



AGENDA
REGULAR CITY COUNCIL MEETING
TUESDAY, OCTOBER 9, 2012, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVE.

CITY COUNCIL:

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

1. CALL TO ORDER AND FLAG SALUTE

2. 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

3. 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. 2012- 55**, A Resolution of the City Council of the City of San Dimas approving certain demands for the months of September and October, 2012.

b. Approval of minutes for September 25, 2012 regular City Council meeting.

c. Award Cash Contract 2012-07 Rennell Storm Drain MTD 1841

d. Reject claim for Ramirez

e. Reject claim for Farmers Insurance (Ramirez)

f. Resolutions calling for a General Municipal Election Tuesday, March 5, 2013

(1) **Resolution No. 2012- 56**, A Resolution of the City Council of the City of San Dimas, County of Los Angeles, State of California, calling for the holding of a General Municipal Election to be held on Tuesday, March 5, 2013, for the election of certain officers as required by the provisions of the laws of the State of California relating to general law cities.

- (2) **Resolution No. 2012-58**, A Resolution of the City Council of the City of San Dimas, County of Los Angeles, State of California, Requesting the Board of Supervisors of the County of Los Angeles to render specified services to the City relating to the conduct of a General Municipal Election to be held on Tuesday, March 5, 2013.
- (3) **Resolution No. 2012- 59**, A Resolution of the City Council of the City of San Dimas, County of Los Angeles, State of California, adopting regulations for candidates for elective office pertaining to candidate statements submitted to the voters at an election to be held on Tuesday, March 5, 2013

END OF CONSENT CALENDAR

4. PLANNING/DEVELOPMENT SERVICES

- a. **ORDINANCE NO. 1212** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 11-03 AMENDING CHAPTER 18.152 SIGNS (2nd Reading)

5. OTHER MATTERS

- a. Request for City to support Proposition 30 on the November Ballot.
- b. **ORDINANCE NO. 1213**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PLACING A MEASURE ON THE MARCH 5, 2013 GENERAL MUNICIPAL ELECTION TO INCREASE THE TRANSIENT OCCUPANCY TAX RATE FROM 8% TO 12% (2nd Reading)
- c. Consideration of Resolutions necessary to place a measure before the San Dimas voters to increase the Transient Occupancy Tax Rate from 8% to 12% for guests staying at San Dimas Hotels and Commercial RV Campgrounds.
 - (1) **Resolution No. 2012- 57**, A Resolution of the City Council of the City of San Dimas, County of Los Angeles, State of California, placing before the voters of the City of San Dimas an Ordinance increasing the city's Transient Occupancy Tax from eight percent (8%) to twelve percent (12%).
 - (2) **Resolution No. 2012-60**, A Resolution of the City Council of the City of San Dimas, County of Los Angeles, State of California, setting priorities for filing a written argument regarding a City Measure and directing the City Attorney to prepare an impartial analysis.
 - (3) **Resolution No. 2012-61**, A Resolution of the City Council of the City of San Dimas, County of Los Angeles, State of California, providing for the filing of rebuttal arguments for City Measures submitted at Municipal Elections. (OPTIONAL RESOLUTION).
- d. Request from Profiles TV to use city facilities and have a temporary road closure during filming of proposed new reality television show
- e. City Council direction regarding the payment of city membership dues with the San Gabriel Valley Council of Governments for 2012-13.

6. ORAL COMMUNICATIONS

- a. Members of the Audience (*Speakers are limited to five (5) minutes or as may be determined by the Chair.*)
- b. City Manager
- c. City Attorney
- d. Members of the City Council
 - 1) Councilmembers' report on meetings attended at the expense of the local agency.
 - 2) Individual Members' comments and updates.

7. ADJOURNMENT

The next meeting is on October 23, 2012, 6:00 p.m.

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://cityofsandimas.com/minutes.cfm>.

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 DURING NORMAL BUSINESS HOURS. [PRIVILEGED AND CONFIDENTIAL DOCUMENTS EXEMPTED]

POSTING STATEMENT: ON OCTOBER 5, 2012, 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); THE VONS SHOPPING CENTER (PUENTE/VIA VERDE) AND THE CITY'S WEBSITE AT WWW.CITYOFSANDIMAS.COM/MINUTES.CFM.

RESOLUTION NO. 2012-55

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN DIMAS, CALIFORNIA, APPROVING
CERTAIN DEMANDS FOR THE MONTHS OF
SEPTEMBER AND OCTOBER 2012**

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: 09/30/2012; 23113 through 23175 in the amount of
\$824,345.65; (includes voided checks 140977 and 141287); and Warrant Register: 10/15/2012;
141900 through 142016 in the amount of \$665,267.87; (includes prepaid checks 141417 to
14899)

PASSED, APPROVED AND ADOPTED THIS 9th DAY OF OCTOBER 2012.

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

ATTEST:

Deputy 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 September 11, 2012, by the following
vote:

AYES: Councilmembers Badar, Bertone, Ebner, Templeman, Morris
NOES: None
ABSTAIN: None
ABSENT: None

Deputy City Clerk



***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.



MINUTES
REGULAR CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 25, 2012, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVE.

CITY COUNCIL:

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

City Manager Blaine Michaelis
City Attorney Ken Brown
Assistant City Manager for Community Development Larry Stevens
Assistant City Manager Ken Duran
Director of Parks and Recreation Theresa Bruns
Director of Public Works Krishna Patel
Deputy City Clerk Debra Black

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 7:00 p.m.

2. ANNOUNCEMENTS

3. 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

Dr. Marvin Ersher shared that recently he had to address an individual going through his trash. He contacted Waste Management to ask if this is allowed and was told there is no law prohibiting it. He asked City Attorney Ken Brown what the status of an item would be once it is placed at the curb for Waste Management to pickup.

Pui- Ching Ho librarian gave an update on the current events at the library.

Dave Bratt, Chamber of Commerce representative gave an update on the services provided through the Chamber. He also announced the upcoming Western Days Parade.

4. 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.)

MOTION: It was moved by Councilmember Bertone and seconded by Councilmember Ebner and carried 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:

RESOLUTION NO. 2012- 54, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF SEPTEMBER 2012.

- b. Approval of minutes for regular meeting of September 11, 2012.

END OF CONSENT CALENDAR

5. PUBLIC HEARING

- a. Municipal Code Text Amendment 11-03 consideration of various revisions to the Chapter 18.152 (San Dimas Sign Code)

ORDINANCE NO. 1212 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 11-03 AMENDING CHAPTER 18.152 SIGNS

Assistant City Manager of Development Services Larry Stevens presented a review of the updates requested by council from the September 11, 2012 meeting. Item number one for review was to consider a maximum width for portable signs. A standard of three feet has been inserted. The second item reviewed was to require addresses on all monument signs, multiple sections of the draft sign code were modified. Item number three, change the location for portable A-frames. Should be allowed at any business entry door however a limit of one portable sign is being maintained. The fourth item for discussion was to have additional standards for secondary wall signs when allowed on the front building elevation. Two options have been provided. Option number one is the previous standard in the code where the Planning Director must determine secondary sign would be ineffective on secondary elevation, and may specify when it is on the front elevation, a minimum distance separation. This is a more general standard. The discussion indicated that a more specific standard was needed, so option number two reflects that. It maintains that it must be ineffective and not readily visible if located on the secondary building elevation. Transfers allowed only on the building with minimum width of 100 ft. Primary and secondary signs shall be a minimum distance apart equal to 50% of the minimum building width. Where there is a second front entrance or exit, the secondary sign must be proximate to said front entrance or exit. Staff is comfortable with either option, just needs council to provide direction. The last point of consideration was to evaluate appropriate locations for signs that permitted electronic messaging.

Mr. Stevens continued by summarizing the draft presented by the Planning Commission and where it permitted electronic messaging center signage. It permitted signs in six locations, first on monument signs in commercial zones for multiple tenant shopping centers. The second circumstance in which a monument sign would be allowed is in a commercial zone for single tenant building. The third circumstance in which a monument sign would be allowed is on freeway oriented signs in commercial zones where the commercial center exceeds 100,000 square feet. The fourth circumstance would be monument signs in commercial zones for gas stations.

Councilmember Templeman asked if 100,000 square feet was for the building only.

Mr. Stevens replied that that was correct, not land area. All existing centers in commercial zones that meet the 100,000 square feet standard already have freeway signs. The fifth circumstance would be for a monument sign for education or religious institutions, in which case the maximum sign face was 30 square feet. Staff is recommending adding the 60% square feet standard. The last location would be for monument signs in public, semi-public zones for schools, hospitals, churches and similar institutions. In those cases actual size will be determined by the Planning Director based upon use, location and the consistency with the sign code. Most commonly it would probably be the monument sign size permitted in the A.P. zone, which is what those institutions were in before creating the public, semi-public zones. The 60% standard would apply.

In response to Councilmember Templeman, Mr. Stevens responded that this area is more subjective because in the past, in the public, semi-public zones other uses were permitted like offices and we did not want the offices to have a different standard. Also because of the mix of uses we haven't specified a maximum size for a monument sign. We do require a consistency determination.

Councilmember Templeman asked if when talking about schools, we are not talking about schools within the umbrella of the State architect.

Mr. Stevens replied, they happen to be in public, semi-public zones but we do not have the ability to exercise zoning jurisdiction over them for things that are school related. He also stated that you could have a private school that fell into a public, semi-public zone that would be governed by these regulations.

Councilmember Badar asked if schools like KinderCare and others would be covered under this same standard.

Mr. Stevens stated that some of those are in public, semi-public zones, some are in other zones. This was written primarily to cover San Dimas Community Hospital, which was the original entity seeking the electronic message center sign at the earlier community forum and this was the best way to include that. Other uses could be in commercial zones or offices zones and those standards would apply. For example the KinderCare at Via Verde and Puente is in an A.P. zone and would not be eligible.

In response to Councilmember Badar, Via Verde Shopping Center is in a commercial zone and it would be permitted. Mr. Stevens stated that he did include in staff report a quick summary of the generalized standards about blinking. He is not proposing to change any of those except a minor text change to make it clear that you may not have a wall sign that has an electronic message center.

Councilmember Bertone stated that he does not mind the electronic signs, but there are two houses that face the Via Verde Shopping Center and didn't think they would want to put an electronic sign there but if they did would that interfere with the two houses?

In response Councilmember Templeman replied that he didn't think they would want to spend the money to place a sign there because people can't drive by there to see them.

Mr. Stevens stated one of the things to be aware of in the case of the shopping centers is that they would have to amend their master signs program and there would be a public review process through the Development Plan Review Board.

Councilmember Bertone asked if residents within 150 feet would be notified.

Mr. Stevens responded typically on DPRB cases we notify the adjacent property. On occasion we exercise discretion and expand the notice when staff feels it is appropriate. We have received two emails since the last hearing, one of which was from Real Estate broker Brad Umansky who read in a newspaper article that we intended to prohibit free standing non-residential for lease and sale signs. He is objecting to us including that prohibition in the draft of the sign code.

In response to Councilmember Bertone, Mr. Stevens stated that he has had no discussion with him directly, but is aware that he has attended both community forums and was aware that we received a significant number of comments relative to the poor maintenance, blight and continuous nature of those signs being advertising for the broker. By attending those meetings he was aware that there were concerns expressed. He did not have any discussion relative to the solution that was incorporated into the draft sign code that was taken to the Planning Commission and the changes that were made by the Planning Commission, although he did receive a notice of that meeting and the Council meeting.

Councilmember Templeman asked Mr. Stevens to elaborate on the question he asked, *inquiring* about the signs not functioning properly.

In response Mr. Stevens read item E3 from the staff report. Mr. Stevens continued with a video presentation of examples of electronic signs captured at various locations. Mr. Stevens then continued with his live presentation by stating that the standards included in staff's draft report are compatible with what the regulatory community is doing and not inconsistent with what the industry is trying to do with these types of signs. A decision is needed on whether all six of the areas identified are locations where council feels these types of signs are permitted. With the direction given, staff will make the appropriate adjustments in the draft ordinance. Staff would recommend the changes on items one, two and three, and the two bullet changes related to electronic message centers regardless to location. The confirmation would be, they are not allowed on wall signs and the 60% would apply in the case of other education or religious institutions. Provide staff with direction on options one or two on the secondary signs and direction on the zones in which you would permit the electronic message signs.

Councilmember Ebner asked except for administrative, professional, industrial and downtown can you have the electronic signs on the monuments signs.

Mr. Stevens answered that was correct.

Councilmember Ebner asked if a piece of property that has a single tenant on it such as Jack in the Box, Arco could each have a monument signs.

Mr. Stevens responded, those are free standing uses under 40,000 square feet and they could each have separate monument sign up to 24 square feet.

Councilmember Ebner asked, on that stretch of street as you are going west, you could have a monument sign with an electronic component at the Ralphs's Center, Arco, Hometown Rents, Kaiser and a couple of other locations?

Mr. Stevens answered, yes Specific Plan Number 2, refers back to the general uses; each of those uses could have a free standing monument sign.

Councilmember Badar asked, for organizations that have events, is there anyway they could put an electronic sign to announce their upcoming event is there any type of modification or will it be strictly banner signs?

Mr. Stevens answered banners can be approved in conjunction with the temporary use permit. There would be no limitation on the number or the size it would be simply what is approved for the permit.

Councilmember Bertone asked, what is the main difference between option one and option two, they seem similar?

Mr. Stevens answered option two is more specific in that you have to have a minimum of 100 foot wide building to be able to move the sign. It then has a numerical calculation relative to the minimum distance between those signs rather than simply saying a minimum distance maybe required by the Planning Director.

Councilmember Bertone asked, are you recommending one or the other?

Mr. Stevens answered, we are comfortable with both. I think they both work, option two is a little bit more specific so it eliminates some of the discretion. I don't think it comes up enough that the discretion is a major issue, a standard is always a little bit better than exercising discretion.

Councilmember Bertone asked, would it be easier to approve one, two three and four separately from the electronic, because I think there are more questions on the electronic signs?

Mr. Stevens answered, you could make multiple motions, one to address those and then a separate motion and discussion and we will incorporate the accumulations of whatever motions we make into the code and at the end make one motion to approve the ordinance.

Mayor Morris opened the discussion for public hearing.

Dr. Ersher shared that it was important for the only hospital in town to have a well-lit sign with good visualization and to encourage better directional signs at the location. Dr. Ersher asked Mr. Stevens why were we changing the sign ordinance and what are the differences.

Mr. Stevens replied this started about 18 months ago, initiated by City Council because the community thought the sign regulations were inflexible. Forums were held to have the community share their concerns. Based on the forum 18 issues of concern were identified. These issues were presented to the Planning Commission and City Council and they agreed they needed to be looked at. Staff took an assessment of what surrounding areas where doing in each of the areas of concern. A second joint meeting of the Planning Commission and City Council was had last November to discuss the information gathered from the surrounding communities and to discuss staff's preliminary approach to responding to the various changes.

The changes to permanent signs are not substantial, monument signs allowed in some locations where previously they were not allowed. Some minor tweaks were done to the standards for permanent signs. Most of the changes applied to various types of temporary or non-permanent signs. We have made provisions to allow A-frame signs for each business. Provisions made also to allow temporary sign opportunity for yard sales and open houses as long as they meet the standards, previously they were prohibited. The banner standards were modified to add height, size, and method of attachment. Free standing non-residential, real estate for sale and for lease signs are now prohibited and have included a 90 day amortization period for all existing signs.

To replace those we have created the ability to have banner signs subject to the size and numerical limitations set forth in the ordinance; but would also require a six month permit

different from other temporary signs. Still up for discussion for the electronic signs are should they be allowed as a component of a monument sign and what the standard would be? Window signs were tweaked slightly.

Mayor Morris stated that we were frequently being asked to look at the sign ordinance.

Todd Launchbaugh, Lee & Associates Commercial real Estates stated that today was the first time he has heard of the changes. He knew the city was looking at the ordinance but had no idea what the effect would be. The ordinance is allowing for building mounted banners that he personally does not think are as attractive as a sign. He is surprised that no one has mentioned this to him. He has been involved with other cities when they have made these types of changes. He feels that this will promote more vacancies in the city and he understands the need for attractiveness and maintenance, but feels there is no basis for this in regard to the commercial real estate properties. He was surprised that there was no one here from the retail end or any other business owners. He asked what the basis for removal of the real estate signs.

Councilmember Badar shared that this process has been going on for over 18 months and Brad Umansky has been involved the process. He stated that the city has made major concessions in trying to notify people and there have been people who have attended the planning sessions and community meetings.

Councilmember Bertone stated that there have been several newspaper articles written on the subject as well as the city's website posted information.

Mayor Morris stated that one-third of one of the planning meetings was taken by representatives from Mat West and from Brad Umansky speaking on this point. The question raised was that these are not for lease or sale signs, but billboards for brokers. We have centers in town that a lot of work was done on design and landscaping and then immediately a sign for a broker goes up and it never comes down.

Councilmember Templeman stated that the economy probably has not been very helpful, and you get many different brokers and owners in the same location; it is almost an advertisement of blight.

Brad Umansky, the owners aren't going to allow signs that don't look good and will not allow signs to be placed in front of the tenants that are there. He believes that there is a better way to do this. In the long run this is not what's best for the property owners.

Councilmember Ebner stated he liked the changes overall and that the electronic signs may need a separate discussion. He feels that regarding the two options it would be beneficial to have some numerical standards because the applicant then knows what to expect when they come in. He doesn't feel we need the last three lines on option two; it could make it more cumbersome for some.

MOTION: Councilmember Ebner made a motion Councilmember Bertone seconded the motion to approve option 2 of item 4 without the last three lines. The motion carried unanimously.

MOTION: Councilmember Bertone made a motion Councilmember Templeman seconded the motion to approve items 1, 2, 3. the motion carried unanimously.

Discussion moved to electronic signs.

Councilmember Ebner stated his opposition to electronic signs is that with the affordability of the signs, they will become more popular. There will be many signs with different designs and colors and areas will begin to look cluttered and unattractive. He also stated that we are known for our standards and we should keep those strict standards. He would allow them only for institutional locations, such as the hospital and schools.

Councilmember Templeman shared that there are business out there that would benefit from monument signs; it would help improve the identity of the business. There are centers with the name of the center but no one knows what businesses are located within the center.

Councilmember Badar acknowledged the work and planning of staff and the Planning Commission on this issue. He supports the Planning direction on item five with two minor changes to page three.

A motion was made by Councilmember Templeman and seconded by Councilmember Badar to approve recommendations by the Planning Commission with two minor changes to item five page 3 and item E. Motion carried by vote of four to one, with Councilmember Ebner opposing.

Mr. Stevens clarified that the motion is to introduce Ordinance No. 1212 with amendments and authorize staff to publish a summary of the ordinance.

A motion was made by Councilmember Bertone, seconded by Councilmember Templeman to waive further reading and introduce. Motion carried by a vote of four to one with Councilmember Ebner opposed.

Councilmember Bertone expressed that staff doesn't want to hurt any businesses and if there is a better solution he is willing to listen, things can be changed.

6. OTHER MATTERS

- a. Council action to place an increase in Transient Occupancy Tax before the voters March 5, 2013

- 1) **ORDINANCE NO. 1213, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, PLACING A MEASURE ON THE MARCH 5, 2013 GENERAL MUNICIPAL ELECTION TO INCREASE THE TRANSIENT OCCUPANCY TAX RATE FROM 8% (eight) TO 12% (twelve) (First Reading)**

City Manager Blaine Michaelis shared that the city recently completed adjustments to its budget in order to provide some financial balance needed after the recent dissolution of the Redevelopment Agency, the slow economic recovery and major losses in the city's sales tax revenue. He stated that the removal of the \$1.4 million from our general operating budget has resulted in significant expenditure reductions in the city's budget and capital funding levels. The adjustments made should help to stabilize the financial needs, but has made it challenging to be able to accomplish more street and infrastructure work. Staff is recommending the city council to consider an increase in the city's Transient Occupancy Tax. This would help achieve greater financial ballast with minimal impact to the residents. Our current rate is 8% (eight), most if not all cities within Los Angeles County are at, or are considering moving to a 12% (twelve) Transient Occupancy Tax Rate. If the city moves to increase from 8% (eight) to 12% (twelve) it could mean an increase of \$350,000 of general fund revenue. This would help restore some flexibility to our budget. In order to increase it, it would need a majority vote of the residents, 50% plus one; that would take place at the next general municipal election on March 5, 2013. What is being presented this evening is consideration of beginning the process. Tonight would be

the first reading of the ordinance that would set the parameters of the increase and place it before the voters on the ballot in 2013. After this first reading comes a series of other resolutions necessary to have it placed on the ballot; and at the October 9th meeting there will be a second reading considered along with the other resolutions to enact the process.

Councilmember Templeman noted that a TOT Rate review in Los Angeles County was done that showed the average to be 10.7%, with some places like Pasadena at 12%, Monterey Park, San Gabriel at 10%. We are already below the average.

Councilmember Bertone also noted that other cities will add on a utility tax or sales tax to gain revenue, but this Council is against that.

Mayor Morris expressed that this was not a public hearing, but if anyone in the audience wanted to speak he would open for public comment.

Councilmember Ebner made a motion and Councilmember Bertone seconded to waive further reading and approve Ordinance 1213. Motion carried by unanimous vote 5-0.

- b. Review of preliminary Staff Comments on Draft Environmental Impact Report (DEIR) for Metro Gold Line Foothill Extension (Azusa to Montclair) and Authorization to Transmit Comments on the DEIR

Assistant City Manager of Development Services Larry Stevens presented a review of preliminary staff comments on the Draft Environmental Impact Report released by the Metro Gold Line Authority, which is currently in the public comment period. Staff is reviewing the document to see how San Dimas is affected by the Gold Line and insure that the environmental document appropriately analyzes those impacts and identifies appropriate mitigation measures to insure that we've minimized any potential adverse environmental impacts to the city. Staff has identified four basic concerns that they would like to have any Council comment or discussion on to facilitate their preparation on the actual comment letter. The four primary areas of concern are the New Station Site, Bonita/Cataract Crossing, Noise & Vibration and TPSS (power stations) Locations. The station site is a change in location from previous meetings. The site identified in this DEIR is the City's Maintenance Facility. Mr. Stevens outlined the potential circulation issues, aesthetics and impact on the City Maintenance Operations that this new location would have. Next he described the need for additional studies that would address the delay and impact of traffic operation of an at-grade crossing at the Bonita/Cataract Crossing. He continued further with describing two other areas needing additional consideration for the Noise & Vibration issue, as well as questioning the decision to have two TPSS locations in San Dimas. He listed for council seven other concerns with the project.

Council continued discussing their concerns with the project.

Mr. Stevens concluded he would draft a letter that would include council's comments along with staff comments, for the Mayor's signature. The letter would be submitted before October 5th, Friday.

Councilmember Templeman made a motion and Councilmember Badar seconded a motion to authorize staff to prepare a letter.

7. ORAL COMMUNICATIONS

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

Dr. Ersher shared a summary of his viewpoints on the Via Verde Open Space Plan.

- b. City Manager

Reminder "Ask the Mayor" program this week

- c. City Attorney

- d. Members of the City Council

Councilmember Templeman announced that the turnout for the Water Feature Dedication was a success.

Councilmember Ebner announced the upcoming Annual 5k Run & 1 Mile Fun Run & Walk this coming Saturday the 29th, and the Western Days Parade on October 6th & 7th.

Councilmember Badar asked for a brief update on the Downtown Façade Project

Mr. Stevens responded that, two facades were nearly complete and the awnings are to go up this week for the Florist and Antique Store. The brick work on the other three has been cleaned and repaired, and the dentil has been fixed. Prep work is being done while waiting on windows for two of those. The windows are expected on October 15 and should be installed that week. By the end of October we should be done. The business owners are all comfortable with the cost perspective.

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

Councilmember Bertone shared that the SGVCOG voted to change the governance of the council. The Executive Director will now be working for the COG and will not be independent and anyone working full time will be working for the COG not the Executive Director. The COG is in the process of hiring a new Executive Director.

- 2) Individual Members' comments and updates.

Mayor Morris congratulated Dave Bratt and the Planning Commission on their work with the sign code.

8. CLOSED SESSION

Mayor Morris recessed the regular session at 9:44 p.m. to a closed session pursuant to Government Code Section 54956.8:

a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 121 North San Dimas Avenue – Walker House

Negotiating Parties for the City: Blaine Michaelis, City Manager, Ken Duran, Assistant City Manager and J. Kenneth Brown, City Attorney.

For proponent: Vincent DeRosa

Under Negotiation: Terms and conditions of a possible use agreement for the property.

b. Report on closed session items.

City Council directed staff to respectfully decline any food service arrangements for the Walker House until building ownership issues are resolved in the City's favor.

7. ADJOURNMENT

The closed session meeting adjourned at 10:43 p.m. The next meeting is on October 9, 2012, 7:00 p.m.

Respectively submitted,

Debra Black, Deputy City Clerk



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the Meeting of October 9, 2012

From: Blaine Michaelis, City Manager

Initiated By: Public Works Department

Subject: **Award of CC 2012-07 Rennell Avenue Storm Drain MTD 1841 Project to HYM Engineering**

1. Appropriation of additional \$25,000 from Fund 12, Infrastructure.
2. Award of Cash Contract No. 2012-07 Rennell Avenue Storm Drain MTD 1841 project to HYM Engineering for the amount bid of \$108,170.

Summary

This cash contract is designed to relieve localized flooding near the intersection of Rennell Avenue and St George Drive. The improvements included are three catch basins and about 200 feet of main storm drain pipe, cross gutter and ADA ramps. The project was released for public bid, and the lowest bidder was HYM Engineering with a construction cost of \$108,170. With survey, contingency and soils testing, the cash contract project budget would be \$130,000.

The cash contract is part of a bigger storm drain system that is being installed by the developer of Tract 60865 (Lone Hill and Overland Ct). At the July 24, 2012 Meeting, Council approved payment of the costs to upsize the development's storm drain system to accept the water from the areas experiencing localized flooding on Rennell Avenue. These costs, which include increasing the size of the pipe and the costs of relocating existing utility infrastructure to accommodate the larger system, are estimated to be about \$35,000. Therefore the total project costs due to upsizing the main storm drain pipe and the City cash contract is \$165,000.

The amount budgeted for FY 2012/2013 for the storm drain upgrades to include the City project and all costs due the developer/utilities is \$140,000 from Fund 12. As the total estimated costs exceed the amount budgeted, Staff is requesting that Council appropriate the shortfall of \$25,000 from Fund 12 (Infrastructure) in order to meet the total project cost.

Staff requests that Council award the City's Cash Contract 2012-07 Rennell Avenue Storm Drain MTD 1841 Project to the low bidder HYM Engineering for the amount bid of \$108,170.

BACKGROUND

Sealed bids were received by a representative of the City Clerk on Wednesday, August 29, 2012 and publicly opened for Cash Contract No. 2012-07 Rennell Avenue Storm Drain MTD 1841. The construction consists of installation of 3 catch basins, approximately 200 feet of reinforced concrete storm drain pipe, 2 ADA ramps, cross gutter and various storm drain appurtenances.

The Bid results are as follows:

HYM Engineering	\$108,170.00
GRFCO, Inc	\$114,950.00
LAIRD Construction	\$139,391.00
CP Construction Co	\$155,542.00
Perry C Thomas	\$153,354.00
SRD Engineering	\$160,542.00
PEI Engineering	\$177,952.00

If Council were to award the project the recommended budget would be as follows:

Construction	\$108,170.00
Survey	\$ 5,000.00
Geotechnical Engineering	\$ 5,000.00
~11% Contingency (construction)	\$ 11,830.00
Total Construction Project Budget	\$130,000.00

DISCUSSION

The amount budgeted for the storm drain upgrades in FY 2012/2013 is \$140,000. However this budget includes not just the construction project but also was to include costs for upgrading the storm drain system being installed by the Developer of Tract 60865 (Lone Hill and Overland Ct) to create capacity for the additional water coming from this cash contract project. Acceptance of existing street runoff from Rennell and St George falls outside of the tract improvement requirements, and the costs would therefore be borne by the City.

The Developer agreed to work with the City to upgrade his system to accept the existing street water, and has estimated the cost to upsize the pipe. These costs include upgrading the pipe from 24 inch to 30 inch diameter for approximately 480 feet, and the costs of additional utility relocation due to the increased pipe size. At its July 24, 2012 Meeting, Council authorized payment of the upgrade costs to the developer, and utility companies. The developer and utility company have estimated that these costs will be approximately \$35,000.

With the Cash contract budget of \$130,000 and this cost of \$35,000, the total amount needed in this fiscal year is \$165,000. This exceeds the amount budgeted (\$140,000) by \$25,000. Therefore in order to proceed with construction of Cash Contract 2012-07, Staff is requesting that Council appropriate \$25,000 from Fund 12 (Infrastructure) to meet all the costs of the entire storm drain upgrades.

Staff has reviewed the bid proposal and bid bond provided by the lowest responsible bidder, HYM Engineering Incorporated. The contractor's bid bond is issued by an admitted surety, as required by Public Contract Code 20170. Staff confirmed through the State Contractor's License Board that the contractor's license number 918130 Class A expires on 01/31/2013. Staff contacted listed references, and found the contractor has successfully completed similar work for the County of Orange. The contractor has also successfully completed a concrete improvement project for the City.

RECOMMENDATION

Staff recommends the City Council consider:

- 1. Appropriation of and additional \$25,000 from the Infrastructure Fund to bring Total storm drain project budget to \$165,000 for cash contract, storm drain pipe upsizing and utility relocations.**
- 2. Award of Cash Contract No. 2012-07 Rennell Avenue Storm Drain MTD 1841 to HYM Engineering, Incorporated for the amount bid of \$108,170.**

Respectfully submitted,



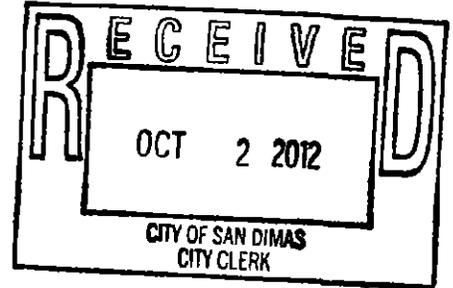
Shari Garwick
Senior Engineer

10-12-04 sg



CARL WARREN & COMPANY
Claims Management and Solutions

October 1, 2012



TO: The City of San Dimas

ATTENTION: Ken Duran, Assistant City Manager

RE: Claim : Ramirez vs. The City of San Dimas
Claimant : Ronald Ramirez
D/Event : 8/13/2012
Rec'd Y/Office : 8/21/2012
Our File : S-1761869-WRQ

We have received and reviewed the above claim and request that you take the action indicated below:

CLAIM REJECTION: Send a standard rejection letter to the claimant.

Please provide us with a copy of the notice sent, as requested above. If you have any questions please contact the undersigned.

Very truly yours,

CARL WARREN & COMPANY



Richard D. Marque

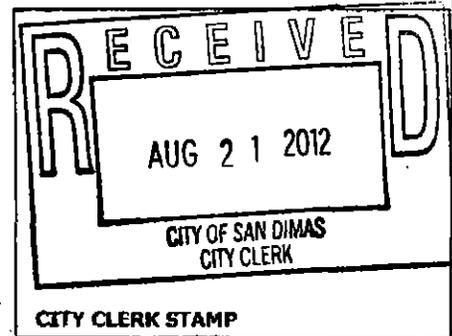
cc: CJPIA w/enc.
Attn.: Executive Director



**CLAIM AGAINST THE CITY OF SAN DIMAS
(For damages to Persons or Personal Property)**

Received by DB initials
Via

- U S Mail
- Inter-Office Mail
- Over the Counter
- Fax



CITY CLERK STAMP

A claim must be filed with the City Clerk of the City of San Dimas within six (6) months after which the incident or event occurred. Be sure your claim is against the City of San Dimas, not another public entity. Where space is insufficient, please use additional paper and identify information by paragraph number. Completed claims must be mailed or delivered to the City Clerk, the City of San Dimas, 245 E. Bonita Avenue, San Dimas CA 91773-3002.

TO THE HONORABLE MAYOR & CITY COUNCIL, THE CITY OF SAN DIMAS, CALIFORNIA.

The undersigned respectfully submits the following claim and information relative to damage to persons and/or personal property:

1. Name of Claimant RONALD RAMIREZ
 - a. Address 617 S. ALAMEDA AVE
 - b. City AZUSA Zip Code 91702
 - c. Telephone Number (626) 633-9031 d. Cell Number (626) 991-8303
 - e. Date of Birth 8/4/46 f. Drivers' license RO547093
 - g. e-mail: paramike2312@hotmail.com
2. Name, telephone and post office address to which claimant desires notices to be sent if other than above:
SAME
3. Event or occurrence from which the claim arises:
 - a. Date 8/13/2012 b. Time APPROX. 6:00 a.m./p.m.
 - c. Place (exact & specific location) VEHICLE PARKED ON NORTHSIDE OF STREET, AT CURB UNDER LARGE OAK TREE IN FRONT OF 129 E. BASELINE RD, SAN DIMAS 91773
 - d. How and under what circumstances did damage or injury occur? Specify the particular occurrence, event, act or omission you claim caused the injury or damage. (Use additional paper if necessary) DAMAGE TO VEHICLE OCCURRED WHEN HUGE BRANCH BROKE OFF & FELL FROM OAK TREE ONTO VEHICLE. NO WIND, NO RAIN ON THIS DAY. NO OTHER OCCURRENCE CAUSED THE BRANCH TO FALL THAT IS KNOWN.
 - e. What particular action by the City, or its employees, caused the alleged damage or injury? IT IS QUESTIONABLE WHETHER AN INSPECTION HAD BEEN MADE TO EVALUATE WHETHER THE TREE BRANCH WAS TOO LARGE & HEAVY AND IN NEED OF SUPPORT TO PREVENT BREAKAGE. OR, IF ANY PART OF THE TREE WAS ROTTING OR DISEASED.
4. Give a description of the injury, property damage or loss, so far as is known at the time to this claim. If there were no injuries, state "no injuries".
"NO INJURIES" (IT WAS A MATTER OF MINUTES & THERE COULD'VE BEEN 3 DEATHS). FOR VEHICLE DAMAGE SEE ESTIMATE ATTACHED.

5. Give the name(s) of the City employee(s) causing the damage or injury:

6. Name and address of any other person injured: N/A

7. Name and address of the owner of any damaged property:

SAME AS CLAIMANT.

8. Damages claims:

a. Amount claimed as of this date: \$ 2590.40

b. Estimated amount of future costs: \$ _____

c. Total amount claimed: \$ _____

d. Basis for computation of amounts claimed
(attach copies of all bills, invoices, estimates, etc.) ESTIMATE ATTACHED.
(5 PAGES)

9. Names and addresses of all witnesses, hospitals, doctors, etc.

a. _____
b. _____
c. _____
d. _____

10. Any additional information that might be helpful in considering this claim:

AUGUST 15 2012 - SAN GABRIEL VALLEY TRIBUNE, P. A3, ARTICLE
"HUGE BRANCH FALLS ON CAR IN SAN DIMAS" IS REFERRING TO MY
CAR. IT QUOTES JAYME CANCHO, NEIGHBOR WHO HEARD IT CRACK.

**WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM!
(Penal Code §72: Insurance Code §556.1)**

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 26th day of AUGUST, 20 12,
at AZUSA, CA


Claimant's signature

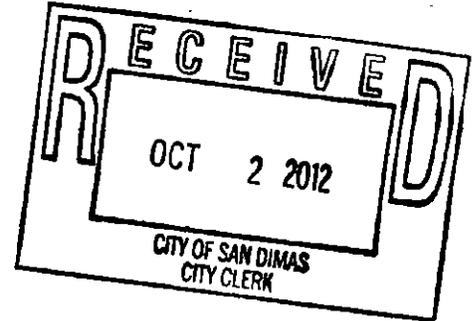


CARL WARREN & COMPANY
Claims Management and Solutions

October 1, 2012

TO: The City of San Dimas

ATTENTION: Ken Duran, Assistant City Manager



RE: Claim : Farmers Insurance vs. The City of San Dimas
Claimant : Farmers Insurance
D/Event : 8/13/2012
Rec'd Y/Office : 9/4/2012
Our File : S-1761869-WRQ

We have received and reviewed the above claim and request that you take the action indicated below:

CLAIM REJECTION: Send a standard rejection letter to the claimant.

Please provide us with a copy of the notice sent, as requested above. If you have any questions please contact the undersigned.

Very truly yours,

CARL WARREN & COMPANY

Richard D. Marque

cc: CJPIA w/enc.
Attn.: Executive Director

AN EMPLOYEE-OWNED COMPANY

770 S. Placentia Avenue | Placentia, CA 92870

P. O. Box 25180 | Santa Ana, CA 92799-5180

www.carlwarren.com | Tel: 714-572-5200 | 800-572-6900 | Fax: 866-254-4423

CA License No. 2607296

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21ST CENTURY FINANCIAL SERVICES GROUP, INC.

Sincerely,
21st Century Insurance Company

Tyler D Gilleland
Customer Service Claims Representative



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of October 9, 2012

FROM: Blaine Michaelis, City Manager *BM*

SUBJECT: March 5, 2013 General Municipal Election Resolutions

SUMMARY

The City of San Dimas General Municipal Election is scheduled for Tuesday March 5, 2013.

This agenda item is to adopt the necessary resolutions calling for the election.

BACKGROUND

Pursuant to California Elections Code section 1301, the City of San Dimas General Election is held on the first Tuesday after the first Monday in March of each odd-numbered year. The City of San Dimas' General Municipal Election is scheduled for Tuesday March 5, 2013. In preparation for the election, adoption of procedural resolutions are necessary to commence the election process.

RECOMMENDATION

Approval of the following resolutions:

1. Resolution No. 2012-56 – calls for and gives notice of the Election for the offices of Mayor and two members of the City Council.
2. Resolution No. 2012-58 – requests the County of Los Angeles Board of Supervisors to render specified services to the City and its election supplier.
3. Resolution No. 2012-59 – sets forth regulations for Candidate's Statements.

Attachment:
Resolutions 2012-56; 58; 59

RESOLUTION NO. 2012-56

A RESOLUTION OF THE CITY OF SAN DIMAS, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 5, 2013, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on March 5, 2013, for the election of Municipal Officers; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of San Dimas, California, on Tuesday, March 5, 2013, a General Municipal Election for the purpose of electing a Mayor for the full term of two years; and two Members of the City Council for the full term of four years.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 4. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code § 14401 of the Elections Code of the State of California.

SECTION 5. That pursuant to Election Code Section 12310, a stipend for services for the persons named as precinct board members is fixed at the sum of \$100.00 for each Inspector and \$80.00 for each Clerk for the election. In addition, the sum of \$25.00 shall be given to each precinct board member to attend a training class; the sum of \$25.00 shall be paid to each precinct board member fluent in the Spanish language with the ability to translate election documents and assist voters; and the sum of \$10.00 shall be paid to each Inspector or their designee who carries a cell phone for communication during the election. The rental for each polling place, where a charge is made, shall be the sum of \$25.00 for the election. When required, the compensation of the Custodian of a building shall be \$25.00 for the election.

SECTION 6. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

SECTION 8. That the City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted invoice.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED THIS 9th day of October, 2012.

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

ATTEST:

Kenneth J. Duran, City Clerk

I HEREBY CERTIFY that the foregoing Resolution No. 2012-56 was adopted by vote of the City Council of the City of San Dimas at its regular meeting of October 9, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kenneth J. Duran, City Clerk

RESOLUTION NO. 2012-58

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS,
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, REQUESTING
THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES
TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT
OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON
TUESDAY, MARCH 5, 2013**

WHEREAS, a General Municipal Election is to be held in the City of San Dimas, California, on Tuesday, March 5, 2013; and

WHEREAS, in the course of conduct of the election it is necessary for the City to request services of the County; and

WHEREAS, all necessary expenses in performing these services shall be paid by the City of San Dimas.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. That pursuant to the provisions of Section 10002 of the Elections Code of the State of California, this City Council requests the Board of Supervisors of the County to permit the County Election Department to prepare and furnish the following for use in conducting the election:

1. A listing of County precincts with number of registered voters in each, so city may consolidate election precincts into city voting precincts, and maps of the voting precincts;
2. A list of polling places and poll workers the County uses for their elections;
3. The computer record of the names and addresses of all eligible registered voters in the city in order that the City's Consultant may:
 - a. Produce labels for vote-by-mail voters;
 - b. Produce labels for sample ballot pamphlets;
 - c. Print rosters of voters and Street Indexes;
4. Voter signature verification services as needed;
5. Make available to the City election equipment and assistance as needed according to state law.

Section 2. That the City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.

Section 3. That the City Clerk is directed to forward without delay to the Board of Supervisors and to the County Election Department, each a certified copy of this Resolution.

Section 4. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED THIS 9th day of October, 2012.

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

ATTEST:

Kenneth J. Duran, City Clerk

I HEREBY CERTIFY that the foregoing Resolution No. 2012-58 was adopted by vote of the City Council of the City of San Dimas at its regular meeting of October 9, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kenneth J. Duran, City Clerk

RESOLUTION NO. 2012-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, MARCH 5, 2013

WHEREAS, Section 13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidate's statement.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN DIMAS, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS. That pursuant to Section 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an election to be held in the City of San Dimas on Tuesday, March 5, 2013, may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in typewritten form in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2. FOREIGN LANGUAGE POLICY.

- A. Pursuant to the Federal Voting Rights Act, the city is required to translate candidate's statements into Spanish.
- B. Pursuant to state law, the candidate's statement must be translated and printed (in the voters pamphlet) in any language at the candidate's request.
- C. The City Clerk shall
 1. Translations:
 - a) Have all candidates' statements translated into Spanish as specified in (A) above.
 - b) Have translated those statements into the languages as requested by the candidate as specified in (B) above.
 2. Printing:
 - a) Print all translations of all candidates' statements pursuant to (A) above, in the main voter pamphlets. Main voter pamphlets will be in English and Spanish.
 - b) Print any translations of candidates who so request printing in the main voter pamphlet - the main voter pamphlet will be an English and Spanish pamphlet, also containing candidate statement translations if requested by the candidate.

SECTION 3. PAYMENT.

A. Translations:

- 1) The candidate shall be required to pay for the cost of translating the candidate's statement into any required foreign language as specified in Section 2 (A) above, pursuant to State and Federal law.
- 2) The candidate shall be required to pay for the cost of translating the candidate statement into any foreign language that is not required as specified in Section 2 (B) above, pursuant to Federal and/or State law, but is requested as an option by the candidate.

B. Printing:

- 1) The candidate shall be required to pay for the cost of printing the candidate's statement in English in the main voter pamphlet. The candidate shall be required to pay for the cost of printing of the candidate statement in any foreign language required in the voter pamphlet as specified in Section 2 (A) above.
- 2) The candidate shall be required to pay for the cost of printing the candidate's statement in a foreign language in the main voter pamphlet that is not required, but is requested by the candidate per Section 2 (B) above.

The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. In the event the estimated payment is required, the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the Clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

SECTION 4. MISCELLANEOUS.

- A. All translations shall be provided by professionally-certified translators;
- B. The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

SECTION 5. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 6. That the City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.

SECTION 7. That all previous resolutions establishing City Council policy on payment for candidate's statements are repealed.

SECTION 8. That this resolution shall apply only to the election to be held on March 5, 2013, and shall then be repealed.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 9th day of October 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

ATTEST:

Kenneth J. Duran, City Clerk

ORDINANCE NO. 1212

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS
APPROVING MUNICIPAL CODE TEXT AMENDMENT 11-03 AMENDING
CHAPTER 18.152 SIGNS**

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

SECTION 1. Chapter 18.152 Signs is amended by replacing it in its entirety with attached Exhibit A.

SECTION 2. This Ordinance shall take effect 30 days after its final passage, and within 15 days after its passage the City Clerk shall cause a summary of it to be published in the Inland Valley Daily Bulletin, a newspaper of general circulation in the City of San Dimas hereby designated for that purpose in accordance with the provisions of Section 36933 of the California Government Code.

PASSED, APPROVED AND ADOPTED THIS 9th DAY OF OCTOBER, 2012.

Curt Morris, Mayor of the City of San Dimas

Debra Black, Deputy City Clerk

I, DEBRA BLACK, DEPUTY CITY CLERK of the City of San Dimas, do hereby certify that Ordinance No. 1212 was regularly introduced at the regular meeting of the City Council on September 25, 2012, and was thereafter adopted and passed at the regular meeting of the City Council held on October 9, 2012 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 summary of Ordinance 1212 to be published in the Inland Valley Daily Bulletin, in accordance with the provisions of Section 36933 of the California Government Code.

Debra Black, Deputy City Clerk

EXHIBIT A

Chapter 18.152 SIGNS

18.152.010 Purpose.

A. The intent of this chapter is to encourage the installation of signs that provide reasonable opportunities for business identification, improve the appearance of buildings and neighborhoods, encourage innovation and enhance the economic effectiveness of the business community while preventing needless distraction and clutter from the other signs in the area. Carefully designed and regulated signing can contribute to the visual quality of the community, increase economic activity and provide for a desirable environment effectively balancing a variety of seemingly competing needs.

B. The purpose of all permitted permanent signs is primarily to provide identification of buildings, businesses and special locations. Permanent signs are not meant to provide advertisement. Because of this, the sign regulations in this chapter have been designed to encourage and promote building, business and special location identification.

C. The objectives of the various sign regulations set forth in this chapter are:

1. To ensure that permanent signs serve primarily to identify the business establishments on any site and facilitate the economic effectiveness of the business community.

2. To ensure that temporary signs which primarily address desires to advertise products, services and events are compatible with the goals set forth in Section 18.152.010.A.

3. To ensure that signs harmonize with their buildings and neighborhoods and with other signs in their vicinity.

4. To encourage signs which are well designed and pleasing in appearance and to provide incentive and latitude for variety, good design relationship and spacing.

5. To require that signs are carefully designed and professional in appearance.

6. To enhance the economic value of the community through the appropriate regulation of such characteristics as size, number, location, design and illumination of signs.

7. To avoid traffic hazards by minimizing visual competition among signs and by providing for clear identification of businesses.

D. Notwithstanding any other provision of this chapter, any noncommercial copy may be substituted for any commercial copy on any sign permitted by this chapter. If noncommercial copy is substituted, the sign shall be subject to the same time, place and manner standards applicable to the original commercial sign as set forth in this chapter. The content of any noncommercial copy on any sign otherwise permitted by this chapter may be changed in the same manner as the sign copy for the commercial sign copy may be changed.

E. This chapter shall be considered permissive and any specific types of signs not specifically allowed herein are prohibited. Design standards may be reasonably interpreted by the planning director and applied in a manner consistent with the intent of this chapter.

18.152.020 Definitions.

The following items are defined for this chapter unless the context indicates otherwise:

1. "Approved combustible materials" mean wood, or materials not more combustible than wood.
2. "Approved incombustible materials" mean any material which will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit during an exposure of five minutes and which will not continue to burn or glow at that temperature.
3. "Approved plastics" mean only those plastics which when tested in accordance with the American Society of Testing Materials Standard method for test for flammability of plastics over 0.050 inch in thickness (D 635-44), burn no faster than 2.5 inches per minute, in sheets of 0.060 inch thickness.
4. "Building code" means the city building code, together with amendments thereto.
5. "Building frontage" means the linear length of a building directly facing a public street, alley, parking area or pedestrian walkway that contains a public entrance.
6. "Building official" means the officer or other person charged with the administration and enforcement of the building code.
7. "Canopy" means a structural, ornamental, roof-like appendage, that projects from a building for the purpose of providing an architectural element that shields doors and windows from the elements. A canopy may be freestanding or attached to a building.
8. "Changeable copy" means removable copy or graphics for temporary use where the copy is changed at periodic intervals for the purpose of communicating a message which may be utilized on a freestanding wall, bulletin board or announcement signs.
9. "Convenience Sign" means a sign not larger than four square feet in area and no more than four feet in height and which conveys information such as "restrooms," "no parking," "entrance," or minor business identification for directional purposes, and is designed to be viewed on-site by pedestrians and/or motorists. Such signs may not include commercial sign copy or advertising.
10. "Electronic Message Center" means a sign that utilizes computer-generated messages or some other electronic means of changing copy, including LEDs and LCDs.
11. "Facing" or "surface" means the surface of the sign upon, against or through which the message is displayed or illustrated.

12. "Historic downtown area," for the purposes of this chapter, means: the area that extends west of Walnut Avenue to Cataract Avenue and south of Fourth Street to Arrow Highway, omitting properties that have frontage on Arrow Highway.

13. "Identification structure" means a structure of any kind or character erected or maintained for identification purposes, and upon which any sign is placed.

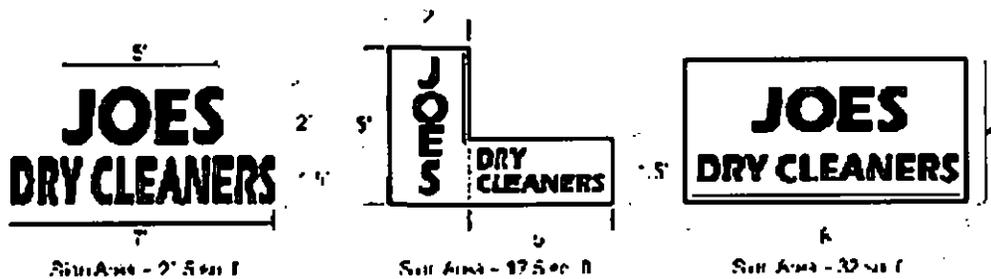
14. "Location" means a lot or premises, building, wall or place upon which a sign is erected, constructed or maintained.

15. "Marquee" means a permanent, roofed structure attached to and supported by the building.

16. "Master sign program" means a comprehensive sign design policy and plan for use by multi-use complexes. Such plan would include, but not be limited to, specification of colors, letter style, construction method, approval method, and sign locations.

17. "Measurement of Sign Area" to determine compliance with the sign area limitations of this chapter shall occur as follows:

a. Sign Area. The area of a sign shall be calculated by enclosing the extreme limits of all framing, emblem, logo, representation, writing, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines. See examples in Figure A.



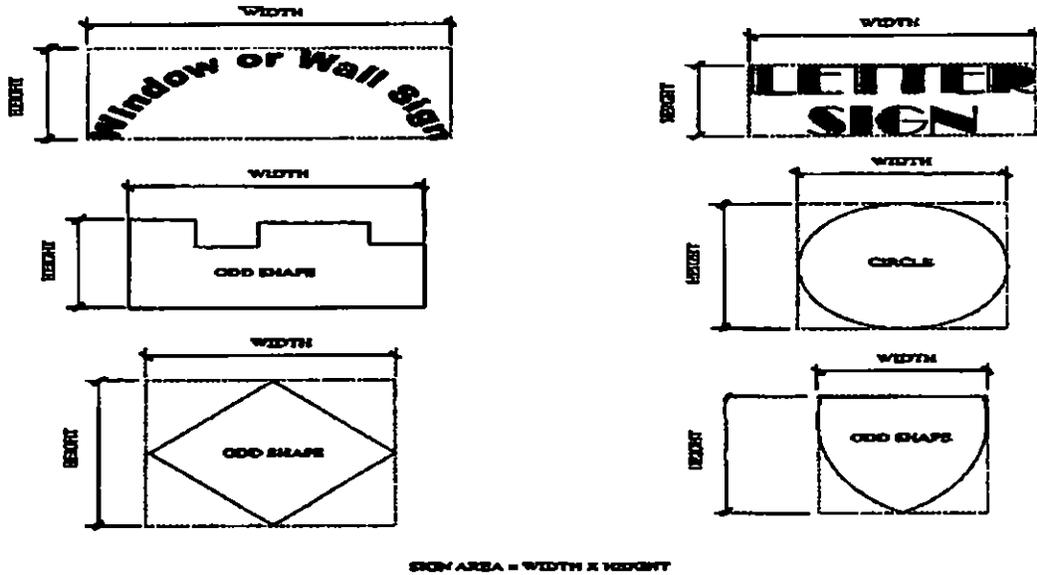


Figure A.

b. Sign Structure. Supporting bracing or framework that is clearly incidental to the display itself shall not be computed as sign area.

c. Multi-Faced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces; except that where the two faces are parallel and not separated by more than one foot, only the area of one face shall be counted.

d. Three-Dimensional Objects. Where a sign consists of one or more three-dimensional objects (e.g., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane. See examples in Figure B.



Figure B

e. Time and/or Temperature Device. Up to sixteen square feet of a time and/or temperature device incorporated into a sign shall not be included in the calculation of total sign area. A clock for a clock store or similar business is exempt from this limitation.

18. "Measurement of Monument Sign Height" to determine compliance with the sign height limitations of this chapter shall be computed as the vertical distance from the lowest point of the base of the sign at normal grade to the top of the highest attached component of the sign. See Figure C.

a. Grade. Normal grade shall be construed to be the lower of either the existing grade before construction or the newly established grade after construction, exclusive of any berming, filling, mounding, or excavating solely for the purpose of locating the sign.

b. Where Normal Grade Cannot Be Determined. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumptions that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the parcel, whichever is lower.

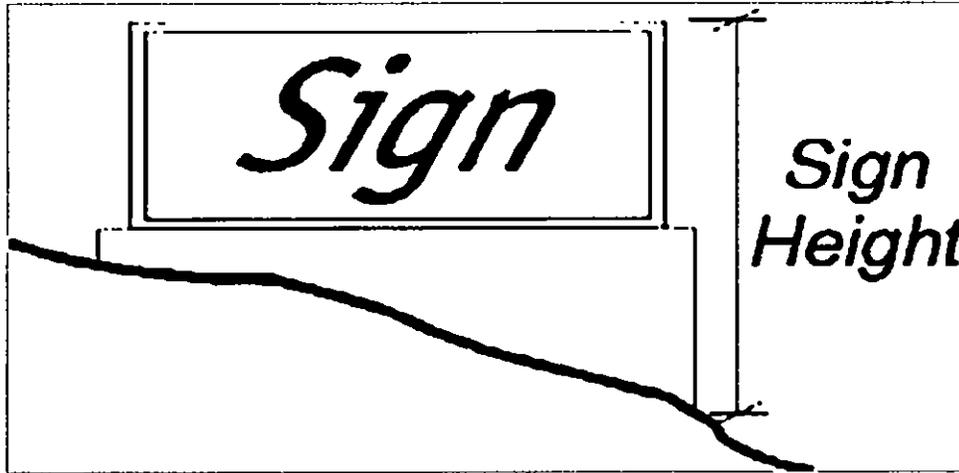


Figure C.

19. “Multi-tenant centers or complexes” mean, for the purpose of this chapter, any nonresidential development project designed to accommodate two or more tenants. Such complex would include a common parking area, similar architectural design and other unifying elements and be designed and constructed as a comprehensive project.

20. “Projection” means the distance by which a sign extends beyond the building or structure.

21. “Sign” means any device for visual communication exposed to public view that contains any announcement, declaration, demonstration, display, illustration, insignia, banner, statuary or pennant used to advertise or promote the interest of any person, business, group or enterprise. The term “sign” does not include the following:

- a. Official notices issued by any court or public body or officer.
- b. Notices posted by any public officer in performance of a public duty or by any person giving legal notice.
- c. Directional, warning or informational structures required by or authorized by law or by federal, state, county or city officials.

d. A structure erected near a city or county boundary which contains the name of such city or county and the names of, or any other information regarding civic, fraternal or religious organizations located therein.

22. Sign, Accessory. "Accessory sign" means any sign which carries only advertisement strictly incidental and subordinate to a lawful use of the premises upon which it is located, including signs indicating the business transacted, service rendered, goods sold or produced on the premises, name of the business, name of the person occupying the premises.

23. Sign, Combination. "Combination sign" means a sign that is a combination of any two or more types of signs.

24. Sign, Directional. "Directional sign" means a sign erected for the purpose of informing the viewer of the approximate route, direction or location of a facility.

25. Sign, Electrical. "Electrical sign" means a sign containing electrical wiring for the purpose of interior lighting or illumination.

26. Sign, Flashing. "Flashing sign" means any sign which is intermittently on and off.

27. Sign, Historic. "Historic sign" means a sign which is of recognized historic or cultural significance to the community or is identified on the San Dimas historic resources survey and/or on the local register.

28. Sign, Illuminated. "Illuminated sign" means any sign illuminated by electric lights or luminous tubes as part of the sign proper.

29. Sign, Marquee. "Marquee sign" means a sign attached to a marquee.

30. Sign, Monument. "Monument sign" means any sign standing on the ground that is connected to the ground with a solid base.

31. Sign, Moving. "Moving sign" means a sign designed to attract attention through the movement or semblance of movement of the whole or any part of the sign, including rotation.

32. Signs, Off-Premises. "Off-premises signs" mean signs located in areas distant and on a separate parcel of land from the place where the product advertised is located.

33. Signs, On-Premises. "On-premises signs" mean signs which advertise any business conducted at the location of the sign or the products manufactured or sold at the place where the sign is located.

34. Sign, Permanent. "Permanent sign" means every sign except temporary signs as defined in this section.

35. Sign, Portable. "Portable sign" means a sign not permanently attached to the ground or any structure, including but not limited to, a-frame signs, sandwich board signs,

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sidewalk signs, whiteboards or chalkboards, signs on wheels and similar signs. Portable sign does not include banners, pennants, flags, inflatable signs, vehicle signs, and hand-held signs.

36. Sign, Poster. "Poster sign" means a sign printed on paper, cardboard or similar material which is generally displayed in windows or attached to trees, poles, buildings or staked in the ground.

37. Sign, Projecting. "Projecting sign" or "icon sign" means a sign suspended from or supported by a building or structure and projecting out therefrom.

38. Sign, Real Estate. "Real estate sign" means a temporary sign indicating that the premises on which the sign is located is for sale, lease or rent.

39. Sign, Roof. "Roof sign" means a sign erected upon or above a roof or parapet of a building. Roof signs are prohibited in the city.

40. Sign, Temporary. "Temporary sign" means any sign, pennant, banner, valance or identification display, with or without frames, intended to be displayed and maintained for a period not exceeding thirty days in any twelve consecutive months.

41. Sign, Wall. "Wall sign" means a sign attached to or erected against the wall of a building or structure, with the exposed face of the sign parallel to the place of the wall.

42. Sign, Window. "Window sign" means any sign posted, painted, placed or affixed in or on any window, including the glass portion of a door or opening, exposed to public view including any interior sign which faces any said window or door or opening exposed to public view and which is located within three feet of the window. Window signs include the following types as defined below:

a. Sign, Window (Accessory). "Accessory window sign" means any window sign not exceeding four square feet limited to business identification, hours of operation, credit card information, lottery, health department grades, open/closed and similar public convenience information.

b. Sign, Window (Exempt). "Exempt window sign" means any window sign exempt from window sign regulations including: (1) holiday window displays and decorations, including lights, provided they are installed not more than thirty days before a holiday and are removed within ten days after the holiday and contain no references to goods, products or services; and (2) posters advertising fund-raising events for charitable, nonprofit, or educational fund-raising events or noncommercial uses, provided they are removed ten days after the event, are not larger than two feet by three feet and do not exceed four in number at any one time.

c. Sign, Window (Permanent). "Permanent window sign" means any window sign applied to, stenciled on, or etched into the glass surface including gold leaf (or similar) letters and decals, limited to business identification, address and/or a listing of products or services not implicit in the business name.

d. Sign, Window (Temporary). “Temporary window sign” means any window sign consisting of painting, cloth, paper, vinyl or similar materials allowed for a limited duration advertising seasonal sales, specials and similar events but not including business identification.

43. “Structure” means the supports, uprights, bracing, and framework of a sign. The area of such structure shall not be included in computing the aggregate surface of the area of the sign which it supports.

44. “UBC standards” means the most recent edition of the Uniform Building Code Standards, also known as Volume III of the Uniform Building Code.

18.152.030 Compliance.

No person shall hereafter erect, construct, relocate, alter or maintain any sign which does not comply with the provisions of this chapter, except the following: Signs which were established prior to adoption date of the ordinance codified in this chapter may be maintained subject to Section 18.152.080 related to nonconforming signs.

18.152.040 Permits required.

Except as otherwise provided in this chapter, no sign shall hereafter be erected, constructed, relocated, painted on buildings or structures, altered, a sign program implemented or a sign face changed, until an approval and/or permit for the same has been issued by the appropriate decision making body as stated in Chapter 18.12 of this title and as required by the development plan review board, planning department, and the building official as required by this chapter.

A. Review Required. No person shall install or construct a sign or implement a sign program until a sign plan or sign program has been reviewed and approved by the development plan review board in accordance with Chapter 18.12 of this title, unless otherwise provided within this chapter.

B. Disposition by Director. The planning director may approve or conditionally approve, upon determining that the sign design, colors and materials are compatible with the structure and/or facility that the sign is proposed to identify, or may disapprove signs pursuant to the following provisions:

1. Signs proposed in accordance with a sign program reviewed and approved by the development plan review board pursuant to Chapter 18.12 of this title.

2. Wall signs which conform to the design guidelines of this chapter, unless otherwise provided.

3. Temporary signs and banners.

4. On-site directional and informational signs as defined by this chapter.

C. Application for Permits. Application for sign approvals shall be made upon forms provided by the planning division. Additional information as required by the planning director shall be provided to show full compliance with this and other regulations of the city.

D. Revocation of Permit.

1. All rights and privileges acquired under the provisions of this chapter, or any amendments thereto, are revocable for cause by the city council or other authorized person or body, and all such permits shall contain notice of such revocability. The building official is authorized and empowered to revoke any permit issued by him upon failure of the holder thereof to comply with any provisions of this chapter.

2. Permits for any sign that has been permitted and that has been visually or structurally altered shall be subject to revocation, at the discretion of the planning director.

18.152.050 Signs exempt from permit requirements.

The provisions and regulations of this section shall not apply to the following signs, provided such signs shall be subject to all other provisions of this chapter.

A. Residential Real Estate Signs.

1. Single-Family and Multiple Family Residences and Vacant Properties. Unlighted real estate signs pertaining only to the sale, lease or hire of a particular building, property or premises upon which displayed, which do not exceed four feet in height and six square feet of total sign face area. Signs shall be set back a minimum of eight feet from the property line and shall be removed immediately upon completion of the sale, letting or hiring, lease or rental of the subject property.

2. Open House Signs. On weekends and legal holidays, temporary single family residential open house signs are permitted to direct traffic from major and collector streets to the subject property. Such signs shall comply with the following:

a. Maximum sign area of six square feet and maximum height of four feet.

b. A maximum of four signs which should generally be placed at a change in direction with the signs for any particular open house separated by a minimum of one hundred feet from other signs for the same open house

c. Balloons, flags, pennants, lighting and other attention getting devices shall not be attached to or appurtenant to any sign.

d. No such sign shall be placed in any median, public right-of-way or on any public property. Placement on private property requires permission of the property owner. Such signs shall not be attached to any utility pole, street light, traffic signal pole, parked vehicle or tree.

e. All such signs shall include the address of the property and name, address and telephone number of the realtor and real estate company.

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f. Signs shall be of durable material and securely fastened or installed.

B. Garage and yard sale signs. In conjunction with a garage and yard sale permitted pursuant to Section 18.196.030.G, temporary signs are permitted to direct traffic from major and collector streets to the subject property. Such signs shall comply with the following:

1. Maximum sign area of six square feet and maximum height of four feet.
2. A maximum of four signs which should generally be placed at a change in direction with the signs for any particular garage or yard separated by a minimum of one hundred feet from other signs for the same garage or yard sale.
3. Balloons, flags, pennants, lighting and other attention getting devices shall not be appurtenant to any sign.
4. No such sign shall be placed in any median, public right of way or on any public property. Placement on private property requires permission of the property owner. Such signs shall not be attached to any utility pole, street light, traffic signal pole, parked vehicle or tree.
5. All such signs shall include the address of the property and name and telephone number of the person conducting the garage and yard sale.
6. Signs shall be of durable material and securely fastened or installed.

C. Project Construction Signs. Signs denoting the architect, engineer, contractor or lending institution when placed upon work under construction, which do not exceed six feet in height and thirty-six square feet in area each;

D. Occupational Signs. Signs denoting only the name and profession of the occupant of the premises, not to exceed two square feet in size.

E. Memorial Signs. Memorial signs or tablets and names of buildings and date of erection.

F. Municipal Signs. Traffic or other municipal signs, legal notices, railroad crossing signs, danger and such temporary, emergency or other noncommercial signs as may be approved by the city engineer.

G. Convenience signs. Convenience signs are permitted in any zone subject to the approval of the planning department and the following:

1. Signs containing information such as "entrance," "exit," or directional arrows shall be designed to be viewed from on-site or from an area adjacent to the site by pedestrians or motorists while parking their automobile.
2. Signs that convey advertising, or products, shall not be considered a convenience sign.

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3. Any such sign shall not be allowed within the public right-of-way.

4. Such signs shall not exceed four square feet in area, per side. In the case of a ground sign, the overall height shall not exceed four feet.

H. Historic Resource Sign. Signs and plaques that are erected to note the location of an historic resource that are installed by the City of San Dimas or a historical society recognized by the City of San Dimas. Historic resource signs shall not advertise any products or services and shall not exceed ten square feet without approval from the City of San Dimas.

I. Flags. Flags of the United States, State of California or other government shall be permitted; however, in no case shall more than three such flags be permitted on any one property. Proposals for more than three flags are subject to approval from the planning director.

J. Barber Poles. When associated with a barber shop.

K. Scoreboards. When associated with an athletic field.

L. Nameplates. One non-illuminated nameplate per unit, not exceeding one square foot in area, displaying the following:

1. Name of the premises upon which it is displayed; and/or,
2. Name of owner or lessee of the premises; and/or,
3. Nature of the home occupation engaged in on the premises.

18.152.060 General design specifications.

All signs shall be subject to the following design and maintenance specifications:

A. Safety.

1. Signs, as permitted in this chapter, shall in no way endanger the health or safety by causing distraction or impairing visibility to operators of motor vehicles on the streets and highways. Location, lighting and color of signs shall be such as to cause no confusion with public signs or traffic signals.

2. Any sign that contains red, yellow or green lights shall not be located within a distance of one hundred feet from traffic signals. Such signs may cause a potential distraction or hazard to highway users.

3. No exposed light bulb used as a part of sign display shall exceed a rating of eleven watts as measured equivalent to an incandescent bulb.

4. No beacons shall be allowed in the city.

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5. No sign, including the illumination thereof, shall be animated or so designed or operated as to flash, scintillate or in any way simulate motion other than: time and temperature signs, barber pole signs and electronic message boards.

B. **Affixing Signs on Curbs, Streets or Street Signs.** No person shall paint, mark, paste, fasten or in any manner affix or cause to be painted, marked, pasted, fastened or in any manner affixed to or on any curb, street, sidewalk, street sign post, or to or on any sign erected for the purpose of directing or warning traffic, or to or on any telephone, telegraph or electric light pole, or to or on any tree or shrub in any park, public street, alley, parkway or sidewalk any sign, poster or advertisement of any kind without first obtaining a written permit from the city council. Nothing in this section shall be so construed as to prohibit the erection and maintenance of official warning or directional signs by any department of the city or to legal notices posted in the places and manner prescribed by law.

C. **Sign Maintenance.**

1. All signs together with their supports and appurtenances shall be kept in a proper state of preservation. The display surface of all signs shall be kept neatly painted and posted. The planning director or building official may order the removal of any sign that is not maintained in accordance with the provisions of this chapter.

2. All signs and identification structures which are constructed on property lines, or within five feet thereof, shall have a smooth surface. No nails, tacks or wires shall protrude therefrom, except electrical reflectors and devices which may extend over the top and in front of the sign or identification structure.

D. **Illumination.** The application for a permit for erection of a sign or other identification structure in which electrical wiring and connections are to be used shall be submitted to the building official. The building official shall examine the plans and specifications respecting all wiring and connections to determine if the same comply with the electrical code of the city, and shall approve or disapprove the plans and specifications accordingly.

1. Illuminated signs shall be constructed of approved combustible or incombustible materials.

2. Illuminated signs which do not bear the label of an approved testing laboratory shall be inspected before erection.

3. Electrical equipment used in connection with all signs shall be installed in accordance with local ordinances regulating electrical installations.

4. Gooseneck reflectors shall be permitted on wall signs; provided, however, such reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.

5. Any sign that contains red, yellow or green lights shall not be located within a distance of one hundred feet from traffic-control signals. Such signs creating a potential distraction or hazard to highway users will not be permitted.

6. No exposed light bulb used as a part of a sign display shall exceed a rating of eleven watts as measured equivalent to an incandescent bulb.

7. No beacons shall be allowed in the city.

8. No sign, including the illumination thereof, hereinafter erected or maintained in the city, shall be animated or so designed or operated as to flash, scintillate, or in any way simulate motion other than:

a. Time and temperature signs

b. Barber pole signs.

c. Electronic message boards, subject to the standards in Subsection E.

E. Electronic message boards. Where permitted by this chapter as a component of a monument or freeway-oriented sign but not as a component of any other sign including wall signs, electronic message boards shall comply with the following:

1. An electronic message board may contain a changeable message that utilizes changeable text, images, pictures, and/or symbols that may appear as an on/off message. An electronic message board shall not contain or display animated, moving video, scroll, flash, blink, fly, or chase sign message into view or create a sense of motion. An electronic message board sign shall contain only static displays. The changeable commercial message display intervals shall change no more frequently than once every eight seconds; and that blinking and/or moving characters shall be prohibited. A change of message shall be accomplished within two seconds with an on/off cycle. Fade out/fade in from one static image to another static image is allowed.

2. Electronic message boards shall have automatic dimming capability that adjusts the brightness to the ambient light at all times of day and night. Electronic message boards shall not increase their luminance by greater than three-tenths (0.3) foot-candle above ambient levels of lighting measured at a distance of one-hundred feet from the sign face and five feet above grade.

3. The electronic message board component of a sign shall be automatically dimmed after dark. The electronic message board must contain a default mechanism that freezes the sign in one position if a malfunction occurs; and automatically adjusts the intensity of its display according to natural ambient light conditions.

4. The sign shall be properly maintained so that inoperative or improperly lighted bulbs do not impair the appearance and legibility of the sign.

5. That the electronic changeable-copy sign shall be screened, tinted, shielded or otherwise modified, as necessary, to eliminate excessive glare, as deemed sufficient by the planning director.

6. Commercial messages on signs permitted pursuant to this chapter shall advertise only the businesses conducted, services rendered, or goods produced or sold within the development complex which the identification sign is intended to serve. Public service information, including, but not limited to, the time, date, temperature, weather, and similar information shall be permitted. No off-site advertising or messages, other than public service information approved by the city, shall be displayed.

7. Public service messages are encouraged. Such messages include announcements of meetings, activities and events of a general community-wide interest but do not include political messages.

F. Identification. Every sign or other advertising structure hereafter erected shall have an identifying number, name of erector, installation year, and when illuminated, the voltage plainly placed on the exterior surface of the sign body in a location where such information will be readily visible after installation and erection.

18.152.070 Prohibited locations.

A. No sign or structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of a fire escape, exit or standpipe. No sign shall obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any law or ordinance.

B. No sign or structure shall be erected in such a manner that any portion of its surface or supports shall be within six feet of overhead electric conductors which are energized in excess of seven hundred fifty volts.

C. No sign or other identification structure regulated by this chapter shall be erected at the intersection of any street in such manner as to obstruct free and clear vision of pedestrian and vehicular traffic; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP," "LOOK," "DANGER" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

D. Off-premises human mounted commercial signs, off-premises hand held commercial signs and off-premises commercial signs mounted to any vehicle or trailer are prohibited.

18.152.080 Nonconforming signs/ amortization.

A. Removal of Signs. If the planning director finds that any sign or other identification structure regulated in this chapter is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, or should any sign remain for a period of one hundred eighty days after the termination of the business for which it was originally intended, he shall give written notice to the permittee thereof. If the permittee fails to remove or alter the sign so as to comply with the standards set forth in this chapter within ten days after such notice, the planning director is authorized to cause removal of the sign, and any expense incidental thereto shall be paid by the

owner of the premises or structure to which the sign is attached. The planning director or building official may cause any sign or other identification structure which is an immediate peril to persons or property to be removed summarily and without notice.

B. All wall signs, freeway signs and directional signs addressed by the former sign code shall be allowed to continue in use, until such time the sign is significantly altered, as determined by the planning director. Significantly altered shall, at minimum, refer to structural changes; change of an entire sign can or fifty percent of the individual letters on a sign; and redesign of the electrical.

C. Freestanding nonresidential real estate signs. Any existing freestanding nonresidential real estate signs shall become nonconforming on January 8, 2013. All such signs shall be considered fully amortized ninety days after the effective date specified above and shall be removed immediately thereafter.

18.152.090 Signs in single-family residential zones.

This section addresses signs permitted in single-family zones and specific plan areas that are designated for single-family use. Specific plan areas that have separate sign regulations are subject only to the sign requirements in this section that are not addressed in the specific plan.

A. *Tract and Community Entry Signs.* Wall-mounted signs shall be permitted at the entry to a tract, project or community, where the maximum height of letters shall not exceed eighteen inches and the total square footage of the sign shall not exceed twenty square feet.

B. *Directional and Tract Signs.* See Section 18.152.190.

C. *Signs for Educational and Religious Institutions.*

1. One monument sign identifying the use shall be allowed. The total sign area of the monument sign shall not exceed thirty square feet.

a. Changeable copy signs, including electronic message boards in compliance with Section 18.152.060.E, may be incorporated into the total square footage of the monument sign.

b. One additional monument sign may be permitted when the use in question has two street frontages of five hundred feet or greater.

2. One wall sign identifying the use shall be allowed. The total sign area of the wall sign shall not exceed twenty square feet.

3. For multiple uses on a property (i.e., church and school) that has two street frontages of five hundred feet or greater, both uses may have one monument and one wall sign, subject to the size requirements listed in subsections (C)(1) and (C)(2) of this section. The secondary use may have a changeable copy wall sign, but in no case shall two changeable copy monument signs be permitted.

18.152.100 Signs in multifamily residential zones.

This section addresses signs permitted in multiple family zones and specific plan areas that are designated for multiple family use. Specific plan areas that have separate sign regulations are subject only to the sign requirements in this section that are not addressed in the specific plan.

A. Project Signs. A multifamily project may be permitted to have one of the following signs:

1. One wall-mounted sign per street frontage shall be permitted to identify the multifamily project, where the maximum height of letters shall not exceed eighteen inches and the total square footage of the sign shall not exceed twenty square feet; or

2. Monument Sign. One monument sign not to exceed four feet in overall height and six feet in overall width, not including architectural projections. Property address(es) shall be incorporated into the sign.

B. Directional and Tract Signs. See Section 18.152.190.

C. Signs for Educational and Religious Institutions.

1. One monument sign identifying the use shall be allowed. The total sign area of the monument sign shall not exceed thirty square feet. Property address(es) shall be incorporated into the sign.

a. Changeable copy signs, including electronic message boards in compliance with Section 18.152.060.E, may be incorporated into the total square footage of the monument sign. The area of the electronic component(s) may not exceed 60% of the allowable sign area.

b. One additional monument sign may be permitted when the use in question has two street frontage of five hundred feet or greater.

2. One wall sign identifying the use shall be allowed. The total sign area of the wall sign shall not exceed twenty square feet.

3. For multiple uses on a property (i.e., church and school) that has two street frontages of five hundred feet or greater, both uses may have one monument and one wall sign, subject to the size requirements listed in subsections (C)(1) and (C)(2) of this section. The secondary use may have a changeable copy wall sign, but in no case shall two changeable copy monument signs be permitted.

18.152.110 Signs in mobile home parks. This section addresses signs permitted in mobile home parks.

A. Tract and Community Entry Signs. Wall-mounted signs shall be permitted at the entry to a tract, project or community, where the maximum height of letters shall not exceed eighteen inches and the total square footage of the sign shall not exceed twenty square feet.

18.152.120 Signs in commercial zones.

This section addresses signs permitted in commercial zones and specific plan areas, excluding the historic downtown area, that are designated for commercial use. Specific plan areas that have separate sign regulations are subject only to the sign requirements in this section that are not addressed in the specific plan.

A. Multiple Tenant Centers. Master sign program is required and must comply with subsection B of this section, as follows.

B. Signs Permitted.

1. Window Signs. All window signs are addressed by Section 18.152.164.

2. Canopy Signs. One sign located under a canopy located perpendicular to the face of a building, where the maximum height of the sign is sixteen inches, the maximum length is thirty-six inches and where there is a minimum of seven feet clearance from the ground.

3. Icon/Projecting Sign. An icon or projecting sign may be permitted in lieu of a wall sign, when determined to be appropriate by the planning director. The maximum size of an icon or projecting sign is nine square feet.

4. Primary Wall Signs. One primary wall sign shall be permitted, not to exceed one square foot in size for each one lineal foot of frontage. In no case shall a primary wall sign exceed one hundred fifty square feet. The primary wall sign, and any secondary wall sign, shall be limited to a building name where the multi-tenant building has a common or shared entry to the building. If the sign is within fifty feet of a public street, the maximum letter height shall be eighteen inches.

5. Secondary Wall Signs. In addition to a primary wall sign, a business may have up to two secondary wall signs, as follows:

a. The permitted size of secondary wall signs is 75% of the size permitted for the primary wall sign.

b. The maximum size of a secondary wall sign shall not exceed one hundred square feet.

c. A secondary wall sign must face or be visible to either a public right-of-way or a parking area, based on the determination of the planning director.

d. If the sign is within fifty feet of a public street, the maximum letter height shall be eighteen inches.

e. A secondary sign shall not be located on the same wall, or building elevation, as the primary sign, unless the planning director determines that the permitted secondary sign

would be ineffective and is not readily visible on the secondary building elevation. The sign location transfer is allowed on buildings with a minimum width of one hundred feet and the primary and secondary signs shall have a minimum distance separation equal to fifty percent of the building width.

6. Monument Signs. For commercial shopping centers with two or more tenants, one monument or ground sign shall be permitted for each street frontage in addition to permitted tenant signs. Identification of individual tenants eligible for inclusion on monument or ground signs shall be included in the master sign program and shall comply with the standards for multiple tenant signs set forth below.

a. For commercial shopping centers with less than forty thousand square feet of gross floor area one multiple tenant sign shall be permitted. The multiple tenant sign shall comply with the following:

- i. Maximum height four feet, not including architectural projections.
- ii. Maximum width six feet, not including architectural projections.
- iii. White plex, plastic or similar background materials are not permitted to be utilized for the sign face. If internally illuminated, tenant individual panels must have an opaque background with illuminated letters or be individual letters.
- iv. Minimum letter height shall be eight inches.
- v. Property address(es) shall be incorporated into the sign.

b. For commercial shopping centers with more than forty thousand square feet of gross floor area multiple tenant signs shall be permitted. Any multiple tenant signs shall comply with the following:

- i. Maximum height six feet, not including architectural projections.
- ii. Maximum width fifteen feet, not including architectural projections.
- iii. Maximum number of businesses identified on the sign shall not exceed ten.
- iv. Tenant individual panels must all be compatible in size.
- v. White plex, plastic or similar background materials are not permitted to be utilized for the sign face. If internally illuminated, tenant individual panels must have an opaque background with illuminated letters or be individual letters.
- vi. Minimum letter height shall be eight inches.
- vii. Property address(es) shall be incorporated into the sign.

7. **Directional Signs.** Directional signs related to the location of the building and facilities on the premises shall be permitted, subject to approval of the planning director; such signs shall not exceed four square feet.

8. **On-Site Directory Signs.** Commercial centers over seventy-five thousand square feet in size shall be permitted one on-site directory sign. Commercial centers over one hundred fifty thousand square feet in size shall be permitted two on-site directory signs. Such signs shall be permitted to have the name of the center, names of businesses in the center, a map of the center, addresses of units, arrows directing traffic to the business and related directory information. The maximum height of such signs shall not exceed five feet, not including architectural projections, and shall not exceed twenty-five square feet in total size. The maximum height of letters identifying tenants shall be no greater than eight inches and each tenant text space shall be no longer than twenty-four inches. White plex, plastic or similar background materials are not permitted to be utilized for the sign face. If illuminated, tenant individual panels must have an opaque background with illuminated letters.

9. **Display Cases.** Display cases may be approved in commercial zones and may include signs, subject to review and approval by the planning director.

10. **Electronic message boards.** An electronic message board in compliance with Section 18.152.060.E may be incorporated into the total square footage of any permitted monument sign. The area of the electronic component(s) may not exceed 60% of the allowable sign area.

11. **Portable signs.** A maximum of one portable sign, as defined in Section 18.152.020, shall be permitted, subject to the following standards:

a. Maximum sign area of six square feet, including any changeable copy on whiteboards or chalkboards.

b. Maximum height of four feet with a maximum width of three feet.

c. Shall only be allowed during hours that the business is open and shall be stored away from public view when the business is not open.

d. Shall be placed within ten feet of any customer entry door of the business advertised but may not be placed within a parking or loading space, driveway or drive aisle, landscaped planter, or public right-of-way, except as may be allowed per Section 18.152.170.

e. Shall not impede pedestrian access, including ADA access, when located on a sidewalk or pedestrian access or any views or sight distance for vehicular traffic.

f. Shall not include any attachments, including but not limited to, balloons, pennants, flags, banners, illumination (including flashing, blinking and rotating lights) and similar attention-getting devices.

g. Shall be made of durable, weather-resistant materials, have a professional looking appearance, and be continually maintained in good condition.

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h. Shall have written authorization from the property owner or management company or comply with standards set forth in a master sign program.

C. Single-Tenant Commercial Buildings.

1. Window Signs. As provided for in subsection (B)(1) of this section.
2. Canopy Signs. As provided for in subsection (B)(2) of this section.
3. Icon/Projecting Signs. As provided for in subsection (B)(3) of this section.
4. Wall Signs (Primary and Secondary). As provided for in subsections (B)(4) and (B)(5) of this section.

5. Monument Signs. One monument sign may be permitted for single tenant commercial business not part of a multi-tenant shopping center complex, subject to the following:

- a. Maximum height four feet, not including architectural projections.
- b. Maximum width six feet, not including architectural projections.
- c. White plex, plastic or similar background materials are not permitted to be utilized for the sign face. If internally illuminated, tenant individual panels must have an opaque background with illuminated letters or be individual letters.
- d. Property address(es) shall be incorporated into the sign.

6. Display Cases. Display cases may be approved in commercial zones and may include signs, subject to review and approval by the planning director.

7. Electronic message boards. An electronic message board in compliance with Section 18.152.060.E may be incorporated into the total square footage of any permitted monument sign. The area of the electronic component(s) may not exceed 60% of the allowable sign area.

8. Portable signs as provided for in subsection (B)(11) of this section where such signs are not located within the public right-of-way.

D. Freeway-Oriented Signs. Multi-tenant commercial shopping centers which have the nearest property line within one thousand feet of a freeway right-of-way shall be permitted one freeway oriented sign, subject to the following requirements:

Gross Floor Area (in square feet)	Maximum Sign Height (in feet)	Maximum Total Sign Area (in square feet)	Maximum Area of Any Sign (in square feet)
0-99,999	Not permitted	Not permitted	Not permitted
100,000+	100	950	230

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An electronic message board in compliance with Section 18.152.060.E may be incorporated into the total square footage of any permitted freeway oriented sign. The area of the electronic component(s) may not exceed 60% of the allowable sign area.

E. Service Station Signs.

1. Wall Signs. Wall signs as provided for in subsections (B)(4) and (B)(5) of this section.

2. Monument Signs. A service station shall be permitted one monument sign per street frontage, with a maximum height of six feet, not including architectural projections, and with a maximum total size of forty-eight square feet. In cases where a single monument sign is designed to be oriented to address four directions, the maximum sign size may be increased to seventy-two square feet. An electronic message board in compliance with Section 18.152.060.E may be incorporated into the total square footage of any permitted monument sign. The area of the electronic component(s) may not exceed 60% of the allowable sign area. Property address(es) shall be incorporated into the sign.

3. Spandrel Signs. Each pump island shall be permitted to have one logo or text sign on each spandrel face. The logo or text portion of each spandrel face shall not exceed four square feet.

4. Window Signs. Window signs are addressed in Section 18.152.164.

5. Directional Signs. Directional signs related to the location of the building and facilities on the premises shall be permitted, subject to approval of the planning director; such signs shall not exceed six square feet.

18.152.130 Signs in administrative-professional zones.

This section addresses signs permitted in administrative-professional zones and specific plan areas, excluding the historic downtown area, that are designated for administrative-professional use. Specific plan areas that have separate sign regulations are subject only to the sign requirements in this section that are not addressed in the specific plan.

A. Multiple Tenant Complexes. Master sign program is required and must comply with subsection B of this section, as follows.

B. Signs Permitted.

1. Window Signs. Window signs are addressed by Section 18.152.164.

2. Directional Signs. Directional signs related to the location of the building and facilities on the premises shall be permitted, subject to approval of the planning director; such signs shall not exceed four square feet.

3. **Canopy Signs.** One sign located under a canopy located perpendicular to the face of a building, where the maximum height of the sign is sixteen inches, the maximum length is thirty-six inches, and where there is a minimum of seven feet of clearance from the ground.

4. **Primary Wall Signs.** One primary wall sign shall be permitted, not to exceed two square feet in size for each three lineal feet of frontage. In no case shall a primary wall sign exceed seventy-five square feet. The maximum letter height shall be eighteen inches. The primary wall sign, and any secondary wall sign, shall be limited to a building name where the multi-tenant building has a common or shared entry to the building.

5. **Secondary Wall Signs.** In addition to a primary wall sign, a business may have up to two secondary wall signs, as follows:

a. The permitted size of secondary wall signs is 75% of the size permitted for the primary wall sign.

b. The maximum size of a secondary wall sign shall not exceed sixty square feet.

c. A secondary wall sign must face or be visible to either a public right-of-way or a parking area.

d. The maximum letter height shall be eighteen inches.

e. A secondary sign shall not be located on the same wall, or building elevation, as the primary sign, unless the planning director determines that the permitted secondary sign would be ineffective and is not readily visible on the secondary building elevation. The sign location transfer is allowed on buildings with a minimum width of one hundred feet and the primary and secondary signs shall have a minimum distance separation equal to fifty percent of the building width.

6. **Monument Signs.** For office/professional complexes with two or more tenants, one monument or ground sign shall be permitted for each street frontage in addition to permitted tenant signs. Identification of individual tenants eligible for inclusion on monument or ground signs shall be included in the master sign program.

a. The height of the monument sign shall not exceed four feet in height, not including architectural projections, and shall not exceed twenty square feet in total sign area.

b. White plex, plastic or similar background materials are not permitted to be utilized for the sign face. If internally illuminated, tenant individual panels must have an opaque background with illuminated letters or be individual letters.

c. Minimum letter height shall be eight inches.

d. Property address(es) shall be incorporated into the sign.

7. **Directory Signs.** Directory signs are intended to identify the users within a building and the location of those users to pedestrians that are entering the building. All directory

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signs shall be located adjacent to a primary building entry and shall not exceed ten square feet in overall size. Individual tenant placards shall not exceed one square foot in size. The location of directory signs is subject to approval by the planning director.

C. Single Tenant Administrative-Professional Buildings.

1. Window Signs. Window signs are addressed in Section 18.152.164.
2. Directional Signs. Directional signs related to the location of the building and facilities on the premises shall be permitted, subject to approval of the planning director; such signs shall not exceed four square feet.
3. Canopy Signs. One sign located under a canopy located perpendicular to the face of a building, where the maximum height of the sign is sixteen inches, the maximum length is thirty-six inches and where there is a minimum of seven feet of clearance from the ground.
4. Primary Wall Signs. One primary wall sign shall be permitted, not to exceed two square feet in size for each three lineal feet of frontage. In no case shall a primary wall sign exceed seventy-five square feet. The maximum letter height shall be eighteen inches.
5. Secondary Wall Signs. In addition to a primary wall sign, a business may have up to two secondary wall signs, as follows:
 - a. The permitted size of secondary wall signs is 75% of the size permitted for the primary wall sign.
 - b. The maximum size of a secondary wall sign shall not exceed sixty square feet.
 - c. A secondary wall sign must face or be visible to either a public right-of-way or a parking area.
 - d. The maximum letter height shall be eighteen inches.
 - e. A secondary sign shall not be located on the same wall, or building elevation, as the primary sign, unless the planning director determines that the permitted secondary sign would be ineffective and is not readily visible on the secondary building elevation. The sign location transfer is allowed on buildings with a minimum width of one hundred feet and the primary and secondary signs shall have a minimum distance separation equal to fifty percent of the building width.
6. Monument Signs. One monument or ground sign shall be permitted for each street frontage in addition to permitted tenant signs.
 - a. The height of the monument sign shall not exceed four feet in height, not including architectural projections, and shall not exceed twenty square feet in total sign area;

b. White plex, plastic or similar background materials are not permitted to be utilized for the sign face. If internally illuminated, tenant individual panels must have an opaque background with illuminated letters or be individual letters.

c. Minimum letter height shall be eight inches.

d. Property address(es) shall be incorporated into the sign.

D. Signs for Educational and Religious Institutions.

1. One monument sign identifying the use shall be allowed. The total sign area of the monument sign shall not exceed thirty square feet and a maximum height of six feet, not including architectural projections. Property address(es) shall be incorporated into the sign.

a. Changeable copy signs, including electronic message boards, may be incorporated into the total square footage of the monument sign.

b. One additional monument sign may be permitted when the use in question has two street frontages of five hundred feet or greater.

2. One wall sign identifying the use shall be allowed. The total sign area of the wall sign shall not exceed twenty square feet.

3. For multiple uses on a property (i.e., church and school) that has two street frontages of five hundred feet or greater, both uses may have one monument and one wall sign. Subject to the size requirements listed in subsections (D)(1) and (D)(2) of this section. The secondary use may have a changeable copy wall sign, but in no case shall two changeable copy monument signs be permitted.

18.152.140 Signs in industrial zones.

A. Master sign program is required for multiple tenant complexes and must comply with subsection B of this section, as follows:

B. Signs Permitted.

1. Window Signs. Window signs are addressed by Section 18.152.164.

2. Directional Signs. Directional signs related to the location of the building and facilities on the premises shall be permitted, subject to approval of the planning director; such signs shall not exceed twenty square feet.

3. Primary Wall Signs. One primary wall sign shall be permitted, not to exceed two square feet in size for each three lineal feet of frontage. In no case shall a primary wall sign exceed seventy-five square feet. The maximum letter height shall be eighteen inches. The primary wall sign, and any secondary wall sign, shall be limited to a building name where the multi-tenant building has a common or shared entry to the building.

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4. Secondary Wall Signs. In addition to a primary wall sign, a business may have up to two secondary wall signs, as follows:

- a. The permitted size of secondary wall signs is 75% of the size permitted for the primary wall sign.
- b. The maximum size of a secondary wall sign shall not exceed sixty square feet.
- c. A secondary wall sign must face or be visible to either a public right-of-way or a parking area.
- d. The maximum letter height shall be eighteen inches.
- e. A secondary sign shall not be located on the same wall, or building elevation, as the primary sign, unless the planning director determines that the permitted secondary sign would be ineffective and is not readily visible on the secondary building elevation. The sign location transfer is allowed on buildings with a minimum width of one hundred feet and the primary and secondary signs shall have a minimum distance separation equal to fifty percent of the building width.

5. Monument Signs. For industrial complexes with two or more tenants, one monument or ground sign shall be permitted for each street frontage in addition to permitted tenant signs. Identification of individual tenants eligible for inclusion on monument or ground signs shall be included in the master sign program.

- a. The height of the monument sign shall not exceed four feet in height, not including architectural projections, and shall not exceed twenty-five square feet in total size.
- b. Monument signs shall not be internally illuminated; however, exterior illumination may be permitted subject to planning director approval.
- c. White plex, plastic or similar background materials are not permitted to be utilized for the sign face. If internally illuminated, tenant individual panels must have an opaque background with illuminated letters or be individual letters.
- d. Minimum letter height shall be eight inches.
- e. Property address(es) shall be incorporated into the sign.

6. Portable signs. Shall comply with the provisions of Section 18.152.120.B.11.

C. Single Tenant Industrial Buildings.

1. Window Signs. Window signs are addressed in Section 18.152.164.

2. Directional Signs. Directional signs related to the location of the building and facilities on the premises shall be permitted, subject to approval of the planning director; such signs shall not exceed twenty square feet.

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3. Primary Wall Signs. One primary wall sign shall be permitted, not to exceed two square feet in size for each three lineal feet of frontage. In no case shall a primary wall sign exceed, seventy-five square feet. The maximum letter height shall be eighteen inches.

4. Secondary Wall Signs. In addition to a primary wall sign, a business may have up to two secondary wall signs, as follows:

a. The permitted size of secondary wall signs is 75% of the size permitted for the primary wall sign.

b. The maximum size of a secondary wall sign shall not exceed sixty square feet.

c. A secondary wall sign must face or be visible to either a public right-of-way or a parking area.

d. The maximum letter height shall be eighteen inches.

e. A secondary sign shall not be located on the same wall, or building elevation, as the primary sign, unless the planning director determines that the permitted secondary sign would be ineffective and is not readily visible on the secondary building elevation. The sign location transfer is allowed on buildings with a minimum width of one hundred feet and the primary and secondary signs shall have a minimum distance separation equal to fifty percent of the building width.

5. Monument Signs. One monument or ground sign shall be permitted for single tenant space industrial buildings.

a. The height of the monument sign shall not exceed four feet in height, not including architectural projections, and shall not exceed twenty-five square feet in total sign area.

b. Monument signs shall not be internally illuminated; however, exterior illumination may be permitted subject to planning director approval.

c. White plex, plastic or similar background materials are not permitted to be utilized for the sign face. If internally illuminated, tenant individual panels must have an opaque background with illuminated letters or be individual letters.

d. Property address(es) shall be incorporated into the sign.

6. Portable signs. Shall comply with the provisions of section 18.152.120.B.11 where such signs are not located within the public right-of-way.

18.152.145 Signs in other zones.

A. The requirements for zones not specifically addressed in this chapter, such as the public/semipublic zone, shall be determined by the planning director. These requirements will be determined on a case by case basis with factors such as use, location and relationship to other

sections of this chapter. In no case shall regulations imposed based on this section be less restrictive than other portions of this chapter.

B. In the Public/Semipublic zone, for any schools, hospitals, churches or similar institutional uses, an electronic message board in compliance with Section 18.152.060.E may be incorporated into the total square footage of any permitted monument sign. The area of the electronic component(s) may not exceed 60% of the allowable sign area.

18.152.150 Signs in the Historic Downtown area.

The Historic Downtown area shall be defined as indicated in Section 18.152.020.

A. Window Signs. Window signs are addressed by Section 18.152.164.

B. Canopy Signs. One sign located under a canopy located perpendicular to the face of a building, where the maximum height of the sign is twelve inches, the maximum length is thirty inches and where there is a minimum of seven feet clearance from the ground. The sign shall be constructed out of suitable material that is approved by the planning director. Materials shall be natural or natural appearing consistent with the character of the historic downtown area.

C. Icon/Projecting Sign. An icon or projecting sign may be permitted in lieu of a wall sign, when determined to be appropriate by the planning director. The maximum size of an icon or projecting sign is nine square feet. The sign shall not be internally illuminated.

D. Primary Wall Signs. One primary wall sign may be permitted per tenant, as follows:

1. The maximum size of wall signs is 75% square feet of sign area for each lineal foot of building frontage with no sign exceeding thirty square feet.
2. Signs may not be internally illuminated, but may be externally illuminated.
3. Signs must be constructed out of suitable material that is approved by the planning director. Materials shall be natural or natural appearing consistent with the character of the historic downtown area.
4. Signs may be constructed out of individual letters, be designed as letters of a sign board, be sandblasted or be painted on a sign board. Sign design is subject to the approval of the development plan review board or its designee.

E. Secondary Wall Sign. In addition to a primary wall sign, a business may have up to two secondary wall signs, as follows:

1. The maximum size of secondary wall signs is 75% of the sign area allowed for the primary signs with no sign exceeding twenty square feet.
2. A secondary wall sign must face or be visible to either a public right-of-way or a parking area, based on the determination of the planning director.

3. Signs may not be internally illuminated, but may be externally illuminated.
 4. Signs must be constructed out of suitable material that is approved by the planning director. Materials shall be natural or natural appearing consistent with the character of the historic downtown area.
 5. Signs may be constructed out of individual letters, be designed as letters of a sign board, be sandblasted or be painted on a sign board. Sign design is subject to the approval of the development plan review board or its designee.
 6. A secondary sign shall not be located on the same wall, or building elevation, as the primary sign, unless the planning director determines that the permitted secondary sign would be ineffective and is not readily visible on the secondary building elevation. The sign location transfer is allowed on buildings with a minimum width of one hundred feet and the primary and secondary signs shall have a minimum distance separation equal to fifty percent of the building width.
- F. **Primary Wall Signs for Large Tenants.** Single tenants with a total square footage of fifteen thousand square feet or more shall be subject to subsections (E)(4) and (E)(5) of this section, but shall be permitted additional maximum sign square footage, as follows:
1. No primary wall sign shall exceed seventy-five square feet.
 2. No secondary wall sign shall exceed fifty square feet and a secondary sign shall not be located on the same wall, or building elevation, as the primary sign.
 3. The maximum letter height for signs within fifty feet of a public right-of-way is eighteen inches and for all other signs is thirty-six inches.
 4. Internally illuminated signs are not prohibited and may be permitted on a case-by-case basis.
- G. **Portable signs.** Shall comply with the provisions of Section 18.152.120.B.11 where such signs are not located within the public right-of-way.
- H. See Section 18.152.170.A.5 for standards related to permitted monument signs.

18.152.160 Temporary signs and banners.

- A. **Temporary Signs and Banners.** Temporary signs, banners and other similar signs erected for the purpose of announcing a special event, sale or other activity may be permitted by the planning department, based on the following:
1. Application for a temporary banner shall be made on forms provided by the planning department.
 2. A maximum six temporary banner permits may be approved for any single business location within a calendar year with the cumulative total of banner display days in such

year not to exceed sixty days. The maximum period of any individual banner display shall not exceed thirty days.

3. No more than one banner shall be permitted for any one business at a time.
4. Streamers, pennants and balloons may be permitted in certain cases, subject to the approval of the planning director; however, in no case shall streamers and pennants be permitted on a property for more than ten days at a time or for more than twenty days per year. Balloons permitted under this section shall be no greater than twenty-four inches in diameter.
5. The maximum size of a temporary banner shall not exceed forty square feet in area.
6. The maximum height of a freestanding banner shall not exceed four feet and a building mounted banner shall not exceed the height of the building surface upon which it is mounted.
7. In addition to the banner permits and time frames specified in Subsection 2 above, a new business may secure a permit for a temporary banner, which otherwise complies with the standards contained in this section, for a maximum of sixty days from the opening of the new business. Such banner may be in lieu of a permanent sign during that period of time.

8, Temporary signs shall be of a reasonable professional quality and shall be installed in an appropriate manner. Such signs may not be attached to or placed on trees.

B. Special Event Banners. Temporary public interest event banners publicizing a charitable, civic or other nonprofit organization's events of general public interest may be permitted by development services department based on the following:

1. Application for temporary banners shall be made in conjunction with the temporary use permit;
2. The maximum period of any individual banner display shall be not more than two weeks prior to the event and all such banners shall be removed within seven days of the conclusion of the event;
3. No more than one banner shall be permitted for any one property at a time. The number, type, size and location of any such banners shall be determined by the development services director as part of the review of the temporary use permits.

C. Temporary Signs for Future Tenant Identification. Signs that identify future tenants (e.g., "Opening in October" or "Coming Soon") may be permitted in addition to standard temporary signs as permitted in subsection A of this section. Temporary signs for future tenant identification may be permitted up to ninety days prior to planned opening date, subject to approval of the planning director.

D. Temporary non-residential real estate signs. Temporary non-residential real estate signs pertaining to the sale or lease of non-residential buildings or property may be permitted by the planning department, based upon the following:

1. Application for a temporary non-residential real estate sign shall be made on forms provided by the planning departments. Application shall include a description of the building and/or tenant spaces available for sale or lease.
2. Building mounted signs may be permitted, based upon the following:
 - a. One banner or other similar sign, mounted on the building or window or other location of the tenant space and/or building available for sale or lease, not to exceed sixteen square feet.
 - b. For integrated retail, office or industrial centers or parcels greater than one hundred feet in width, additional banners or similar signs may be permitted by the planning department, not to exceed 40 square feet each. Such signs shall generally be on the available tenant or building space but may be approved in other locations as deemed necessary by the planning department. Banners may not exceed the height of the building parapet.
3. For undeveloped property one sign not exceeding sixteen feet in sign area and six feet in height may be allowed.
4. Streamers, pennants, balloons, lighting and similar devices are prohibited.
5. Temporary permits shall be valid for a maximum of six months provided that all such signs shall be removed within fourteen days of the sale or leasing of the available space. A new permit may be issued if spaces and/or buildings remain available for sale or lease.
6. All signs shall be continuously maintained in good order and appearance as set forth in Section 18.152.060.C.

18.152.164 Window signs.

A. Window signs, which include any sign within three feet of a window, are permitted in commercial, office and industrial zones and shall comply with the following standards:

	Permanent Window Sign	Temporary Window Sign	Accessory Window Sign
Size	10% of the window area not to exceed 40 square feet (20 square feet in office zones)	25% of the window area (not permitted in office zones)	12 square feet in total sign area with no individual sign exceeding 4 square feet
Time Limits	None	No sign allowed longer than 30 consecutive days	None
Permit	Sign permit approval required	None. Date of installation to be displayed on sign(s) or may be subject to	None

		immediate removal. Other adequate documentation regarding installation date may be considered.	
Purpose	Business identification and generic product/services identification.	Advertise seasonal sales, special sales and related temporary messages.	Business identification, credit cards accepted, hours of operation, lottery, health grades, and similar signs.
Typical Materials	Applied, stenciled, etched to glass surface including gold leaf letters and decals. Neon less than 4 square feet allowed.	Cloth, paper, vinyl, paint. Non-illuminated.	Not specified. Neon less than 4 square feet allowed.

B. All window signs shall comply with the following additional standards:

1. The maximum area for all window signs, excluding exempt and up to twelve square feet of accessory window signs, shall not exceed thirty-five per cent of the total window area, provided that no individual window shall exceed 50% coverage in window signs.

2. All window signs shall be properly maintained and be of reasonable professional quality.

3. Window signs shall not be illuminated except that accessory window signs and permanent windows may be neon or similar type lighting provided each such sign is less than four square feet. Lighting around or within windows shall not be permitted except for exempt holiday lighting and lighting approved as an accent to the building design or architecture.

4. Window signs may advertise liquor or liquor-related products, even if prohibited by conditions of approval provided that any such window signs comply with this chapter.

5. In order to facilitate law enforcement and protect public safety, window signs or other window obscuring products, including tinting and window blinds or coverings, shall not substantially obstruct view into the business from outside a window.

6. In a commercial building without storefront or similar windows, the development plan review board may authorize temporary signs equivalent to window signs provided such approval is consistent with the standards and intent of this section.

C. Window graphic signs may be permitted by the development plan review board and may exceed the 50% coverage standard where the board finds and determines that the window graphic signs exhibit a unique artistic characteristic, the signs effectively obscure storage areas or the rear portion of interior displays and that the sign does not primarily serve a commercial purpose. The board may impose conditions on any approval.

18.152.170 Signs in the public right-of-way.

A. No person shall paint, mark, paste, fasten or in any manner affix or cause to be painted, marked, pasted, fastened or in any manner affixed to or on any curb, street, sidewalk, street sign post, equestrian trail and/or equestrian trail fencing or to or on any sign erected for the purpose of directing or warning traffic, or to or on any telephone, telegraph or electric light pole, or to or on any tree or shrub in any park, public street, alley, parkway or sidewalk or to, on or within any portion of the public right-of-way any sign, poster or advertisement of any kind, except as follows:

1. Official warning or directional signs by any department of the city.
2. Legal notices posted in the places and manner prescribed by law.
3. Banners which identify community events sponsored wholly, or in part, by the city and which are erected by the city.
4. Residential subdivision directional signs when approved by the city as part of a standardized program of off-site directional signs.
5. Monument signs in the historic downtown when approved by the city for commercial buildings which have a zero setback from the public right-of-way.
6. Portable signs which comply with the provisions of Section 18.152.120.B.11 for commercial buildings which have a zero setback from the public right-of-way, where the planning director approves the location of the sign and the city engineer issues an encroachment permit.
7. Political signs subject to the requirements in Section 18.152.200(B), provided that such signs shall be limited only to the parkway areas in residential zones.

B. Enforcement, penalties and abatement.

1. Any person or entity violating or failing to comply with any of the requirements of this section shall be guilty of a violation pursuant to Chapter 1.12 of this code.
2. The owner or other person entitled to possession of a sign or in real or apparent charge or control of the sign which is removed, stored and/or destroyed pursuant to the provisions of this chapter shall be liable to the city for the cost of the removal, storage and/or destruction of such sign and for the city's court costs and reasonable attorney's fees. The city may recover the same through an action commenced in a court of competent jurisdiction.
3. Any unauthorized or illegal sign within the public right-of-way or on private property that is found and declared to be a public nuisance or constitutes a hazard to pedestrian or vehicular traffic may be removed immediately, stored and/or destroyed by the city at the expense of the owner or other person entitled to possession of such sign or in real charge or apparent control of the sign or any person, business or entity who benefits from such sign. The

cost of removal, storage and/or destruction of such illegal signs shall be the actual costs or the standard cost pursuant to a fee schedule set by resolution of the city council.

4. After removal of any such illegal sign pursuant to this section, the person, business, company or entity that owns the sign, placed it or who benefited from it shall be served with a statement of costs from the city. The notice of sign abatement from public right-of-way and the statement of costs shall be mailed by certified letter or hand delivered to the charged party. Notice shall be given that the determination verified in the statement of costs can be appealed by filing a written appeal with the city clerk as specified in Section 1.06.070.

5. Any person desiring to retrieve a sign removed by the city may do so upon payment of an administrative fine plus such storage fees as determined by a fee resolution of the city council that may be adopted from time to time. In lieu of paying such administrative fine, such person may retrieve a sign upon signing a promise to appear upon a citation issued to him or her for violations of this section or other provisions of this chapter. If a person wishes to contest the fact that the sign was placed in violation of this section or other provisions of this chapter prior to paying the fine or signing the citation, he or she shall have the right to an administrative hearing before the administrative hearing officer, upon receipt of a written appeal by the city as specified in subsection 4 of this section. If the administrative hearing officer finds that the sign was lawfully placed, he or she shall return the sign without an administrative penalty or the issuance of a citation.

6. Any sign removed by the city shall be considered abandoned if it is not retrieved and no written appeal is filed with the city within 15 calendar days after the date of such notification by the city following the sign removal and may be disposed of by the city without liability therefor to any person.

18.152.180 Leasing city-owned property for signs:

A. No person shall erect a sign upon any property owned or controlled by the city without first having procured a lease of the property from the city. Before any lease shall be granted for the erection and maintenance of a sign upon property of the city, application therefor shall be made to the city manager. The city manager shall provide a reasonable form for such application and such form shall set forth the following matters:

1. Location of the sign.
2. Size of the sign.
3. Nature of the lettering.
4. Materials of which the sign shall be constructed.
5. Sketch of the sign.

6. Additional information which the city manager deems necessary to carry out the purposes and intent of this chapter.

B. In the event that any sign is erected or maintained in violation of the provisions of this section, the city manager may direct the removal of the sign. In the event the lessee deems such removal to be without cause, he may within thirty days after such direction make written appeal to the city council. The findings of the city council, after notice to the lessee and due hearing shall be final.

18.152.190 Directional and tract signs.

A. Directional and Identification Tract Signs.

1. An on-site promotional tract sign not exceeding ninety-six square feet per face in area and not exceeding sixteen feet in vertical height may be located at each major entrance to a tract, subdivision or community development for a period not to exceed one year. The planning director may extend such one-year period for additional six-month periods; provided, however, that if the initial sale of all units is completed during any such period, all signs shall be removed. If the entrance is clearly visible from a freeway, the sign may be increased in area to not more than two hundred square feet. If the entrance is not visible from a freeway, but the tract, subdivision or community development abuts a freeway, one additional on-site directional sign not to exceed two hundred square feet may be approved by the planning director. Such sign may be installed in a location which is visible from the freeway, and may indicate the nearest off-ramp. No sign shall be located less than eight feet from the property line.

2. Temporary off-site directional tract signs may be located on the major or secondary highway nearest the tract. The planning commission may permit such signs in any zone subject to the following provisions:

a. The total number of such signs shall not exceed one; except that where there is hardship demonstrated in terms of geographic location or access routes, the planning commission may allow up to three additional signs.

b. Signs shall not exceed ninety-six square feet in area.

c. Such signs shall be located not less than eight feet from the property line, and shall not exceed sixteen feet in vertical height.

d. All such signs shall be supported by a properly engineered design subject to the approval of the building official.

e. Such signs shall be permitted on a temporary basis for a period not to exceed one year. The planning director may extend such one-year period for additional six-month periods; provided, however, that if the initial sale of all units or lots is completed during any such period, all signs shall be removed.

f. Signs shall be maintained a minimum distance of fifty feet from any residence to which the signs do not refer and a minimum distance of fifty feet from any other sign.

g. Every person erecting such sign or signs shall pay to the city a permit fee of fifty dollars for each and every sign erected. In addition, such person shall deposit with the building

department the sum of one hundred fifty dollars cash for each and every sign so erected as a security to insure the removal of all signs. If all such signs are removed within fourteen days after expiration of the permitted period, the one-hundred-fifty-dollar cash deposit shall be refunded. If all such signs are not removed, then the city or its agent may enter on all property on which all such signs are located and remove all such signs, and the cost of such removal shall be deducted from such cash deposit and the remainder, if any, returned to the person depositing the one hundred fifty dollars.

h. Before any permit for any such sign is issued, the applicant shall furnish the building department written authority in a form approved by the city attorney, granting the city or its agent permission to enter upon the premises to remove such sign. The authorization must be signed by the owners of record of the premises and by the person proposing to erect the sign.

3. Signs not exceeding three in number and each not greater than four square feet in area may be located on the same lot as a model home, so long as the home is used to promote the original sale of each house in the tract.

18.152.200 Other signs.

A. Time and Temperature Signs. Time and temperature signs shall be permitted and may convey the following information: time, date, temperature and atmospheric conditions.

B. Political Signs. Political signs shall be permitted as provided in this section:

1. Residential Zones. Political signs shall be permitted on private property in any residential zone and in the parkway areas generally between the front property line and curb face of residential zones.

a. Such sign shall not exceed six feet in height or twelve square feet of total sign face area.

b. Such sign shall be removed ten calendar days after the date of election.

c. Such signs shall require the permission of the property owner.

d. Such signs in the parkway portion of the public right-of-way shall not be painted, marked, pasted, fastened or in any manner affixed or caused to be painted, marked, pasted, fastened or in any manner affixed to or on any curb, street, sidewalk, street sign post, equestrian trail and/or equestrian trail fencing or to or on any sign erected for the purpose of directing or warning traffic, or to or on any telephone, telegraph or electric light pole, or to or on any tree or shrub in any public street, parkway or sidewalk.

e. No political signs shall be erected or maintained in violation of Sections 18.152.060 and 18.152.070.

2. All Other Zones. Political signs shall be permitted in all other zones.

a. Such sign shall not exceed thirty-two square feet.

Ordinance No. 1212

- b. Such sign shall be removed ten calendar days after the date of election.
 - c. No political signs shall be erected or maintained in violation of Sections 18.152.060 and 18.152.070.
3. Political signs placed, erected or maintained in violation of this section shall be removed as follows:
- a. Any political sign in violation of Sections 18.152.060 and 18.152.070 shall constitute a public nuisance and shall be deemed abandoned by its owner and may be summarily removed by the city without notice.
 - b. Any political signs in violation of subsections (B)(1)(a) through (B)(1)(d), (B)(2)(a) and (B)(2)(b) of this section may be removed by the city if, after providing five calendar days' written notice requesting the violation be corrected by the owner of the signs and the property owner or tenant on whose property the signs have been posted, the political signs are not removed, relocated or altered as required by this section. The notice requirements herein shall be satisfied upon a reasonable and diligent effort by the city to locate the owner of the sign, property owner and/or tenant.
- C. Search Lights. Search lights may be permitted, subject to approval of a temporary use permit from the planning department. Search lights may be associated with a grand opening or a special event and shall be permitted for no more than three days per year per business location.
- D. Menus for Restaurants. Such signs shall not exceed four square feet in area and may be displayed in the window or on the exterior wall in an appropriate manner, as approved by the planning director.
- E. Secondary Businesses in One Tenant Space. For businesses that are secondary to a primary business (e.g., banks located in grocery stores), one wall or window sign shall be permitted for identification, in addition to the signs permitted for the primary use. The wall or window sign permitted shall:
1. Not exceed ten square feet in total size.
 2. Not exceed twelve inches in letter height.
 3. Not be illuminated.
 4. Be subject to review and approval of the planning director.
- F. Off-site directional guide signs for public, charitable or religious institutions pursuant to review and approval by the development plan review board as provided by this chapter.
1. When the development plan review board finds that exceptional circumstances exist demonstrating hardship in terms of geographic location or access routes, directional signs

may be permitted. Such signs shall be limited to copy that includes the facility name and minimum information to provide direction. The intent for this type of sign is to provide clear directions to motorists and pedestrians, so the size and location should be similar to traffic signs. In some cases, non-illuminated monument signs may be utilized, provided that the aesthetic impact is determined to be more positive than a standard traffic directional sign. In no case, shall such monument sign exceed four feet in height or twenty square feet. The board shall determine the location and number of signs.

18.152.240 Signs associated with public art and murals.

It is the city's desire to encourage appropriate public art and murals that provide interest and beauty to the city. Any entity that is responsible for funding and constructing public art and murals may be entitled to some identification space in association with the public art and mural. The size, design and location of the sign is subject to the review and approval of the development plan review board or its designee. The design of any public art or mural is generally intended to contribute to the historic or cultural character of the city and not further a commercial interest.

18.152.250 Historic signs.

It is the city's desire to preserve historic signs that contribute to the preservation of the history or culture of the past. Signs having recognized historic or cultural significance which do not meet the standards set forth in this chapter may be exempted from these regulations by the development plan review board and approved in addition to the number of signs and sign area otherwise allowed. Any such sign shall be preserved in appropriate condition consistent with its historic character.



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of October 9, 2012

FROM: Blaine Michaelis, City Manager *jm*

SUBJECT: Request for the City to support Proposition 30 – Sales and Income Tax Increase on the November Ballot

SUMMARY

A community group contacted Councilmember Bertone and has asked that the City of San Dimas to take a position to support Proposition 30. This item is placed on the city council's agenda to provide direction regarding this request.

It has been the informal practice of the council to not take a position on a ballot measure before the voters unless the measure is sponsored by cities or it is a measure that directly affects our municipal government.

In addition, when the city is requested to take a position on a Measure the council has expressed a preference to review and consider the positions and information in favor and against the Measure as they make their decision.

RECOMMENDATION

1. Receive the request from the community group for the City Council to take a position to support Proposition 30. Ask questions as desired.
2. If the city council decides to continue with the informal practice of not taking a position on ballot measures as noted above – thank the group for their request and explain that the city will not be taking a position neither for nor against Proposition 30.
3. If the city council decides to consider a position on Proposition 30, instruct staff to prepare a summary of the positions and information in favor and against Proposition 30 for the city council to consider in taking a position regarding Proposition 30 at the October 23, 2012 meeting.



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of October 9, 2012

FROM: Blaine Michaelis, City Manager *BM*

SUBJECT: Placing a Measure on the March 5, 2013 General Municipal Election to increase the Transient Occupancy Tax Rate from 8% to 12%:

- **Ordinance 1213** to increase the Transient Occupancy Tax to 12% second reading; **Resolution 2012-57** to place the measure on the March 5, 2013 ballot;
- **Resolution 2012-60** providing direction regarding written arguments regarding the measure and instructing the City Attorney to prepare an impartial analysis;
- **Resolution 2012-61** providing for the filing of rebuttal arguments related to the proposed increase.

SUMMARY

This agenda item is to complete the next series of actions to place a recommended increase in the Transient Occupancy Tax Rate from 8% to 12% on the General Municipal Election Ballot March 5, 2013.

Description of council actions to consider and complete at the October 9, 2012 council meeting

First: Ordinance 1213 sets forth the change in the city's municipal code to establish the Transient Occupancy Tax rate at 12%. The Ordinance will not be in effect unless a majority of the voters in the Municipal Election March 5, 2013 approve the Measure. Council action needed: By at least a 2/3^{rds} vote, the City council needs to conduct the second reading and approve Ordinance 1213.

Second: By at least a 2/3^{rds} vote the City Council needs to adopt Resolution 2012-57 to place the question of whether or not to increase the TOT rate before the voters March 5, 2013. The Resolution includes the wording for the question to be submitted to the voters.

Third: The City Council has the authority to prepare a primary argument as a whole body or authorize individual Councilmembers to do so in lieu of the whole Council. If an individual Councilmember decides to author or sign an argument as an individual Councilmember, authorization is required from the City council

by placing their name or names in the attached resolution (Resolution 2012-60) as either in favor of or against the measure and adopting the resolution.

For example, if Councilmembers A, B, and C want to author and sign a primary argument in favor of the measure, their names would be incorporated into the attached resolution as "Councilmembers(s) in Favor" and they would be authorized to give their opinions as individual Councilmembers. Likewise, if Councilmembers D and E want to author and sign a primary argument against the measure, their names would be incorporated into the attached resolution as "Councilmember(s) Against."

Only one argument in favor of and one argument against the measure will be placed in the sample ballot. Pursuant to Elections Code Section 9287, if more than one argument for or more than one argument against any city measure is submitted to the City Clerk within the time prescribed, the City Clerk shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument, the City Clerk shall give preference and priority, in the order named, to the arguments of the following:

1. The City Council or any member or members of the City Council authorized by it;
2. The individual voter, or bona fide association of citizens, or combination of voters and associations, who are bona fide sponsors or proponents of the measure;
3. Bona fide associations of citizens; or
4. Individual voters who are eligible to vote on the measure.

It is recommended that all City Councilmembers take a position in favor of the Measure and that the City Council authorize the preparation of an argument in favor of the Measure as a whole body. Should this be acceptable to the City Council, staff is recommending that the motion to approve Resolution 2012-60 include the direction that the City Council is unanimous in their support for the TOT increase measure, and that the City Council prepare a primary argument in support as a whole body. Resolution 2012-60 also provides direction for the city attorney to prepare the required impartial analysis of the Measure to be included in the voter information brochure.

Fourth: Another matter to decide is how the city wants to handle rebuttal arguments. If the City Council authorizes rebuttal arguments (and it is traditional to do so), pursuant to Elections Code Section 9285, if any person submits an argument against a city measure, and an argument has been filed in favor of the city measure, the City Clerk shall immediately send copies of that argument to the persons filing the argument in favor of the city measure. The person filing the

argument in favor of the city measure may prepare and submit a rebuttal argument not exceeding 250 words. A rebuttal argument may not be signed by more than five (5) authors. The city clerk shall send copies of the argument in favor of the measure to the persons filing the argument against the city measure, who may prepare and submit a rebuttal to the argument in favor of the city measure not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not more than 10 days after the final date for filing primary arguments. Rebuttal arguments shall be printed in the same manner as the primary arguments and shall immediately follow the primary argument it seek to rebut. Staff is recommending that the City Council provide for rebuttal arguments through the adoption of Resolution 2012-61.

RECOMMENDATION

To submit a ballot measure to increase the TOT rate from 8% to 12% at the March 5, 2013 General Municipal Election, it is recommended that the City Council take the following actions at tonight's meeting:

1. By at least a 2/3 affirmative vote of the City Council, conduct the second reading and adopt Ordinance 1213 of the City of San Dimas Amending Chapter 3.20.020 of the San Dimas Municipal Code to Increase the Transient Occupancy Tax from Eight Percent (8%) to Twelve Percent (12%), and,
2. Adopt by at least a 2/3 affirmative vote of the City Council Resolution 2012-57 placing before the Voters a City Measure increasing the City's Transient Occupancy Tax rate from Eight Percent (8%) to Twelve Percent (12%), and,
3. That the City Council take a unanimous position in favor of the Measure and that the City Council authorize the preparation of an argument in favor of the Measure as a whole body; and that the City Council adopt Resolution 2012-60 which also calls for the City Attorney to prepare the required impartial analysis, and,
4. Adopt Resolution 2012-61 Providing for the Filing of Rebuttal Arguments for the City Measure Submitted at the March 5, 2013 General Municipal Election Relating to an increase in the Transient Occupancy Tax.

Attachments:

Ordinance 2012

Resolution 2012-57

Resolution 2012-60

Resolution 2012-61

Copy of the letter sent to the six (6) San Dimas businesses that collect TOT regarding this proposal

ORDINANCE NO. 1213

AN ORDINANCE OF THE CITY OF SAN DIMAS AMENDING SECTION 3.20.020 OF THE SAN DIMAS MUNICIPAL CODE TO INCREASE THE TRANSIENT OCCUPANCY TAX ON RENT CHARGED FROM EIGHT PERCENT (8%) TO TWELVE PERCENT (12%)

The City Council of the City of San Dimas does hereby ordain as follows:

Section 1. Section 3.20.020 of the San Dimas Municipal Code is amended to read as follows:

3.20.020 Tax Imposed. For the privilege of occupancy in any hotel each transient is subject to and shall pay a tax in the amount of twelve percent of the rent charged by the operator. For the privilege of occupancy in any recreational vehicle park for a period of no more than thirty days, each transient is subject to and shall pay a tax in the amount of twelve percent of the basic rent charged by the operator (excluding additional charges for extra persons or pets). Such tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel or recreational vehicle campground at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall due upon the transient's ceasing to occupy space in the hotel or recreational vehicle campground. If for any reason the tax due is not paid to the operator of the hotel or recreational vehicle campground, the city clerk may require that such tax shall be paid directly to the city clerk.

Section 2. Approval General Municipal Election; Effective Date.

This Ordinance amending Section 3.20.020 of Chapter 3.20 Transient Occupancy Tax of Title 3 Revenue and Finance of the San Dimas Municipal Code shall be in full force and effect ten (10) days after the date on which the City Council has approved the canvass of votes and declared that the voters of the City of San Dimas have approved said ordinance by a vote of no less than a majority of votes cast by the electors voting on the tax measure set forth in this ordinance at the general municipal election to be held on Tuesday, March 5, 2013. The effective date for purposes of levying the increased tax shall be July 1, 2013.

Section 3. This ordinance shall be amended or repealed by the voters of the City of San Dimas.

Section 4. This Ordinance shall take effect 30 days after its final passage, and within 15 days after its passage the City Clerk shall cause it to be published in the *Inland Valley Daily Bulletin*, a newspaper of general circulation in the City of San Dimas hereby designated for that purpose.

RESOLUTION NO. 2012-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS PLACING BEFORE THE VOTERS A CITY MEASURE INCREASING THE CITY'S TRANSIENT OCCUPANCY TAX FROM EIGHT PERCENT (8%) TO TWELVE PERCENT (12%)

WHEREAS, The City Council desires to submit to the voters at the General Municipal Election to be held on March 5, 2013 for the election of two members of the City Council and the Mayor, a question relating to increasing the transient occupancy tax; and,

WHEREAS, California Government Code Section 53724(b) authorizes the City Council to place such a tax measure before the voters subject to a two-thirds vote of all members of the legislative body.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Dimas that the City Council does hereby declare, determine and order as follows:

- A. That the City Council, pursuant to its right and authority, does order submitted to the voters at the March 5, 2013 General Municipal Election the following question:

To provide funding for general city services, including public safety (Sheriff), parks and recreation, and maintenance of city streets and public area landscaping, shall the City of San Dimas approve an ordinance amending the San Dimas Municipal Code to increase the transient occupancy tax rate from eight (8%) to twelve (12%) on the rate charged to hotel and recreational vehicle campground guests staying within the City to be effective July 1, 2013?
<input type="checkbox"/> Yes
<input type="checkbox"/> No

- B. That the ordinance to be enacted by a majority of the voters pursuant to Part A above shall be in the form set forth in Exhibit A, attached hereto.

PASSED AND ADOPTED as a resolution of the City Council of the City of San Dimas at the Regular Meeting held of the 9th day of October 2012 by the following vote:

CURTIS W. MORRIS, MAYOR

ATTEST:

KENNETH J. DURAN, CITY CLERK

5c(1)

RESOLUTION NO. 2012-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS PROVIDING DIRECTION TO THE CITY CLERK REGARDING THE CITY MEASURE SUBMITTED AT THE MARCH 5, 2013 GENERAL MUNICIPAL ELECTION RELATING TO AN INCREASE IN THE TRANSIENT OCCUPANCY TAX, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

CITY OF SAN DIMAS

WHEREAS, The City Council desires to submit to the voters at the General Municipal Election to be held on March 5, 2013 for the election of two members of the City Council and the Mayor a question relating to increasing the transient occupancy tax; and,

WHEREAS, California Government Code Section 9282 authorizes the City Council, by majority vote, to adopt provisions for the filing of primary arguments for city measures submitted at municipal elections; and,

WHEREAS, California Elections Code Section 9280 authorizes the City Council to direct the City Attorney to prepare an impartial analysis of said ballot measure.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Dimas that the City Council does hereby declare, determine and order as follows:

- A. That the City Council has authorized that at the General Municipal Election the measure as set forth below shall be submitted to the voters.

CITY OF SAN DIMAS

INCREASE OF TRANSIENT OCCUPANCY TAX ON THE RENT CHARGED TO HOTEL GUESTS FROM EIGHT PERCENT (8%) TO TWELVE (12%)

MEASURE _____

To provide funding for general city services, including public safety (Sheriff), parks and recreation, and maintenance of city streets and public area landscaping, shall the City of San Dimas approve an ordinance amending the San Dimas Municipal Code to increase the transient occupancy tax rate from eight (8%) to twelve (12%) on the rate charged to hotel and recreational vehicle campground guests staying within the City to be effective July 1, 2013?
<input type="checkbox"/> Yes
<input type="checkbox"/> No

- B. That the ballots to be used at the election shall be in a form and content as required by law.

- C. That the City Attorney is hereby directed to prepare and submit an impartial analysis of the measure not exceeding 500 words showing the effect of the measure on the existing law.
- D. That the City Clerk is directed to deliver forthwith certified copies of this resolution to the Clerk of the Board of Supervisors of Los Angeles County and to the Registrar of Voters of Los Angeles County promptly upon its adoption.
- E. That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election of this measure under the General Municipal Election called under City Resolution 2012-56.
- F. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.
- G. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.
- H. The City Council authorizes the following members of the City Council to file written argument(s) not exceeding 300 words regarding the City Measure as specified above, accompanied by the printed name(s) and signatures(s) of the person(s) submitting it, in accordance with Article 4, Chapter 3, Section 9 of the California Elections Code and to change the argument until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.

Councilmember(s) in Favor	Councilmember(s) Against

PASSED AND ADOPTED as a resolution of the City Council of the City of San Dimas at the Regular Meeting held of the 9th day of October 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CURTIS W. MORRIS, MAYOR

ATTEST:

KENNETH J. DURAN, CITY CLERK

RESOLUTION NO. 2012-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR THE CITY MEASURE SUBMITTED AT THE MARCH 5, 2013 GENERAL MUNICIPAL ELECTION RELATING TO AN INCREASE IN THE TRANSIENT OCCUPANCY TAX

CITY OF SAN DIMAS

WHEREAS, The City Council desires to submit to the voters at the General Municipal Election to be held on March 5, 2013 for the election of two members of the City Council and the Mayor a question relating to increasing the transient occupancy tax; and,

WHEREAS, California Government Code Section 9282 authorizes the City Council, by majority vote, to adopt provisions for the filing of primary arguments for city measures submitted at municipal elections; and,

WHEREAS, California Elections Code Section 9285 authorizes the City Council by majority vote, to adopt provisions for the filing of rebuttal arguments for city measures at municipal elections.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Dimas that the City Council does hereby declare, determine and order as follows:

- A. That pursuant to Sections 9282 and 9285 for the California Elections Code, when the City Clerk has selected arguments for and against the measure which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors may prepare and submit rebuttal arguments not exceeding 250 words. A rebuttal argument may not be signed by more than five (5) authors. The rebuttal arguments shall be filed with the City Clerk not more than 10 days after the final date for filing primary arguments. Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument which it seeks to rebut.

PASSED AND ADOPTED as a resolution of the City Council of the City of San Dimas at the Regular Meeting held of the 9th day of October 2012, by the following vote:

CURTIS W. MORRIS, MAYOR

ATTEST:

KENNETH J. DURAN, CITY CLERK

City Council
CURTIS W. MORRIS, Mayor
EMMETT BADAR, Mayor Pro Tem
DENIS BERTONE
JOHN EBINER
JEFF TEMPLEMAN

City Manager
BLAINE M. MICHAELIS

**Assistant City Manager
Treasurer/City Clerk**
KENNETH J. DURAN



**Assistant City Manager of
Community Development**
LAWRENCE STEVENS

Director of Public Works
KRISHNA PATEL

**Director of Parks
and Recreation**
THERESA BRUNS

City Attorney
J. KENNETH BROWN

September 28, 2012

Holiday Inn Express
485 West Arrow Highway
San Dimas, CA 91773

*same letter sent to:
Extended Stay
Comfort Suites
Red Roof Inn
East Arrow RV Park
Motel 6*

Re: Measure to increase the Transient Occupancy Tax Rate from 8% to 12%

Holiday Inn Express:

The Transient Occupancy Tax Rate in San Dimas has been at 8% since 1991. The city recently completed a survey of TOT rates in Los Angeles County and other portions of California and found that the average TOT rate in Los Angeles County is nearly 11% and many cities are at or heading to 12%. San Dimas is interested in at least keeping pace with TOT rates in the region and the city is moving forward with a measure on the March 5, 2013 municipal election ballot to increase the rate to 12%.

The increase requires a 'yes' majority vote of San Dimas voters to be approved. If approved, the 12% rate would be effective July 1, 2013. The ballot measure would not make any other changes to the Transient Occupancy Tax provisions – it would just increase the rate to 12%.

We appreciate your operation in our community. We realize that there may be concern with this proposal. In our deliberation over this decision, we carefully considered the TOT rates in the region and we decided to not consider other more potentially significant measures such as establishing a Utility Users Tax (a percentage tax on utility bills).

The city council will consider a series of actions at their next city council meeting October 9, 2012 to have the measure placed on the March 5, 2013 ballot. The meeting starts at 7 pm in City Hall. Please feel free to contact me with any questions – 909-394-6213.

Sincerely,

Blaine Michaelis

Blaine Michaelis
City Manager



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of October 9, 2012

From: Blaine Michaelis, City Manager

Initiated By: The Public Works Department

Subject: Request from Profiles TV to use City facilities and have a temporary road closure during filming of proposed new reality television show.

Summary

Profiles Television has submitted a request to use several City facilities and City streets to film a family friendly, reality television show. Normally film permits are handled over the counter by Staff but since this request includes the closure of residential streets and impacts several City parks and facilities, Staff is requesting Council approval to allow closure of the streets and approve the use of the City facilities.

Additionally the date of actual filming is on October 19th which is the date of the San Dimas High School Homecoming Parade. Profiles Television has agreed and would be required to arrange their filming in such a way as to not conflict with the parade should Council approve the film company's request.

BACKGROUND

In mid- September, Staff was approached by Profiles Television with a request to film a new pilot for a family friendly reality television show. Profiles TV's president and CEO is Bertram van Munster, the producer of The Amazing Race. The new show is to feature two teams who are racing to finish a series of 5 or 6 obstacles. The concept is to have the entire course set up in a small area (within the City) with the course run, and all camera work completed in a few hours on one day, October 19th. The filming would start by midmorning at Civic Center Park; participants would navigate an obstacle and progress to Pioneer Park and the vacant lot via the road closure. From the vacant lot, the contestants would navigate to Marchant Park by mid-afternoon where filming would conclude.

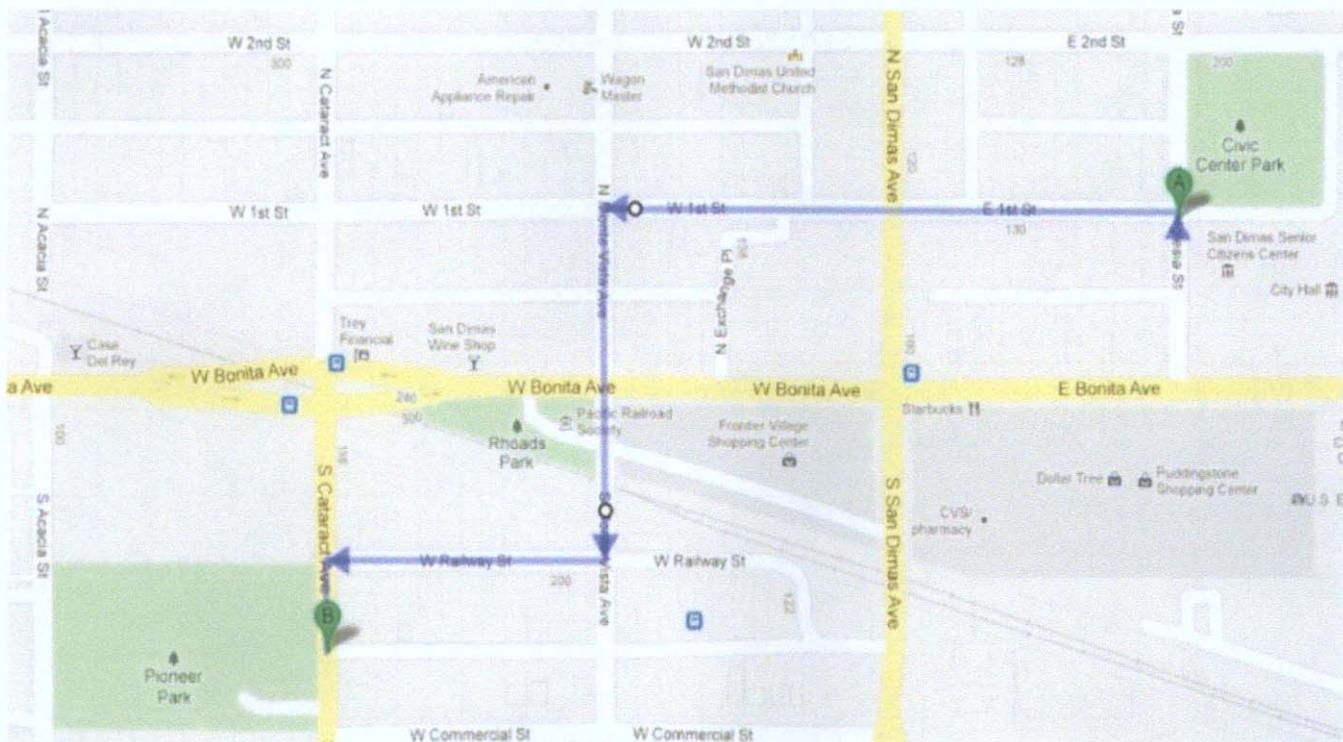
The obstacles would be located in 4 different City facilities. The setup of the obstacles would take one to two days depending on the complexity of each. The impact on the facilities is fairly confined to the immediate vicinity of the obstacle until the day of filming. Profiles TV will be required to provide security for any objects left overnight on City property.

The City facilities requested are listed in the following matrix along with the requested impact dates.

Facility	Date of Use		
	Wednesday October 17th	Thursday October 18th	Friday October 19th
City owned Parking Lot on First Street (set staging)	x	x	x
City Hall Parking Lot NE Corner			x
Civic Center Park		x	x
Pioneer Park		x	x
Vacant Lot SW Corner Bonita/Cataract		x	x
Marchant Park	x	x	x

The requested time of use at each park is approximately 8:00am to 8:00pm each day.

The requested street closure would not exceed 3 hours and is required only to get the contestants from Civic Center Park to Pioneer Park. The proposed route is shown below. In order to minimize the impact to residents, the Sheriff Department will control major intersections with a rolling closure. These intersections are: Iglesia and First Street, San Dimas Avenue and First Street, Bonita Avenue and Monte Vista, Cataract and Bonita, Cataract and Arrow Highway. First Street, Monte Vista, Railway will be set for full closure along the race route for the duration of the filming.



DISCUSSION

Profiles Television Productions, LLC is a small film company, but the President and CEO Bertram van Munster is the producer of The Amazing Race and also has other successful television shows in his credits. Some of the shows have a similar concept with contestants successfully navigating obstacles.

Staff usually attempts to cooperate with the motion picture industry realizing the benefits to the regional economy. In this instance, a local company, ATS Filmworks out of Glendora, is proposed as the stunt rigger for the show. As the concept for the reality TV show is to be family friendly, light hearted entertainment, the public are invited and encouraged to participate as an audience.

The areas of the parks that are being proposed to be used will minimally impact any scheduled activities. Staff will notify users of the event schedule and of the areas of the parks being used. All set up and staging will be reviewed and approved prior to the event. Staff will work with the company throughout the staging and filming to minimize park damage and advise on logistical needs. Additionally, the company will be responsible for rehabilitation or repairs of any damage.

The filming day, October 19th is also the day of the San Dimas High School Homecoming Parade. Due to the Producer's limited availability this was the only date that filming could take place. Profiles TV anticipates that filming will be complete at Civic Center Park by noon on the 19th. To provide further protection for the parade and its participants, Staff would condition that the show suspend all work in the vicinity of the parade from 2:00pm to 5:00pm to ensure there is no potential for conflict.

Should Council approve the street closures and use of City facilities, Staff would develop permit conditions including fees for use of City facilities, reimbursement of Staff time, insurance amounts and other requirements applicable to the event.

The neighborhood affected by the street closure has been notified that the proposed event is being considered at tonight's council meeting and has been invited to attend to express any concerns.

RECOMMENDATION

Staff recommends Council consider approving Profile Television's request to use the City facilities and close the streets on the route provided as requested contingent upon Profile Televisions meeting all of the City's permit conditions.

Respectfully submitted,



Shari Garwick
Senior Engineer

10-12-06 sg



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of October 9, 2012

FROM: Blaine Michaelis, City Manager *BM*

SUBJECT: Direction regarding the payment of the city's dues for membership in the San Gabriel Valley Council of Governments for 2012-13

SUMMARY

August 14, 2012, the city council directed staff to suspend payment of the city's 2012-13 annual dues to the SGVCOG because of governance and operational concerns.

In the weeks since that action, the COG City Managers Steering Committee recommended, and the Governing Board voted to change the management and operation of the COG from a contract relationship to instead have the work of the COG performed by in-house COG employees. The process is now in place to accomplish this change. In addition, the decision was made to have a new Executive Director for the organization.

The city received the attached communication from Fran Delach the Interim Executive Director summarizing that San Dimas' membership would be suspended for non-payment of dues the first of November 2012. The memorandum requests that San Dimas give favorable consideration to the SGVCOG's recent decisions and determination to change the operations and structure of the organization to address the concerns of member cities and the public.

The request is that San Dimas will move forward to pay its annual dues and continue its participation in the SGVCOG.

RECOMMENDATION

That the city council provide direction regarding this request to pay the 2012-13 membership dues of \$15,050.

Attachment: September 28, 2012 memo from Fran Delach



San Gabriel Valley Council of Governments

1000 S. Fremont Ave., Unit 42, Room 10210, Alhambra, CA 91803 Phone: (626) 457-1800 FAX: (626) 457-1800 E-Mail: SGV@sgvcog.org

DATE: September 28, 2012
TO: Blaine Michaelis, City Manager
FROM: Francis M. Delach, Interim Executive Director
RE: 2012-2013 Annual Dues

As we have not received a dues payment from the City of San Dimas, we are required by the JPA and Bylaws, as shown below, to notify the City that their membership would be suspended for non-payment of dues the first of November 2012.

Joint Powers Authority, Joint Exercise of Powers Agreement,
21.b. "Non-Payment of Dues. If a Member fails to pay dues within three months of its annual dues assessment as required under Section 23 of this Agreement and the Bylaws and after a 30-day written notice is provided to that Member, the Member shall be deemed to be suspended from this Agreement and the Council. When a Member is suspended, no representative of that Member shall participate or vote on the Governing Board or any committee. Such a Member shall be readmitted only upon the payment of all dues then owed by the Member, including dues incurred prior to the suspension and during the suspension."

I understand that, during this challenging time, payment of your annual dues may be difficult for a number of reasons. I am pleased to inform you that the SGVCOG organization will be restructured to address the perceived "conflict of interest" issues. It is my hope that this information will instill renewed confidence by you and your elected officials in the business and benefits of the SGVCOG.

There are many benefits to being a member of the San Gabriel Valley Council of Governments as stated in the attached memo, which was distributed to all cities and councils over the last two months.

Please feel free to contact me at 626-457-1800 to discuss this matter.

Attachment