



AGENDA
REGULAR CITY COUNCIL /
REDEVELOPMENT AGENCY MEETING
TUESDAY, FEBRUARY 23, 2010, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

NOTE: Students in Government Day participants will be present at the City Council meeting and sit with their counterparts.

CITY COUNCIL:

Mayor Curtis W. Morris
Mayor Pro Tem Denis Bertone
Councilmember Emmett Badar
Councilmember John Ebner
Councilmember Jeff Templeman

1. CALL TO ORDER

2. RECOGNITIONS

- Proclaim March 3, 2010 Arbor Day to support efforts to protect our trees and woodlands.

3. ANNOUNCEMENTS

- a. 50th Anniversary Flashbacks
- b. Pui-Ching Ho, Librarian, San Dimas Library
- c. Maylene Luzod, Community Development Manager, American Cancer Society Relay for Life
- d. Announce April 21, 2010 as *Earth Day in San Dimas*

4. ORAL COMMUNICATIONS (Members of the audience are invited to address the City Council on any item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time or asked to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

- a. Members of the Audience

5. CONSENT CALENDAR

(All items on the Consent Calendar are considered to be routine and will be enacted by one motion unless a member of the City Council requests separate discussion.)

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:

- (1) **RESOLUTION NO. 10-05**, A Resolution of the City Council of the City of San Dimas approving certain demands for the month of February, 2010.

- (2) **RESOLUTION NO. 10-06**, A Resolution of the City Council of the City of San Dimas authorizing the City Engineer to proceed with the preparation of annual reports for the annual Levy of Assessments for the Boulevard Open Space Maintenance District (TR 32818).
 - (3) **RESOLUTION NO. 10-07**, A Resolution of the City Council of the City of San Dimas authorizing the City Engineer to proceed with the preparation of annual reports for the annual Levy of Assessments for the Northwoods Open Space Maintenance District (TR 32841).
 - (4) Application to Statewide Park Development and Community Revitalization Program for the Walnut Creek Habitat and Open Space Area:
RESOLUTION NO. 10-08, A Resolution of the City Council of the City of San Dimas, California approving the submittal of an application for Statewide Park Program Grant Funds.
- b. Approval of minutes for the regular meeting of February 9, 2010 and special meeting of February 9, 2010.
 - c. Safe Routes to Schools Grant - Speed Feedback Signs at Holy Name of Mary School and Ed Jones Educational Center/Chaparral High School
 - 1. Appropriation of \$55,000 from the Infrastructure Fund
 - 2. Approval of Change Order to CC 2007-07 for Macadee Electrical in the amount of \$83,988 for sign improvements.

END OF CONSENT CALENDAR

6. ORDINANCES

- a. Designate public places for posting of official notices and identify temporary relocation of the City Council Chambers.
 - 1) **ORDINANCE NO. 1195**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS PROVIDING FOR THE TEMPORARY RELOCATION OF THE CITY COUNCIL CHAMBERS, IDENTIFYING THE LOCATION FOR THE POSTING OF OFFICIAL NOTICES, AMENDING THE SAN DIMAS MUNICIPAL CODE AND PROVIDING FOR ITS ADOPTION AS AN URGENCY ORDINANCE. **URGENCY ORDINANCE**

7. OTHER MATTERS

- a. Award of multiple Prime Contractors for the renovation and expansion of the City Hall, Civic Center Plaza and Stanley Plummer Community Building in the stated work categories.

Category	Trade	Company	Base Bid	Alternates
#1	Demolition & Abatement	American Demolition	\$397,000	\$ 62,000
#2	Earthwork	L.D. Anderson	\$ 99,492	\$ 8,000
#3	Site / Offsite Utilities	Boudreau Pipeline Corp	\$137,783	
#4	Asphalt Paving	All American Asphalt	\$ 33,740	\$105,135
#5	Site / Offsite Concrete	K.A.R. Construction	\$137,700	\$ 14,250
#6	Unit Pavers	Diversified Landscape	\$ 82,500	
#7	Fountain	Outside the Lines	\$142,317	

#8	Landscaping & Irrigation	Diversified Landscape	\$128,500	
#9	Reinforcing	Rebar Engineering	\$208,325	\$ 950
#10	Building Concrete	Dominguez Construction	\$737,981	
#11	Masonry Veneer	American Tile & Brick	\$139,999	
#12	Structural & Misc. Steel	Triad Steel	\$256,163	\$ 3,480
#13	Metal Decking	Anning-Johnson Company	\$ 65,650	
#14	Architectural Woodwork	Lozano Caseworks Inc.	\$186,880	
#15	Waterproofing	Best Contracting Services	\$ 24,138	
#16	Building Insulation	Alcal Arcade	\$ 29,250	
#17	Roofing	Best Contracting Services	\$139,793	\$ 1,200
#18	Flashing & Sheet Metal	Best Contracting Services	\$ 39,800	\$ 600
#19	Door, Frames & Hardware	G&G Door Products	\$253,000	
#20	Sliding Aluminum Framed Glass Doors	Henry's Glass Co. Div. of Glazcon Industries	\$ 47,200	
#21	Rolling Counter Doors	McKendry Door Sales	\$ 10,000	
#22	Not used			
#23	Glass & Glazing	Queen City Glass	\$174,012	\$ 20,000
#24	Framing, Drywall, Lath & Plaster	Orange County Plastering	\$537,000	
#25	Ceramic Tile / Stone	Premier Tile and Marble	\$123,346	
#26	Acoustical Ceilings	Chaney Company, Inc.	\$108,000	
#27	Resilient & Carpet Flooring	Continental Flooring, Inc.	\$74,403	
#28	Painting & Wall Covering	Borbon, Inc.	\$112,800	\$ 1,500
#29	Operable Partitions	Hufcor Airwall	\$ 45,324	
#30	Toilet Partitions & Accessories	Global Steel Products Corp	\$ 33,419	
#31	Projector Screens	Martin Integrated Systems	\$ 17,915	
#32	Kitchen Equipment	Reject and re-bid	Reject and re-bid	
#33	Blinds	Phillip's Draperies Inc.	\$ 6,950	
#34	Fire Sprinkler System	Daart Engineering Co. Inc.	\$241,710	
#35	Plumbing	Fairchild Plumbing	\$372,300	\$ 1,000
#36	HVAC & Controls	Air Flow Mechanical	\$990,000	\$ 85,200
#37	Electrical	Brewster Electric	\$850,250	\$ 2,500

- b. Award of contract for geotechnical, and materials inspection and testing, for the renovation and expansion of the City Hall, Civic Center Plaza and Stanley Plummer Community Building to Leighton Consulting, Inc. in the amount of \$85,000 (includes 15% contingency) to be funded using uncommitted funds in the Infrastructure Fund 12.
- c. Renew contract with University of La Verne for the management of the City's Government/Education access channel.
- d. Resolution in support of the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010.

- 1) **RESOLUTION NO. 10-09, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS IN SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY, AND TRANSPORTATION PROTECTION ACT OF 2010.**

8. SAN DIMAS REDEVELOPMENT AGENCY

- a. Oral Communications (This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.)
- b. Approval of minutes for meeting of February 9, 2010.
- c. Executive Director
- d. Members of the Agency

9. ORAL COMMUNICATIONS (Speakers are limited to five (5) minutes or as may be determined by the Chair.)

- a. Members of the Audience
- b. City Manager
 - 1) Select a date for the Spring City Council - Staff Retreat - possible dates Monday April 5 or 19th; Saturday April 17th; Friday April 16th.
- c. City Attorney
- d. Members of the City Council
 - 1) Councilmembers' report on meetings attended at the expense of the local agency.
 - 2) Appointments to Public Safety Commission
 - 3) Individual Members' comments and updates.

10. ADJOURNMENT

Adjourn in honor and memory of Pastor Shelter T. White, Emmanuel Missionary Baptist Church and Richard Massow, former Chairman of the Board, Chamber of Commerce, and served on the City's Development Plan Review Board. The next meeting is 7:00 p.m., March 9, 2010, Multi-Purpose Room at the Senior Citizen/Community Center, 201 East Bonita Avenue.

AGENDA STAFF REPORTS: COPIES OF STAFF REPORTS AND/OR OTHER WRITTEN DOCUMENTATION PERTAINING TO THE ITEMS ON THE AGENDA ARE ON FILE IN THE OFFICE OF THE CITY CLERK AND ARE AVAILABLE FOR PUBLIC INSPECTION DURING THE HOURS OF 8:00 A.M. TO 5:00 P.M. MONDAY THROUGH FRIDAY. INFORMATION MAY BE OBTAINED BY CALLING (909) 394-6216. CITY COUNCIL MINUTES AND AGENDAS ARE ALSO AVAILABLE ON THE CITY'S HOME PAGE ON THE INTERNET:
<http://www.cityofsandimas.com>

SUPPLEMENTAL REPORTS: AGENDA RELATED WRITINGS OR DOCUMENTS PROVIDED TO A MAJORITY OF THE SUBJECT BODY AFTER DISTRIBUTION OF THE AGENDA PACKET SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION AT THE CITY CLERK'S OFFICE AT 245 EAST BONITA AVENUE DURING NORMAL BUSINESS HOURS. [PRIVILEGED AND CONFIDENTIAL DOCUMENTS EXEMPTED].

HEARING ASSISTANCE: THE CITY OF SAN DIMAS CITY COUNCIL CHAMBERS IS EQUIPPED WITH A HEARING ASSISTANCE SYSTEM. PLEASE CONTACT THE CITY CLERK (909) 394-6216 TO CHECK OUT A RECEIVER.

POSTING STATEMENT: ON FEBRUARY 19, 2010, A TRUE AND CORRECT COPY OF THIS AGENDA WAS POSTED ON THE BULLETIN BOARDS AT 245 EAST BONITA AVENUE (SAN DIMAS CITY HALL) 145 NORTH WALNUT AVENUE (LOS ANGELES COUNTY PUBLIC LIBRARY, SAN DIMAS BRANCH); AND 300 EAST BONITA AVENUE (UNITED STATES POST OFFICE) AND AS A CONVENIENCE, AT THE VONS SHOPPING CENTER (Puente/Via Verde) AND THE CITY'S WEBSITE AT www.cityofsandimas.com.



***THE WARRANT DISBURSEMENT
JOURNAL IS NOT AVAILABLE TO
VIEW THROUGH LASERFICHE***

***A PAPER COPY IS AVAILABLE IN THE
FINANCE DEPARTMENT***

SORRY FOR ANY INCONVENIENCES.

DOCUMENT IMAGING DEPT.

RESOLUTION NO. 10-05

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN DIMAS, CALIFORNIA, APPROVING
CERTAIN DEMANDS FOR THE MONTH OF
FEBRUARY 2010

WHEREAS, the following listed demands have been audited by the Director of Finance;
and

WHEREAS, the Director of Finance has certified as to the availability of funds for
payment thereto; and

WHEREAS, the register of audited demands have been submitted to the City Council for
approval.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Dimas
does hereby approve Warrant Register: 02/26/2010; 130032 through 130164; in the amount of
\$837,806.48.

PASSED, APPROVED AND ADOPTED THIS 23rd DAY OF FEBRUARY, 2010.

Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

Ina Rios, CMC, City Clerk

I HEREBY CERTIFY that the foregoing Resolution was adopted by vote of the City
Council of the City of San Dimas at its regular meeting of February 23, 2010, by the following
vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ina Rios, CMC, City Clerk

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Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of February 23, 2010

From: Blaine Michaelis, City Manager

Initiated By: Theresa Bruns, Director of Parks and Recreation *tb*

Subject: Commencing Proceedings for Annual Levy of Assessments for Open Space Maintenance Districts

Summary

Adoption of Resolutions required to proceed with preparation of Annual Reports for the annual Levy of Assessments for Open Space Maintenance Districts.

BACKGROUND

The Boulevard and Northwoods Open Space Maintenance Districts were formed under the provisions of the Landscape and Lighting Act of 1972, Division 15, Part 2, of the Streets and Highways Code of the State of California. The Act further establishes procedures for the annual levy of assessments which begins with the preparation of an Engineer's Report. Last year the City Council filed annual assessments for Tract No. 32818, Boulevard Open Space Maintenance District and Tract No. 32841, Northwoods Open Space Maintenance District.

ANALYSIS

To initiate proceedings for the 2010-2011 fiscal year, staff is requesting authorization to proceed with the preparation of an Engineer's Report for Boulevard Open Space Maintenance District and Northwoods Open Space Maintenance District.

RECOMMENDATION

Staff recommends that City Council adopt Resolution No. 10-06 and Resolution No. 10-07 authorizing the City Engineer to proceed with the preparation of Annual Reports for the annual Levy of Assessments for the Boulevard and Northwoods Open Space Districts.

Attachments: Resolution No. 10-06, Boulevard
Resolution No. 10-07, Northwoods

5a(2-3)

RESOLUTION NO. 10-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA,
ORDERING THE CITY ENGINEER TO PROCEED WITH THE PREPARATION OF A
REPORT FOR THE ANNUAL LEVY OF ASSESSMENTS FOR OPEN SPACE
MAINTENANCE DISTRICT NO. 1, (TRACT NO. 32818, Boulevard)

WHEREAS, the San Dimas City Council formed "Open Space Maintenance District No. 1" under Resolution No. 77-57 pursuant to the terms and provisions of the "Landscaping and Light Act of 1972," being Division 15, Part 2, of the Streets and Highways Code of the State of California; and

WHEREAS, said district was established for the maintenance and restoration of landscaping improvements within the city limits of the City of San Dimas; and

WHEREAS, the City Council of the City of San Dimas, desires to initiate proceedings to levy annual assessments as required following the formation of said district for the annual levy of assessments for the fiscal year commencing July 1, 2010 and ending June 30, 2011.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN DIMAS,
CALIFORNIA DOES HEREBY RESOLVE THAT:

- SECTION 1. The referenced "Open Space Maintenance District No. 1" be continued for the maintenance and restoration of landscaping improvements as set forth in the "Report" to be presented to this City Council for consideration.
- SECTION 2. There are no substantial improvements to be added to said maintenance district, nor are there any proposed changes to the boundaries of the maintenance district.
- SECTION 3. The City Engineer is hereby ordered to prepare a report in accordance with Section 22565 and 22622 of said Street and Highways Code.
- SECTION 4. Upon completion, said "Report" shall be filed with the City Clerk, who shall then submit the same to this City Council for its consideration pursuant to Sections 22623 and 22624 of said Streets and Highways Code.

APPROVED AND ADOPTED THIS 23rd day of February, 2010.

MAYOR

ATTEST:

CITY CLERK

I HEREBY CERTIFY that the foregoing Resolution was adopted by vote of the City Council of the City of San Dimas at its regular meeting of February 23, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY CLERK

RESOLUTION NO. 10-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA,
ORDERING THE CITY ENGINEER TO PROCEED WITH THE PREPARATION OF A
REPORT FOR THE ANNUAL LEVY OF ASSESSMENTS FOR OPEN SPACE
MAINTENANCE DISTRICT NO. 1, ANNEXATION NO. 3 (TRACT NO. 32841, Northwoods)

WHEREAS, the San Dimas City Council formed "Open Space Maintenance District No. 1, Annexation No. 3" under Resolution No. 78-38 pursuant to the terms and provisions of the "Landscaping and Light Act of 1972," being Division 15, Part 2, of the Streets and Highways Code of the State of California; and

WHEREAS, said district was established for the maintenance and restoration of landscaping improvements within the city limits of the City of San Dimas; and

WHEREAS, the City Council of the City of San Dimas, desires to initiate proceedings to levy annual assessments as required following the formation of said district for the annual levy of assessments for the fiscal year commencing July 1, 2010 and ending June 30, 2011.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN DIMAS,
CALIFORNIA DOES HEREBY RESOLVE THAT:

- SECTION 1. The referenced "Open Space Maintenance District No. 1, Annexation No. 3" be continued for the maintenance and restoration of landscaping improvements as set forth in the "Report" to be presented to this City Council for consideration.
- SECTION 2. There are no substantial improvements to be added to said maintenance district, nor are there any proposed changes to the boundaries of the maintenance district.
- SECTION 3. The City Engineer is hereby ordered to prepare a report in accordance with Section 22565 and 22622 of said Street and Highways Code.
- SECTION 4. Upon completion, said "Report" shall be filed with the City Clerk, who shall then submit the same to this City Council for its consideration pursuant to Sections 22623 and 22624 of said Streets and Highways Code.

APPROVED AND ADOPTED THIS 23rd day of February, 2010.

MAYOR

ATTEST:

CITY CLERK

I HEREBY CERTIFY that the foregoing Resolution was adopted by vote of the City Council of the City of San Dimas at its regular meeting of February 23, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY CLERK



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of February 23, 2010

FROM: Blaine Michaelis, City Manager

INITIATED BY: Community Development

SUBJECT: Statewide Park Development Grant Application Submittal to benefit the Walnut Creek Habitat and Open Space area.

BACKGROUND

The Office of Grants and Local Services (OGALS) is administering the Statewide Park Program. This program is part of the Statewide Park Development and Community Revitalization Act of 2008. The funding for this \$368 million grant program was made available through the Sustainable Communities and Climate Change Reduction chapter in Proposition 84.

This program will award grants on a competitive basis for the creation of new parks and new recreation opportunities in proximity to underserved communities in California. The City meets the requirements of the program for eligibility.

The minimum grant request is \$100,000 and the maximum is \$5,000,000. There is no match requirement. The city is applying for \$800,000 to cover pre-construction and phase 1 construction costs for development and enhancement of trails, open space and natural areas for the Walnut Creek Habitat and Open Space area. Funds can also be used to enhance the use and appearance of the park including landscaping. Pre-construction costs cannot amount to more than 25% of the grant. These pre-construction funds can supplement the \$200,000 planning money from the Rivers & Mountains Conservancy that may become available late this summer.

RECOMMENDATION

Adopt Resolution No. 10-08 approving the submittal of a grant application for the Statewide Park Grant Program for the City of San Dimas.

Respectfully Submitted,

Larry Stevens,
Assistant City Manager for Community Development

Attachments:
1. Resolution No. 10-08

5a(4)

RESOLUTION NO. 10-08

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF
SAN DIMAS, CALIFORNIA, APPROVING THE SUBMITTAL OF AN
APPLICATION FOR STATEWIDE PARK PROGRAM GRANT FUNDS.**

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Program, setting up necessary procedures governing the Application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of application before submission of said application to the State; and

WHEREAS, the applicant will enter into a contract with the State of California to complete the grant scope project;

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SAN DIMAS HEREBY:

Approves the filing of an application for the Walnut Creek Habitat and Open Space Area, and

1. Certifies that said applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and
2. Certifies that the applicant has or will have sufficient funds to operate and maintain the project, and
3. Certifies that the applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and
4. Delegates the authority to the Assistant City Manager to conduct all negotiations, sign, and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope; and
5. Agrees to comply with all applicable federal, state, and local laws, ordinances, rules, regulations and guidelines.

PASSED, APPROVED AND ADOPTED THIS 23rd DAY OF FEBRUARY, 2010.

Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

Ina Rios, CMC, City Clerk

I HEREBY CERTIFY that the foregoing Resolution was adopted by vote of the City Council of the City of San Dimas at its regular meeting of February 23, 2010, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ina Rios, CMC, City Clerk



MINUTES
REGULAR CITY COUNCIL
TUESDAY, FEBRUARY 9, 2010, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem Denis Bertone
Councilmember Emmett Badar
Councilmember John Ebner
Councilmember Jeff Templeman

City Manager Blaine Michaelis
City Attorney J. Kenneth Brown
City Clerk Ina Rios
Assistant City Manager of Community Development Larry Stevens
Assistant City Manager Ken Duran
Director of Development Services Dan Coleman
Director of Public Works Krishna Patel
Director of Parks and Recreation Theresa Bruns

1. CALL TO ORDER

Mayor Morris called the regular meeting to order at 7:01 p.m. and led the flag salute.

2. RECOGNITIONS

- Recognize Alan Nash for his efforts on the annual Car Show and Toy Drive.

Captain Hartshorne, San Dimas Sheriff's Station, presented to **Alan Nash** a Photo Album in recognition of his tremendous efforts on the annual Car Show and Toy Drive for disadvantaged children.

Alan Nash expressed his appreciation for the recognition and said the success of the fundraiser is the result of community members working together.

Mayor Morris said fundraisers cannot happen without Champions and Mr. Nash is well deserving of the recognition for his efforts.

3. ANNOUNCEMENTS

- a. 50th Anniversary Flashbacks

Susan Davis, Archivist, San Dimas Historical Society, reported that in 1961 a community wide Tree Planting Day was set for San Dimas at Puddingstone Lake; Also in 1961 plans were presented for the new Puddingstone Shopping Center on 12 acres on the southeast corner of San Dimas Avenue/Bonita Avenue. In 1962 the Bonita Board of Education approved a site plan for a new elementary school on Gladstone Street, between Valley Center Avenue/Lone Hill Avenue. In 1966, the Lemon House and Cooling Tower on an adjacent building were demolished; the M & E Machinery building remains. Also in 1966 San Dimas annexed Puddingstone, a 1600 acre addition, which made San Dimas the only San Gabriel Valley city with a large lake and recreation area.

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Ms. Davis invited the public to the 2nd Floor of the Walker House for the 1960's display now available for view in the Hallway. She said the Historical Society will feature a different decade throughout the year.

In response to Councilmember Badar, Ms. Davis said from 1930 until the start of World War II, Southern California Edison lit the Hoop Pine in front of the Walker House as a memorial to Raymond Carruthers, who died at a young age. Due to blackouts in WWII, the event was halted and never resumed.

b. Pui-Ching Ho, Librarian, San Dimas Library

Pui-Ching Ho, Library Manager, San Dimas Library, extended an invitation to join them on Saturday, February 13, from 2:30 p.m. - 4:00 p.m. for Musical Art Activity for Children to make musical instruments out of household items; invited input from innovative and energetic teens grades 6-12 at the Teen Advisory meeting on February 20, 2010 at 1:00 p.m.; she said the Library is hosting a free two-day exhibition of artwork by San Dimas High School students on February 26-27, 2010. The Theme is "My Town: San Dimas" in celebration of the City's 50th year anniversary; opening reception will be held on February 26, 3:30 p.m.-4:30 p.m.; the exhibition will open at 10:00 a.m. until 4:00 p.m. on Saturday. The Book Party meets March 1, 10:30 a.m. and the book of the month is "Freakonomics". For more information, call the Library at (909) 599-6738 or access their website www.co.la.publib.org.

Mayor Morris said the Library has a great selection of books to buy at reasonable prices.

In response to Mayor Morris, Manager Ho said the Library's hours of operation are: Monday-Thursday, 12:00 p.m.-8:00 p.m. and Friday-Saturday, from 10:00 a.m. to 5:00 p.m.

4. ORAL COMMUNICATIONS (Members of the audience are invited to address the City Council on any item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time or asked to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

a. Members of the Audience

1) Breanna Celaya, ASB President, San Dimas High School, announced their annual Mr. San Dimas competition on Friday, February 12, 6:00 p.m.-9:00 p.m. at the High School Gym. Their next AP Environmental Science Trip is on February 26-27 to the Mojave Desert. She proudly reported the Wrestling Team is on their way to Dual Division Championship on Saturday, February 13. The ASB Class is hosting a San Dimas Live Program to showcase students' talents, and the Red Cross Club raised over \$900 for the Haiti relief.

2) Ted Powl, CEO, Chamber, reminded that tickets are on sale for \$25 for the Toast of the Town to be held at 5:30 p.m. on February 25, in the Stanley Plummer Building. He said also available is a great education opportunity at the 7-week Civic Academy starting March 20 and concluding May 8, 2010. For registration information, contact the Chamber office at 909/592-3818.

3) Margie Green invited the community to join them at the 2nd Story Gallery on the second floor of the Walker House for their show featuring photographer Steven J. Mueller on Friday and Saturday, February 12, 13, 19, and 20th from 5:00 p.m. to 9:00 p.m.. She said hors d'oeuvres will provided by Saffrons and wine by the Festival of Arts.

4) **Charles McCants** invited everyone to the Kick Off party to celebrate the annual Relay for Life and Ride for Life on February 19, 5:30 p.m. to 8:30 p.m. at the Historic Walker House. For additional information, contact Kevin Kenney, 626/498-0815.

5) **Rhonda Beltran**, Director of Development, McKinley Children Center, and Co-Chair with Joe Fransen for the Jazz and Make A Difference event for the Soroptomist International San Dimas/La Verne, invited the community to support their fundraiser dinner and auction on Saturday, March 6, at Avalon, Fairplex.

6) **Sid Maksoudian** expressed concern with the Cash for Gold program to be held on February 19. He offered a free consultation on the value of gold.

5. CONSENT CALENDAR

(All items on the Consent Calendar are considered to be routine and will be enacted by one motion unless a member of the City Council requests separate discussion.)

It was moved by Mayor Pro Tem Bertone, seconded by Councilmember Badar, and carried unanimously to accept, approve and act upon the consent calendar, as follows.

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **RESOLUTION NO. 10-04**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF JANUARY AND FEBRUARY, 2010.
- b. Ordinances read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **ORDINANCE NO. 1193**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 09-04, TO ALLOW, AS REQUIRED BY SENATE BILL 2 (SB2) EMERGENCY AND YEAR-ROUND EMERGENCY SHELTERS BY RIGHT, AS WELL AS TRANSITIONAL AND SUPPORTIVE HOUSING AS CONDITIONAL USES. **SECOND READING AND ADOPTION**
 - (2) **ORDINANCE NO. 1194**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING TITLE 18 CHAPTER 150 OF THE SAN DIMAS MUNICIPAL CODE REGARDING CO-LOCATION OF CELL PHONE TOWERS. **SECOND READING AND ADOPTION**
- c. Approval of minutes for regular meeting of January 26, 2010 and special meeting of January 26, 2010.
- d. Renewal of the General Services Agreement with the County of Los Angeles.
- e. Approval to Transfer Budgeted General Funds and Award of Engineering and Pavement Design Contracts for the Unbudgeted 5th Street Reconstruction and Rehabilitation (Between Acacia Street and San Dimas Avenue) Project.
- f. Approval of change order to Cash Contract 2009-04, "Reconstruction, Rehabilitation, and Landscape Median project on San Dimas Avenue from Foothill Boulevard to Gladstone Street ESPL-5367 (006), EA No. 07-933288L" in the amount of \$38,771 to complete geotechnical services.

END OF CONSENT CALENDAR

6. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 7:26 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 7:27 p.m..

7. ORAL COMMUNICATIONS

- a. Members of the Audience (Speakers are limited to five (5) minutes or as may be determined by the Chair.)

1) **Sid Maksoudian** provided a formula to calculate the fair value of 14K and 18K gold.

- b. City Manager

No comments.

- c. City Attorney

No comments.

- d. Members of the City Council

- 1) Councilmembers' report on meetings attended at the expense of the local agency.

None

- 2) Individual Members' comments and updates.

Mayor Pro Tem Bertone recommended the 2nd Story Gallery on February 12, 13, 19, and 20th to enjoy great photography art by Steven Mueller and refreshments by Saffron and the Festival.

8. ADJOURNMENT

Mayor Morris adjourned the meeting at 7:34 p.m. in memory of Sergeant Gary Lindenmeyer, who recently passed away from leukemia. The next meeting is 7:00 p.m., February 23, 2010.

Respectfully submitted,

Ina Rios, CMC, City Clerk



MINUTES
SPECIAL CITY COUNCIL MEETING
TUESDAY, FEBRUARY 9, 2010, 5:00 P. M.
CITY COUNCIL CONFERENCE ROOM
245 E. BONITA AVE.

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem Denis Bertone
Councilmember Emmett Badar
Councilmember John Ebiner (Arrived 5:04 p.m.)
Councilmember Jeff Templeman

City Manager Blaine Michaelis
City Attorney J. Kenneth Brown
City Clerk Ina Rios
Assistant City Manager of Community Development Larry Stevens
Assistant City Manager Ken Duran
Director of Development Services Dan Coleman
Director of Public Works Krishna Patel
Director of Parks and Recreation Theresa Bruns

1. CALL TO ORDER

Mayor Morris called the meeting to order at 5:03 p.m.

2. ORAL COMMUNICATIONS

(For anyone wishing to address the City Council on an item on this agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda.)

a. Members of the Audience

In response to Gil Gonzales, Mayor Morris replied that Supervisor Antonovich has budgeted funds for the joint County/City project to widen Foothill Boulevard at San Dimas Canyon Road. He added that the medians on Bonita Avenue are being removed.

Mr. Gonzales expressed concern with dead shrubbery and suggested a method is needed to maintain landscaping throughout the City.

Director Bruns replied that it is a costly endeavor to maintain needle islands, and in an effort to comply with water conservation mandates, staff is in the process of implementing a pilot chip method project versus rock and hardscape.

3. STUDY SESSION

a. Mid-year 2009-10 budget review and Preliminary Report on 2010-11 City of San Dimas Budget.

City Manager Michaelis explained that the purpose of the meeting is to solicit Council input.

Assistant City Manager Duran explained the mid-year budget report to review revised revenue and expenditure projections for the current fiscal year and presented preliminary revenue commentary for fiscal year 2010-11 to help frame the preliminary budget discussions.

Mid-Year Budget Report

Assistant City Manager Duran explained that in September 2009, staff prepared a comprehensive presentation on the fiscal picture of the General Fund and reported that the 2008-09 Financial audit indicated that the General Fund Balance was \$16,902,809. Staff also presented known expenditure cost savings and identified expenditures that were deferred due to the uncertain economy. He stated it is estimated that between the budget surplus, known savings, and deferred projects, the total budget savings of \$1.1 million is in excess of what is anticipated to cover the general fund revenue shortfall. Special Funds are projected to end the year with a positive fund balance.

Mr. Duran responded to Council's questions regarding Transit Occupancy Tax and said long term residents can be monitored through an audit.

In response to Council, City Manager Michaelis stated that staff has taken a conservative approach in preparing the budget and there could be more than \$400,000 in surplus funds due to delayed projects and unexpended funds. He added that upon completion of the annual audit, the surplus fund amount will be known and funds can be set aside for the general plan.

2010-11 Preliminary Budget Preparations

Mr. Duran said staff is preparing the FY 2010-11 budget that maintains current levels of service and minimizes the number of new projects due to uncertain revenue sources tied to the economy.

Administrative Services

Assistant City Manager Duran highlighted the proposed programs for 2010-11 and said the Governmental Access Channel contract is expiring and staff will bring forward a new contract for Council's consideration at their next meeting. Mr. Duran reviewed programs that may result in increased costs including the San Dimas Dial-A-Ride and said staff will be presenting suggestions for service adjustments or fare increases to help control the costs of these services. He added that the Sheriff's Department Contract is expected to increase by approximately 2% and as previously reported, there will be a reduction in the Liability Trust Fund contribution. Staff is in discussions with the City of La Verne to share an intern to assist both cities with Emergency Preparedness. The General Municipal Election will be conducted in March 2011; and it is proposed to replace outdated PC's upon return to the newly renovated city hall.

Mayor Pro Tem Bertone expressed concern with cutting back on programs for the elderly who depend on Dial-A-Ride services.

Mr. Duran stated that staff would bring back recommendations in the next couple of months.

In response to Council, Mr. Duran indicated that he is working with Time Warner to resolve technical problems with Cable transmission.

Mayor Morris suggested postponing PC replacements until Chrome OS is available.

Parks and Recreation Department

Director Bruns stated that Parks and Recreation will continue to utilize available resources in order to effectively deliver services in Landscape Maintenance, Facilities, and Recreation. She highlighted major Landscape Maintenance projects, Facilities Maintenance projects, Recreation projects to be prioritized and completed; Parks and Recreation Commission project list, Golf Course Capital Improvement fund, Vehicle and Equipment replacement, and projects in need of Council direction.

In response to Councilmember Badar's suggestion for an additional dog park at Loma Vista Park, Assistant City Manager Stevens said the State has not released the funds for the planning process to extend Loma Vista Park into the Walnut Creek Habitat and Open Space area.

In response to Council, Director Bruns elaborated on the overnight campground, splash pad, and said the concept of a BMX Park is brought forward each year.

It was the consensus of the City Council to defer the purchase of holiday lighting for the Martin House, however, they felt it was important to decorate the Walker House with holiday lighting.

In response to Councilmember Badar, Chamber of Commerce President/CEO Ted Powl said Downtown Merchants are willing to invest funds for decorating the Downtown if they can come to an agreement with the City regarding access to power sources.

Mr. Stevens stated he had suggested the Merchants form a subcommittee to work on a proposal and estimated costs to be discussed as part of the budget process.

Public Works Department

Director Patel outlined the Department's anticipated activity and said the Department will continue to focus on a combination of projects that will be carried forward, together with new major projects. He stated that the Public Works Department will continue to manage its prime responsibilities of planning, designing, inspecting private street improvements and maintaining the public infrastructure within the right-of-way, including maintenance of vehicles and equipment. He said that the City's share of stimulus monies in the amount of \$1,085,000 were allocated to the San Dimas Avenue project currently under construction. Staff reviewed the rigid constraints under the current Stimulus Plan (ARRA2) and said staff submitted to the State and FHWA a list of projects in anticipation of receiving additional funding.

Mr. Stevens stated that staff is looking at 5th Street rehabilitation from Acacia Street to San Dimas Avenue and the slurring and cape sealing of city streets since these two projects require only Caltrans review and approval.

In response to Councilmember Templeman, Director Patel replied that the environmental report was approved for the Safe Routes to School grant and he anticipates construction in summer at the conclusion of the school year. Staff is filing authorization with Caltrans to proceed with the construction. He added that part of the design is to raise the intersection by two feet at Amelia and Gladstone and get the storm drain connected.

Director Patel highlighted projects carried to fiscal year 2010-11; major capital improvements projects; special projects; City-wide Speed Zone Study; annual projects; equipment replacement/modification; and projects to track for future consideration.

In response to Mayor Morris, Mr. Patel explained the process for the annual hazardous sidewalk repairs.

Community Development Department

Assistant City Manager of Community Development Stevens said the Department's 2010-11 anticipated activity focuses on long range planning projects, redevelopment and regional planning, and completion of the long range project backlog with existing resources. He said the FY 09-10 budget expenditures are within or less than the adopted budget with the exception of the General Plan update which is on the "Hold" list. However, he felt it would be appropriate to consider how the General Plan should be addressed and to acknowledge upcoming efforts related to SB375. He stated that each year changes in

state law create unfunded state mandates that place additional burdens upon staff resources, and said filling the Planning Manager position has been on hold since November 2009. He added that the City Council had directed staff to develop a more pro-active enforcement program and based upon the type of violation or geographical area, additional resources might be needed. Additionally, SB1608 imposed a new requirement to have a minimum of one Certified Access Specialist and accessibility training mandates for staff. Mr. Stevens said he would bring back to the next study session discussion on the potential façade related program and expected to recommend expenditure of city funds.

In response to Council, Mr. Stevens stated he is aware there are other buildings that have issues with the old western façade and it is staff's intention to review the Towncore guidelines and focus on the historic context.

Mr. Stevens reported that the consultant is working on entry signs and in March staff will bring back options and budget recommendations.

He provided a brief update on the Grove Station and said staff is monitoring the project to get the 14 units completed; he anticipates the NJD project will move forward; and reported the Gas Station wants to do a significant remodel and is looking for assistance.

In response to Mayor Pro Tem Bertone, Mr. Stevens replied that Tzu Chi made an offer on the 18-acre parcel at Valley Center. He said staff will monitor the progress of the purchase and report to Council if there are any changes.

Development Services

Director Coleman reported the proactive enforcement program utilizing Parking Control Officers has been successful in dealing with RV violations. However, additional resources will be needed if it is the desire of the City Council to enforce other violations.

Mr. Coleman provided a brief update on Fresh & Easy stating that a considerable number of plans were submitted.

4. ADJOURNMENT

Mayor Morris adjourned the special meeting at 6:51 p.m. The next meeting is on Tuesday, February 9, 2010, 7:00 p.m.

Respectfully submitted,

Ina Rios, CMC, City Clerk



Agenda Item Staff Report

TO: Honorable Mayor and City Council Members
For the Meeting of February 23, 2010

FROM: Krishna Patel, Director of Public Works *KP*

SUBJECT: **Safe Routes to Schools Grant - Speed Feedback Signs at Holy Name of Mary School and Ed Jones Educational Center/Chaparral High School**

1. **Appropriation of \$55,000 from the Infrastructure Fund**
2. **Approval of Change Order to CC 2007-07 for Macadee Electrical in the amount of \$83,988 for sign improvements.**

SUMMARY

Staff recommends that Council consider appropriation of additional \$55,000 from Infrastructure Funds to fund the SR2S Speed Feedback project at Holy Name of Mary School and Ed Jones Educational Center/Chaparral High School. Approval of the appropriation of funds and Change Order 2007-07 will allow the expedited and timely completion of the project, which in order to be funded by the SR2S grant, must be completed by June 2010.

BACKGROUND

In March of 2007 Caltrans approved a Safe Routes to School project (SR2SL-5367(004)) to install speed feedback signs at six schools. Speed feedback signs installed in 2007 by Macadee Electrical, plus engineering costs came to \$320,036. With the deduction of the 10% match of \$32,003 of the approved \$403,920 SR2S grant, this left surplus grants funds totaling approximately \$115,886. Upon receipt of competitive bids and with almost 75% of the project completed, in December 2007 the Public Works Department began working with Caltrans Local Assistance and Headquarters to gain authorization to use the balance of the funds to install Speed Feedback signs at two more schools in City.

Staff was required by Caltrans to go through many hoops to gain this approval, including revised submittals to include the new schools, creation of maps, multiple justifications of need, and numerous conversations, email correspondence and letters to justify that the request is within the scope of the original project.

DISCUSSION

On February 2, 2010, staff received final official confirmation that the City can use the same contractor (Macadee Electrical) who was awarded the original project on June 26, 2007 to perform the additional work, with the caveat that the work be completed based on the previously agreed upon price. As almost two years have lapsed since the original contract approval, Macadee is not requesting for increase in costs and has agreed to honor his 2007 contract prices. The contractor has submitted (Attachment A) a change order for \$83,988, of which the City is responsible to provide 10%.

As with the original project, the City is responsible for 10% of the project cost. Both of the two school sites, Holy Name of Mary and Ed Jones Educational Center/Chaparral High School are on board with the project and have agreed to pay 50% of their required City's 10% match.

For fiscal year 2009-10, \$40,000 was budgeted in Infrastructure Funds in anticipation of receiving the State's approval. Therefore, to proceed with installation of the Speed Feedback Signs for these two school sites, Staff requests Council approve to appropriate an additional \$55,000 from the Infrastructure Fund, of which the majority will be replenished once the work is completed and Caltrans provides the City with the reimbursement costs of approximately \$75,000.

RECOMMENDATIONS

Staff requests that City Council consider and approve the following recommendations for the SR2S project for Holy Name of Mary School and Ed Jones Educational Center/Chaparral High School at the Bonita School District site.

- 1) Appropriation of \$55,000 from the Infrastructure Fund account for completion of the project, approximately \$75,000 of which will be reimbursed following submittal to Caltrans SR2S grant fund.
- 2) Approval of change order for Cash Contract 2007-07 in the amount of \$83,988 to Macadee Electrical for the construction of Speed Feedback signs at Holy Name of Mary School and the Bonita Unified School District site.

Respectfully submitted,



Krishna Patel
Director of Public Works

Kp/lm/02-10-15

Attachment A-Change Order to Cash Contract 2007-07



February 17, 2010

City of San Dimas
Public Works Department
245 East Bonita Ave
San Dimas, CA 91773

To: John Campbell
Re: Safe Route to School - Contract Change Order #3

Dear John,

Macadee Electrical is submitting the following Contract Change Order #3 to add (6) VCalm Radar Feedback Signs and school signage.

ITEM 1: Radar Feedback Signs @ \$13,787/ea	\$82,722.00
ITME 2: Signage @ \$211/ea	\$ 1,266.00
TOTAL CCO#3:	\$83,988.00

Change Order #3 is to furnish and install (6) VCalm Radar Feedback Signs with school signage per original contract price.

Thank you,

Kevin McCarthy
Operations Manager



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of February 23, 2010

From: Blaine Michaelis, City Manager *BM*

Initiated by: Ina Rios, City Clerk

Subject: **ORDINANCE NO. 1195, URGENCY ORDINANCE PROVIDING FOR THE TEMPORARY RELOCATION OF THE CITY COUNCIL CHAMBERS, IDENTIFYING THE LOCATION FOR THE POSTING OF OFFICIAL NOTICES, AMENDING THE SAN DIMAS MUNICIPAL CODE AND PROVIDING FOR ITS ADOPTION AS AN URGENCY ORDINANCE**

SUMMARY

Adopt Urgency Ordinance No. 1195 to amend the San Dimas Municipal code to temporarily change the meeting location of the City Council Chambers and identify the location for the posting of official notices while the city hall undergoes renovation.

Upon reopening of the newly renovated city hall, provisions of this ordinance will terminate and revert to the original provisions in Section 2.04.010.

RECOMMENDATION

Adopt Ordinance No. 1195 as an urgency ordinance effective immediately.

ORDINANCE NO. 1195

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS PROVIDING FOR THE TEMPORARY RELOCATION OF THE CITY COUNCIL CHAMBERS, IDENTIFYING THE LOCATION FOR THE POSTING OF OFFICIAL NOTICES, AMENDING THE SAN DIMAS MUNICIPAL CODE AND PROVIDING FOR ITS ADOPTION AS AN URGENCY MEASURE

THE CITY COUNCIL OF THE CITY OF SAN DIMAS DOES ORDAIN AS FOLLOWS:

Section 1. Article 2, Chapter 2.04, Section 2.04.010 of the San Dimas Municipal Code is temporarily amended to read as follows:

2.04.010 Meetings-Place.

Effective March 8, 2010, and during the time when the city hall remodeling and civic center construction are being undertaken, meetings of the City Council shall be held in the meeting room of the Senior Citizen/Community Center located at 201 East Bonita Avenue. Meetings of the City Planning Commission and other boards and commissions shall be held in locations to be determined by the separate board or commission.

Section 2. During construction, postings by the City Clerk of official notices, copies of adopted ordinances and other matters shall be at the following locations:

SENIOR CITIZEN/COMMUNITY CENTER
201 East Bonita Avenue
San Dimas, California

LOS ANGELES COUNTY LIBRARY
San Dimas Branch
145 North Walnut Avenue
San Dimas, California

UNITED STATES POST OFFICE
300 East Bonita Avenue
San Dimas, California

Section 3. When the construction at the civic center is completed, and the city hall is reopened, then the provisions of this ordinance shall terminate and the original provisions in Section 2.04.010 shall again become effective.

Section 4. Declaration of Urgency

The City Council has approved the award of contracts for the remodeling and additional construction at the City Hall and Civic Center. That construction activity is to commence in March 2010. During construction, the city staff and city hall activities will be temporarily relocated to another location in the city effective March 8, 2010. During construction, meetings of the City Council will be conducted in the multi-purpose room of the existing Senior Citizen/Community Center commencing with the first meeting in March 2010. Meetings of the city appointed boards and commissions shall be held at the locations shown on the agendas of the appropriate board or commission. Because the first meeting of the City Council will be held after the new construction has commenced, it is necessary that this ordinance be adopted as an urgency ordinance and the same shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED THIS 23rd DAY OF FEBRUARY, 2010.

Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

Ina Rios, CMC, City Clerk

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Ordinance No. 1195 was adopted and passed at the regular meeting of the City Council held on February 23, 2010 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

I DO FURTHER CERTIFY that within 15 days of the date of its passage, I caused a copy of Ordinance 1195 to be published in the Inland Valley Daily Bulletin.

Ina Rios, CMC, City Clerk



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of February 23, 2010

FROM: Dan Coleman, Director of Development Services *DC*

SUBJECT: Award of Prime Contractors for the renovation and expansion of the City Hall, Civic Center Plaza and Stanley Plummer Community Building.

SUMMARY

Approval of multiple Prime Contractors for the renovation and expansion of the City Hall, Civic Center Plaza and Stanley Plummer Community Building.

BACKGROUND: The Program Management Agreement approved by the City Council on November 10, 2009 stipulated in Section 2.2 that each contractor must enter into written contracts with the Program Manager (Griffin Structures, Inc.) and its Construction Manager (Swinerton Builders) for such work for the project. The City designated the Program Manager and Construction Manager as its agents for contracting with the various contractors for the collective work of the project solely pursuant to bid documents pre-approved by the City.

ANALYSIS: The City, and its Program Manager and Construction Manager, elected to pre-qualify contractors to bid on portions of the project for work that will exceed \$50,000. The Invitation to Bid notice was advertised in the Los Angeles Times, Inland Valley Daily Bulletin, Reed, McGraw Hill. In addition, the notice was mailed directly to 93 contractors based in San Dimas. To bid on the project, the Contractors were required to submit 1) a completed questionnaire by December 29, 2009 regarding their experience in public works construction and financial ability, 2) a letter of bondability, and 3) insurance. A total of 297 contractors were pre-qualified to bid (this includes contractors pre-qualified in more than one trade).

Bids were received from 161 prime contractors from 36 trade categories (some contractors bid on more than one trade). A comprehensive worksheet describing all of the bids received by work category and amount is attached as Exhibit A.

7a

The Program Manager has verified that the recommended list of prime contractors are qualified to perform the work, and verified with the State Contractor's License Board that their contractor's license is current and in good standing.

The thirty-five (35) qualified and responsive low bidders listed in Exhibit A are recommended for the award of contracts in the stated work categories. In work category #1 (Demolition & Abatement) a protest letter was filed by the second apparent low bidder, American Demolition. The City Attorney advises that the City Council uphold the protest, reject the low bid by Castlerock Environment as non-responsive, and award the demolition and abatement contract to American Demolition. A protest letter was also filed by the second apparent low bidder, Southwest Door & Frame, in work category #19 (Door, Frames & Hardware). The City Attorney advises that the City Council disallow the protest and award the contract to the lowest bidder, G&G Door Products. Copies of the protest letters and the City Attorney responses are attached in Exhibits C and D.

We set up the bid process to explore the cost adding the following items to the project:

Description	Estimated Cost	Bid Cost
Striping of First Street to increase parking	\$1,200	\$2,811
West Parking Lot rehabilitation	\$203,000	\$150,409
East Parking Lot rehabilitation	\$104,000	\$58,271
<i>Skylights - 12 in city hall</i>	<i>\$385,000</i>	<i>\$275,000</i>
New Trash enclosure at Community Center	\$50,000	\$18,207
Automatic sliding doors – 2 for city hall	\$24,000	\$23,415
Replace HVAC unit at Community Center	\$147,000	\$107,495
Total	\$914,200	\$636,608
Total <i>without</i> skylights		\$360,608

Because of the competitive bid results – staff is recommending that we proceed with all of the bid alternates except the skylights. While the skylights may be an amenity, the cost is rather significant. The other alternates are very desirable and beneficial improvements for the project. Therefore we recommend proceeding with all of the other alternates at a total cost of \$360,608. A summary of the alternate bid results is included with this staff report as Exhibit B.

Staff and the City Attorney recommend rejecting the two bids received in the Kitchen Equipment bid category because the apparent low bidder did not submit the required information, and the second bidder was considered high (almost \$25,000). Because the anticipated work and equipment for this category is less than \$15,000, we have the option of securing 3 or more proposals to determine the most favorable cost for this element of the project. In addition, the work will be done toward the end of the project, so we have time to complete the

necessary process to determine the most favorable cost for this work and the purchase of the equipment.

Comments on the overall bid results

With well over 230 bids throughout the 37 Prime Contractor categories the process was very competitive. Based on the bids, Griffin Structures has prepared an updated **Total Anticipated Project Cost of \$11,984,248** which includes all of the recommended alternates from above. This is less than the Guaranteed Maximum Price of \$13,006,000 for the project.

Financing for the project

At the January 26, 2010 Study Session the city council responded to a course of action to borrow \$7.5 million on a 15 year term looking for the most favorable provisions for the city to maintain the option to pay off the debt after 10 years. The balance of the money for the project will come from up to \$5.5 million from the city's general fund reserves. Staff desires that council confirm this to be their consensus direction on financing for this project. With this understanding staff will work on securing final financing numbers from vendors for final consideration and acceptance of the financing at the March 23, 2010 city council meeting. Until the \$7.5 million financing is secured, sufficient funds are available in the city's General Fund reserve to award these bids.

RECOMMENDATION: Staff recommends that the City Council accept the recommendations of Griffin Structures, inc. (Program Manager), and Swinerton Builders (Construction Manager), City Attorney and staff to:

- A. Award contracts to the 35 qualified and responsive low bidders by trade as listed in Exhibit A. The bid awards also include the following project alternate bids:
 - Striping of First Street to increase parking capacity
 - East Parking Lot rehabilitation
 - West Parking Lot rehabilitation
 - New Trash Enclosure for the Community Building
 - Automatic Sliding Doors – 2 for City Hall
 - Replacement of HVAC unit for the Community Center; and
- B. Staff recommends rejecting certain bids as either non-responsive or withdrawn in the designated categories and award contracts to the next lowest qualified and responsive bidder. Some contractors were found to be either non-responsive (lacking required information), not pre-qualified as required, or submitted after the deadline as summarized in the bid tabulation listed in Exhibit A,; and
- C. Reject bids received in the Work Category of Kitchen Equipment; one of the bids was non-responsive and the other higher than anticipated. Direct

staff to solicit 3 or more proposals to determine the most cost effective approach to complete this work and purchase of the desired equipment.

STAFF FURTHER RECOMMENDS:

- A. That the council confirm a financing plan for this project that includes:
Borrowing \$7.5 million – 15 year term – selecting an option for the most favorable provisions to pay off the loan after 10 years. The rest of the project to be financed from a contribution of up to \$5.5 million from General Fund reserves for the balance of the construction costs, and that the final provisions for the financing will be brought to the city council for formal acceptance at the March 23, 2010 council meeting.

Attachments: Exhibit A - Bid Tabulations and summary of results
Exhibit B - Bid Alternate summary
Exhibit C Protest letter and response – work category #1
Exhibit D Protest letter and response – work category #19

San Dimas City Hall & Community Center

Prime Contractor Recommended Awards

12-Feb-10

Bid Package #1 - Demolition & Abatement

Castlerock Environment	286,988	Incomplete Bid - No Attachment C
American Demolition	397,000	Filed Protest Letter
LVI Environmental Services, Inc.	426,800	
Doja Inc.	437,777	

Base Bid - American Demolition	397,000
Alternate #3 - West Parking Lot	38,000
Alternate #4 - East Parking Lot	20,000
Alternate #7 - Trash Enclosure	1,500
Alternate #8 - Automatic Doors	500
Alternate #9 - CC HVAC Units	2,000
Total Award to American Demolition	459,000

Bid Package #2 - Earthwork

L.D. Anderson	\$99,492	Recommended Prime Contractor
Southern California Grading	\$174,600	
Doja Inc.	\$180,777	
Crew, Inc	\$238,800	
Salsbury Engineering	\$394,719	

Base Bid - L.D. Anderson	99,492
Alternate #3 - West Parking Lot	3,500
Alternate #7 - Trash Enclosure	4,500
Total Award to L.D. Anderson	107,492

Bid Package #3 - Site / Offsite Utilities

Interpipe Contracting	\$119,970	Bid Withdrawal 1-29-2010
Boudreau Pipeline Corporation	\$137,783	Recommended Prime Contractor
Kana Pipeline	\$139,198	
Atlas Allied	\$171,100	Non-Responsive Bid - No Attachment C
JPI Development	\$185,000	Non-Responsive Bid - No Attachment C
Savala Construction Co., Inc.	\$299,332	
Empyrean Plumbing	\$587,485	

Bid Package #4 - Asphalt Paving

Onyx Paving Co Inc.	18,683	Non-Responsive Bid - Addendums not listed
All American Asphalt	33,740	Recommended Prime Contractor
Imperial Paving	36,811	
Ben's Asphalt	39,100	
Caliber Paving	45,113	
Western Paving Contractors, Inc.	69,874	
Doja Inc.	74,000	
Western Paving Contractors, Inc.	69,874	

Base Bid - All American Asphalt	33,740
Alternate #1 - Striping at 1st Street	2,639
Alternate #3 - West Parking Lot	69,246
Alternate #4 - East Parking Lot	33,250
Total Award to All American Asphalt	138,875

San Dimas City Hall & Community Center

Prime Contractor Recommended Awards

12-Feb-10

Bid Package #5 - Site / Offsite Concrete

K.A.R. Construction	137,700	Recommended Prime Contractor
Peterson Brothers Construction Inc.	179,750	
Jezowski and Markel Contractors, Inc.	212,036	
Trademark Concrete Systems	213,519	
Dominguez Construction	252,605	
Base Bid - K.A.R.	137,700	
Alternate #3 - West Parking Lot	9,374	
Alternate #7 - Trash Enclosure	4,876	
Total Award to K.A.R.	151,950	

Bid Package #6 - Unit Pavers

Diversified Landscape	82,500	Recommended Prime Contractor
Peterson Brothers Construction Inc.	153,570	

Bid Package #7 - Fountain

Outside the Lines	142,317	Recommended Prime Contractor
Pacific Aquascape	172,614	

Bid Package #8 - Landscaping & Irrigation

Diversified Landscape	128,500	Recommended Prime Contractor
Pierre Sprinkler & Landscape	139,511	
Sierra Landscape	144,900	
Marina Landscape	177,900	
Southern California Landscape	189,735	
Mariposa Landscape	294,499	
Phoenix Landscape, Inc.	321,383	

Bid Package #9 - Reinforcing

Harris Rebar	\$117,610	Bid Withdrawal 2-2-2010
Rebar Engineering	\$208,325	Recommended Prime Contractor
Upland Contracting Inc.	\$215,489	
Base Bid - Rebar Engineering	208,325	
Alternate #7 - Trash Enclosure	950	
Total Award to K.A.R.	209,275	

Bid Package #10 - Building Concrete

K.A.R.	\$707,000	Bid Withdrawal 2-4-2010
Dominguez Construction	\$737,981	Recommended Prime Contractor
Coan Construction	\$1,261,000	
Guy Yocom Construction	\$1,925,310	

Bid Package #11 - Masonry Veneer

American Tile & Brick	\$139,999	Recommended Prime Contractor
NuWay, Inc.	\$162,980	

San Dimas City Hall & Community Center

Prime Contractor Recommended Awards

12-Feb-10

Bid Package #12 - Struct. Steel / Misc. Steel

Triad Steel	256,163	Recommended Prime Contractor
ACSS	309,160	
Wide Flange Steel	381,720	
Plas-Tal Mfg. Co Inc.	422,764	
Craneveyor Corp.	436,817	
Columbia Steel	474,400	
Atlas Ornamental Iron	556,220	
Schroeder Iron Corp.	585,165	
Base Bid - Triad Steel	256,163	
Alternate #7 - Trash Enclosure	3,480	
Total Award to Triad Steel	259,643	

Bid Package #13 - Metal Decking

McIntyre Company	\$60,855	Non-Responsive Bid - No Attachment C
Anning-Johnson Company	\$65,650	Recommended Prime Contractor

Bid Package #14 - Architectural Woodwork

Lozano Caseworks Inc.	186,880	Recommended Prime Contractor
MAJ International	197,700	
Stolo Cabinets	219,500	
K & Z Cabinet Co., Inc.	226,210	
SMI Millwork, Inc.	233,070	Non-Responsive Bid - No Bid Form
Sierra Woodworking, Incorporated	239,202	
ISEC	269,000	
Roy E. Whitehead	283,243	

Bid Package # 15 - Waterproofing

Systems Waterproofing	\$15,750	Bid Withdrawal 2-2-2010
Best Contracting Services	\$24,138	Recommended Prime Contractor
Waterproofing Experts	\$27,980	
Applied Roof Engineering, Inc.	\$65,000	

Bid Package # 16 - Bundling Insulation

Alcal Arcade	29,250	Recommended Prime Contractor
Viking Insulation	30,980	Non-Responsive Bid - No Bid Bond
Dittemore Bros. Inc. Insulation Contractors	38,808	
F. Rodgers Insulation Corp.	37,978	

Bid Package # 17 - Roofing

Note 1	Peterson Dean Roofing	89,500	Bid Withdrawal 1-29-2010
	Best Contracting Services	139,793	Recommended Prime Contractor
	Applied Roof Engineering, Inc.	247,500	
	Stone Roofing	263,400	
	Letner Roofing	303,158	Non-Responsive Bid - No Attachment C

Note 1 Petersen Dean Roofing was not qualified to bid on the project

Base Bid - Best Contracting Services	139,793
Alternate #9 - CC HVAC Unit	1,200
Total Award to Best Contracting Services	140,993

San Dimas City Hall & Community Center

Prime Contractor Recommended Awards

12-Feb-10

Bid Package # 18 - Flashing & Sheet Metal

Note 1	Best Contracting Services	39,800	Recommended Prime Contractor
	Risher Sutherland/United	42,700	
	Peterson Dean Roofing	51,000	Bid Withdrawal 1-29-2010
	VNSM	51,745	
	Weiss Sheet Metal	55,694	
	Cimco A/C and Sheet Metal Inc.	63,462	
	Applied Roof Engineering, Inc.	98,000	
	Crowner Sheet Metal	107,371	

Note 1 Petersen Dean Roofing was not qualified to bid on the project

Base Bid - Best Contracting Services	39,800
Alternate #9 - CC HVAC Unit	600
Total Award to Best Contracting Services	40,400

Bid Package # 19 - Door, Frames and Hardware

Note 1	G&G Door Products	253,000	Recommended Prime Contractor
	Southwest Door & Supply	265,797	Filed protest letter
	Roy Whitehead	282,730	

Note 1 City of San Dimas has elected to disallow the protest.

Bid Package #20 - Sliding Alum. Framed Glass Doors

Henry's Glass Co. Div. of Glazcon Industries	47,200	Recommended Prime Contractor
Amber Glass	49,980	Non-Responsive Bid - No Bid Bond
E&R Glass	58,610	
Perfection Glass	61,500	

Bid Package # 21 - Rolling Counter Doors

McKendry Door Sales	10,000	Recommended Prime Contractor
----------------------------	---------------	-------------------------------------

Bid Package # 23 - Glass & Glazing

Queen City Glass	174,012	Recommended Prime Contractor
E&R Glass Contractors	176,762	
Roy E. Whitehead	199,468	
Henry's Glass Co./Glazcon	204,000	
Best Contracting Services	224,871	
Amber Glass and Mirror	235,416	
Perfection Glass	245,000	
Base Bid - Queen City Glass	174,012	
Alternate #8 - Automatic Doors	20,000	
Total Award to Queen City Glass	194,012	

Bid Package #24 - Framing, Drywall, Lath & Plaster

Superior Wall Systems	\$487,967	Bid Withdrawal 2-1-2010
Church & Larsen	\$505,000	Bid Withdrawal 2-1-2010
Orange County Plastering	\$537,000	Recommended Prime Contractor
Nevell Group Inc. (NGI)	\$541,000	
Davcal	\$629,900	
Standard Drywall, Inc.	\$731,100	
Pacific Wall Systems, Inc.	\$735,589	
Performance Contracting Inc.	\$793,950	
Best Interiors, Inc.	\$811,391	
Capparelli Contracting Co., Inc.	\$1,438,000	

San Dimas City Hall & Community Center**Prime Contractor Recommended Awards**

12-Feb-10

Bid Package #25 - Ceramic Tile / Stone

Premier Tile and Marble	123,346	Recommended Prime Contractor
ProSpectra Contract Flooring	132,000	
Charles McCandless Tile	132,560	
Inland Pacific Tile, Inc.	141,800	
J. Colavin & Sons, Inc.	148,111	
Precision Floor Covering	180,712	
Carpet USA	185,764	Non-Responsive Bid - No Bid Bond
Continental Marble & Tile Co.	195,723	

Bid Package #26 - Acoustical Ceilings

Chaney Company, Inc.	108,000	Recommended Prime Contractor
Martin Integrated Systems	114,146	
Preferred Ceilings Inc.	122,200	
Performance Contracting Inc.	128,193	

Bid Package #27 - Resilient and Carpet Flooring

Continental Flooring, Inc.	74,403	Recommended Prime Contractor
Carpet USA	75,565	Non-Responsive Bid - No Bid Bond
SCS Flooring Systems	76,774	
Mike's Custom Flooring	79,000	
Precision Floor Covering	79,268	
Signature Commercial Floor Covering	85,000	
Commerical Interior Resources	87,765	
ProSpectra Contract Flooring	89,475	Non-Responsive Bid - No Attachment C

Bid Package #28 - Painting and Wall Covering

Borbon, Inc.	112,800	Recommended Prime Contractor
Sam Rammaha Painting Co. Inc.	124,371	
A.J. Fistas	167,000	Non-Responsive Bid - No Attachment C
Wilson & Hampton Painting	167,600	Non-Responsive Bid - No Attachment C
Western Painting & Wallcovering	189,200	
Base Bid - Borbon, Inc.	112,800	
Alternate #7 - Trash Enclosure	1,500	
Total Award to Borbon, Inc.	114,300	

Bid Package #29 - Operable Partitions

Hufcor Airwall	45,324	Recommended Prime Contractor
Partition Specialties, Inc.	45,900	Non-Responsive Bid - No Bid Bond
L2 Specialties	47,985	Non-Responsive Bid - No Bid Bond
Advanced Equipment Corporation	52,740	

Bid Package #30 - Toilet Partitions & Accessories

Global Steel Products Corp.	33,419	Recommended Prime Contractor
Pacific Building Specialties	44,291	
Stumbaugh & Associates, Inc.	47,850	
ISEC	48,481	

Bid Package #31 - Projection Screens

Martin Integrated Systems	17,915	Recommended Prime Contractor
Contract Décor	18,400	
Preferred Ceilings Inc.	20,750	
L2 Specialties, Inc.	22,170	Non-Responsive Bid - No Bid Bond

San Dimas City Hall & Community Center

Prime Contractor Recommended Awards

12-Feb-10

Bid Package #33 - Blinds

Contract Decor, Inc.	6,350	Non-Responsive Bid - No Attachment C
Phillip's Draperies Inc.	6,950	Recommended Prime Contractor
Diversified Window Coverings	9,858	
Heritage Window Coverings	11,563	
Sheward & Son	19,475	

Bid Package #34 - Fire Sprinkler System

XL Fire Protection	\$135,345	Bid Withdrawal 1-28-2010
JPI	\$235,500	Non-Responsive Bid - No Attachment C
Daart Engineering Company Inc.	\$241,710	Recommended Prime Contractor
SimplexGrinnell	\$272,450	
Cosco Fire Protection OC	\$292,830	
Southwest Fire Protection Co.	\$321,600	

Bid Package #35 - Plumbing

Fairchild Plumbing	372,300	Recommended Prime Contractor
JPI Development Group	390,000	Non-Responsive Bid - No Attachment C
Interpipe Contracting	417,000	
Ritchie Plumbing Inc.	418,200	
J.M. Farnan Co.	425,000	
Superior Plumbing	426,000	
J.J. Plumbing	432,000	
D/K Mechanical Contractors, Inc.	436,452	
Pan Pacific Plumbing	477,730	
Pacific Plumbing Co. of Santa Ana	496,767	
Don Brandel Plumbing	552,977	
All Area Plumbing	587,970	
Empyrean Plumbing	857,219	
Base Bid - Fairchild Plumbing	372,300	
Alternate #9 - CC HVAC Units	1,000	
Total Award to Fairchild Plumbing	373,300	

Bid Package #36 - HVAC & Controls

Air Flow Mechanical	990,000	Recommended Prime Contractor
Couts Heating & Cooling, Inc.	1,114,000	
Allison Mechanical	1,114,000	
ACH Mechanical Contractors	1,127,000	
Comfort Conditioning Co.	1,151,000	
Brian Cox Mechanical	1,164,309	
Athena Engineering	1,207,619	
JMS Air Conditioning	1,223,272	
Control Air Conditioning Corporation	1,257,200	
Best Contracting Services	3,546,589	
Base Bid - Air Flow Mechanical	990,000	
Alternate #9 - CC HVAC Units	85,200	
Total Award to Air Flow Mechanical	1,075,200	

San Dimas City Hall & Community Center

Prime Contractor Recommended Awards

12-Feb-10

Bid Package # 37 - Electrical

Brewster Electric	850,250	Recommended Prime Contractor
Professional Electrical Contractors	870,000	
Sunwest Electric Inc.	896,700	
M. Wilson Contractors	940,200	
Bergelectric Corporation	942,700	
Reyes & Sons	1,030,000	
Floyd Auten Electrical	1,147,300	
RDM Electric	1,150,000	
Sage Electric	1,381,000	
Base Bid - Brewster Electric	850,250	
Alternate #8 - Automatic Doors	1,500	
Alternate #9 - CC HVAC Units	1,000	
Total Award to Brewster Electric	852,750	

San Dimas City Hall and Community Center
 Construction Manager Alternate Recap Listing
 2/12/2010

Description of Work	Alt.#1	Alt.#3	Alt.#4	Alt.#7	Alt.#
	Striping	West Parking Lot	East Parking Lot	Trash Enclosure	Auto D
Prime Contractors					
American Demolition	\$0	\$38,000	\$20,000	\$1,500	
L.D. Anderson	\$0	\$3,500	\$0	\$4,500	
All American Asphalt	\$2,639	\$69,246	\$33,250	\$0	
K.A.R. Construction	\$0	\$9,374	\$0	\$4,876	
Rebar Engineering	\$0	\$0	\$0	\$950	
Triad Steel	\$0	\$0	\$0	\$3,480	
Best Contracting Services - Roofing	\$0	\$0	\$0	\$0	
Best Contracting Services - Flashing and Sheetmetal	\$0	\$0	\$0	\$0	
Queen City Glass	\$0	\$0	\$0	\$0	\$20
Borbon, Inc.	\$0	\$0	\$0	\$1,500	
Fairchild Plumbing	\$0	\$0	\$0	\$0	
Air Flow Mechanical	\$0	\$0	\$0	\$0	
Brewster Electric	\$0	\$0	\$0	\$0	\$1
Subtotal - Prime Contractors					
General Req's (Protection, Survey, Progress Clean, Final Clean/Trash)	\$0	\$5,000	\$1,500	\$300	
General Conditions for (3) weeks of added schedule (Alt. #1, #3, #4)	Incl #3	\$16,200	Incl #3	\$0	
Insurance (Liability, Auto, Workers Comp)	\$10	\$509	\$197	\$62	
Payment and Performance Bonds	\$27	\$1,418	\$549	\$172	
Construction Manager Fee - 5%	\$136	\$7,162	\$2,775	\$867	\$1
TOTALS	\$ 2,811	\$ 150,409	\$ 58,271	\$ 18,207	\$ 23

EXHIBIT C



620 Poinsettia Street • Santa Ana, California 92701

February 1, 2010

Mr. Scott Lauderdale
Swinerton Builders
17731 North Mitchell, Suite #200
Irvine, CA 92614

RE: San Dimas City Hall and Community Center

Dear Scott,

American Concrete Cutting, Inc. dba American Demolition/Concrete Cutting, Inc. wishes to protest the bid submitted by Castlerock Environmental for bid package C-1 Demolition/Abatement.

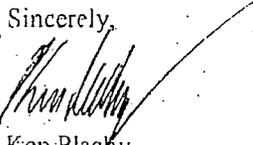
The invitation to bid, item # 12 states that **"Bids submitted that are not per... these bid instructions will be disqualified."** Item number 1, in the instruction to bidders states that **"(Sealed envelope shall include: Bid form, Bid Bond and Initialed exhibit C scope)."**

The bid submitted by Castlerock Environmental did not include the initialed exhibit C bid scope and is therefore not in compliance with the bid instructions.

We were unable to identify in the bid documents a procedure to protest the bid results. Therefore, we are submitting this protest to Swinerton Builders to forward to the appropriate party on our behalf. If there is another party to whom we should address this protest, please let us know.

Thank you for handling this on our behalf.

Sincerely,



Ken Plachy
Vice President

G:\data\Bids\2009\Ken Plachy\San Dimas City Hall\Bid Protest.doc

(800) 672-DEMO • FAX (714) 547-0584
(714) 547-7181 • Lic. 390754

Albany
Atlanta
Brussels
Denver
Los Angeles

McKenna Long
& Aldridge^{LLP}
Attorneys at Law

300 South Grand Avenue • 14th Floor • Los Angeles, CA 90071-3124
Tel: 213.688.1000 • Fax: 213.243.6330
www.mckennalong.com

New York
Philadelphia
San Diego
San Francisco
Washington, D.C.

PENNY PITTMAN COBEY
(213) 243-6185

EMAIL ADDRESS
pcobey@mckennalong.com

February 9, 2010

Mr. Gary Chubb
Vice President
Griffin Structures Incorporated
385 Second Street
Laguna Beach, CA 92651

Re: San Dimas City Hall: Bid Protest by American Demolition

Dear Gary:

We have reviewed the bid protest filed by American Demolition, the second low bidder on City Hall bid package #1, Demolition & Abatement. We advise the City to uphold the protest, reject the low bid by Castlerock Environment as unresponsive, and award the demolition and abatement contract to American Demolition.

California public bid law requires that public contracts be awarded to bidders who are both responsible and responsive. Castlerock's bid is nonresponsive in that it did not include a document (Attachment C) required by the bid documents to be submitted and material to the bidder's scope of work.

Should you have any questions, please don't hesitate to get in touch with Ken Brown or myself.

Sincerely yours,



Penny Pittman Cobey

PPC:jmf

cc: J. Kenneth Brown, Esq. (via E-mail)
Blaine Michaelis, City Manager (via – E-mail, hard copy to follow by US Mail)

LA:17728419.1

EXHIBIT D

Southwest Door & Frame, Inc., 6251 Schaefer Ave., Unit B, Chino, CA 91710 (909) 465-6705 fax (909) 465-9233

To: Swinerton Builders Date: 02-01-10

Job #: _____

Fax (949) 477-3085

Attention: Greg Hurlock

Reference: San Dimas City Hall and Community Center, San Dimas

Gentlemen:

We are sending you: Attached Under separate cover via The following items:
 Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order

1	02-01-10	Letter of Protest

These are transmitted as checked below:

For your use Approved as submitted Resubmit _____ copies for approval
 For your approval Approved as noted Submit _____ copies for distribution
 For review and comment Returned for corrections Return _____ corrected prints
 Per your request

Note: Good afternoon. Southwest Door & Frame, Inc. would like to protest the bid of G&G, Inc. as it relates Bid Package #19; do to the negligence of illustrating the proper Addenda's as per BP-1 (page 1) of the "Prime Contractor Bid Proposal" dated 01-28-10. The "Bid Submittal Instructions" dated 01-26-10 from Swinerton (as well as many other bid documents) specifically indicates to "acknowledge the Addendums in the space provided" (list each one individually), this project had (2) two, A1 & A2. G&G, Inc. lists Addendum's A1 & A21, A21 was not a part of this project and is an incorrect reference. Whether this was typed inadvertently or a complete error, the fact remains the same, the PROPER Addendums were NOT listed on the bid form and the Bid Documents indicated this would be reason for disqualification.

Thank you

C/C: Tim Feeney, President

Signed: Don R. Flanigan, V.P. - Sales/G.M.

Number of Pages to Follow: 0

PRIME CONTRACTOR BID PROPOSAL (10 pages)

Date January 28, 2010

Bid Proposal of * G&G Door Products, Inc (hereinafter called "Prime Contractor") a ** corporation organized and existing under the laws of the State of California

* Insert name of firm.

** Insert Corporation, partnership, or Individual, as applicable.

1/28/10

Hand Delivery on Bid Day - ~~1/26/10~~ **2:00 pm** or prior to this date and time
Swinerton Builders (Construction Manager)
San Dimas City Hall - Clerks Office
245 East Bonita Avenue
San Dimas, CA 92701

Gentlemen:

This Prime Contractor, in compliance with your Invitation for Bids for the construction of the San Dimas City Hall and Community Center having examined the Contract Documents entitled San Dimas City Hall and San Dimas Community Center, and all other related documents and being familiar with the site of the proposed work, and with all of the conditions surrounding the construction of the proposed project including the availability of materials and labor, and the progress of work to date, if any, hereby proposes to furnish all labor, materials, tools, equipment, machinery, equipment rental, transportation, superintendence, perform all work, provide all services, and to construct all work in accordance with the Contract Documents set forth herein, and at the prices stated below. These prices are to cover all expenses incurred in performing the work required.

Addenda

Prime Contractor acknowledges receipt of the following Addenda: A1 and A2
(List each one individually)

Subcontractor Listing

Prime Contractors shall be governed by the provisions of Sections 4100 to 4113, inclusive, of the Public Contract Code of the State of California and shall set forth in their bids, on forms provided for same, the name and location of the place of business of each subcontractor who will perform work or labor or render services to the bidder in or about the construction of the work or improvements in amount in excess of one-half (1/2) of one percent (1%) of the Prime Contractors total bid, and the portion of the work which will be performed by each subcontractor.

Failure by a prime contractor to specify a subcontractor for any portion of the work in excess of one-half (1/2) of one percent (1%) of the total bid constitutes an agreement that he is fully qualified to perform that portion of the work himself, and will perform that portion of the work himself.

No prime contractor whose bid is accepted shall substitute any persons as subcontractor in place of the subcontractor listed, nor shall any subcontract be assigned or transferred except as provided in the above sections or the Public Contract Code of the State of California.

Albany
Atlanta
Brussels
Denver
Los Angeles

McKenna Long
& Aldridge^{LLP}
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300 South Grand Avenue • 14th Floor • Los Angeles, CA 90071-3124
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New York
Philadelphia
San Diego
San Francisco
Washington, D.C.

PENNY PITTMAN COBEY
(213) 243-6185

EMAIL ADDRESS
pcobey@mckennalong.com

February 10, 2010

Mr. Gary Chubb
Vice President
Griffin Structures Incorporated
385 Second Street
Laguna Beach, CA 92651

Re: San Dimas City Hall: Bid Protest by Southwest Door & Supply

Dear Gary:

We have reviewed the bid protest filed by Southwest Door & Supply, the second low bidder on City Hall bid package #19, Doors, Frames & Hardware. We advise the City to disallow the protest and award the doors, frames and hardware contract to the lowest bidder, G&G Door Products.

California public bid law permits awarding agencies to waive immaterial irregularities in documents submitted by bidders, and we believe that the typographical error in G&G's bid is clearly within the City's discretion to waive. The City will waive the irregularity in this case.

Should you have any questions, please don't hesitate to get in touch with Ken Brown or myself.

Sincerely yours,



Penny Pittman Cobey

PPC:cp

cc: ✓ J. Kenneth Brown, Esq., City Attorney (via E-mail)
Blaine Michaelis, City Manager (via – E-mail, hard copy to follow by US Mail)

LA:17728724.1



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of February 23, 2010

FROM: Dan Coleman, Director of Development Services 

SUBJECT: Award of contract for geotechnical, and materials inspection and testing, for the renovation and expansion of the City Hall, Civic Center Plaza and Stanley Plummer Community Building to Leighton Consulting, Inc. in the amount of \$85,000 (includes 15% contingency) to be funded using uncommitted funds in the Infrastructure Fund 12.

ANALYSIS: In anticipation of the renovation and expansion of the City Hall, Plummer Community Building and the Civic Center Plaza, the City and its Program Construction Manager (Griffin Structures, Inc.) solicited bids from five consulting firms for the geotechnical and materials testing. Each firm was provided with complete construction plans for the project, previous geotechnical reports and the construction schedule. Since the scope of work includes inspection and testing concrete and reinforcing materials, it is crucial to the project schedule to award the contract before the construction start date of March 10, 2010.

Leighton Consulting, Inc. is the apparent low bidder. The bids ranged as high as \$115,496. Leighton Consulting was also the City's consultant for preparing the geotechnical reports used to design the project. The bid proposals are estimates based upon hourly rates. The Program Construction Manager had originally estimated \$220,000 due to potential additional work as construction proceeds. Staff believes it would be prudent to appropriate \$125,000.

RECOMMENDATION: Staff recommends the City Council take the following actions:

- Award the contract to Leighton Consulting, Inc. and amendment to budget in the amount not to exceed \$85,000 which includes a 15% contingency.
- Approve appropriation of uncommitted funds in Infrastructure Fund 12 in the amount of \$125,000.

Attachments: Exhibit A - Proposal





Leighton Consulting, Inc.
A LEIGHTON GROUP COMPANY

Geotechnical Observation & Testing During Construction Estimated Budget
City of San Dimas
Renovation and Expansion of City Hall, Community Building, Plaza and Sitework

Scope of Services	Unit	Quantity	Rate	Cost
<u>Pre-Construction Meeting</u>				
Associate Engineer	Hours	2	\$198.00	<u>\$396.00</u>
			Subtotal:	\$396.00
<u>Geotechnical Laboratory Tests</u>				
Maximum Density/Optimum Moisture	Each	2	\$220.00	\$440.00
R-value	Each	1	\$310.00	\$310.00
Sieve Analysis	Each	2	\$110.00	<u>\$220.00</u>
			Subtotal:	\$970.00
<u>Earthwork Observation and Backfill Density Testing</u>				
Field Soil Technician (prevailing wage)	Hours	180	\$80.00	\$14,400.00
Field Operations Manager	Hours	10	\$160.00	<u>\$1,600.00</u>
			Subtotal:	\$16,000.00
<u>QA/QC and Project Management</u>				
Associate Engineer	Hours	8	\$198.00	\$1,584.00
Operations Manager	Hours	2	\$160.00	<u>\$320.00</u>
			Subtotal:	\$1,904.00
<u>Final Compacted Fill Report Preparation</u>			Subtotal:	\$2,430.00

TOTAL ESTIMATED FEE: \$21,700.00



Leighton Consulting, Inc.
(A LEIGHTON GROUP COMPANY)

Materials Inspection & Testing Estimated Budget

City of San Dimas

Renovation and Expansion of City Hall, Community Building, Plaza and Sitework

Scope of Services	Unit	Quantity	Rate	Cost
<u>Concrete</u>				
Special Inspection Concrete ICC	Hours	300	\$75.00	\$22,500.00
Special Inspection Epoxy Injection & Anchors	Hours	32	\$75.00	\$2,400.00
ACI Technician Rebar Tag & Sample	Hours	32	\$75.00	\$2,400.00
Pull-out Test on Embedded Anchors (including equipment)	Hours	24	\$100.00	\$2,400.00
Pick-up and Delivery	Each	50	\$80.00	\$4,000.00
Concrete Cylinders (6"x 12") - Compression	Each	200	\$25.00	\$5,000.00
Reinforcing Steel Tensile Test, Up to No. 10	Each	16	\$45.00	\$720.00
Reinforcing Steel Bend Test, Up to No. 11	Each	16	\$45.00	<u>\$720.00</u>
			Subtotal:	\$40,140.00
<u>Structural Steel/Welding</u>				
Special Inspection Structural Steel Bolting ICC	Hours	80	\$75.00	\$6,000.00
Fabrication Inspection (Local) ICC	Hours	40	\$79.00	\$3,160.00
Non-Destructive Testing (NDT)	Hours	0	\$92.00	<u>\$0.00</u>
			Subtotal:	\$9,160.00
<u>Administrative Services</u>				
Project Management / Materials Inspection Manager	Hours	12	\$105.00	\$1,260.00
Administration / Secretarial Time	Hours	12	\$74.00	\$888.00
Review of Files for Final Letter of Affidavit (min. 2 hours)	Hours	4	\$144.00	<u>\$576.00</u>
			Subtotal:	\$2,724.00

OVERTIME IS NOT INCLUDED

TOTAL ESTIMATED FEE: \$52,024.00

The above schedule of charges is based on our 2010 Amended Fee Schedule. The rate for a certified special deputy concrete inspector for this project is \$75/hour at a daily four-hour minimum. Any hours worked in excess of the four-hour minimum will be charged at the eight-hour daily rate. Same-day cancellations will be charged as a two-hour minimum. Additional inspectors, overtime, and material testing not stated above will be provided as requested in accordance with our contract.

Our services are dependent upon the contractor's work schedule. Variances to the construction schedule resulting in additional hours, trips, or tests are subject to additional fees as shown in the above estimate and attached 2010 Amended Fee Schedule P60201735 for the City of San Dimas Renovation and Expansion of City Hall, Community Building, Plaza and Sitework project.



2010 PROFESSIONAL FEE SCHEDULE*
PROFESSIONAL SERVICES

Technical Staff	Hourly Rate
Technician I	\$83 80
Technician II	88 80
Senior Technician	95 80
Laborer (Prevailing Wage)	95 80
Soil/Field Technician (Prevailing Wage)	99 80
Materials Inspection Manager	110
Staff Engineer/Geologist/Scientist/Field Supervisor	121
Senior Staff Engineer/Geologist/Scientist	138
Operations Manager/Equipment Operator	160
Project Engineer/Geologist/Scientist	160
Senior Project Engineer/Geologist/Scientist	176
Associate	198
Principal	215
Senior Principal	259
 Technical Support Staff	 Hourly Rate
Project Administrator /Word Processor	\$78
Information Specialist	105
CAD Operator	110
GIS Specialist	125
 Miscellaneous	 Unit Rate
Vehicle usage	\$15 0 per hour
Nuclear density gauge	88 per day
FTP site set up (project-specific)	75 each

* Effective through ~~December 31, 2010~~ March 1, 2011, after which remaining work will be billed at then-current rates.

FIELD EQUIPMENT LIST

Task	Equipment, Supplies and Materials	Unit Rate
8200	Box of 10 soil drive-sample rings	\$125 per month
9594	Caution Tape (1000-foot roll)	15 each
9575	Combination Lock or Padlock	15 each
9564	Core Sample Boxes	15 each
9565	Cutoff Saws, reciprocating, electric (Saws-All)	45 per day
9566	D.C. Purging Pump, 3 gpm	25 per day
9555	DOT 55-gallon Containment Drum with lid	60 each
9567	Dissolved Oxygen Meter	40 per day
9537	Generator, portable gasoline fueled, 3,500 watts	75 per day
9538	In-Situ Level Troll 500 (each)	50 per day
9539	In-Situ Troll 9500 Low Flow Water Sampling Equipment	120 per day
9543	Level B Protection (per person)	300 per day
9544	Level C Protection (per person)	180 per day
9574	Magnahelic Gauges, each	10 per day
9511	Mileage (current published IRS rate)	IRS rate/mile
9547	Nitrile Gloves	15 per pair
9522	pH/Conductivity/Temperature Meter	45 per day
9562	Photo-Ionization Detector (PID)	440 per week
9557	Pump, Typhoon 2 or 4 Stage	45 per day
9512	Service Vehicle Usage	150 per day
9581	Slip / Threaded Cap, 2-inch or 4-inch diameter, PVC Schedule 40	8 each
9593	Snow Fence (100-foot roll)	15 per day
9595	Survey/Fence Stakes	5 each
9526	Submersible Pump, 10 gpm, high powered Grunfos 2-inch with controller	160 per day
9527	Submersible Sump/Transfer Pump, 10-25 gpm	45 per day
9582	Threaded Cap, Schedule 40 PVC	15 per cap
9585	Tedlar® Bags	15 each
9586	Traffic Cones (≤25)/Barricades (single lane)	40 per day
9556	Tubing, clear vinyl 3/8-inch diameter	.45¢ per foot
9528	Turbidity Meter	70 per day
9548	Tyvek® Suit (each)	12 each
9529	Vapor Sampling Box	40 per day
9588	Visqueen, 6-mil, 20 feet x100 feet roll, 6-mil	75 per roll
9536	Water Level Indicator (electronic well sounder) ≤300 feet deep well	40 per day
9597	Double-Ring Infiltrometer (ASTM D 3385-09) equipment	350 per day



UNIT RATE GEOTECHNICAL (SOILS) LABORATORY TESTING

Task	Classification and Index Properties	Method	Per Test
8002	Moisture Content	ASTM D 2216	\$20
8003	Moisture and Density (Ring Samples)	ASTM D 2937	30
8004	Moisture Content & Density (<i>Shelby tube or requires cutting</i>)	ASTM D 2937	40
8005	Atterberg Limits (3 points)	ASTM D 4318	150
8006	Single Point / Non-plastic	ASTM D 4318	84
8024	Atterberg Limits (Organic)	ASTM D 2487 / 4318	182
8007	Visual classification of point as non-plastic	ASTM D 2488	11
8008	Particle Size: Sieve ONLY (1½-inch to #200)	ASTM D 422	110
8023	Large Sieve (6-inch to #200)	ASTM D 422/C136	175
8009	Hydrometer ONLY	ASTM D 422	110
8010	Sieve + Hydrometer (≤3-inch sieve)	ASTM D 422	185
8011	Dispersive Characteristics of Clay Soil (<i>Double Hydrometer</i>)	ASTM D 4221	89
8012	Specific Gravity: Fine (passing #4)	ASTM D 854 / CTM 207	125
8013	Coarse (retained on #4)	ASTM C 127 / CTM 206	100
8014	Total Porosity – On Shelby tube sample	<i>calculated from density & specific gravity</i>	137
8015	Total Porosity – On other sample		105
8016	Photograph of sample		11
8017	Shrinkage Limits (<i>Wax Method</i>)	ASTM D 4943	126
8018	Pinhole Dispersion	ASTM D 4647	210
8020	Percent Passing #200 Sieve wash ONLY	ASTM D 1140	70
8021	As-Received Moisture and Density ("chunk" or carved samples)		58
8022	Sand Equivalent (SE)	ASTM D 2419 / CTM 217	105
Soil Chemistry and Corrosivity		Method	Per Test
8050	pH	CTM CA Test 532/643	\$42
8051	Electrical Resistivity – single point – in-situ moisture		42
8052	Minimum Resistivity (≥3 moisture content points)	CTM CA Test 532/643	89
8053	pH + Minimum Resistivity	CTM CA Test 532/643	131
8054	Sulfate Content - Gravimetric	CTM CA Test 417 Part II	68
8055	Sulfate Screen	HACH kit	32
8056	Chloride Content	CTM CA Test 422	68
8057	Corrosion Suite: pH, Chloride, Minimum Resistivity & Sulfate (<i>gravimetric</i>)	CTM CA Test 532/643	245
8058	Organic Matter Content	ASTM 2974	63
Shear Strength		Method	Per Test
8070	Pocket Penetrometer		\$16
8072	Direct Shear (3 points) <i>Consolidated Undrained - 0.05 in./min.</i>	ASTM D 3080 mod.	285
8073	Direct Shear (3 points) <i>Consolidated Drained - <0.05 in./min.</i>	ASTM D 3080	345
8074	Residual Shear (price per each additional pass after shear)	EM 1110-2-1906-IXA	70
8075	Remolding or Hand Trimming of specimens (3 points)		90
8076	Oriented or Block Hand Trimming (per hour)		58/hour
8077	Daily equipment usage rate (after 2 days)		35/day
8079	Single Point Shear		105
8080	Torsional Shear		620
Compaction and Pavement Subgrade Tests		Method	Per Test
8094	Standard Proctor Compaction (Maximum Density), 4 points	ASTM D 698	
8092	4 inch diameter mold	Methods A and B	\$182
8093	6 inch diameter mold	Method C	215
	Modified Proctor Compaction (Maximum Density), 4 points	ASTM D 1557-07	
8100	4 inch diameter mold	Methods A and B	220
8101	6 inch diameter mold	Method C	245
8102	Check Point	per point	65



UNIT RATE GEOTECHNICAL (SOILS) LABORATORY TESTING (Continued)

Task	Compaction and Pavement Subgrade Tests (Continued)	Method	Per Test
8000	Relative Compaction of Untreated & Treated Soils & Aggregates (Caltrans CTM 216: Caltrans wet density compaction curve)	CTM 216	\$250
8103	Relative Density (0.1 cubic foot mold)	ASTM D 4253, D 4254	236
8104	California Bearing Ratio (CBR) – 3 point *	ASTM D 1883	500
8105	– 1 point *		184
* Compaction (Maximum Density) should also be performed – not included in above prices			
8090	R-Value – Untreated	CTM 301	310
8091	R-Value – Lime or cement treated soils ($\leq 7\%$ additive)	CTM 301	338
Triaxial Tests		Method	Per Test
8120	Unconfined Compression Strength of Cohesive Soil (<i>with stress/strain plot</i>)	ASTM D 2166	\$135
8121	Unconsolidated Undrained Triaxial Compression Test on Cohesive Soils (USACE Q test) (<i>per confining stress</i>)	ASTM D 2850	168
8122	Consolidated Undrained Triaxial Compression Test for Cohesive Soils (CU, USACE R-bar test) with Back Pressure Saturation & Pore Water Pressure Measurement (<i>per confining stress</i>)	ASTM D 4767	375
8127	Consolidated Drained Triaxial Compression Test (CD, USACE S test) with Volume Change Measurement	EM 1110-2-1906(X)	
8123	Sand or silty sand soils (<i>per confining stress</i>)		375
8124	Silt or clayey sand soils (<i>per confining stress</i>)		500
8125	Clay soils (<i>per confining stress</i>)		705
8126	Three-stage Triaxial Tests		Above price + 75%
Consolidation and Expansion/Swell Tests		Method	Per Test
8140	Consolidation (<i>11 loads up to 16 ksf & unload to 0.25 with strain vs. load curve and one time-rate-of-consolidation curve</i>)	ASTM D 2435	\$195
8141	Each additional Time Curve		45
8142	Each additional load/unload w/o Time Reading		42
8143	Expansion Index (EI)	ASTM D 4829-08	131
8145	Swell/Collapse Test – Method A (<i>Up to 10 load/unloads w/o time curves</i>)	ASTM D 4546-A	289
8146	Single Load Swell/Collapse Test - Method B (<i>Seat, load, and inundate only</i>)	ASTM D 4546-B	105
8148	Collapse Potential of Soils	ASTM D 5333	220
Hydraulic Tests		Method	Per Test
8162	Triaxial Permeability in Flexible-Wall Permeameter with Backpressure Saturation (at One Effective Stress)	EPA 9100/ASTM D 5084 (Falling Head Method C)	\$310
8163	- Each Additional Effective Stress		121
8164	- Hand Trimming of Soil Samples for Horizontal K		58
8169	Remolding of Test Specimens		58
Soil-Cement		Method	Per Test
8106	Moisture-Density Relations of Soil-Cement Mixtures	ASTM D 558	\$240
8107	Wet-Dry Durability of Soil-Cement Mixtures*	ASTM D 559	1,205
8130	Compressive Strength of Molded Soil-Cement Cylinders* (per cylinder)	ASTM D 1633	60
8161	Soil-Cement Remolded Specimen* (for shear strength, consolidation, etc.)		236
*Compaction (ASTM D 558 maximum density) should also be performed – not included in above price			

MATERIALS TESTING AND INSPECTION SCHEDULE OF SERVICES

Task	Special Inspection Services (field)	Prevailing Wage	Non-Prevailing
6200	Special Inspection Concrete ICC	\$85 75	\$70
6201	Special Inspection Post-Tension Concrete ICC	85 75	70
6202	Special Inspection Structural Steel/Welding & Bolting ICC	85 75	70
6203	Special Inspection Welding AWS/CWI	89 79	76
6204	Special Inspection Masonry ICC	85 75	70
6205	Special Inspection Masonry DSA	89 79	76
6207	Special Inspection Asphalt	85 75	70
6208	Special Inspection Fireproofing ICC	85 75	70
6211	Special Inspection Shotcrete or Gunitite ICC	85 75	70
6212	Special Inspection Shotcrete or Gunitite DSA	89 79	76
6213	Special Inspection Epoxy Injection & Anchors	85 75	70
6214	Batch Plant Inspection Concrete/Asphalt	85 75	70
6217	Fabrication Inspection (Local) AWS/CWI, ICC, Glulam	89 79	76
6218	Fabrication Inspection (Outside Southern California)	Quote upon request, site-specific	
6219	Inspector Verified Report (DSA-5/DSA-6)	79	76

Task	Technician Services	Prevailing Wage	Non-Prevailing
6230	ACI Concrete/Rebar Tag & Sample	\$85 75	\$70
6233▣	Pachometer Survey	85 75	70
6234▣	Schmidt Hammer Survey	85 75	70
6235▣	Moisture Testing	85 75	70
6236▣	In-situ surface Wenner soil resistance test (including equipment)	100	85
6237▣	Pull-out Test on Embedded Bolts, Anchors and Dowels (including equipment)	100	85
6238▣	Earth Anchor Hold Down Test (4 hour, full load application with 5 tests minimum)	Quote upon request, site-specific	
6239▣	Earth Anchor Hold Down Test (Prelude / short term with full load)	Quote upon request, site-specific	
6240▣	Coring concrete, masonry or asphalt in the field	Quote upon request, site-specific	
6241▣	Sawing concrete, masonry or asphalt in the field	Quote upon request, site-specific	
6242	Pick-up and Delivery – (weekdays, per trip, <50 mile radius from Leighton office)		80
6232	Coring and Sizing (in house, at Leighton laboratories)		80
7120	Laboratory Technician (at Leighton laboratories)		80

▣ Portal to Portal

Task	Concrete Strength Characteristics	Method	Per Test
7200	Concrete Cylinders (6-inch by 12-inch) - Compression	ASTM C 39	\$25
7201	Gunitite /Shotcrete Cores (laboratory coring and testing only)	ASTM C 42	60
7202	Lightweight Fill Concrete (3-inch by 6-inch)	ASTM C 495	30
7203	Compression, Concrete or Masonry Cores (testing only) ≤6-inch diameter	ASTM C 42	40
7220	Trimming concrete cores (per core)		20
7204	Splitting Tensile – 6-inch by 12-inch cylinder	ASTM C 496	50
7205	Flexural Strength of Concrete (Simple Beam with 3rd pt. Loading)	ASTM C 78	65
7206	Mix Design, Determination of Proportions		250
7207	Mix Design, Review of Existing		150
7208	Laboratory Trial Batch with Slump, Unit Weight & Air Content	ASTM C 192	457
7209	6-inch by 12-inch Cylinder, Make and Test (lab trial batch)	ASTM C 192	25
7210	3-inch by 6-inch Grout Prisms, Make and Test (lab trial batch)	ASTM C 192	25
7211	6-inch by 6-inch Flexural Beams, Make and Test (lab trial batch)	ASTM C 192	65
7213	Cylinder molds, 6-inch by 12-inch, 2-inch by 4-inch when not used with testing		3
7214	Unit Weight of Hardened Light weight Concrete	ASTM C 567	50
7215	Rapid Cure Concrete Cylinders (Boil Method)	ASTM C 684	50
7216	Drying Shrinkage (Four Readings, up to 90 days, 3 bars)	ASTM C 157	400
7217	Modulus of Elasticity/Poisson's Ratio 3-inch by 6-inch cores	ASTM C 469	350
7376	Flexural Strength of Concrete (simple beam w/ center point loading) †	CTM 523	65



MATERIALS TESTING AND INSPECTION SCHEDULE OF SERVICES (Continued)

Task	Aggregate Properties	Method	Per Test
7240	Sieve Analysis of Fine and Coarse Aggregate	ASTM C 136	\$135
7241	Sieve Analysis-Finer than #200 (Wash)	ASTM C 117	90
7242	LA Rattler-Smaller Coarse Aggregate <	ASTM C 131	165
7243	LA Rattler-Larger Coarse Aggregate >	ASTM C 535	190
7244	Soundness Magnesium	ASTM C 88	225
7249	Soundness Sodium		650
7245	Organic Impurities	ASTM C 40	90
7246	Clay Lumps, Friable Particles	ASTM C 142	175
7370	Soil & Aggregate Preparation & Sieve (Fine & Coarse Aggregate) ✕	CTM 201 & 202	265
7373	Grading & Specific Gravity Calculation †	CTM 105	80
7247	Durability Index	CTM 229	200
7248	Cleanness Value of Coarse Aggregate	CTM 227	210
Task	Masonry	Method	Per Test
7260	Mortar Cylinders (2-inch by 4-inch)	ASTM C 780	\$25
7261	Mortar Cubes (2-inch by 2-inch)	ASTM C 109	25
7262	Grout Prisms (3-inch by 6-inch)	ASTM C 1019	25
7263	Concrete or Masonry Cores Compression, ≤6-inch diameter (Testing Only)	ASTM C 42	40
7264	CMU Compression (3 required) to size 8-inch by 8-inch by 16-inch	ASTM C 140	45
7265	CMU Compression (3 required) greater than 8-inch by 8-inch by 16-inch	ASTM C 140	50
7266	CMU Moisture Content, Absorption & Unit Weight (6 required)	ASTM C 140	40
7267	Masonry efflorescence (5 required)	ASTM C 67	40
7268	CMU Linear Drying Shrinkage	ASTM C 426	175
7269	CMU Grouted Prisms (compression test ≤ 8 inch by 8-inch by 16-inch)	ASTM E 447	180
7280	CMU Grouted Prisms (compression test > 8-inch by 8-inch by 16-inch)	ASTM E 447	250
7281	Masonry Core-Shear Title 24 (Test Only)		70
7283	Specimen Prep (Sample by others)		50
7284	CMU width, depth and face shell measurements		40
Task	Brick	Method	Per Test
7290	Compression (5 required)	ASTM C 67	\$40
7291	Modulus of Rupture (5 required)	ASTM C 67	40
7292	Absorption, Soak (5 required)	ASTM C 67	40
7293	Absorption, Boil (5 required)	ASTM C 67	50
7294	Absorption, Saturation Coefficient (5 required)	ASTM C 67	50
7295	Initial Rate of Absorption (5 required)	ASTM C 67	40
7296	Efflorescence (5 required)	ASTM C 67	55
7297	Efflorescence with Mortar (5 required)	ASTM C 67	65
Task	Steel Reinforcement	Method	Per Test
7300	Tensile Test, Up to No. 10	ASTM A 370	\$45
7301	Tensile Test, No. 11 and over	ASTM A 370	100
7302	Bend Test, Up to No. 11	ASTM A 370	45
Task	Structural Steel	Method	Per Test
7310	Tensile Strength, ≤100,000 pounds axial load	ASTM A 370	\$45
7311	Tensile Strength, 100,000 to 200,000 pounds axial load	ASTM A 370	60
7312	Bend Test	ASTM A 370	40
7313	Pipe Flattening Test	ASTM A 370	Quote
7314	Machining and Preparation of Samples	ASTM A 370	Quote
7315	Brinell & Rockwell Hardness Test	ASTM A 370	55
7316	Chemical Analysis, Carbon and Low Alloy Steel		Quote



MATERIALS TESTING AND INSPECTION SCHEDULE OF SERVICES (Continued)

Task	Pre-stressing	Method	Per Test
7320	Prestressing Wire, Tension (stress vs. strain plot)	ASTM A 416	\$150
7321	Sample Preparation (cutting)		50
7322	Prestressing cable, 7 wire (Breaking strength/Modulus of Elasticity)	ASTM A 416	190
Task	Weld Procedure and Welder Qualifications		Rate
6320	Welder Certification/Weld Procedure Review (AWS/CWI)		\$85/hour
7330	Weld Tensile Test		50 each
7331	Weld Bend Test		40 each
7332	Weld Macro-Etch		60 each
7333	Bolt Tensile Test		50 each
7334	Bolt, Nut or Washer Hardness Test		50 each
7335	Bold Elastic Proof Load Test		50 each
Task	Fireproofing	Method	Per Test
7340	Unit Weight (Density)	ASTM E 605-93	\$60
Task	Asphalt Concrete, Specimen Testing	Method	Per Test
7350	Extraction, Percent Asphalt and Gradation, Centrifuge	ASTM D 2172/C 136	\$195
7351	Extraction & Percent Asphalt (only), Centrifuge	ASTM D 2172	155
7355	Extraction and Gradation Only, Centrifuge	ASTM D 2172/C 136	175
7352	Bulk Specific Gravity – Molded Specimen or Cores	ASTM D 1188	55
7353	Maximum Density - Hveem	CTM 308	125
7354	Stabilometer Value	CTM 366	265
7357	Bituminous Mixture Preparation	CTM 304	80
7377	Moisture Content of Asphalt †	CTM 370	60
7378	Sampling Highway Materials/Products (Roadway Structural Sections) †	CTM 125	Quote
7379	Extraction by Ignition Oven	CTM 382 (8/2003)	150
	Rubberized Asphalt		add 25%
Task	Mix Design/Control	Method	Per Test
7360	Mix Design – Hveem Including Aggregate Tests per Design	ASTM D 1560/CTM 366	Quote
7361	Mix Design – Marshall Including Aggregate Tests per Design	ASTM D 1559	Quote
7362	Field Mix – Hveem Stability per point	ASTM D 1560/CTM 366	\$200
7363	Field Mix - Marshall Stability per point	ASTM D 1559	200
Task	Moisture Vapor Emission Rate (MVER) Test	Method	Per Test
6325	Moisture Test Kit (excludes labor to perform test)	ASTM E 1907	\$60
Task	Other Services	Method	Rate
6260	Non-Destructive Testing (NDT) each weld	ANSI	\$92 each
6259	Radiographic Testing		Quote
6270	Project Closeout		215/hour

‡ soil † material ✕ soil & materials



TERMS AND CONDITIONS

- **Overtime:** Overtime for field personnel will be charged at 1.5 times basic hourly rates when exceeding 8 hours up to 12 hours per 24 hour interval, and 2 times basic hourly rates when exceeding 12 hours in 24 hours or on Sunday, and 3 times basic hourly rates on California official holidays.
- **Expert Witness Time:** Expert witness deposition and testimony will be charged at 2 times hourly rates listed on the previous pages, with a minimum charge of four hours per day.
- **Minimum Hourly Charges for Geotechnical and Environmental Technicians (field time only):**

 - 1. Monday-Friday..... 2 hours
 - 2. Saturday and Sunday 4 hours
- **Minimum Hourly Charges for Special Inspectors or Material Testing Field Services (field time only):**

 - 1. Cancellation of inspections not canceled by 4:00 p.m. on preceding day* 2 hours
 - 2. One-half working day or less except as No. 3 (below) applies 4 hours
 - 3. Over one-half working day, or begins before noon and extends into afternoon 8 hours

*No charge if cancellation is made before 4:00 p.m. of the preceding work day.
- **Outside Direct Costs (ODCs):** Heavy equipment, subcontractor fees and expenses, project-specific permits and/or licenses, project-specific supplemental insurance, travel, subsistence, project-specific parking charges, shipping, reproduction, and other reimbursable expenses will be invoiced at cost plus 20%, unless billed directly to and paid by client.
- **Insurance and Limitation of Liability:** These rates are predicated on standard insurance coverage and a limit of Leighton's liability equal to our total fees for a given project.
- **Invoicing:** Invoices are rendered monthly, payable upon receipt in United States dollars. A service charge of 1½-percent per month will be charged for late payment.
- **Proposal Expiration:** Proposals are valid for at least 30 days, subject to change after 30 days; unless otherwise stated in the attached proposal. Fees are subject to change on January 1st of every year.
- **Client Disclosures:** Client agrees to provide all information in Client's possession about actual or possible presence of buried utilities and hazardous materials on the project site, prior to fieldwork, and agrees to reimburse Leighton for all costs related to unanticipated discovery of utilities and/or hazardous materials. Client is also responsible for providing safe and legal access to the project site for all Leighton field personnel.
- **Earth Material Samples:** Quoted testing unit rates are for soil and/or rock (earth) samples free of hazardous materials. Additional costs will accrue beyond these standard testing unit rates for handling, testing and/or disposing of soil and/or rock containing hazardous materials. Hazardous materials will be returned to the site or the site owner's designated representative at additional cost not included in listed unit rates. Standard turn-around time for geotechnical-laboratory test results is 10 working days. Samples will be stored for 2 months, after which they will be discarded. Prior documented notification is required if samples need to be stored for a longer time. A monthly storage fee of \$10 per bag and \$5 per sleeve or tube will be applied. Quoted unit rates are only for earth materials sampled in the United States. There may be additional cost for handling imported samples.
- **Construction Material Samples:** After all designated 28-day breaks for a given set meet specified compressive or other client-designated strength, all "hold" cylinders or specimens will be automatically disposed of, unless specified in writing prior to the 28-day break. All other construction materials will be disposed of after completion of testing and reporting.





Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of February 23, 2010

FROM: Blaine Michaelis, City Manager

INITIATED BY: Ken Duran, Assistant City Manager

SUBJECT: Renewal of Agreement with the University of La Verne for the Management of the City's Government and Education Access Channel.

BACKGROUND

In 2006 the California State Legislature adopted the Digital Infrastructure and Video Competition Act (DIVCA) that allowed a cable provider to obtain a state franchise agreement in lieu of an individual local franchise. DIVCA eliminated all cable provider obligations that were a historic requirement of local franchises including support for public access. They were still required to provide channels within their line-up for public access but not support.

Time Warner was granted a state franchise effective January 1, 2009 which as described above released them from their obligation to provide management of the City's public access channel. If the City was to continue to provide the channel we were faced with the obligation to find an alternative way to continue its operation. The City considered various options to continue with an (EG) education and government channel and chose to contract with the University of La Verne (ULV).

ULV took over the management of the channel in January 2009; however the contract wasn't fully executed until March 2009. The contract was for one year and expires the end of February 2010.

From the beginning there were many challenges with the transition from Time Warner, including the transfer of equipment and most importantly, Time Warner's inability to provide the necessary live feed from the ULV studio. Alternative arrangements were made to provide the live feed and play out from City Hall, however, this prohibited the use of the studio at ULV for live shows and required ULV staff to travel to City Hall to program play outs and update the bulletin board. Throughout the year City staff and ULV staffs have attempted to work with Time Warner on providing a direct feed to the ULV studio. Those discussions stalled

several months ago with changes in Time Warner personnel but are hoped to be resumed in the near future.

The initial contract with ULV was for \$57,226. This amount included a part-time Station Manager, full-time production coordinator and other part time support positions. It also included supplies, office rent and utilities. In addition the City spent an additional \$22,203 for start up equipment. The funding source is a combination of revenue collected from a 1% PEG fee paid by subscribers and the General Fund. The 1% PEG fee generated approximately \$56,000 in 2009. However, due to State regulations the revenue can only be used for capital and not operating expenditures. Therefore, \$12,750 of the ULV contract, that portion attributed to capital, plus the \$20,203 in equipment costs were paid for from those funds. The balance of the fee generated revenue is available for future capital expenses.

During this initial year, ULV has continued to produce governmental and education programs including the twice a month City Council meetings, community events such as Western Days Parade and Rodeo, Festival of Arts Spring and Fall Shows, Music in the Park, Teacher of the Year Banquet, State of the City Address, Ask the Mayor, municipal election, high school sporting events and a University student produced Foothill Community News program. The first three quarterly progress reports from ULV are included as attachment 1 and provide a more detailed list of programs.

In spite of the many technical challenges, staff has been satisfied with the ULV staff's performance. In light of their overall positive performance staff requested they submit a proposal for a 1 year renewal of the contract for the operation of KWST.

The attached proposal, attachment 2, provides a budget breakdown of their proposal with a rationale for the increased areas. The overall budget for the year is \$66,526.07, an approximate \$9,300 increase over the current budget. Most of the increase is due to increase in staffing costs due to staff time being greater than anticipated due to the challenges of transitioning the station and not having the direct feed to the University. This proposal does not anticipate any additional equipment purchases. However, there is excess revenue from the PEG fee that could be used for equipment purchases if the need arises.

ANALYSIS

This upcoming year offers further challenges for the operation of the access channel, for example; televising the Council meetings from the temporary Council Chambers and continuing to work with Time Warner to try and trouble shoot some of the technical problems with the playback. In addition, there will be continuing efforts to work with Time Warner to provide the necessary feed to ULV.

Staff has met with the ULV Program Manager and reviewed the proposal and feels that the costs are reasonable. Given ULV's build up of the station this past year, it makes sense to continue with the management agreement for at least another year, especially during this City Hall transition.

The funding sources for the \$66,526.07 will be \$18,500 from the 1% PEG fee and \$48,276 from the General Fund. There is \$29,000 remaining in the General Fund for the remainder of this fiscal year for this expense. The balance will be budgeted next fiscal year.

RECOMMENDATION

Staff recommends that the City Council authorize the execution of an agreement with the University of La Verne for the continued management of the City's Government/Education access channel for the term of one year in the amount of \$66,526.07.

1950 Third Street

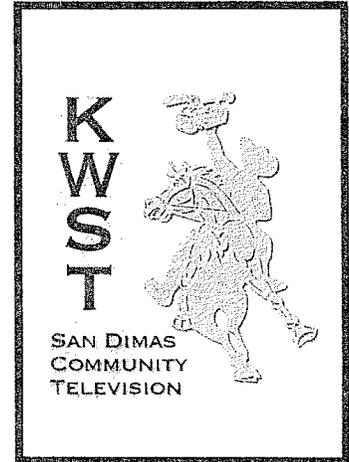
La Verne, Calif. 91750

(909) 971-2204

(909) 392-2706 Fax

E-Mail: KWST@ULV.EDU

<http://www.laverne.edu/kwst/>



Ken Duran
Assistant City Manager
City of San Dimas
245 East Bonita Ave.
San Dimas, CA 91773

June 8, 2009

Dear Ken:

Attached is the first quarterly report regarding running KWST.

Starting up or taking over a new TV station requires a lot of leg work.

We have designed a new logo, designed and launched a new website, hired two new half time positions, installed a new phone line, established an e-mail account, purchased new equipment and updated the readerboard.

We have worked with Time Warner and University of La Verne OIT regarding moving ployout to the LVTV site.

We renamed the TV News program "Foothill Community News" from "La Verne Community News" to reflect the added coverage of San Dimas.

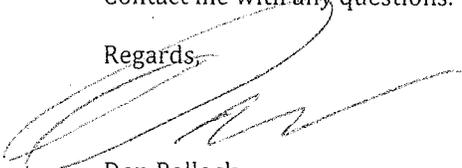
Over the summer we plan to continue a scaled back version of the news program called "Foothill Community News Briefs". So, please keep in touch regarding city and community events.

Prior to starting the contract we covered the San Dimas State of the City address and the City council candidate's forum.

We have bought some of the equipment we planned to buy. We have not yet bought the teleprompter for the studio.

Contact me with any questions.

Regards,


Don Pollock
KWST
Station Manager

KWST
San Dimas Community Television Quarterly Report
March 1, 2009-May 31, 2009

Shows produced

- Face 2 Face: Anthony Adams
- San Dimas Farmers' Market
- 5th Annual Taste of Pomona Valley
- Art Show Storyteller Show 1
- Art Show Storyteller Show 2
- Art Show documentary (in progress)
- San Dimas Earth Day
- 2008-2009 Teacher of the Year Banquet
- San Dimas Spring Concert "Top Hats, Canes, & All That Jazz"

City Council Meetings

Six meetings

Foothill Community News

(news storys)

Former NFL Kicker Tony Zendejas acquitted of rape charges
San Dimas Vehicle Burglary
San Dimas business owner sent to court for out door canopy
San Dimas Farmers Market
San Dimas Earth Day
San Dimas Softball
San Dimas E-Waste Recycling
San Dimas Mountain Rescue Team
San Dimas Gun Collection
San Dimas and La Verne Florists have Mother's Day Specials
San Dimas Catcher: Josh Leyland

San Dimas Election Coverage:

- Voter outreach campaign
- Profile on Denis Bertone
- Profile on Jeremy Kahn
- Profile on Sid Maksoudian
- Profile on Jeff Templeman
- Profile on Kevin Kenney
- Profile on Mayor Curtis Morris
- Election Vote Tallies

San Dimas High School Seniors get Inside look at city politics
San Dimas City Olympics

San Dimas Election Results are in
Restoration of the Walker House
San Dimas Stage Race
American Power Boat Association Races
San Dimas Swim and Racket Club Fund Raiser
2-Mile Hike at Bonelli Park

Equipment purchased

1 Panasonic 150 camera with accessories	\$6729.58
1 shooters package	\$1260.42
1Memory Card	\$47.95
1Battery	\$169.95
1Charger	\$19.95
1Filter	\$9.95
1 tripod	\$599.95
1 Switronixlight	\$299.00
1 SONY Walkamn HDV VCR	\$989.99
1 Delvcam 7" monitor	\$369.00
1 wireless mic system	\$2382.05
1 computer edit system (ordered not received approximate)	\$6000.00
2 Hard drives (approximate)	\$400.00

19,277.76

1950 Third Street

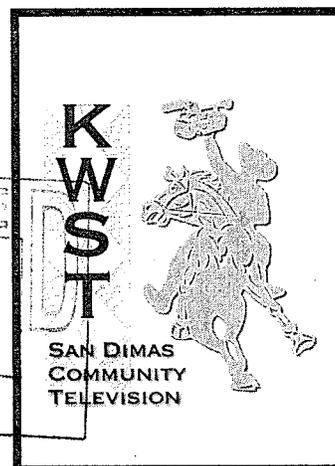
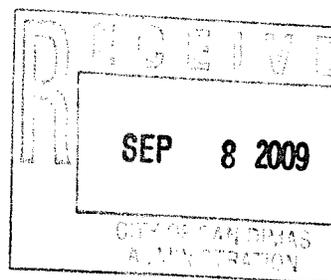
La Verne, Calif. 91750

(909) 971-2204

(909) 392-2706 Fax

E-Mail: KWST@ULV.EDU

<http://www.laverne.edu/kwst/>



September 1, 2009

Dear Ken

Enclosed is the KWST Quarterly Report from June 1 through August 31.

We have focused our efforts on City Council Meetings, Community Concerts and local news/events.

We have expanded our spring news show Foothill Community News to cover news in San Dimas as well as in La Verne. We continued to produce a scaled back version of the show during the summer.

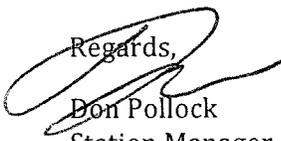
We also plan to expand our Spotlight video magazine show in the fall to include more San Dimas stories. We appreciate your letting us know about people, places and events of interest to community members/viewers.

As I have let you know the entire La Verne Campus is wired with fiber. This should make the connection to play out KWST from our office easier. We look forward to meeting with you and Time Warner to try and work this out. Making this connection would enable us to go live from the studio on the University of La Verne Campus.

We have added two hard drives for San Dimas projects. The invoices are enclosed. We hope to be able to buy a teleprompter for live studio shows.

We had hoped to have the new production truck up and running by the start of school. Unfortunately because we are dealing with new technology some of the pieces we need are not yet available. When we complete the truck we will put it into service. In the meantime we have a three camera portable studio that we have used for a number of San Dimas events.

Regards,


Don Pollock
Station Manager
KWST

San Dimas Quarterly Report

Multi-camera productions

City Council Meetings

City Council Meeting (6/9)

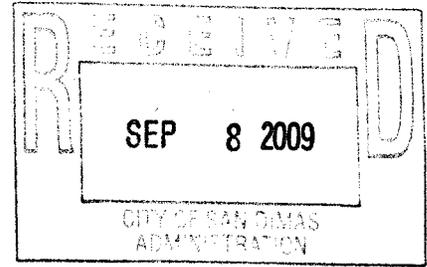
City Council Meeting (6/23)

City Council Meeting (7/14)

City Council Meeting (7/28)

City Council Meeting (8/11)

City Council Meeting (8/25)



Concerts

Music In The Park - Ravelers

Music In The Park- Jonny Come Lately

Music In The Park - All American Wrangler

Music In The Park - Doo wa Riders

Music In The Park - Kopy Cats

Music In The Park - Five In crisis

Music In The Park - The Answer to Classic Rock

San Dimas Hawaiian Festival

Other Productions

San Dimas Car show (Volunteer Production)

San Dimas Birthday

2008-2009 Teacher of the Year Banquet

San Dimas Chamber of Commerce Installation of Officers/Awards dinner

Western Art Show

Foothill Community News

Foothill Community News Briefs

- Foothill Community News Brief: July 7th
 - Walker House Art Gallery
 - ULV/Chaffey partnership
 - July 4th Celebrations
 - Hazardous Waste
 - Music in the Park / Concerts in the park
 - Farmers Market
 - ULV Summer Reach Program
 - San Dimas Free Lunch

- Foothill Community News Brief: July 23rd
 - San Dimas Birthday Celebration
 - ULV Sports Camps
 - Free Re-usable Bags
 - OC Super Fair
 - Water Drought
 - San Dimas Most Excellent race
 - Heat Wave
 -
- Foothill Community News Brief: August 6th
 - National Night Out (PKG)
 - San Dimas Ride For Life Recap
 - Intergenerational Talent Show
 - Skate Competition Recap
 - Code Red Emergency service
 - Hometown Award
 - 20 gallon conservation/ Water Restrictions
 - Flu update and precautions
 - White Striped Fruit Fly
 -
- Foothill Community News Brief: August 19th
 - University of La Verne offers discount for education students
 - 25th Annual San Dimas Run and Family Fitness Fair
 - SD and LV day at the fair
 - San Dimas Heroes Appreciation Month
 - Sheriff Mountain Rescue Team (pkg)

Readerboard

40 requests

KWST Quarterly Report

September 1, 2009-November 30, 2009

Programs produced

City Council Meetings

SDCC 9/8/09

SDCC 9/22/09

SDCC 10/12/09

SDCC 10/26/09

SDCC 11/10/09

Sports

Smudge Pot 2009 San Dimas vs. Bonita Football

Rodeo SAT

Rodeo SUN

Other

San Dimas Day at the Fair 2009

Ask the Mayor 11/12/09

San Dimas Western Days Parade

San Dimas Western Days Little Miss San Dimas Pageant

LA County Half Marathon Press Conference

San Dimas Wildlife Art Show: Storytime

San Dimas Wildlife Art Show: Art Seminar

San Dimas Wildlife Art Show: Art Show

Foothill Community News Brief

September 7, 2009

- San Dimas Water Conservation
- 25th annual 5k fun run
- September is heroes appreciation month
- San Dimas Mountain Rescue (package)

Spotlight Video Magazine program

October

LA County Fair show

Food at the Fair

Going Green at the Fair

Pirate's Life

November

San Dimas Face Painter

Hookah

New Campus Center at La Verne

Heritage Park Pumpkin Patch

Reader Board Requests

93

Equipment purchase

1. 1 - EDIROL V8 8 CHANNEL VIDEO MIXER \$2,159.90

Proposed Budget to operate KWST

March 1, 2010 to February 28, 2010

Prepared by

Don Pollock

dpollock@laverne.edu

909-593-3511X4277

Annual costs

Personnel

Production coordinator \$38,376.07

\$15 hr X \$40hrs/weekx50 weeks=\$31,200

Plus 23% benefits=\$7176.07

Station manager \$9,900.00

\$750/moX12=\$9000

Plus 11% benefits=\$9900

Equipment and supplies

Videotape costs 100 tapes @ \$5/each \$500.00

DVDs 500@ .50/each \$250.00

Stationary/postage/office supplies \$500.00 \$500.00

Miscellaneous \$500.00

Music license \$1000.00

Equipment purchase and repair \$5000.00

(Hard drives, camera, microphones)

Rent, utilities and phone \$9000.00

\$750/mo.x12 mo.

Travel \$1500.00

(3 people to attend regional public access conference)

Total \$66,526.07

Rationale

There is a requested increase in the annual budget for the coming year.

The video production specialist salary remains unchanged. However, the half time programmer's salary is about \$19,000/year. Because this position is split between San Dimas and La Verne and the position is taking more time for San Dimas because of the required travel to San Dimas and additional duties to insure the proper running of KWST, we are trying to fund one half of this salary (the equivalent of one ¼ time position) from office rental fees, we are requesting an increase in office rental fees.

The station manager position was kept low for the first year. With additional production work the salary for this position should be increased to be more in line with the salary paid by LVTV.

We are requesting an additional modest budget increase to pay for attendance of a regional Alliance for Community Media conference at a location in the Western United States.

The university licenses a music library. The additional cost of including KWST is \$1000/year for each of the next three years. This is a new expense.

The increased annual request is offset by the elimination of one-time equipment acquisition fees incurred from March 2009 to February 2010.



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of February 23, 2010

FROM: Blaine Michaelis, City Manager *BM*

SUBJECT: Local Taxpayer Public Safety and Transportation Protection Act - Support

SUMMARY

In 2004 a ballot measure resulted in the passage of Proposition 1A to preserve local government revenue from being taken by the state to address their budget issues. That Proposition was supported by over 80% of the voters at the time. The Proposition has been helpful – it has protected most city revenues, and has held the state accountable to have to borrow and repay property taxes they may take from local government. However, the state legislature has ventured into a broader range of funds including transportation and redevelopment monies. They have also become more creative in their justification to commandeer local government revenues.

Last October a coalition which includes the League of California Cities filed a ballot measure initiative entitled 'The Local Taxpayer, Public Safety, and Transportation Protection Act of 2010'. The purpose of the initiative is to place a measure on the November 2010 ballot to tighten restrictions and close loopholes on the state's continued and further use of local taxes, property taxes, redevelopment tax increment, highway users and transportation funds (including Prop 42 transportation funds), and public transit funds. The initiative is collecting signatures now to qualify the measure for the November 2010 ballot.

Protecting local government revenues is critical. City revenue should not be used to resolve state budget issues. Through polling, over 80% voters are again indicating support for these measures. It is appropriate that we join with other local government agencies throughout the state to support the Local Taxpayer, Public Safety and Transportation Protection Act.

7d

RECOMMENDATION

Receive report from staff. Adopt the attached resolution in support of the Local Taxpayer, Public Safety and Transportation Protection Act.

Attachments: Support Resolution
Summary of key elements
Entire Measure

RESOLUTION NO. 10-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS IN SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY, AND TRANSPORTATION PROTECTION ACT OF 2010

WHEREAS, California voters have repeatedly and overwhelmingly passed separate ballot measures to stop State raids of local government funds, and to dedicate the taxes on gasoline to fund transportation improvement projects; and

WHEREAS, these local government funds are critical to provide the police and fire, emergency response, parks, libraries, and other vital local services that residents rely upon every day, and gas tax funds are vital to maintain and improve local streets and roads, to make road safety improvements, relieve traffic congestion, and provide mass transit; and

WHEREAS, despite the fact that voters have repeatedly passed measures to prevent the State from taking these revenues dedicated to funding local government services and transportation improvement projects, the State Legislature has seized and borrowed billions of dollars in local government and transportation funds in the past few years; and

WHEREAS, this year's borrowing and raids of local government, redevelopment and transit funds, as well as previous, ongoing raids of local government and transportation funds, have lead to severe consequences, such as layoffs of police, fire and paramedic first responders, fire station closures, stalled economic development, healthcare cutbacks, delays in road safety improvements, public transit fare increases and cutbacks in public transit services; and

WHEREAS, State politicians in Sacramento have continued to ignore the will of the voters, and current law provides no penalties when state politicians take or borrow these dedicated funds; and

WHEREAS, a coalition of local government, transportation and transit advocates recently filed a constitutional amendment with the California Attorney General, called the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010, for potential placement on California's November 2010 statewide ballot; and

WHEREAS, approval of this ballot initiative would close loopholes and change the Constitution to further prevent State politicians in Sacramento from seizing, diverting, shifting, borrowing, transferring, suspending or otherwise taking or interfering with tax revenues dedicated to funding local government services, including redevelopment, or dedicated to transportation improvement projects and mass transit.

THEREFORE, BE IT RESOLVED that City of San Dimas formally endorses the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010, a proposed constitutional amendment.

BE IT FURTHER RESOLVED that we hereby authorize the listing of City of San Dimas in support of the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010 and instruct staff to fax a copy of this resolution to campaign offices at 916.442.3510.

PASSED, APPROVED AND ADOPTED this 23rd DAY OF FEBRUARY, 2010.

Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

Ina Rios, CMC, City Clerk

I HEREBY CERTIFY that the foregoing Resolution was adopted by vote of the City Council of the City of San Dimas at its regular meeting of February 23, 2010, by the following vote:

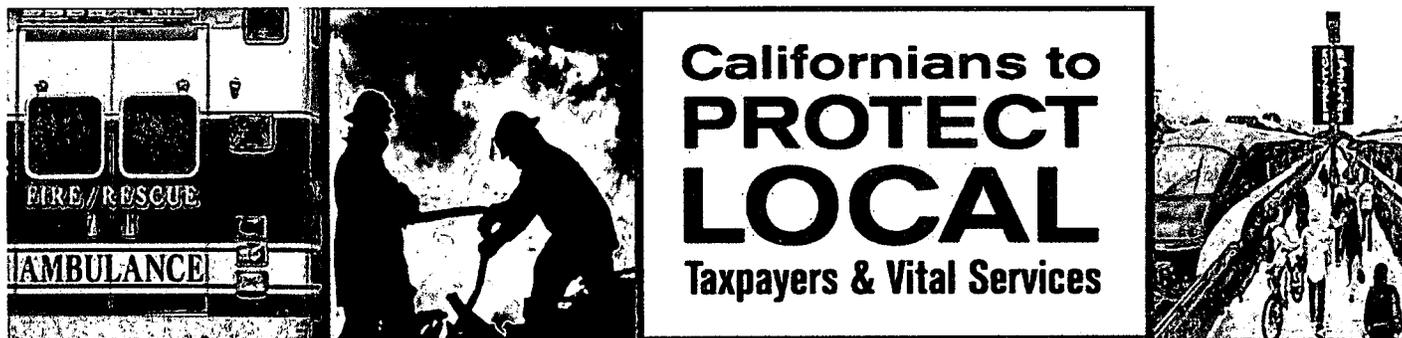
AYES:

NOES:

ABSTAIN:

ABSENT:

Ina Rios, CMC, City Clerk



Californians to **PROTECT LOCAL** Taxpayers & Vital Services

[Home](#) [Get the Facts](#) [Our Coalition](#) [Cuts in Your Community](#) [Newsroom](#)

Vital Local Services and Taxpayer Dollars At Risk

THE PROBLEM: STATE RAIDS AND BORROWING ARE JEOPARDIZING PUBLIC SAFETY, EMERGENCY TRANSPORTATION, TRANSIT AND OTHER VITAL LOCAL SERVICES.

California voters have overwhelmingly passed separate ballot measures to dedicate local funding sources to prevent the State from shifting or raiding local government, transit and transportation funds. Despite this, the budget that borrows and takes approximately \$5 billion in city, county, transit, redevelopment and special district raids and previous, ongoing state raids and borrowing are jeopardizing the services Californians need most:

- Police, fire and emergency 911 services have been cut.
- Healthcare services for children, seniors and the disabled are being slashed.
- Road repair and maintenance, congestion relief and safety improvements are constantly at risk.
- Public transit like buses, commuter rail and shuttles are being slashed and fares are being raised.
- Parks and libraries are closing, and other local government services critical to protect our neighborhoods are shutting down.
- Vital community economic development and job creation projects are being shut down.

State raids of local funds are fiscally irresponsible. The fiscally irresponsible practice of borrowing local taxpayer makes our budget problems worse down the line because local government and transportation funds have to. Additionally, many of the outright raids are ultimately rejected by the courts, creating even larger state budget

THE SOLUTION: PROHIBIT THE STATE FROM RAIDING LOCAL GOVERNMENT, TRANSIT AND TRANSPORTATION.

The Local Taxpayer, Public Safety and Transportation Protection Act, scheduled for the November 2010 state

Prohibit the State from taking, borrowing or redirecting local taxpayer funds dedicated to public safety and other vital local government services. The measure would close loopholes to prevent the taking of local funds dedicated to cities, counties, special districts and redevelopment agencies. It would also revoke the State's ability to take government property tax funds.

Protect vital, dedicated transportation and public transit funds from state raids. The measure would prevent the taking or redirecting of the state sales tax on gasoline (Prop 42 funds) and Highway User Tax on gasoline (Highway User Tax) for transportation maintenance and improvements. It would also prevent the State from redirecting or taking public transit funds.

Protect local taxpayers by keeping more of our local tax dollars local where there's more accountability, ensuring once and for all that our gas taxes go to fund road improvements. The measure also reduces the increases that become necessary when the State redirects local funds.

Reform state government and enhance fiscal accountability. This measure is a key step in reforming California and restoring more local control and accountability. It also stops the irresponsible practice of the State borrowing money and repaying it with interest, which only puts our State further in debt.

Paid for by Californians to Protect Local Taxpayers and Vital Services, a coalition of taxpayers, public safety, local government, transportation and funding from the League of California Cities (non-public funds and CitiPAC) and the California Alliance for Jobs -- Rebuild

1121 L Street, #803 | Sacramento, CA 95814

October 26, 2009

09 - 0063

Amdt. #1NS

RECEIVED

OCT 26 2009

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

VIA PERSONAL DELIVERY

The Honorable Edmund G. Brown, Jr.
Attorney General
1300 I Street
Sacramento, CA 95814

Attention: Krystal Paris, Initiative Coordinator

Re: Request to Make Non-Substantive Amendments to Initiative No. 09-0063

Dear Mr. Brown:

Attached are two Amendments to Initiative No. 09-0063, filed October 20, 2009. First, the Initiative designates two sections, the Findings and Declarations and Statement of Purpose, as "Section Two." The first amendment renumbers the Statement of Purpose as "Section Two and One-Half." Second, in Section 7 of the Initiative, the numbering of the subdivisions in Cal. Const. Art. XIX B, section 2 jumps from "(d)" to "(f)" without including a subdivision "(e)." The second amendment renumbers subdivisions (f) through (i) of section 2 of Article XIX B as subdivisions (e) through (h) so that a subdivision (e) is included between subdivisions (d) and (f). The proponents believe these changes are non-substantive.

Thank you for your assistance.

Sincerely,

Enclosure: Proposed Initiative

PROPONENTS:

Joshua Shaw

Christopher K. McKenzie

James N. Earp

Section One. Title.

This act shall be known and may be cited as the "Local Taxpayer, Public Safety, and Transportation Protection Act of 2010."

Section Two. Findings and Declarations.

The people of the State of California find and declare that:

(a) In order to maintain local control over local taxpayer funds and protect vital services like local fire protection and 9-1-1 emergency response, law enforcement, emergency room care, public transit, and transportation improvements, California voters have repeatedly and overwhelmingly voted to restrict state politicians in Sacramento from taking revenues dedicated to funding local government services and dedicated to funding transportation improvement projects and services.

(b) By taking these actions, voters have acknowledged the critical importance of preventing State raids of revenues dedicated to funding vital local government services and transportation improvement projects and services.

(c) Despite the fact that voters have repeatedly passed measures to prevent the State from taking these revenues dedicated to funding local government services and transportation improvement projects and services, state politicians in Sacramento have seized and borrowed billions of dollars in local government and transportation funds.

(d) In recent years, state politicians in Sacramento have specifically:

(1) Borrowed billions of dollars in local property tax revenues that would otherwise be used to fund local police, fire and paramedic response and other vital local services;

(2) Sought to take and borrow billions of dollars in gas tax revenues that voters have dedicated to on-going transportation projects and tried to use them for non-transportation purposes;

(3) Taken local community redevelopment funds on numerous occasions and used them for unrelated purposes;

(4) Taken billions of dollars from local public transit like bus, shuttle, light-rail and regional commuter rail, and used these funds for unrelated state purposes.

(e) The continued raiding and borrowing of revenues dedicated to funding local government services and dedicated to funding transportation improvement projects can cause

severe consequences, such as layoffs of police, fire and paramedic first responders, fire station closures, healthcare cutbacks, delays in road safety improvements, public transit fare increases and cutbacks in public transit services.

(f) State politicians in Sacramento have continued to ignore the will of the voters, and current law provides no penalties when state politicians take or borrow these dedicated funds.

(g) It is hereby resolved, that with approval of this ballot initiative, state politicians in Sacramento shall be prohibited from seizing, diverting, shifting, borrowing, transferring, suspending or otherwise taking or interfering with tax revenues dedicated to funding local government services or dedicated to transportation improvement projects and services.

Section Two and One-Half. Statement of Purpose.

The purpose of this measure is to conclusively and completely prohibit state politicians in Sacramento from seizing, diverting, shifting, borrowing, transferring, suspending or otherwise taking or interfering with revenues that are dedicated to funding services provided by local government or funds dedicated to transportation improvement projects and services.

Section Three. Section 24 of Article XIII of the California Constitution is hereby amended to read as follows:

(a) The Legislature may not impose taxes for local purposes but may authorize local governments to impose them.

(b) The Legislature may not reallocate, transfer, borrow, appropriate, restrict the use of, or otherwise use the proceeds of any tax imposed or levied by a local government solely for the local government's purposes.

(c) Money appropriated from state funds to a local government for its local purposes may be used as provided by law.

(d) Money subvented to a local government under Section 25 may be used for state or local purposes.

Section Four. Section 25.5 of Article XIII of the California Constitution is hereby amended to read as follows:

SEC. 25.5. (a) On or after November 3, 2004, the Legislature shall not enact a statute to do any of the following:

(1) (A) Except as otherwise provided in subparagraph (B), modify the manner in which ad valorem property tax revenues are allocated in accordance with subdivision (a) of Section 1 of Article XIII A so as to reduce for any fiscal year the percentage of the total amount of ad valorem property tax revenues in a county that is allocated among all of the local agencies in that county below the percentage of the total amount of those revenues that would be allocated among those agencies for the same fiscal year under the statutes in effect on November 3, 2004. For purposes of this subparagraph, "percentage" does not include any property tax revenues referenced in paragraph (2).

(B) ~~Beginning with the 2008-09~~ In the 2009-10 fiscal year only, and except as otherwise provided in subparagraph (C), subparagraph (A) may be suspended for a that fiscal year if all of the following conditions are met:

(i) The Governor issues a proclamation that declares that, due to a severe state fiscal hardship, the suspension of subparagraph (A) is necessary.

(ii) The Legislature enacts an urgency statute, pursuant to a bill passed in each house of the Legislature by rollcall vote entered in the journal, two-thirds of the membership concurring, that contains a suspension of subparagraph (A) for that fiscal year and does not contain any other provision.

(iii) No later than the effective date of the statute described in clause (ii), a statute is enacted that provides for the full repayment to local agencies of the total amount of revenue losses, including interest as provided by law, resulting from the modification of ad valorem property tax revenue allocations to local agencies. This full repayment shall be made not later than the end of the third fiscal year immediately following the fiscal year to which the modification applies.

~~(C)(i) Subparagraph (A) shall not be suspended for more than two fiscal years during any period of 10 consecutive fiscal years, which period begins with the first fiscal year for which subparagraph (A) is suspended.~~

~~(ii) Subparagraph (A) shall not be suspended during any fiscal year if the full repayment required by a statute enacted in accordance with clause (iii) of subparagraph (B) has not yet been completed.~~

~~(iii) Subparagraph (A) shall not be suspended during any fiscal year if the amount that was required to be paid to cities, counties, and cities and counties under Section 10754.11 of the Revenue and Taxation Code, as that section read on November 3, 2004, has not been paid in full prior to the effective date of the statute providing for that suspension as described in clause (ii) of subparagraph (B).~~

~~(iv)~~ (C) A suspension of subparagraph (A) shall not result in a total ad valorem property tax revenue loss to all local agencies within a county that exceeds 8 percent of the total amount of ad valorem property tax revenues that were allocated among all local agencies within that county for the fiscal year immediately preceding the fiscal year for which subparagraph (A) is suspended.

(2)(A) Except as otherwise provided in subparagraphs (B) and (C), restrict the authority of a city, county, or city and county to impose a tax rate under, or change the method of distributing revenues derived under, the Bradley-Burns Uniform Local Sales and Use Tax Law set forth in Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code, as that law read on November 3, 2004. The restriction imposed by this subparagraph also applies to the entitlement of a city, county, or city and county to the change in tax rate resulting from the end of the revenue exchange period, as defined in Section 7203.1 of the Revenue and Taxation Code as that section read on November 3, 2004.

(B) The Legislature may change by statute the method of distributing the revenues derived under a use tax imposed pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law to allow the State to participate in an interstate compact or to comply with federal law.

(C) The Legislature may authorize by statute two or more specifically identified local agencies within a county, with the approval of the governing body of each of those agencies, to enter into a contract to exchange allocations of ad valorem property tax revenues for revenues derived from a tax rate imposed under the Bradley-Burns Uniform Local Sales and Use Tax Law. The exchange under this subparagraph of revenues derived from a tax rate imposed under that law shall not require voter approval for the continued imposition of any portion of an existing tax rate from which those revenues are derived.

(3) Except as otherwise provided in subparagraph (C) of paragraph (2), change for any fiscal year the pro rata shares in which ad valorem property tax revenues are allocated among local agencies in a county other than pursuant to a bill passed in each house of the Legislature by roll call vote entered in the journal, two-thirds of the membership concurring. The Legislature shall not change the pro rata shares of ad valorem property tax pursuant to this paragraph, nor change the allocation of the revenues described in Section 15 of Article XI, to reimburse a local government when the Legislature or any state agency mandates a new program or higher level of service on that local government.

(4) Extend beyond the revenue exchange period, as defined in Section 7203.1 of the Revenue and Taxation Code as that section read on November 3, 2004, the suspension of the authority, set forth in that section on that date, of a city, county, or city and county to impose a sales and use tax rate under the Bradley-Burns Uniform Local Sales and Use Tax Law.

(5) Reduce, during any period in which the rate authority suspension described in paragraph (4) is operative, the payments to a city, county, or city and county that are required by Section 97.68 of the Revenue and Taxation Code, as that section read on November 3, 2004.

(6) Restrict the authority of a local entity to impose a transactions and use tax rate in accordance with the Transactions and Use Tax Law (Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code), or change the method for distributing revenues derived under a transaction and use tax rate imposed under that law, as it read on November 3, 2004.

(7) Require a community redevelopment agency (A) to pay, remit, loan or otherwise transfer, directly or indirectly, taxes on ad valorem real property and tangible personal property allocated to the agency pursuant to Section 16 of Article XVI to or for the benefit of the State, any agency of the State, or any jurisdiction; or (B) to use, restrict, or assign a particular purpose for such taxes for the benefit of the State, any agency of the State, or any jurisdiction, other than (i) for making payments to affected taxing agencies pursuant to Sections 33607.5 and 33607.7 of Health and Safety Code or similar statutes requiring such payments, as those statutes read on January 1, 2008; or (ii) for the purpose of increasing, improving, and preserving the supply of low and moderate income housing available at affordable housing cost.

(b) For purposes of this section, the following definitions apply:

(1) "Ad valorem property tax revenues" means all revenues derived from the tax collected by a county under subdivision (a) of Section 1 of Article XIII A, regardless of any of this revenue being otherwise classified by statute.

(2) "Local agency" has the same meaning as specified in Section 95 of the Revenue and Taxation Code as that section read on November 3, 2004.

(3) "Jurisdiction" has the same meaning as specified in Section 95 of the Revenue and Taxation Code as that section read on November 3, 2004.

Section Five. Article XIX of the California Constitution is hereby amended to read as follows:

SECTION 1. The Legislature shall not borrow revenue from the Highway Users Tax Account, or its successor, and shall not use these revenues for purposes, or in ways, other than those specifically permitted by this article.

SEC. 2. Revenues from taxes imposed by the State on motor vehicle fuels for use in motor vehicles upon public streets and highways, over and above the costs of collection and any refunds authorized by law, shall be deposited into the Highway Users Tax Account (Section 2100 of the Streets and Highways Code) or its successor, which is hereby declared to be a trust

fund, and shall be allocated monthly in accordance with Section 4, and shall used solely for the following purposes:

(a) The research, planning, construction, improvement, maintenance, and operation of public streets and highways (and their related public facilities for nonmotorized traffic), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, and the administrative costs necessarily incurred in the foregoing purposes.

(b) The research, planning, construction, and improvement of exclusive public mass transit guideways (and their related fixed facilities), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, the administrative costs necessarily incurred in the foregoing purposes, and the maintenance of the structures and the immediate right-of-way for the public mass transit guideways, but excluding the maintenance and operating costs for mass transit power systems and mass transit passenger facilities, vehicles, equipment, and services.

~~SEC. 2.~~ SEC. 3. Revenues from fees and taxes imposed by the State upon vehicles or their use or operation, over and above the costs of collection and any refunds authorized by law, shall be used for the following purposes:

(a) The state administration and enforcement of laws regulating the use, operation, or registration of vehicles used upon the public streets and highways of this State, including the enforcement of traffic and vehicle laws by state agencies and the mitigation of the environmental effects of motor vehicle operation due to air and sound emissions.

(b) The purposes specified in Section ~~1~~ 2 of this article.

~~SEC. 3.~~ SEC. 4. (a) Except as provided in subdivision (b), The Legislature shall provide for the allocation of the revenues to be used for the purposes specified in Section 1 of this article in a manner which ensures the continuance of existing statutory allocation formulas in effect on June 30, 2009 which allocate the revenues described in Section 2 to for cities, counties, and areas of the State shall remain in effect.

(b) The Legislature shall not modify the statutory allocations in effect on June 30, 2009 unless and until both of the following have occurred:

(1) # The Legislature determines in accordance with this subdivision that another basis for an equitable, geographical, and jurisdictional distribution exists; provided that, until such determination is made, any use of such revenues for purposes specified in subdivision (b) of Section 1 of this article by or in a city, county, or area of the State shall be included within the existing statutory allocations to, or for expenditure in, that city, county, or area. Any future statutory revisions shall (A) provide for the allocation of these revenues, together with other

similar revenues, in a manner which gives equal consideration to the transportation needs of all areas of the State and all segments of the population; and (B) be consistent with the orderly achievement of the adopted local, regional, and statewide goals for ground transportation in local general plans, regional transportation plans, and the California Transportation Plan;

(2) The process described in subdivision (c) has been completed.

(c) The Legislature shall not modify the statutory allocation pursuant to subdivision (b) until all of the following have occurred:

(1) The California Transportation Commission has held no less than four public hearings in different parts of the State to receive public input about the local and regional goals for ground transportation in that part of the State;

(2) The California Transportation Commission has published a report describing the input received at the public hearings and how the modification to the statutory allocation is consistent with the orderly achievement of local, regional, and statewide goals for ground transportation in local general plans, regional transportation plans, and the California Transportation Plan; and

(3) Ninety days have passed since the publication of the report by the California Transportation Commission.

(d) A statute enacted by the Legislature modifying the statutory allocations must be by a bill passed in each house of the Legislature by roll call vote entered in the journal, two-thirds of the membership concurring, provided that the bill does not contain any other unrelated provision.

(e) The revenues allocated by statute to cities, counties, and areas of the State pursuant to this article may be used solely by the entity to which they are allocated, and solely for the purposes described in Sections 2, 5, or 6 of this article.

(f) The Legislature may not take any action which permanently or temporarily does any of the following: (1) changes the status of the Highway Users Tax Account as a trust fund; (2) borrows, diverts, or appropriates these revenues for purposes other than those described in subdivision (e); or (3) delays, defers, suspends, or otherwise interrupts the payment, allocation, distribution, disbursal, or transfer of revenues from taxes described in Section 2 to cities, counties, and areas of the State pursuant to the procedures in effect on June 30, 2009.

~~SEC. 4.~~ SEC. 5. Revenues allocated pursuant to Section ~~3~~ 4 may not be expended for the purposes specified in subdivision (b) of Section ~~1~~ 2, except for research and planning, until such use is approved by a majority of the votes cast on the proposition authorizing such use of

such revenues in an election held throughout the county or counties, or a specified area of a county or counties, within which the revenues are to be expended. The Legislature may authorize the revenues approved for allocation or expenditure under this section to be pledged or used for the payment of principal and interest on voter-approved bonds issued for the purposes specified in subdivision (b) of Section 4 2.

~~SEC. 5. SEC. 6. (a) The Legislature may authorize Up to 25 percent of the revenues available for expenditure by any city or county, or by the State, allocated to the State pursuant to Section 4 for the purposes specified in subdivision (a) of Section 4 2 of this article may be pledged or used by the State, upon approval by the voters and appropriation by the Legislature, for the payment of principal and interest on voter-approved bonds for such purposes issued by the State on and after November 2, 2010 for such purposes.~~

~~(b) Up to 25 percent of the revenues allocated to any city or county pursuant to Section 4 for the purposes specified in subdivision (a) of Section 2 of this article may be pledged or used only by any city or county for the payment of principal and interest on voter-approved bonds issued by that city or county for such purposes.~~

~~SEC. 6. The tax revenues designated under this article may be loaned to the General Fund only if one of the following conditions is imposed:~~

~~(a) That any amount loaned is to be repaid in full to the fund from which it was borrowed during the same fiscal year in which the loan was made, except that repayment may be delayed until a date not more than 30 days after the date of enactment of the budget bill for the subsequent fiscal year.~~

~~(b) That any amount loaned is to be repaid in full to the fund from which it was borrowed within three fiscal years from the date on which the loan was made and one of the following has occurred:~~

~~(1) The Governor has proclaimed a state of emergency and declares that the emergency will result in a significant negative fiscal impact to the General Fund.~~

~~(2) The aggregate amount of General Fund revenues for the current fiscal year, as projected by the Governor in a report to the Legislature in May of the current fiscal year, is less than the aggregate amount of General Fund revenues for the previous fiscal year, adjusted for the change in the cost of living and the change in population, as specified in the budget submitted by the Governor pursuant to Section 12 of Article IV in the current fiscal year.~~

~~(c) Nothing in this section prohibits the Legislature from authorizing, by statute, loans to local transportation agencies, cities, counties, or cities and counties, from funds that are subject to this article, for the purposes authorized under this article. Any loan authorized as~~

~~described by this subdivision shall be repaid, with interest at the rate paid on money in the Pooled Money Investment Account, or any successor to that account, during the period of time that the money is loaned, to the fund from which it was borrowed, not later than four years after the date on which the loan was made.~~

SEC. 7. If the Legislature reduces or repeals the taxes described in Section 2 and adopts an alternative source of revenue to replace the moneys derived from those taxes, the replacement revenue shall be deposited into the Highway Users Tax Account, dedicated to the purposes listed in Section 2, and allocated to cities, counties, and areas of the State pursuant to Section 4. All other provisions of this article shall apply to any revenues adopted by the Legislature to replace the moneys derived from the taxes described in Section 2.

~~SEC. 7.~~ SEC. 8. This article shall not affect or apply to fees or taxes imposed pursuant to the Sales and Use Tax Law or the Vehicle License Fee Law, and all amendments and additions now or hereafter made to such statutes.

~~SEC. 8.~~ SEC. 9. Notwithstanding Sections ~~1 and 2 and 3~~ of this article, any real property acquired by the expenditure of the designated tax revenues by an entity other than the State for the purposes authorized in those sections, but no longer required for such purposes, may be used for local public park and recreational purposes.

~~SEC. 9.~~ SEC. 10. Notwithstanding any other provision of this Constitution, the Legislature, by statute, with respect to surplus state property acquired by the expenditure of tax revenues designated in Sections ~~1 and 2 and 3~~ and located in the coastal zone, may authorize the transfer of such property, for a consideration at least equal to the acquisition cost paid by the ~~s~~State to acquire the property, to the Department of Parks and Recreation for state park purposes, or to the Department of Fish and Game for the protection and preservation of fish and wildlife habitat, or to the Wildlife Conservation Board for purposes of the Wildlife Conservation Law of 1947, or to the State Coastal Conservancy for the preservation of agricultural lands.

As used in this section, "coastal zone" means "coastal zone" as defined by Section 30103 of the Public Resources Code as such zone is described on January 1, 1977.

Section Six. Article XIX A of the California Constitution is hereby amended to read as follows:

SECTION 1. (a) The Legislature shall not borrow revenues from the Public Transportation Account, or any successor account, and shall not use these revenues for purposes, or in ways, other than those specifically permitted by this article.

(b) The funds in the Public Transportation Account in the State Transportation Fund, or any successor account, is a trust fund. The Legislature may not change the status of the Public Transportation Account as a trust fund. Funds in the Public Transportation Account may

not be loaned or otherwise transferred to the General Fund or any other fund or account in the State Treasury. may be loaned to the General Fund only if one of the following conditions is imposed:

(c) All revenues specified in paragraphs (1) through (3), inclusive, of subdivision (a) of Section 7102 of the Revenue and Taxation Code, as that section read on June 1, 2001, shall be deposited no less than quarterly into the Public Transportation Account (Section 99310 of the Public Utilities Code), or its successor. The Legislature may not take any action which temporarily or permanently diverts or appropriates these revenues for purposes other than those described in subdivision (d), or delays, defers, suspends, or otherwise interrupts the quarterly deposit of these funds into the Public Transportation Account.

(d) Funds in the Public Transportation Account may only be used for transportation planning and mass transportation purposes. The revenues described in subdivision (c) are hereby continuously appropriated to the Controller without regard to fiscal years for allocation as follows:

(1) Fifty percent pursuant to subdivisions (a) through (f), inclusive, of Section 99315 of the Public Utilities Code, as that section read on July 30, 2009.

(2) Twenty-five percent pursuant to subdivision (b) of Section 99312 of the Public Utilities Code, as that section read on July 30, 2009.

(3) Twenty-five percent pursuant to subdivision (c) of Section 99312 of the Public Utilities Code, as that section read on July 30, 2009.

~~(a) That any amount loaned is to be repaid in full to the account during the same fiscal year in which the loan was made, except that repayment may be delayed until a date not more than 30 days after the date of enactment of the budget bill for the subsequent fiscal year.~~

~~(b) That any amount loaned is to be repaid in full to the account within three fiscal years from the date on which the loan was made and one of the following has occurred:~~

~~(1) The Governor has proclaimed a state of emergency and declares that the emergency will result in a significant negative fiscal impact to the General Fund.~~

~~(2) The aggregate amount of General Fund revenues for the current fiscal year, as projected by the Governor in a report to the Legislature in May of the current fiscal year, is less than the aggregate amount of General Fund revenues for the previous fiscal year, as specified in the budget submitted by the Governor pursuant to Section 12 of Article IV in the current fiscal year.~~

(e) For purposes of paragraph (1) of subdivision (d), "transportation planning" means only the purposes described in subdivisions (c) through (f), inclusive, of Section 99315 of the Public Utilities Code, as that section read on July 30, 2009.

(f) For purposes of this article, "mass transportation," "public transit," and "mass transit" have the same meaning as "public transportation." "Public transportation" means:

(1)(A) Surface transportation service provided to the general public, complementary paratransit service provided to persons with disabilities as required by 42 U.S.C. 12143, or similar transportation provided to people with disabilities or the elderly; (B) operated by bus, rail, ferry, or other conveyance on a fixed route, demand response, or otherwise regularly available basis; (C) generally for which a fare is charged; and (D) provided by any transit district, included transit district, municipal operator, included municipal operator, eligible municipal operator, or transit development board, as those terms were defined in Article 1 of Chapter 4 of Part 11 of Division 10 of the Public Utilities Code on January 1, 2009, a joint powers authority formed to provide mass transportation services, an agency described in subdivision (f) of Section 15975 of the Government Code, as that section read on January 1, 2009, any recipient of funds under Sections 99260, 99260.7, 99275, or subdivision (c) of Section 99400 of the Public Utilities Code, as those sections read on January 1, 2009, or a consolidated agency as defined in Section 132353.1 of the Public Utilities Code, as that section read on January 1, 2009.

(2) Surface transportation service provided by the Department of Transportation pursuant to subdivision (a) of Section 99315 of the Public Utilities Code, as that section read on July 30, 2009.

(3) Public transit capital improvement projects, including those identified in subdivision (b) of Section 99315 of the Public Utilities Code, as that section read on July 30, 2009.

SEC. 2. (a) As used in this section, a "local transportation fund" is a fund created under Section 29530 of the Government Code, or any successor to that statute.

(b) All local transportation funds are hereby designated trust funds. The Legislature may not change the status of local transportation funds as trust funds.

(c) A local transportation fund that has been created pursuant to law may not be abolished.

(d) Money in a local transportation fund shall be allocated only by the local government that created the fund, and only for the purposes authorized under Article 11 (commencing with Section 29530) of Chapter 2 of Division 3 of Title 3 of the Government Code and Chapter 4 (commencing with Section 99200) of Part 11 of Division 10 of the Public Utilities Code, as those provisions existed on October 1, 1997. Neither the county nor the Legislature

may authorize the expenditure of money in a local transportation fund for purposes other than those specified in this subdivision.

(e) This section constitutes the sole method of allocating, distributing, and using the revenues in a local transportation fund. The purposes described in subdivision (d) are the sole purposes for which the revenues in a local transportation fund may be used. The Legislature may not enact a statute or take any other action which, permanently or temporarily, does any of the following:

(1) Transfers, diverts, or appropriates the revenues in a local transportation fund for any other purpose than those described in subdivision (d);

(2) Authorizes the expenditures of the revenue in a local transportation fund for any other purpose than those described in subdivision (d);

(3) Borrows or loans the revenues in a local transportation fund, regardless of whether these revenues remain in the Retail Sales Tax Fund in the State Treasury or are transferred to another fund or account.

(f) The percentage of the tax imposed pursuant to section 7202 of the Revenue and Taxation Code allocated to local transportation funds shall not be reduced below the percentage that was transmitted to such funds during the 2008 calendar year. Revenues allocated to local transportation funds shall be transmitted in accordance with Section 7204 of the Revenue and Taxation Code and deposited into local transportation funds in accordance with Section 29530 of the Government Code, as those sections read on June 30, 2009.

Section Seven. Article XIX B of the California Constitution is hereby amended to read as follows:

SECTION 1. The Legislature shall not borrow revenues from the Transportation Investment Fund, or its successor, and shall not use these revenues for purposes, or in ways, other than those specifically permitted by this article.

SEC. 2. (a) For the 2003-04 fiscal year and each fiscal year thereafter, all moneys revenues that are collected during the fiscal year from taxes under the Sales and Use Tax Law (Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code), or any successor to that law, upon the sale, storage, use, or other consumption in this State of motor vehicle fuel, as defined for purposes of the Motor Vehicle Fuel License Tax Law (Part 2 (commencing with Section 7301) of Division 2 of the Revenue and Taxation Code), and that are deposited in the General Fund of the State pursuant to that law, shall be transferred to deposited into the Transportation Investment Fund or its successor, which is hereby created in

the State Treasury and which is hereby declared to be a trust fund. The Legislature may not change the status of the Transportation Investment Fund as a trust fund.

(b)(1) For the 2003-04 to 2007-08 fiscal years, inclusive, moneys in the Transportation Investment Fund shall be allocated, upon appropriation by the Legislature, in accordance with Section 7104 of the Revenue and Taxation Code as that section read on March 6, 2002.

(2) For the 2008-09 fiscal year and each fiscal year thereafter, moneys in the Transportation Investment Fund shall be allocated solely for the following purposes:

(A) Public transit and mass transportation. Moneys appropriated for public transit and mass transportation shall be allocated as follows: (i) Twenty-five percent pursuant to subdivision (b) of Section 99312 of the Public Utilities Code, as that section read on July 30, 2009; (ii) Twenty-five percent pursuant to subdivision (c) of Section 99312 of the Public Utilities Code, as that section read on July 30, 2009; and (iii) Fifty percent for the purposes of subdivisions (a) and (b) of Section 99315 of the Public Utilities Code, as that section read on July 30, 2009.

(B) Transportation capital improvement projects, subject to the laws governing the State Transportation Improvement Program, or any successor to that program.

(C) Street and highway maintenance, rehabilitation, reconstruction, or storm damage repair conducted by cities, including a city and county.

(D) Street and highway maintenance, rehabilitation, reconstruction, or storm damage repair conducted by counties, including a city and county.

(c) For the 2008-09 fiscal year and each fiscal year thereafter, moneys in the Transportation Investment Fund are hereby continuously appropriated to the Controller without regard to fiscal years, which shall be allocated, upon appropriation by the Legislature, as follows:

(A) Twenty percent of the moneys for the purposes set forth in subparagraph (A) of paragraph (2) of subdivision (b).

(B) Forty percent of the moneys for the purposes set forth in subparagraph (B) of paragraph (2) of subdivision (b).

(C) Twenty percent of the moneys for the purposes set forth in subparagraph (C) of paragraph (2) of subdivision (b).

(D) Twenty percent of the moneys for the purposes set forth in subparagraph (D) of paragraph (2) of subdivision (b).

~~(d) (1) Except as otherwise provided by paragraph (2), the transfer of revenues from the General Fund of the State to the Transportation Investment Fund pursuant to subdivision (a) may be suspended, in whole or in part, for a fiscal year if all of the following conditions are met:~~

~~(A) The Governor issues a proclamation that declares that, due to a severe state fiscal hardship, the suspension of the transfer of revenues required by subdivision (a) is necessary.~~

~~(B) The Legislature enacts by statute, pursuant to a bill passed in each house of the Legislature by rollcall vote entered in the journal, two-thirds of the membership concurring, a suspension for that fiscal year of the transfer of revenues required by subdivision (a) and the bill does not contain any other unrelated provision.~~

~~(C) No later than the effective date of the statute described in subparagraph (B), a separate statute is enacted that provides for the full repayment to the Transportation Investment Fund of the total amount of revenue that was not transferred to that fund as a result of the suspension, including interest as provided by law. This full repayment shall be made not later than the end of the third fiscal year immediately following the fiscal year to which the suspension applies.~~

~~(2) (A) The transfer required by subdivision (a) shall not be suspended for more than two fiscal years during any period of 10 consecutive fiscal years, which period begins with the first fiscal year commencing on or after July 1, 2007, for which the transfer required by subdivision (a) is suspended.~~

~~(B) The transfer required by subdivision (a) shall not be suspended during any fiscal year if a full repayment required by a statute enacted in accordance with subparagraph (C) of paragraph (1) has not yet been completed.~~

~~(e) (d) The Legislature may not enact a statute that modifies the percentage shares set forth in subdivision (c) by a bill passed in each house of the Legislature by rollcall vote entered in the journal, two-thirds of the membership concurring, provided that the bill does not contain any other unrelated provision and that the moneys described in subdivision (a) are expended solely for the purposes set forth in paragraph (2) of subdivision (b) until all of the following have occurred:~~

~~(1) The California Transportation Commission has held no less than four public hearings in different parts of the State to receive public input about the need for public transit, mass transportation, transportation capital improvement projects, and street and highway maintenance;~~

~~(2) The California Transportation Commission has published a report describing the input received at the public hearings and how the modification to the statutory allocation is~~

consistent with the orderly achievement of local, regional and statewide goals for public transit, mass transportation, transportation capital improvements, and street and highway maintenance in a manner that is consistent with local general plans, regional transportation plans, and the California Transportation Plan;

(3) Ninety days have passed since the publication of the report by the California Transportation Commission.

(4) The statute enacted by the Legislature pursuant to this subdivision must be by a bill passed in each house of the Legislature by roll call vote entered in the journal, two-thirds of the membership concurring, provided that the bill does not contain any other unrelated provision and that the revenues described in subdivision (a) are expended solely for the purposes set forth in paragraph (2) of subdivision (b).

~~(f)~~ (e)(1) An amount equivalent to the total amount of revenues that were not transferred from the General Fund of the State to the Transportation Investment Fund, as of July 1, 2007, because of a suspension of transfer of revenues pursuant to this section as it read on January 1, 2006, but excluding the amount to be paid to the Transportation Deferred Investment Fund pursuant to Section 63048.65 of the Government Code, shall be transferred from the General Fund to the Transportation Investment Fund no later than June 30, 2016. Until this total amount has been transferred, the amount of transfer payments to be made in each fiscal year shall not be less than one-tenth of the total amount required to be transferred by June 30, 2016. The transferred revenues shall be allocated solely for the purposes set forth in this section as if they had been received in the absence of a suspension of transfer of revenues.

(2) The Legislature may provide by statute for the issuance of bonds by the state or local agencies, as applicable, that are secured by the minimum transfer payments required by paragraph (1). Proceeds from the sale of those bonds shall be allocated solely for the purposes set forth in this section as if they were revenues subject to allocation pursuant to paragraph (2) of subdivision (b).

(f) This section constitutes the sole method of allocating, distributing, and using the revenues described in subdivision (a). The purposes described in paragraph (2) of subdivision (b) are the sole purposes for which the revenues described in subdivision (a) may be used. The Legislature may not enact a statute or take any other action which, permanently or temporarily, does any of the following:

(1) Transfers, diverts, or appropriates the revenues described in subdivision (a) for any other purposes than those described in paragraph (2) of subdivision (b);

(2) Authorizes the expenditures of the revenues described in subdivision (a) for any other purposes than those described in paragraph (2) of subdivision (b) or;

(3) Borrows or loans the revenues described in subdivision (a), regardless of whether these revenues remain in the Transportation Investment Fund or are transferred to another fund or account such as the Public Transportation Account, a trust fund in the State Transportation Fund.

(g) For purposes of this article, "mass transportation," "public transit" and "mass transit" have the same meanings as "public transportation." "Public transportation" means:

(1)(A) Surface transportation service provided to the general public, complementary paratransit service provided to persons with disabilities as required by 42 U.S.C. 12143, or similar transportation provided to people with disabilities or the elderly; (B) operated by bus, rail, ferry, or other conveyance on a fixed route, demand response, or otherwise regularly available basis; (C) generally for which a fare is charged; and (D) provided by any transit district, included transit district, municipal operator, included municipal operator, eligible municipal operator, or transit development board, as those terms were defined in Article 1 of Chapter 4 of Part 11 of Division 10 of the Public Utilities Code on January 1, 2009, a joint powers authority formed to provide mass transportation services, an agency described in subdivision (f) of Section 15975 of the Government Code, as that section read on January 1, 2009, any recipient of funds under Sections 99260, 99260.7, 99275, or subdivision (c) of Section 99400 of the Public Utilities Code, as those sections read on January 1, 2009, or a consolidated agency as defined in Section 132353.1 of the Public Utilities Code, as that section read on January 1, 2009.

(2) Surface transportation service provided by the Department of Transportation pursuant to subdivision (a) of Section 99315 of the Public Utilities Code, as that section read on July 30, 2009.

(3) Public transit capital improvement projects, including those identified in subdivision (b) of Section 99315 of the Public Utilities Code, as that section read on July 30, 2009.

(h) If the Legislature reduces or repeals the taxes described in subdivision (a) and adopts an alternative source of revenue to replace the moneys derived from those taxes, the replacement revenue shall be deposited into the Transportation Investment Fund, dedicated to the purposes listed in paragraph (2) of subdivision (b), and allocated pursuant to subdivision (c). All other provisions of this article shall apply to any revenues adopted by the Legislature to replace the moneys derived from the taxes described in subdivision (a).

Section Eight. Article XIX C is hereby added to the Constitution to read as follows:

SECTION 1. If any challenge to invalidate an action that violates Articles XIX, XIX A, or XIX B of the California Constitution is successful either by way of a final judgment, settlement, or resolution by administrative or legislative action, there is hereby continuously appropriated from the General Fund to the Controller, without regard to fiscal years, that amount of revenue necessary to restore the fund or account from which the revenues were unlawfully taken or diverted to its financial status had the unlawful action not been taken.

SEC. 2. If any challenge to invalidate an action that violates Section 24 or Section 25.5 of Article XIII of this Constitution is successful either by way of a final judgment, settlement, or resolution by administrative or legislative action, there is hereby continuously appropriated from the General Fund to the local government an amount of revenue equal to the amount of revenue unlawfully taken or diverted.

SEC. 3. Interest calculated at the Pooled Money Investment Fund rate from the date or dates the revenues were unlawfully taken or diverted shall accrue to the amounts required to be restored pursuant to this section. Within thirty days from the date a challenge is successful, the Controller shall make the transfer required by the continuous appropriation and issue a notice to the parties that the transfer has been completed.

SEC. 4. If in any challenge brought pursuant to this section a restraining order or preliminary injunction is issued, the plaintiffs or petitioners shall not be required to post a bond obligating the plaintiffs or petitioners to indemnify the government defendants or the State of California for any damage the restraining order or preliminary injunction may cause.

Section Nine.

Section 16 of Article XVI of the Constitution requires that a specified portion of the taxes levied upon the taxable property in a redevelopment project each year be allocated to the redevelopment agency to repay indebtedness incurred for the purpose of eliminating blight within the redevelopment project area. Section 16 of Article XVI prohibits the Legislature from reallocating some or that entire specified portion of the taxes to the State, an agency of the State, or any other taxing jurisdiction, instead of to the redevelopment agency. The Legislature has been illegally circumventing Section 16 of Article XVI in recent years by requiring redevelopment agencies to transfer a portion of those taxes for purposes other than the financing of redevelopment projects. A purpose of the amendments made by this measure is to prohibit the Legislature from requiring, after the taxes have been allocated to a redevelopment agency, that the redevelopment agency transfer some or all of those taxes to the State, an agency of the State, or a jurisdiction; or use some or all of those taxes for the benefit of the State, an agency of the State, or a jurisdiction.

Section Ten. Continuous Appropriations.

The provisions of Sections 6, 7, and 8 of this Act that require a continuous appropriation to the Controller without regard to fiscal year are intended to be "appropriations made by law" within the meaning of Section 7 of Article XVI of the California Constitution.

Section Eleven. Liberal Construction.

The provisions of this Act shall be liberally construed in order to effectuate its purposes.

Section Twelve. Conflicting Statutes.

Any statute passed by the Legislature between October 21, 2009 and the effective date of this measure, that would have been prohibited if this measure were in effect on the date it was enacted, is hereby repealed.

Section Thirteen. Conflicting Ballot Measures.

In the event that this measure and another measure or measures relating to the direction or redirection of revenues dedicated to funding services provided by local governments and/or transportation projects or services appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure or measures shall be null and void.

Section Fourteen. Severability.

It is the intent of the People that the provisions of this Act are severable and that if any provision of this Act or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any other provision or application of this Act which can be given effect without the invalid provision or application.



CITY OF SAN DIMAS
MINUTES
SAN DIMAS REDEVELOPMENT AGENCY MEETING
TUESDAY, FEBRUARY 9, 2010
COUNCIL CHAMBERS
245 E. BONITA AVENUE

PRESENT:

Chairman Curtis W. Morris
Vice Chairman Denis Bertone
Mr. Emmett G. Badar
Mr. John Ebner
Mr. Jeffrey W. Templeman
Executive Director Blaine Michaelis
Agency Attorney Ken Brown
Secretary Ina Rios
Assistant City Manager of Community Development Larry Stevens
Assistant City Manager Ken Duran
Director of Development Services Dan Coleman
Director of Public Works Krishna Patel
Director of Parks and Recreation Theresa Bruns

CALL TO ORDER

Chairman Morris called the meeting to order at 7:26 p.m.

ORAL COMMUNICATIONS (This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.)

There were no speakers.

APPROVAL OF MINUTES

It was moved by Mr. Ebner, seconded by Mr. Templeman, to approve the minutes for the meeting of January 26, 2010. The motion carried unanimously.

EXECUTIVE DIRECTOR

There were no comments.

MEMBERS OF THE AGENCY

There were no comments.

ADJOURNMENT

Chairman Morris adjourned the meeting at 7:27 p.m.

Respectfully submitted,

Ina Rios, Secretary

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Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of February 23, 2010

From: Blaine Michaelis, City Manager *BM*

Subject: Meeting Schedule for Council-Staff Retreat

SUMMARY

Staff has looked at the calendar for suitable dates for the retreat and are collectively available Monday, April 5 or 19; Saturday, April 17; Friday April 16th, from 3:00 p.m. to 7:00 p.m.

Please bring your calendar to the meeting to establish a suitable date and time.

RECOMMENDATION:

Establish a date for the Council-Staff Retreat.

q.l. (1)



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of February 23, 2010

From: Blaine Michaelis, City Manager *BM*

Subject: Public Safety Commission Appointments

SUMMARY

Eight Public Safety Commissioners' terms will expire this month. All Commissioners are eligible for reappointment, two are appointed by the Sheriff's Station. Six Commissioners have expressed a desire to be reappointed. If reappointed, this would leave the Commission with two vacancies.

BACKGROUND

The following Public Safety Commissioners whose terms will expire this month are eligible, and have expressed a desire, for reappointment:

Arthur Alva	Karol Curtis, CAB	Paul Kirby
Tomas Molina	Alan Nash, CAB	Ted Ross

Commissioners James Sloniker and Neil Oudejans have expressed appreciation for the opportunity to serve but have declined reappointment.

RECOMMENDATION

Council pleasure.

92(2)