreement is assigned, it shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

10. REMEDIES; IMPOSITION OF DAMAGES; TERMINATION

- A. **Termination.** All terms and provisions of this Agreement are material and binding and failure of PRR to perform any provision hereof shall be a breach of this Agreement, which may lead to both termination of this Agreement and suspension or revocation of CUP No. 445.

B. Notice; Response; Resolution; Appeal

- 1. Notice of Deficiencies: Response.** If CITY determines that PRR has breached this Agreement, CITY shall advise PRR in writing within thirty (30) days of its discovery of such suspected deficiencies, specifying the deficiency in reasonable detail and setting forth a reasonable time within which PRR is to respond and/or cure such breach. Unless the circumstances necessitate correction and response within a shorter period of time or unless a shorter period of time is required by this Agreement, PRR shall respond to the written Notification of Deficiencies within thirty (30) days from the receipt by PRR of such written notice. PRR may request additional time in writing to correct deficiencies.
- 2. Review by City Manager: Notice of Appeal**
 - a) The City Manager shall review any written response from PRR and decide the matter. If the City Manager's decision is adverse to PRR, the City Manager may order remedial actions to cure any deficiencies or invoke any other remedy in accordance with this Agreement, including termination. The City Manager shall promptly inform PRR in writing of his/her decision. In the event the decision is adverse to PRR, the City Manager shall inform PRR of the specific facts found, and include any relevant affidavits, documents, photographs and videotapes and any other evidence relied on, and the legal basis in provisions of the Agreement or other laws for the decision and any remedial action taken or ordered. An adverse decision by the City Manager shall be final and binding on PRR unless PRR files a "Notice of Appeal" with the City Clerk within thirty (30) days of receipt of the notification of the adverse decision.
 - b) In any "Notice of Appeal," PRR shall state all its factual contentions and include any relevant affidavits, documents, photographs and videotapes which PRR may choose to submit. In addition, PRR shall include all its legal contentions, citing provisions of the Agreement or other laws to support its contentions.
- 3. City Council Hearing.** If a matter is appealed to the City Council by PRR, the City Council will set the matter for an administrative hearing and act on the matter. The City Clerk shall give PRR a minimum of fifteen (15) days prior written notice of the time and place of the

administrative hearing. At the hearing, the City Council shall consider the administrative record. No new legal issues may be raised, or new evidence submitted by PRR at this or any further point in the proceedings, absent a showing of good cause. PRR representative and other interested persons shall have a reasonable opportunity to be heard.

4. City Council Determination. Based on the administrative record, the City Council shall determine by resolution whether the decision or order of the City Manager should be upheld. A tie vote of the City Council shall be regarded as upholding the decision of the City Manager. If, based upon the administrative record, the City Council determines that the performance of PRR is in breach of any term of this Agreement, the City Council, in the exercise of its discretion, may order PRR to take remedial actions to cure the breach or impose any other remedy in accordance with this Agreement. The decision or order of the City Council shall be final and binding.

5. Continued Performance. PRR's performance under the Agreement is not excused during the period of time prior to a final determination as to whether or not PRR's performance is in breach of this Agreement.

C. Cumulative Rights. CITY's rights of termination are in addition to any other rights of CITY upon a failure of PRR to perform its obligations under this Agreement.

11. GENERAL PROVISIONS

A. Independent Status. PRR is an independent entity and not an officer, agent, servant or employee of CITY. PRR is solely responsible for the acts and omissions of its officers, agents, employees, contractors and subcontractors, if any, including trucking contractors. Parties acknowledge and agree that PRR is not and shall not become, solely by virtue of this Agreement, a contractor or subcontractor to CITY. Nothing in this Agreement shall be construed as creating a partnership or joint venture between CITY and PRR. Neither PRR nor its officers, employee, agents or subcontractors shall obtain any rights to retirement or other benefits which accrue to CITY employees.

- B. **Governing Laws; Venue.** This Agreement shall be governed by the laws of the State of California. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of Los Angeles. In the event of litigation in U. S. District Court, exclusive venue shall lie in the Central District of California.
- C. **Amendments.** Amendments must be in writing, duly executed by both parties.
- D. **Notices.** All notices required or permitted to be given under this Agreement shall be in writing and deemed to have been sufficiently given when delivered in person, by registered or certified U.S. Mail, postage prepaid, return receipt requested, by facsimile, or by overnight delivery service requesting evidence of receipt as a part of its service, to the address of the respective party below:

To CITY: City Manager
 City of Paramount
 16400 Colorado Avenue
 Paramount, CA 90723-5012

To PRR: JB D'Souza
 Paramount Resource Recycling, Inc.
 7202 Petterson Lane
 Paramount, CA 90723

Or to such other address as either party may from time to time designate by notice to the other given in accordance with this Section.

- E. **Severability.** If any provision of this Agreement is or becomes or is deemed invalid, illegal or unenforceable under the applicable laws or regulations of any jurisdiction, such provision will be deemed amended to the extent necessary to conform to applicable laws or regulations or, if it cannot be so amended without materially altering the intention of the parties, it will be stricken, and the remainder of this Agreement will remain in full force and effect.
- F. **Use of City Name.** PRR shall not use the words "CITY OF PARAMOUNT" or "CITY" or like words in its corporate names, style of business, or in/on its equipment, nor shall PRR utilize the stated words in any publication, promotion, program, etc., without the prior expressed written consent of CITY.

- G. **Force Majeure.** In addition to specific provisions of this Agreement, performance by either party hereunder shall not be deemed to be in default where delays or defaults are due to causes beyond the control of and without the fault of such party, including war, insurrection, strikes, lock-outs, riots, floods, earthquakes, fires, casualties, Acts of God, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, unusually severe weather, inability to secure necessary labor or supplies, materials or tools, or acts of the other party. An extension of time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if notice by the party claiming such extension is sent to the other party within thirty (30) days of knowledge of the commencement of the cause.
- H. **Headings.** The headings in this Agreement are intended for convenience and identification only, are in no way intended to describe, interpret, define, or limit the scope, extent or intent of this Agreement or any provision hereof, and are to be disregarded in the construction and enforcement of this Agreement.
- I. **Construction.** Each of the parties hereto agree and acknowledge that each party has reviewed and has had the opportunity to revise this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party will not be employed to the interpretation of this Agreement, or any amendment.
- J. **Entire Agreement.** This Agreement represents the entire understanding and agreement between the parties hereto relating to the subject matter hereof and supersedes any and all prior agreements, whether written or oral, that may exist between the parties regarding the same.
- K. **Counterparts.** This Agreement may be executed in any number of counterparts, and each counterpart is deemed to be an original instrument, but all such counterparts constitute but one instrument.

SIGNATURE PAGE BELOW

WITNESS the execution of this sixteen (16) page Agreement on the day and year first written above.

DATED: _____

City of Paramount

DATED: _____

Paramount Resource Recycling, Inc.

By: _____

Daryl Hofmeyer

By _____ Mayor

[Title]

Approved as to form:

By: _____

John E. Cavanaugh

By _____ City Attorney

[Title]

ATTEST:

Lana Chikami, City Clerk

NOVEMBER 15, 2016

RESOLUTION NO. 16:029

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARAMOUNT
ESTABLISHING SOCIAL MEDIA USE POLICY, STANDARDS AND
PROCEDURES”

MOTION IN ORDER:

READ BY TITLE ONLY AND ADOPT RESOLUTION NO. 16:029.

APPROVED: _____

DENIED: _____

MOVED BY: _____

SECONDED BY: _____

ROLL CALL VOTE:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____



To: Honorable City Council

From: John Moreno

By: Kevin Chun/Danny Elizarraras

Date: November 15, 2016

Subject: Resolution No. 16:029 – Social Media Use Policy, Standards and Procedures

Background

Due to the fast-changing landscape of digital communication media, and the increase in the use of social media platforms such as Facebook, Instagram, Twitter, YouTube, and many others, the City believes it is necessary to adopt a policy regulating the use of its social media communication platforms.

In an effort to broaden the City's communication outreach with residents, the City has actively used social media platforms over the last two years. These efforts are primarily to target the ever-growing population of social media users. The City recognizes that it has a very young demographic core that uses social media as its primary means for news and communication. A recent communication assessment report, by communications consultant Tripepi Smith & Associates, recommends that the City invest in tactics to expand its social media presence, establish policies that outline internal staff responsibilities, and form long-term strategies that drive growth. As such, the City believes it is appropriate to establish a social media policy.

Proposal

The proposed Social Media Use Policy, Standards, and Procedures are attached. The policy establishes internal procedures for the use of social media. Important considerations include:

- All of the City's social media postings by Departments and offices will be subject to review by the City's Public Information Officer or designee.
- The City's social media sites shall comply with all appropriate City of Paramount policies and procedures.
- The City's social media sites are subject to the California Public Records Act and Proposition 59, amending Article 1, Section 3 of the California Constitution.
- The City reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law (e.g., obscene language or sexual content, threatening or defaming any person or organization, promotion of illegal activity, and the promotion of commercial services or products).
- The City reserves the right to remove any user or visitor who violates this policy.

- The following social media platforms are hereby approved by the City. The use of other platforms must be approved by the City's Public Information Officer or designee.
 - Facebook
 - Instagram
 - Twitter
 - YouTube

Recommended Action

It is recommended that the City Council read by title only and adopt Resolution No. 16:029, establishing the Social Media Use Policy, Standards and Procedures.

CITY OF PARAMOUNT
LOS ANGELES COUNTY, CALIFORNIA

RESOLUTION NO. 16:029

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PARAMOUNT ESTABLISHING A SOCIAL MEDIA USE POLICY,
STANDARDS AND PROCEDURES

THE CITY COUNCIL OF THE CITY OF PARAMOUNT HEREBY FINDS,
DETERMINES, RESOLVES AND ORDERS AS FOLLOWS:

WHEREAS, the fast-changing landscape of the Internet and the way residents and businesses communicate and obtain information about their local government has caused many local governments to consider using social media tools to reach a broader audience and for sharing important information; and

WHEREAS, the advent of social media has altered the world in which local government works, communicates and governs. Innovative tools that foster more and faster interconnectivity are offered such as Facebook, Instagram, Twitter, YouTube and many others; and

WHEREAS, in efforts to broaden the City of Paramount's ("City") communication outreach, and the potential to enhance business attraction and retention, the City has actively started engaging in various social media platforms. These efforts are primarily to target the City's young demographic core. A recent communication assessment report by Tripepi Smith & Associates recommends that the City invest in tactics to expand its social media presence; establish policies that outline internal staff responsibilities; and, form long-term strategies that drive growth; and

WHEREAS, along with these technological opportunities comes a new and different host of challenges, including privacy, speech, public accountability and open meeting law issues; and

WHEREAS, the establishment of a Social Media Use Policy, Standards and Procedures provide, among others, an opportunity to define and limit the scope of the City's own and others' activities as they relate to the City's social media and website; and

WHEREAS, the proposed Social Media Use Policy, Standards and Procedures presented is a means to mitigate the potential issues by providing guidance and structure to the implementation of social media by the City.

Section 1. The above recitations are true and correct and incorporated herein.

Section 2. Social Media Use Policy, Standards and Procedures. The Social Media Use Policy, Standards and Procedures set forth in Exhibit "A" attached hereto is adopted herein by reference as the approved Social Media Use Policy, Standards and Procedures for the City of Paramount.

Section 3. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council this 15th day of November, 2016.

Daryl Hofmeyer, Mayor

ATTEST:

Lana Chikami, City Clerk

Exhibit “A”

CITY OF PARAMOUNT

SOCIAL MEDIA USE POLICY, STANDARDS AND PROCEDURES

POLICY STATEMENT

Purpose

To address the fast-changing landscape of the Internet and the way residents and businesses communicate and obtain information about the City of Paramount online, the City of Paramount (the “City”) may consider using social media tools to reach a broader audience. The City encourages the use of social media to further the goals of the City and the missions of its departments, where appropriate.

The City has an overriding interest and expectation in deciding what is “announced” or “spoken” on behalf of the City on social media sites. This policy establishes internal procedures for the use of social media.

What is “social media?” “Social media,” “Web 2.0” and E-Gov are terms used interchangeably to refer to activities that integrate technology, social interaction and content creation. This media allows people to generate, organize, share, edit and comment on web content by means of Rich Site Summary (RSS) and other web feeds, blogs, mashups, widgets, wikis, podcasts and photo- and video-sharing, to name a few.

General

- All of the City’s social media sites that are posted by departments and offices will be subject to approval by the City’s Public Information Officer or designee.
- The City's website <http://www.paramountcity.com> will remain the City's primary and predominant internet presence.
- The most appropriate uses of social media tools are as informational channels to increase the City's ability to broadcast its messages to the widest possible audience.
- Wherever possible, content posted to the City’s social media sites will also be made available on the City's website.
- Wherever possible, content posted to the City’s social media sites must contain hyperlinks directing users back to the City’s official website for in-depth information, forms, documents or online services necessary to conduct business with the City of Paramount.

- The City's website will contain a splash page wherein the splash page comes up when a user or visitor on the City's website clicks on a link leading to another site outside of the City's website so that the user or visitor is informed that by following the link, the user or visitor will in fact be leaving the City's website.
- As is the case for the City's website, the City's Public Information Officer or designee will be responsible for the content and upkeep (including maintenance and monitoring) of any social media site that the City has created.
- The City's social media sites shall comply with all appropriate City of Paramount policies and procedures.
- The City's social media sites shall comply with the City's conflict of interest code and applicable ethics rules and policies.
- The City's social media sites are subject to the California Public Records Act and Proposition 59, amending Article 1, Section 3 of the California Constitution. Any content maintained in a social media format that is related to City business, including a list of subscribers and posted communication (with certain exceptions), is a public record. The City Clerk's Department is responsible for responding completely and accurately to any public records request for public records on social media; provided, however, such requests shall be handled in collaboration with the City Attorney's Office. Content related to City business shall be maintained in an accessible format and so that it can be produced in response to a request (see the City's Twitter, Facebook and Video Posting standards). Wherever possible, such sites shall clearly indicate that any articles and any other content posted or submitted for posting may be or are subject to public disclosure upon request. Users shall be notified that public disclosure requests must be directed to the City Clerk's Office.
- California law and relevant City records retention schedules apply to social media formats and social media content. Unless otherwise addressed in a specific social media standards document, the City department (in coordination with the City Clerk's Office) maintaining a site shall preserve records required to be maintained pursuant to a relevant records retention schedule for the required retention period on a City server in a format that preserves the integrity of the original record and is easily accessible. Appropriate retention formats for specific social media tools are detailed in the City's Twitter, Facebook and Video Posting standards.
- It is not intended to use social media sites in a way that guarantees the right to protected free speech. The City's Public Information Officer or designee is responsible for monitoring postings, and taking appropriate action when necessary, to protect general site visitors from inappropriate or technically harmful information and links.

- **Users and visitors to the City's social media sites shall be notified that the intended purpose of the site is to serve as a means of communication between the City and members of the public.** The City's social media site articles, posts and comments containing any of the following forms of content shall **not** be allowed and shall be removed as soon as possible:
 - o Profane language or content, including threatening or defaming any person or organization
 - o Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation
 - o Sexual content or links to sexual content
 - o Solicitations of commerce
 - o Conduct or encouragement of illegal activity
 - o Information that may compromise the safety or security of the public or public systems
 - o Content that violates a legal ownership interest of any other party
- Users shall be informed by posting to the City's social media sites that the City disclaims any and all responsibility and liability for any materials that the City deems inappropriate for posting, which cannot be removed in an expeditious and otherwise timely manner.
- These guidelines must be displayed to users or made available by hyperlink. Any content removed based on these guidelines must be retained, including the time, date and identity of the poster when available (see the City's Twitter, Facebook and Video Posting standards), in accordance with the City's policy on the retention of such information.
- The City reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law and, the City reserves the right to remove any user or visitor who violates this policy.
- The City will approach the use of social media tools as consistently as possible, enterprise wide.
- All new social media tools proposed for City use will be approved by the City's Public Information Officer or designee.

PROCEDURES

Administration of the City's Social Media Sites

- The City's Public Information Officer or designee will maintain a list of social media tools which are approved for use by the City.
- The City's Public Information Officer or designee will maintain a list of the City's social media sites, including login and password information.
- The City must be able to immediately edit or remove content from social media sites.

- For each social media tool approved for use by the City the following documentation will be developed and adopted:
 - o Operational and use guidelines
 - o Standards and processes for managing accounts on social media sites
 - o City branding standards
 - o Enterprise-wide design standards
 - o Standards for the administration of social media sites
 - o Social Media Standards

The following social media tools are hereby approved by the City and standards have been developed for their use:

Twitter - Twitter Standard

Facebook - Facebook Standard

Video - Video Posting Standard

The use of other sites must be approved by the City's Public Information Officer or designee.

TWITTER STANDARD

Purpose

Twitter is a micro-blogging tool that allows account holders to tweet up to 140 characters of information to followers. By procuring and maintaining a Twitter account, the City will communicate information directly to their Twitter followers, alerting them to news and directing them to the City's website for more information. These standards should be used in conjunction with the City's Social Media Use Policy, Standards and Procedures.

Content

- The City's Public Information Officer or designee shall hold and maintain the City's Twitter account.
- The City will have one Twitter account unless otherwise approved by the City's Public Information Officer or designee. Account information, including username(s) and password(s), shall be registered with the Public Information Officer or designee.
- The City's Twitter biography and/or background information **will** include a link to City's website where the following disclaimer information will be posted:
 - o "This is an official City of Paramount Twitter account. For more information about the City of Paramount please visit <http://www.paramountcity.com>. This site is intended to serve as a mechanism for communication between the public and the department

on the listed topics and as a forum to further the mission of the department. Any direct tweets to this page and its list of followers may be considered a public record which is subject to disclosure pursuant to the California Public Records Act. Public information requests must be directed to the City Clerk's Office."

- The main image shall be the City logo, seal or an appropriate photo which will be provided by the City's Public Information Officer or designee. If the City logo is not used as the main image it should be in the background section.
- The City's Twitter account shall serve three primary purposes:
 - o Disseminate immediate interesting or important information to residents of which a news item on the City's website is not necessary or possible
 - o Promote City-sponsored meetings, events, programs and facilities
 - o Refer followers to a news item or content hosted at the City's website and the City's Facebook page
- Information posted on Twitter shall conform to the existing protocols established by the City. Tweets shall be relevant, timely and informative.
- Twitter content, as much as possible, shall mirror information presented on the City's website and other existing information-dissemination mechanisms. The Public Information Officer or designee shall ensure that information is posted correctly the first time.
- Postings will use proper grammar and standard AP style, and will avoid the use of jargon and abbreviations. Twitter is more casual than most other communication tools, but communications must still best represent the City at all times.
- The Public Information Officer or designee shall be responsive to those constituents who communicate via Twitter's @reply or direct message functions.
- Communication with followers will be timely and consistent with existing protocols.

Archive

- The Public Information Officer, or designee (in coordination with the City Clerk's Office) will maintain an electronic record of any information necessary to retain for the purposes of public records retention in accordance with applicable City policy regarding retention of such information that is not available from the application.

FACEBOOK STANDARD

Purpose

Facebook is a social networking site that continues to grow in popularity and functionality. Businesses and government agencies have joined individuals in using Facebook to promote activities, programs, projects and events. This standard is designed for City departments looking to drive traffic to department websites and to inform more people about City activities. These standards should be used in conjunction with the Social Media Use Policy and video posting policy. As Facebook changes, these standards may be updated as needed.

Establishing a Page

If the City has determined it has a business need for a Facebook account, a request will be submitted to the City's Public Information Officer or designee. Once approved, the City's Public Information Officer or designee will create a basic page for the City. Applications are not to be added to the City's Facebook page without the express written approval of the Public Information Officer or designee. The Public Information Officer or designee will register the page with a City email address. Personal Facebook profiles should not be used to administrate City pages unless approved by the City's Public Information Officer or designee.

Type of "Pages"

- The City will create a "page" on Facebook (not a "group"). Facebook "pages" offer distinct advantages including greater visibility, customization and measurability.

Format

- For 'type' description, choose "government."
- The main image shall be the Department logo or an appropriate photo. It may also be the City's logo and the City logo must be one of the profile pictures.
- Departments will include a mission statement or appropriate text in the introduction box on the Wall Page.
- Using the Facebook Markup Language ("FBML") static page application, or other alternative supporting platform, a boilerplate section should contain a department/program description and the following:
 - o "This is an official Facebook page of the City of Paramount. For more information about the City of Paramount please visit <http://www.paramountcity.com>. This site is intended to serve as a mechanism for communication between the public and the department on the listed topics and as a forum to further the mission of the

department. Any comment submitted to this page and its list of fans may be considered a public record which is subject to disclosure pursuant to the California Public Records Act. Public information requests must be directed to the City Clerk's Office."

- If comments are turned on, the FBML, or other alternative platform page shall also include a Comment Policy Box with the following disclaimer:
 - o "Comments posted to this page will be monitored and inappropriate content will be removed as soon as possible. Under the City of Paramount Social Media Use Policy, Standards and Procedures, the City reserves the right to remove inappropriate content, including, but not limited to, those items that have obscene language or sexual content, threaten or defame any person or organization, violate the legal ownership interest of another party, promote illegal activity and promote commercial services or products. The City disclaims any and all responsibility and liability for any materials that the City deems inappropriate for posting, which cannot be removed in an expeditious and otherwise timely manner."
- A link to <http://www.paramountcity.com> will be included on the Information page.

Page Administrators

- A successful page requires consistent attention. The City's Public Information Officer or designee will be responsible for monitoring the City's Facebook page. Only designated administrators will make posts.
- The City's Public Information Officer or designee will be responsible for assigning administrative status to other department staff members.
- The City's Public Information Officer or designee will be responsible for ensuring content is not stale. The Public Information Officer or designee will designate one or more back-up administrators.
- The City's Public Information Officer or designee has the authority to de-active the Facebook page if necessary.

Comments and Discussion Boards

- Comments to the Wall generally will be allowed if the content is regularly monitored. If the Public Information Officer or designee is unable to do so, comments to the Wall shall be turned off. Discussion Boards shall be turned off unless approved by the City's Public Information Officer or designee.

Photos and Video

- The City's Public Information Officer or designee may add photos and videos to the City's Facebook page. If there are postings of photos and/or videos of the

public, City staff must secure waivers by individuals depicted in the photo and/or video. Photos and/or videos of the City's employees taken during regular office hours may be posted without obtaining waivers. Videos must follow the Video Posting Standard.

- The ability for fans to post photos, videos and links shall be turned off unless approved by the City's Public Information Officer or designee.

Style

- The City's Facebook page will be based upon a template that includes consistent City branding.
- Postings will use proper grammar and standard AP style, and will avoid the use of jargon and abbreviations. Facebook is more casual than most other communication tools, but communications must still best represent the City at all times.

Applications

- There are thousands of Facebook applications. Common applications can allow users to stream video and music, post photos, and view and subscribe to RSS feeds. While some may be useful to the page's mission, they can cause clutter and security risks.
- An application must not be used unless it serves an appropriate and a valid business purpose, adds to the user experience, comes from a trusted source, and is approved by the City's Public Information Officer or designee.
- An application may be removed at any time if the City determines that it is causing a security breach or spreading viruses.

Archive

- The City's Public Information or designee in coordination with the City Clerk's Office will maintain an electronic record of any information necessary to retain for the purposes of public records retention in accordance with applicable City policy regarding retention of such information that is not available from the application.

VIDEO POSTING STANDARD

Purpose

The City will enable access to online video content, as this is the way many residents communicate and obtain information online. Key objectives for video content shall meet one or more of the follow goals: to further the department's mission, provide information about City services, showcase City and community events and explore City

issues. The City encourages the use of video content to further the goals of the City and the missions of its departments, where appropriate. These standards should be used in conjunction with the City's Social Media Use Policy, Standards and Procedures.

Video Posting Guidelines

- The City's Public Information Officer or designee will be responsible for approving the video content.
- Video quality must be comparable to DVD resolution quality 640x480
- Low quality video will be considered as long as the audio portion is clear and the content is compelling and informative.
- All videos must be posted on the City's website.
- The City must secure a disclaimer from the author or owner or the right to use all or part of a video if the video was not produced by the City or related entity.
- Videos streamed from other sources may not be posted to the City's website. Links to external videos are permitted, but it must only be used when content is relevant and necessary approvals are received.

Submitting Videos to Hosting Sites

- Videos may be submitted to hosting sites such as YouTube and Vimeo as well as Facebook on a case-by-case basis under the direction of the City's Public Information Officer or designee.
- Comments posted to these sites must be monitored or the ability to post a comment shall be turned off. Comments must adhere to the guidelines stated in the Social Media Use Policy.