

CITY OF INDUSTRY

CITY COUNCIL
SPECIAL MEETING
AGENDA

APRIL 25, 2024
11:15 AM



Mayor Cory C. Moss
Mayor Pro Tem Cathy Marcucci
Council Member Michael Greubel
Council Member Mark D. Radecki
Council Member Newell Ruggles

Location: City Council Chambers,
15651 Mayor Dave Way, City of Industry
California

Addressing the City Council:

< **Agenda Items:** Members of the public may address the Council on any matter listed on the Agenda. Anyone wishing to speak to the Council is asked to complete a Speaker's Card which can be found at the back of the room and at the podium. The completed form should be submitted to the City Clerk prior to the Agenda item being called and prior to the individual being heard by the Council.

< **Public Comments (Agenda Items Only):** During public comments, if you wish to address the City Council during this Special Meeting, under Government Code Section 54954.3(a), you may only address the City Council concerning any item that has been described in the notice for the Special Meeting.

< At the time of publication, no Councilmembers intend to take part in the meeting remotely under the provisions of AB 2449. Should that change between the time of publication and the start of the meeting, a live webcasting of the meeting will be accessible via the link, meeting ID, and meeting passcode listed below. Whenever possible, an announcement will be made at the start of the meeting via the live webcast to confirm whether or not a Councilmember will join remotely. If they will not be joining remotely, then the live webcast will terminate after the announcement

www.microsoft.com/microsoft-teams/join-a-meeting

Meeting ID: 294 176 710 324

Meeting Passcode: 8GFWcN

Or call in (audio only)

+1 657-204-3264.

Phone Conference ID: 439 493 263#

Americans with Disabilities Act:

< In compliance with the ADA, if you need special assistance to participate in any City meeting (including assisted listening devices), please contact the City Clerk's Office (626) 333-2211. Notification of at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting.

Agendas and other writings:

< In compliance with SB 343, staff reports and other public records permissible for disclosure related to open session agenda items are available at City Hall, 15625 East Stafford Street, Suite 100, City of Industry, California, at the office of the City Clerk during regular business hours, Monday through Thursday 8:00 a.m. to 5:00 p.m., Friday 8:00 a.m. to 4:00 p.m. Any person with a question concerning any agenda item may call the City Clerk's Office at (626) 333-2211.

1. Call to Order
2. Flag Salute
3. AB 2449 Vote on Emergency Circumstances (if necessary)
4. Roll Call
5. Presentation-None

6. **CONSENT CALENDAR**

- 6.1 Consideration of Resolution No. CC 2024-14 Declaring an Emergency Condition at Tonner Canyon, and Declaring that the Public Interest and Necessity Require Certain Work to be Performed without Competitive Bidding Pursuant to California Public Contract Code Section 22050 and Section 3.52.110 of the City's Municipal Code, and adopting a Notice of Exemption regarding same

RECOMMENDED ACTION: Adopt Resolution No. CC 2024-14

7. **ACTION ITEM**

- 7.1 Consideration of Resolution No. CC 2024-13 - A Resolution of the City Council of the City of Industry, California, designating the positions of City Manager and Assistant City Manager as the City's agents to provide required assurances and execute agreements for the purposes of obtaining financial assistance from the federal emergency management agency and the State of California Governor's Office of Emergency Services for Disaster Aid

RECOMMENDED ACTION: Adopt Resolution No. CC 2024-13

8. **PUBLIC HEARINGS-NONE**

9. **CITY MANAGER REPORTS**

10. **AB 1234 REPORTS**

11. **CITY COUNCIL COMMUNICATIONS**

12. Adjournment. The next regular City Council Meeting is Thursday, May 9, 2024, at 9:00 a.m.

CITY COUNCIL

ITEM NO. 6.1

Backup Material will be distributed prior to Meeting

CITY COUNCIL MEETING
APRIL 25, 2024

ITEM NO. 6.1
HANDOUT



CITY OF INDUSTRY

MEMORANDUM

TO: Honorable Mayor Moss and Members of the City Council

FROM: Joshua Nelson, City Manager

STAFF: Mathew Hudson, Engineering Manager
James Cramsie, Director of Engineering, CNC Engineering

DATE: April 25, 2024

SUBJECT: Consideration of Resolution No. CC 2024-14 Declaring an Emergency Condition and Declaring an Emergency Condition at Tonner Canyon, and Declaring that the Public Interest and Necessity Require Certain Work to be Performed without Competitive Bidding Pursuant to California Public Contract Code Section 22050 and Section 3.52.110 of the City's Municipal Code, and adopting a Notice of Exemption regarding same

Background:

The City retains title to approximately 3,126 acres of land commonly known as “Tonner Canyon”, at 15550 Tonner Canyon Road, Brea, California (“Property”). The Property is situated in the Chino Hills, in a portion of unincorporated Los Angeles County, adjacent to the cities of Chino Hills and Diamond Bar, and Unincorporated Orange County to the south. The Property is currently served by a single, narrow, paved access road. The road provides access for and to the Boy Scouts to access its campsites, the Los Angeles County Sheriff's department training facilities, and City owned water tanks. Running along and crossing the road at multiple locations is Brea Creek. At these crossings, there are culverts, that range in size from a single 24” diameter pipe to two-60” diameter pipes. Many of these culverts were installed back in the 1950s or before.

During a rain event in early December 2023, one of the culvert locations failed, causing the roadway to collapse and become impassable. The culvert consisted of two-60” Corrugated Metal Pipes (“CMP”). The collapse was caused by the deterioration of the flowline of one of the CMPs, and the road was not able to support the weight of traffic. Subsequent storms further washed away the roadway and in addition, caused an existing waterline that crossed over the culvert to break.

The emergency work is necessary because the roadway is the only paved access as noted above. Access to the City water tanks is necessary as those tanks provide water supply to the whole Tonner Property, including fire hydrants located along Tonner Canyon Road. These tanks need to be inspected frequently and must also be accessible for maintenance. A stable water supply is necessary not only for providing water for uses such as Boy Scout campsite and the Sheriff's training, but also for potential fire suppression and we enter the fire season. Because the deterioration of the culvert pipes

was not visible from the roadway, it was not discovered until it had partially collapsed during a storm event and the flow of water in Brea Creek from that storm event continued to erode at the roadway.

Due to the number of storm events during this past rainy season, the condition made it challenging to perform the work in a safe manner. In addition, since the entire culvert needed to be replaced, an engineered plan needed to be prepared to ensure the new culvert would be stable for as long as the one that collapsed, if not longer. Finally, the City requested quotes from multiple contracts which required time.

The work consists of the items noted below:

Removal of the existing culvert pipes, including upstream PCC headwall;
Repair of existing waterline;
Excavate and install two new 60" diameter High Density Polyethylene Pipe (HDPE);
Construct new PCC upstream headway;
Backfill and compact around new culvert pipe;
Construction slurry backfill around existing waterline; and
Regrade roadway and construct 6" thick AC pavement.

Discussion:

The City has adopted the Uniform Public Construction Cost Accounting Act ("Act"), and under the provisions of the Act (California Public Contract Code Section 22035(b)), and Section 3.52.110 of the City's Code, in the event of an emergency, upon a four-fifths vote by the City Council, the City may procure any necessary equipment, services and supplies for the emergency without engaging in the competitive bidding process. In accordance with the provisions of Section 22050(a)(2) of the Public Contract Code, it is necessary for the City Council to make a finding that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

The City Council's adoption of Resolution No. CC 2024-14 would make the findings needed pursuant to the California Public Contract Code Section 22050 to allow the City Manager to immediately retain the services necessary to complete the work.

Pursuant to California Public Contracts Code Section 22050, the City Council will be provided project updates at every regularly scheduled Council meeting until the project is completed.

This project is exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.), pursuant to Sections 15269(a), (b) and (c) of the CEQA Guidelines, which exempt emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare, and specific actions necessary to prevent or mitigate an emergency. Accordingly, Staff has prepared a Notice of Exemption for the City Council's consideration.

Fiscal Impact:

The estimated cost of the Tonner Canyon Culvert Emergency Repair project is approximately \$250,000.00, including a 10 percent contingency. While this project was not accounted for in the FY 23-24 Capital Improvement Project budget, the funds will be shifted from another project to Account No. 120-714-5205 (MP 00-20 #22). This work is necessary to repair the damages sustained during the early February winter storms, which is a declared state and federal disaster event. Staff will seek reimbursement for this work through FEMA's Public Assistance program.

Recommendations:

- 1) Staff recommends that the City Council adopt Resolution CC 2024-14; and
- 2) Award the project, under Contract CITY-1522, LA Engineering Inc. in an amount of \$249,950.00; and
- 3) Authorize the City Manager to approve change orders up to ten percent of the contract amount; and
- 4) Adopt the Notice to Exemption for this project.

Exhibits:

- A. Resolution No. CC 2024-14
 - B. Notice of Exemption
-

JN/MH/JC:jf

EXHIBIT A

Resolution No. CC 2024-14

[Attached]

RESOLUTION NO. CC 2024-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, DECLARING AN EMERGENCY CONDITION AT TONNER CANYON, AND DECLARING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE CERTAIN WORK TO BE PERFORMED WITHOUT COMPETITIVE BIDDING PURSUANT TO CALIFORNIA PUBLIC CONTRACT CODE SECTION 22050 AND SECTION 3.52.110 OF THE CITY'S MUNICIPAL CODE, AND ADOPTING A NOTICE OF EXEMPTION REGARDING SAME

RECITALS

WHEREAS, the City retains title to approximately 3,126 acres of land commonly known as Tonner Canyon, at 15550 Tonner Canyon Road, Brea, California ("Property"). The Property is situated in the Chino Hills, in a portion of unincorporated Los Angeles County, adjacent to the cities of Chino Hills and Diamond Bar, and Unincorporated Orange County to the south; and

WHEREAS, the Property is currently served by a single, narrow, paved access road. The road provides access for and to the Boy Scouts to access its campsites, the Los Angeles County Sheriff's department training facilities, and City owned water tanks. Running along and crossing the road at multiple locations is Brea Creek. At these crossings, there are culverts, that range in size from a single 24" diameter pipe to two-60" diameter pipes. Many of these culverts were installed back in the 1950s or before; and

WHEREAS, during a rain event in early December 2023, one of the culvert locations failed, causing the roadway to collapse and become impassable. The culvert consisted of two-60" Corrugated Metal Pipes ("CMP"). The collapse was caused by the deterioration of the flowline of one of the CMPs, and the road was not able to support the weight of traffic. Subsequent storms further washed away the roadway and in addition, caused an existing waterline that crossed over the culvert to break; and

WHEREAS, the emergency work is necessary because the roadway is the only paved access as noted above. Access to the City water tanks is necessary as those tanks provide water supply to the whole Tonner Property, including fire hydrants located along Tonner Canyon Road. These tanks needs to be inspected frequently and must also be accessible for maintenance. A stable water supply is necessary not only for providing water for uses such as Boy Scout campsite and the Sheriff's training, but also for potential fire suppression and we enter the fire season. Because the deterioration of the culver pipes was not visible from the roadway, it was not discovered until it had partially collapsed during a storm event and the flow of water in Brea Creek from that storm event continued to erode at the roadway; and

WHEREAS, the City has adopted the Uniform Public Construction Cost Accounting Act (“Act”), and under the provisions of the Act (California Public Contract Code Section 22035(b)), and Section 3.52.110 of the City’s Municipal Code, in the event of an emergency, upon a four-fifths vote by the City Council, the City may procure any necessary equipment, services and supplies for the emergency without engaging in the competitive bidding process; and

WHEREAS, in February 2024, Governor Newsom proclaimed a state of emergency for eight counties in Southern California, including Orange and Los Angeles counties as a result of the series of winter storms that yielded damaging rains in the region; and

WHEREAS, the emergency will not permit a delay resulting from a competitive solicitation for bids, and immediate action is necessary to respond to the emergency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDUSTRY DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. The City Council finds that all of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

SECTION 2. The emergency work is necessary because the roadway is the only paved access to the Property. Access to the City water tanks is necessary as those tanks provide water supply to the whole Property, including fire hydrants located along Tonner Canyon Road. These tanks need to be inspected frequently and must also be accessible for maintenance. A stable water supply is necessary not only for providing water for uses such as Boy Scout campsite and the Sheriff’s training, but also for potential fire suppression and we enter the fire season. Because the deterioration of the culver pipes was not visible from the roadway, it was not discovered until it had partially collapsed during a storm event and the flow of water in Brea Creek from that storm event continued to erode at the roadway. Further, due to the number of storm events during this past rainy season, the condition made it challenging to perform the work in a safe manner. In addition, since the entire culvert needed to be replaced, an engineered plan needed to be prepared to ensure the new culvert would be stable for as long as the one that collapsed, if not longer.

SECTION 3. Based on the foregoing, pursuant to California Public Contract Code Section and 22050 and Section 3.52.110 of the City’s Municipal Code, the City Council hereby finds that an emergency situation exists and declares that the public interest and necessity demand the immediate expenditure of public money for such repair work to safeguard life, health, and property without complying with the competitive bidding requirements of the California Public Contract Code. The emergency will not permit a delay resulting from a competitive solicitation for bids, and the action is necessary to respond to the emergency. The City Council hereby waives competitive bidding under Public Contract Code 22050, and Section 3.52.110 of the City’s Municipal Code.

SECTION 4. The City Council hereby approves an agreement between the City and LA Engineering Inc to perform the required emergency services, and authorizes the City Manager to execute all necessary contracts and documents with a qualified contractor(s) or vendor(s) in addition to the aforementioned agreement, for the Tonner Canyon emergency repair project.

SECTION 5. The City Council shall review the emergency action at every regularly scheduled meeting until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action.

SECTION 6. Based upon independent review and consideration of the information contained in the Staff Report and the Notice of Exemption, the City Council hereby finds and determines that the emergency repairs are exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 *et seq.*), pursuant to Sections 15269(a) (b) and (c) of the CEQA Guidelines, which exempt emergency repairs to facilities damaged as a result of a disaster in an area in which a state of emergency has been proclaimed by the Governor. In February 2024, Governor Newsom proclaimed a state of emergency for eight counties in Southern California, including Orange and Los Angeles counties as a result of the series of winter storms that yielded damaging rains in the region. These rains caused the roadway collapse, which now requires emergency repairs. Further, publicly owned service facilities necessary to maintain service essential to the public health, safety or welfare, and specific actions necessary to prevent or mitigate an emergency are exempt pursuant to Sections 15269(b) and (c). The emergency repairs are necessary to maintain the water supply at the Property and to prevent any issues related to fire mitigation. Based on these findings, the City Council adopts the Notice of Exemption and directs staff to file same as required by law.

SECTION 7. The provisions of this Resolution are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Resolution or their applicability to other persons or circumstances.

SECTION 8. That the City Clerk shall certify to the adoption of this Resolution and that the same shall be in full force and effect.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Industry at a special meeting held on April 25, 2024 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Cory C. Moss, Mayor

ATTEST:

Julie Gutierrez-Robles, City Clerk

EXHIBIT B

Notice of Exemption

[Attached]

NOTICE OF EXEMPTION

To: County Clerk
County of Los Angeles
Environmental Filings
12400 East Imperial Highway #2001
Norwalk, CA 90650

From: City of Industry
15625 Mayor Dave Way
City of Industry, CA 91744

Project Title: CITY-1522 – Miscellaneous Drainage Improvements at Tonner Canyon

Project Location - Specific: Tonner Canyon

Project Location-City: Unincorporated County **Project Location-County:** Los Angeles

Description of Project: The project involves replacement of the existing washed out culvert along Tonner Canyon Road at a cross of the Brea Creek, including restoration of the existing paved access road.

Name of Public Agency Approving Project: City of Industry

Name of Person or Agency Carrying Out Project: City of Industry

Exempt Status: (*check one*)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(a)(b)(c));
- Categorical Exemption. *State type and section number:*
- Statutory Exemptions. *State code number:*

Reasons why project is exempt: The proposed project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Sections 15269(a) (b) and (c) of the CEQA Guidelines, which exempt emergency repairs to facilities damaged as a result of a disaster in an area in which a state of emergency has been proclaimed by the Governor. In February 2024, Governor Newsom proclaimed a state of emergency for eight counties in Southern California, including Orange and Los Angeles counties as a result of the series of winter storms that yielded damaging rains in the region. These rains caused the roadway collapse, which now requires emergency repairs. Further, publicly owned service facilities necessary to maintain service essential to the public health, safety or welfare, and specific actions necessary to prevent or mitigate an emergency are exempt pursuant to Sections 15269(b) and (c). The emergency repairs are necessary to maintain the water supply at Tonner Canyon and to prevent any issues related to fire mitigation.

Lead Agency

Contact Person: Mathew Hudson Telephone: (626) 333-2211

Signature: _____ Date: April 25, 2024

Title: Engineering Manager

CITY COUNCIL

ITEM NO. 7.1



CITY OF INDUSTRY

MEMORANDUM

TO: Honorable Mayor Moss and Members of the City Council
FROM: Joshua Nelson, City Manager
STAFF: Bing Hyun, Assistant City Manager
DATE: 04/25/2024
SUBJECT: Consideration of Resolution No. CC 2024-13 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, DESIGNATING THE POSITIONS OF CITY MANAGER AND ASSISTANT CITY MANAGER AS THE CITY'S AGENTS TO PROVIDE REQUIRED ASSURANCES AND EXECUTE AGREEMENTS FOR THE PURPOSES OF OBTAINING FINANCIAL ASSISTANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE STATE OF CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES FOR DISASTER AID

BACKGROUND

On March 1, 2024, the Governor of the State of California proclaimed a state of emergency to exist in 13 counties in California, including Los Angeles County, due to the early February 2024 Storms. On April 13, 2024, the President of the United States declared the event a major disaster, thereby making federal disaster aid available to several counties in California, including Los Angeles County, for Severe Winter Storms, Tornadoes, Flooding, Landslides, and Mudslides between January 31 to February 9, 2024.

DISCUSSION

Following the state and presidential declarations, local jurisdictions may request public assistance in the form of financial reimbursements from the Federal Emergency Management Agency ("FEMA") and the State of California Governor's Office of Emergency Services ("Cal OES"). Under the Public Assistance Program ("PA Program"), FEMA will reimburse cities for eligible costs such as emergency response, protective measures, roads, buildings, and equipment. The City is seeking reimbursement for road and culvert damages at Tonner Canyon, damage due to flooding in the pumphouse at Gale Avenue and Azusa Avenue, and roof leaks at the Expo Center Pavilion.

In order to request recovery funds, a Request of Public Assistance ("RPA") application package must be submitted to Cal OES by May 13, 2024. The RPA application package must include: 1) Designation of Applicant's Agent Resolution for Non-State Agencies (Form OES-FPD-130); 2) Request for Public Assistance (FEMA Form 009-0-49); 3) Project Assurances for Federal Assistance (Form OES-FPD-89); and 4) List of Authorized Agents (Form OES-FPD-012).

"Designation of Applicant's Agent Resolution for Non-State Agencies" is a Cal OES form that designates and authorizes positions within the City to execute applications for federal and state assistance on behalf of the City. City Council approval of the form is needed prior to submitting the form to Cal OES. To comply with these provisions, Staff recommends the City Council approve the submittal of Cal OES Form 130 (Exhibit A) and designate the positions of City Manager and Assistant City Manager as the authorized agents who may apply for public assistance and recovery funding on behalf of the City for declared disasters for a three-year period.

FISCAL IMPACT

There is no fiscal impact for adopting Resolution No. CC 2024-13 and submitting the RPA application package. If the City is successful in receiving reimbursement, the City would be eligible to recover up to 93.75% (75% FEMA, 18.75% Cal OES) of eligible costs incurred.

RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. CC 2024-13 approving the Cal OES Designation of Applicant's Agent Resolution for Non-State Agencies.

Attachments

- A. Resolution No. CC 2024-13 including Exhibit A - Cal OES Form OES-FPD-130 "Designation of Applicant's Agent Resolution for Non-State Agencies"
- B. Request for Public Assistance (FEMA Form 009-0-49)
- C. Project Assurances for Federal Assistance (Form OES-FPD-89)
- D. List of Authorized Agents (Form OES-FPD-012)

RESOLUTION NO. CC 2024-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, DESIGNATING THE POSITIONS OF CITY MANAGER AND ASSISTANT CITY MANAGER AS THE CITY'S AGENTS TO PROVIDE REQUIRED ASSURANCES AND EXECUTE AGREEMENTS FOR THE PURPOSES OF OBTAINING FINANCIAL ASSISTANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE STATE OF CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES FOR DISASTER AID

RECITALS

WHEREAS, on March 1, 2024, the Governor of the State of California proclaimed a state of emergency to exist in 13 counties in California, including Los Angeles County, due to the early February 2024 Storms; and

WHEREAS, on April 13, 2024, the President of the United States of America declared the event a major disaster, thereby making federal disaster aid available to several counties in California, including Los Angeles County, for Severe Winter Storms, Tornadoes, Flooding, Landslides, and Mudslides between January 31 to February 9, 2024; and

WHEREAS, following the presidential and state declarations, local jurisdictions may request public assistance in the form of financial reimbursements from the Federal Emergency Management Agency ("FEMA") and the State of California Governor's Office of Emergency Services ("Cal OES"); and

WHEREAS, the City incurred expenses due to road and culvert damages at Tonner Canyon, damage due to flooding in the pumphouse of Gale Avenue and Azusa, and roof leaks at the Expo Center Pavilion as a result of the major disaster, and those costs are eligible for FEMA and Cal OES financial assistance; and

WHEREAS, in order for FEMA and Cal OES to begin processing a request for public assistance, the City Council must designate City agents responsible for providing required assurances and executing agreements with FEMA and Cal OES on behalf of the City, and approve the corresponding Cal OES Form OES-FPD-130; and

WHEREAS, City Staff recommends that the form designate agents by position, instead of specific names, and be effective for all open and future disasters declared by the state or federal government up to three years following the date of approval, so as to expedite processing of requests for in the future; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDUSTRY DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. The City Council finds that all of the facts set forth in the Recitals are true and correct and are incorporated herein by reference.

SECTION 2. The City Council hereby designates the positions of City Manager and Assistant City Manager, as the City’s agents to provide required assurances and execute agreements for the purposes of obtaining financial assistance from FEMA and Cal OES for disaster aid; approving the Cal OES Form OES-FPD-130, attached to the Resolution as Exhibit A and incorporated herein by reference; and authorizing the City Manager to file the Cal OES Form with Cal OES and submit all related documentation.

SECTION 3. The City Manager, or his designee, is hereby authorized and directed to take such other and further action consistent with this Resolution, in order to implement this Resolution on behalf of the City.

SECTION 4. The provisions of this Resolution are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Resolution or their applicability to other persons or circumstances.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution and that the same shall be in full force and effect.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Industry at a special meeting held on April 25, 2024, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

Cory C. Moss, Mayor

ATTEST:

Julie Gutierrez-Robles, City Clerk

EXHIBIT A

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE
AGENCIES
(CAL OES FORM OES-FPD-130)**

[ATTACHED]



DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES

BE IT RESOLVED BY THE City Council OF THE City of Industry
 (Governing Body) (Name of Applicant)

THAT City Manager, OR
 (Title of Authorized Agent)

Assistant City Manager, OR
 (Title of Authorized Agent)

 (Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the City of Industry,
 (Name of Applicant)

a public entity established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining federal financial assistance for any existing or future grant program, including, but not limited to any of the following:

- **Federally declared Disaster (DR), Fire Mitigation Assistance Grant (FMAG), California State Only Disaster (CDAA), Immediate Services Program (ISP), Hazard Mitigation Grant Program (HMGP), Building Resilient Infrastructure and Communities (BRIC), Legislative Pre-Disaster Mitigation Program (LPDM)**, under
- Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.
- **Flood Mitigation Assistance Program (FMA)**, under Section 1366 of the National Flood Insurance Act of 1968.
- **National Earthquake Hazards Reduction Program (NEHRP)** 42 U.S. Code 7704 (b) ((2) (A) (ix) and 42 U.S. Code 7704 (b) (2) (B) National Earthquake Hazards Reduction Program, and also The Consolidated Appropriations Act, 2018, Div. F, Department of Homeland Security Appropriations Act, 2018, Pub. L. No. 115-141
- **California Early Earthquake Warning (CEEW)** under CA Gov Code – Gov, Title 2, Div. 1, Chapter 7, Article 5, Sections 8587.8, 8587.11, 8587.12

That the City of Industry, a public entity established under the
 (Name of Applicant)

laws of the State of California, hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.



Please check the appropriate box below

- This is a universal resolution and is effective for all open and future disasters/grants declared up to three (3) years following the date of approval.
- This is a disaster/grant specific resolution and is effective for only disaster/grant number(s): _____

Passed and approved this 25th day of April, 2024

Cory Moss, Mayor

(Name and Title of Governing Body Representative)

Cathy Marcucci, Mayor Pro Tem

(Name and Title of Governing Body Representative)

 (Name and Title of Governing Body Representative)

CERTIFICATION

I, **Julie Gutierrez-Robles**, duly appointed and **City Clerk** of

 (Name) (Title)

City of Industry, do hereby certify that the above is a true and

 (Name of Applicant)

correct copy of a resolution passed and approved by the **City Council**

 (Governing Body)

of the **City of Industry** on the 25th day of April, 2024.

 (Name of Applicant)

City Clerk

 (Signature)

 (Title)



Cal OES Form 130 Instructions

A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted resolution is older than three (3) years from the last date of approval, is invalid, or has not been submitted.

When completing the Cal OES Form 130, Applicants should fill in the blanks on pages 1 and 2. The blanks are to be filled in as follows:

Resolution Section:

Governing Body: This is the group responsible for appointing and approving the Authorized Agents.

Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

Name of Applicant: The public entity established under the laws of the State of California.

Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the California Governor's Office of Emergency Services regarding grants for which they have applied. There are two ways of completing this section:

1. **Titles Only:** The titles of the Authorized Agents should be entered here, not their names. This allows the document to remain valid if an Authorized Agent leaves the position and is replaced by another individual. If "Titles Only" is the chosen method, this document must be accompanied by either a cover letter naming the Authorized Agents by name and title, or the Cal OES AA Names document. The supporting document can be completed by any authorized person within the Agency (e.g., administrative assistant, the Authorized Agent, secretary to the Director). It does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document, or their title changes.



Checking Universal or Disaster-Specific Box: A Universal resolution is effective for all past disasters and for those declared up to three (3) years following the date of approval. Upon expiration it is no longer effective for new disasters, but it remains in effect for disasters declared prior to expiration. It remains effective until the disaster goes through closeout unless it is superseded by a newer resolution.

Governing Body Representative: These are the names and titles of the approving Board Members.

Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents. A minimum of three (3) approving board members must be listed. If less than three are present, meeting minutes must be attached in order to verify a quorum was met.

Certification Section:

Name and Title: This is the individual in attendance who recorded the creation and approval of this resolution.

Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member. If a person holds two positions (such as City Manager and Secretary to the Board) and the City Manager is to be listed as an Authorized Agent, then that person could sign the document as Secretary to the Board (not City Manager) to eliminate "Self-Certification."

ATTACHMENT B
REQUEST FOR PUBLIC ASSISTANCE
FEMA FORM 009-0-49

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
REQUEST FOR PUBLIC ASSISTANCE

OMB Control Number 1660-0017
Expires June 30, 2020

Paperwork Burden Disclosure Notice			
Public reporting burden for this data collection is estimated to average 15 minutes per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting this form. This collection of information is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, Paperwork Reduction Project (1660-0017) NOTE: Do not send your completed form to this address.			
Privacy Act Statement			
Authority: FEMA is authorized to collect the information requested pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, §§ 402-403, 406-407, 417, 423, and 427, 42 U.S.C. 5170a-b, 5172-73, 5184, 5189a, 5189e; The American Recovery and Reinvestment Act of 2009, Public Law No. 111-5, § 601; and "Public Assistance Project Administration," 44 C.F.R. §§ 206.202, and 206.209.			
APPLICANT (Political subdivision or eligible applicant) City of Industry			DATE SUBMITTED Apr 25, 2024
COUNTY (Location of Damages. If located in multiple counties, please indicate) Los Angeles			
APPLICANT PHYSICAL LOCATION			
STREET ADDRESS 15625 Mayor Dave Way			
CITY Industry	COUNTY Los Angeles	STATE CA	ZIP CODE 91744
MAILING ADDRESS (If different from Physical Location)			
STREET ADDRESS			
POST OFFICE BOX	CITY	STATE	ZIP CODE
Primary Contact/Applicant's Authorized Agent		Alternate Contact	
NAME Joshua Nelson		NAME Bing Hyun	
TITLE City Manager		TITLE Assistant City Manager	
BUSINESS PHONE 626-333-2211		BUSINESS PHONE 626-333-2211	
FAX NUMBER 626-961-6795		FAX NUMBER 626-961-6795	
HOME PHONE (Optional)		HOME PHONE (Optional)	
CELL PHONE		CELL PHONE	
E-MAIL ADDRESS jnelson@cityofindustry.org		E-MAIL ADDRESS bhyun@cityofindustry.org	
PAGER & PIN NUMBER		PAGER & PIN NUMBER	
Did you participate in the Federal/State Preliminary Damage Assessment (PDA)? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
Private Non-Profit Organization? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
If yes, which of the facilities identified below best describe your organization? _____			
Title 44 CFR, part 206.221(e) defines an eligible private non-profit facility as: "... any private non-profit educational, utility, emergency, medical or custodial care facility, including a facility for the aged or disabled, and other facility providing essential governmental type services to the general public, and such facilities on Indian reservations." "Other essential governmental service facility means museums, zoos, community centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops and facilities which provide health and safety safety services of a governmental nature. All such facilities must be open to the general public."			
Private Non-Profit Organizations must attach copies of their Tax Exemption Certificate and Organization Charter or By-Laws. If your organization is a school or educational facility, please attach information on accreditation or certification.			
OFFICIAL USE ONLY: FEMA - _____ -DR- _____ - _____ FIPS# _____ DATE RECEIVED _____			

ATTACHMENT C
PROJECT ASSURANCES FOR FEDERAL ASSISTANCE
FORM OES-FPD-089



Disaster No: FEMA-DR-4769-CA
 Cal OES ID No: 06-37-36490
 UEI No: 078824471

PROJECT ASSURANCES FOR FEDERAL ASSISTANCE

SUBRECIPIENT'S NAME: City of Industry
 (Name of Organization)

PRIMARY MAILING ADDRESS: 15625 Mayor Dave Way

CITY: Industry STATE: CA ZIP CODE: 91744

TELEPHONE: 626-333-2211 FAX NUMBER: 626-961-6795

CA ASSEMBLY DIST: 56 CA SENATE DIST: 30 U.S. CONGRESSIONAL DIST: 31, 38

Visit sos.ca.gov/elections/who-are-my-representatives to find your district number.

AUTHORIZED AGENT: Joshua Nelson

TITLE: City Manager

EMAIL ADDRESS: jnelson@cityofindustry.org

ASSURANCES – CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to all your projects. If you have questions, please contact the California Governor's Office of Emergency Services. Further, certain federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the subrecipient named above:

1. Has the legal authority to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project costs) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, Federal Office of Inspector General 2 CFR 200.336, and if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.



3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project.
4. Will comply with the requirements of the assistance-awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or state.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gains.
8. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.), which prohibits the use of lead-based paint in construction or rehabilitation of residential structures.
9. Will comply with all federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibit discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255) as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd- 3 and 290 ee-3) as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of



1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made, and (j) the requirements on any other non-discrimination statute(s) which may apply to the application.

10. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal and federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.
11. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$5,000 or more.
12. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.O. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.O. 93-205).
13. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
14. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).



15. Will comply with Standardized Emergency Management (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1(e) and CCR Title 19, Sections 2445, 2446, 2447, and 2448.
16. Subrecipients expending \$750,000 or more in federal grant funds annually are required to secure an audit pursuant to OMB Uniform Guidance 2 CFR Part 200, Subpart F. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 and the Single Audit Act Amendments of 1996.
17. Will disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with §200.112.
18. Will comply with all applicable requirements of all other federal laws, Executive Orders, regulations and policies governing this program.
19. Has requested through the State of California, federal financial assistance to be used to perform eligible work approved in the subrecipient application for federal assistance. Will, after the receipt of federal financial assistance, through the State of California, agree to the following:
 - a. The state warrant covering federal financial assistance will be deposited in a special and separate account and will be used to pay only eligible costs for projects described above.
 - b. To return to the State of California such part of the funds so reimbursed pursuant to the above numbered application, which are excess to the approved actual expenditures as accepted by final audit of the federal or state government.
 - c. In the event the approved amount of the above numbered project application is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California.
20. The non-Federal entity for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award §200.113. Failure to make required disclosures can result in any of the remedies described in §200.338 Remedies for noncompliance, including suspension or debarment.



21. Will not make any award or permit any award (subaward or contract) to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 and 12689, "Debarment and Suspension."

"I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized by City of Industry
 (Name of Organization)

to enter into this agreement for and on behalf of said subrecipient, and by my signature do bind the subrecipient to the terms thereof."

Joshua Nelson

PRINTED NAME

SIGNATURE OF AUTHORIZED AGENT

City Manager

TITLE

4/25/24

DATE

ATTACHMENT D
LIST OF AUTHORIZED AGENTS
FORM OES-FPD-012



LIST OF AUTHORIZED AGENTS

OES-FPD-012 (Rev. 09-2022)

List of Authorized Agents

Entity Name:

Cal OES ID:

- Enter each Authorized Agent (AA) as listed on the Designation of Applicant's Agent Resolution (Cal OES 130) for Non-State Agencies **or** as it appears on the Signature Authority (Cal OES 130SA) for California State Agencies.
- Check box to receive electronic copies of Cal OES Notification of Obligation and/or Payment packages. (Minimum 1 AA.)
- Email addresses must use an email that shares the official entity URL.

Authorized Agent Name	Authorized Agent Title	Email Address	Email Pkg?
<input type="text" value="Joshua Nelson"/>	<input type="text" value="City Manager"/>	<input type="text" value="jnelson@cityofindustry.org"/>	<input checked="" type="checkbox"/>
<input type="text" value="Bing Hyun"/>	<input type="text" value="Assistant City Manager"/>	<input type="text" value="bhyun@cityofindustry.org"/>	<input checked="" type="checkbox"/>
<input type="text" value="Sam Pedroza"/>	<input type="text" value="Assistant City Manager"/>	<input type="text" value="spedroza@cityofindustyr.org"/>	<input checked="" type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>

• An Approved Contact may be designated by an AA to request or receive information on grant payment status. Add them by inputting their information below. (Ex. Accounting/Admin offices) Must use an official email URL.

Approved Contact Name	Approved Contact Title	Email Address	Email Pkg?
<input type="text" value="Elise Calvo"/>	<input type="text" value="City Treasurer"/>	<input type="text" value="ecalvo@cityofindustry.org"/>	<input checked="" type="checkbox"/>
<input type="text" value="Kathy Tai"/>	<input type="text" value="Administrative and Development Services Manager"/>	<input type="text" value="ktai@cityofindustry.org"/>	<input checked="" type="checkbox"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="checkbox"/>

Please use a second page if more space is needed.