



**AGENDA**  
**REGULAR CITY COUNCIL MEETING**  
**TUESDAY, DECEMBER 11, 2012, 7:00 P. M.**  
**SAN DIMAS COUNCIL CHAMBERS**  
**245 E. BONITA AVE.**

**CITY COUNCIL:**

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

**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) Approving Warrant Register for November and December 2012.

**RESOLUTION NO. 2012-67, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF NOVEMBER AND DECEMBER, 2012.**

b. Approval of minutes for the regular City Council meeting of November 27, 2012.

c. Approve intersection agreements with Glendora

d. Amendments to Salary Resolution **2012-68**

e. Summary of the San Gabriel Valley Council of Governments Strategic Planning Retreat, November 30, 2012

**END OF CONSENT CALENDAR**

**4. PRESENTATION**

- a. Clean Water Measure – Los Angeles County

**5. PLANNING/DEVELOPMENT SERVICES**

- a. Request from Kimco Realty to initiate Zoning Code Amendment to allow various additional uses for the existing shopping center located at 802-888 West Arrow Highway (San Dimas Marketplace/target) in Specific Plan No. 20

**6. OTHER BUSINESS**

- a. Renew contract with University of La Verne for the management of the City's Government/Education Access Channel.
- b. Acceptance of 2011-12 audit

**7. MEETING OF SAN DIMAS PUBLIC FACILITIES FINANCING CORPORATION**

- a. Public Comments (*This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.*)
- b. Approval of Minutes for meeting of December 13, 2011.
- c. Election of Officers
- d. Members of the Corporation

**8. MEETING OF SAN DIMAS HOUSING AUTHORITY CORPORATION**

- a. Public Comments (*This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.*)
- b. Approval of Minutes for meeting of December 13, 2011 and January 24, 2012.
- c. Update of authority activities for 2012
- d. Members of the Authority

**9. 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.

## 10. ADJOURNMENT

The City Council will adjourn the meeting in memory of former Public Safety Commissioner Neal Oudejans. The next meeting will be on January 8, 2013, 7:00 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 AGENDA PACKETS ARE ALSO AVAILABLE ON THE CITY'S HOME PAGE ON THE INTERNET:

<http://www.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 AT 245 EAST BONITA AVENUE DURING NORMAL BUSINESS HOURS. [PRIVILEGED AND CONFIDENTIAL DOCUMENTS EXEMPTED]

**POSTING STATEMENT:** ON DECEMBER 7, 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) AND AT THE VONS SHOPPING CENTER (Puente/Via Verde) AND THE CITY'S WEBSITE AT [www.cityofsandimas.com/minutes.cfm](http://www.cityofsandimas.com/minutes.cfm).

**RESOLUTION NO. 2012-67**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SAN DIMAS, CALIFORNIA, APPROVING  
CERTAIN DEMANDS FOR THE MONTHS OF  
NOVEMBER AND DECEMBER 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: 11/30/2012; 23225 through 23269 in the amount of  
\$499,197.04 and 12/14/12; 142404 through 142514 in the amount of \$238,581.18

PASSED, APPROVED AND ADOPTED THIS 11<sup>th</sup> DAY OF DECEMBER 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 December 11, 2012, by the following  
vote:

AYES: Councilmembers Badar, Bertone, Ebiner, 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, NOVEMBER 27, 2012, 7:00 P. M.**  
**SAN DIMAS COUNCIL CHAMBERS**  
**245 E. BONITA AVENUE**

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**CITY COUNCIL:**

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

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

**1. CALL TO ORDER AND FLAG SALUTE**

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

- 1) Kevin Kenney, of the Parks & Recreation Commission invited everyone out to the Holiday Extravaganza and Tree Lighting Ceremony on Saturday, December 8, 2012 from 10:00 a.m. to 6:30 p.m.
- 2) Pui Ching Ho, Librarian, San Dimas Library, highlighted the programs and events taking place at the library this month.
- 3) Dave Bratt, Chamber of Commerce, announced the current campaigns being run by the Chamber.
- 4) Janie Graef, San Dimas H.E.R.O.E.S., gave an update on the organizations latest achievements and upcoming plans.

**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.)

**MOTION:** It was moved by Councilmember Ebiner, seconded by Councilmember Templeman, 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:
  - (1) **RESOLUTION NO. 2012-65** , A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF NOVEMBER
- b. Approval of minutes for regular City Council meeting of November 13, 2012.
- c. Adopt Resolution **2012-66** Health Care Flexible Spending Account Amendment
- d. Award of Cash Contract 2012-06, "Street Light Conduit Installation on Third Street from San Dimas Ave to Walnut Ave. to Steiny & Company, Inc. for the amount of \$30,770.00

END OF CONSENT CALENDAR

#### 4. PLANNING/DEVELOPMENT SERVICES

- a. Request from Bill and Sam Ghosn to initiate Zoning Code Amendment to allow off-sale alcoholic beverages in conjunction with existing convenience store and gas station located at 1790 S. San Dimas Ave (Via Verde 76) in Specific Plan No. 17

Assistant City Manager Larry Stevens presented staff's report that outlined the history of this applicant's request. He continued by describing the processes that would allow the request to be considered. Mr. Stevens stated that in order to proceed with the necessary Public Hearings to hear this request the necessary factors in the municipal code that must exist are whether are not the amendment would help public safety and welfare, whether are not it would adversely affect other property and whether or not there are changed conditions to warrant the amendment. This evaluation need only be preliminary in asking if there is sufficient reason to go forward and conduct the necessary public hearings. It need not be conclusive or indicate what decision may ultimately be made. The proponents suggest that the changed conditions are related to difficult economy, fluctuating gas prices, high operating expenses and customer demand. They are asking Council to reconsider their decision from 2008 and allow alcohol sales. If this is done it would most likely be by conditional use permit. This would be a straight forward amendment to Specific Plan 17. It would only be heard by the Planning Commission unless appealed to the City Council.

Staff suggests that part of the discussion needs to be on the larger context of convenience stores and gas stations. Mr. Stevens continued the presentation by listing the status of some of the locations throughout the city with convenience stores and or permitted alcohol. Most other locations have a mixture of service bays and accessory snack shops but not alcohol sales, because they are not allowed in the various zones. Most of these at some point have come in and indicated a desire to have a convenience store. Staff has explained the processes needed to go through to obtain the necessary approval of these requests. Because of the level of interests several other locations would likely seek the opportunity to have convenience stores should council consider an amendment. The City Attorney opinion from 2008 indicates with Specific Plan 17 we are probably in compliance with state law because there were no other locations within that Specific Plan allowed the sales of alcoholic beverages. In the other zones we don't have a specific prohibition against a mixture of convenience markets and gas stations on the same site, but also don't have a specific allowance. If reading the Business and Profession Code referenced in the memo more than one way, it is clear that maintaining our existing standards the way they are is in conflict with the code.

A couple of Councilmembers requested Captain Slawson to take a look at crime stats as related to alcohol sales and convenience stores. He prepared a background memo that talks about various thefts and robberies that occurred within the last year at a variety of businesses that have alcohol related sales and it

is fair to say that there is not a significant trend that there is a high level of criminal activity at any of these operations.

If there is a desire to look beyond the scope of the request, staff suggests there are a series of issues that are appropriate for consideration. There are two stations within the Creative Growth Zone Area 3 that have opportunity to seek a full convenience store, subject to design criteria. One of these we have had some discussion on how to comply with those standards and an application has been filed but not approved. The Valero we have had no discussions with. If you look at allowing convenience stores and alcohol sales at other locations one consideration to look at is how much of a redesign might be necessary to allow that use. If you are looking at a broader scope, staff would like to have some feeling about whether you want to make that scope consider other design issues or whether or not you would want to have those considered on a case by case basis. There may be some locations where you may not want to have a convenience market. These are broad areas of discussion and if you are going in that direction, some preliminary thoughts would be helpful to staff in preparing an approach to this issue.

You could give direction to deal with Specific Plan No. 17 now and put the others on a list and deal with them at an appropriate point time. The Planning Commission previously recommended that you allow alcohol sales in Specific Plan No. 17 and staff did not feel that was an inappropriate recommendation but took a neutral position. Staff asks Council's direction if you think that there are enough changed conditions that you think alcohol sales are appropriate in Specific Plan No 17 and if you're going to consider it at that location do you want us to expand the scope and look at other locations relative to convenience markets and alcohol sales.

Councilmember Templeman asked what criteria were used in determining no alcohol sales would be allowed in SP-17.

Mr. Stevens replied that in previous history of the site there were zoning and deed restrictions limiting convenience markets, there had to be an amendment to the CCR's. Another part of the consideration was whether or not the mixing of alcohol with gasoline sales was viewed as appropriate. Council determined that food sales were okay, but alcohol was not.

Mayor Morris stated that there was no request from the station operator at the time.

Mr. Stevens added that staff and the Planning Commission included it because they felt that is was going to come down the line at some point.

Councilmember Ebiner asked what keeps alcohol from being sold in snack shops and convenience stores in the Creative Growth zone.

Mr. Stevens responded that on a practical basis the maximum permissible size of the shops isn't big enough to justify the expenditure to obtain the liquor license. In theory operators could probably apply for a conditional use permit, because on sale alcoholic beverages is permitted in all of those zones. There has been a policy relative to what accessory facilities can exist at a gas station, that is a snack shop and it discourages alcohol sales, it is not a code it is a policy.

Councilmember Ebiner asked that you would not have to have a convenience store to have the alcohol, you could have a snack shop and if you wanted to and apply for the C.U.P.?

Mr. Stevens answered in theory you could take an existing building and have it be a liquor store as opposed to anything else, as long as you could get a C.U.P. We would tell someone that there is an existing policy that encourages this and we would probably weigh that policy heavily.

Councilmember Ebiner asked what staff would be doing for that particular zone that would be different from what we are doing right now?

Mr. Stevens answered make it clearer and eliminate the snack shop policy. But if we want to have design controls that could be a reason to put it in the code but make it clear there is a consideration if we are going to allow this opportunity to go forward. This would be the reason why you may want to put it in the code rather than making the policy go away.

Councilmember Badar asked if there was a specific prohibition by ABC for gas stations and convenience stores to have a liquor license.

Mr. Stevens answered, there is none.

Councilmember Badar then asked if there were anything that Mr. Stevens could think of that would need to be done at the 76 Store?

Mr. Stevens replied that it would depend on how they choose to do the operation. They would be limited to the 1,000 square feet, which they are pretty much right on. We wouldn't necessarily require any modifications.

Mr. Badar asked if there is a percentage of food versus beer and wine sales that has to be in a convenience food market.

Mr. Stevens replied there is nothing in our existing code and that it is not uncommon for cities to regulate food sales when they have a mixed use of alcohol. There can be those kinds of regulation, we don't happen to apply any of those.

Councilmember Templeman shared that he doesn't like the idea that we hold somebody hostage by requiring design changes if they are going to sell a different product at their location. He could understand if the issue were parking and circulation. He voted against the convenience store the last time it was heard because we should have addressed all gas stations in town. When you add more shopping convenience for patrons you have a lot of parking issues and most gas stations don't have a lot of parking to begin with. He won't mind hearing this item, but would like to know what other municipalities are doing as it relates to gas stations near freeways. He feels that it should apply to all gas stations not just this one.

Councilmember Bertone agreed with Councilmember Templeman in that if you are going to allow alcohol to be sold at one gas station, it should be the same for all gas stations and he won't mind having this come back to council.

Mayor Morris stated because of the law we cannot tie our regulation to alcohol to the gas station, which is preempted by the state. We can address by zoning whether we allow alcohol sales. What is different here is that this is in its own very small Specific Plan. We could consider the others, but this one could be changed just by changing the Specific Plan.

Councilmember Templeman responded that he feels we should have some objective criteria for saying why a gas station should or shouldn't be allowed alcohol sales.

Mr. Stevens shared that the policy we are applying stems from the late 1980's early 1990's, was based on the conclusion of the council then that alcohol sales at gasoline stations was inappropriate and encouraged law breaking acts and crimes. He continued by saying that the perceptions that generated the original policy are probably passé mostly because of the changes in the economic operations of gas stations.

Mayor Morris stated, if they were not in Specific Plan 17, and were in the same zoning as the Via Verde Shopping Center our ordinance would be invalid. Mayor Morris also mentioned that the policy applies to ordinances after 1988.

Councilmember Ebner expressed that it is probably time to take a look at this issue citywide and not focus just on this zone. Things to look at would be lot size, parking and access might determine whether

or not they could have a snack shop or convenience store. He continued by saying that it sounds reasonable to have some design standards, but to not let that be the trigger to have a new site design; he agrees with Jeff on that item.

Mayor Morris recapped that the majority of the City Council would like to review this item and also the broader review that the Planning Staff recommends.

Councilmember Badar asked Mr. Stevens how long did he think it would take for him to return this item to Council.

Mr. Stevens responded two to three months just for Specific Plan 17. If considering all seven or eight zones then it would be four to six months.

Councilmember Ebner stated given the timeframes that we should do Specific Plan 17 first because we have an someone interested in doing this.

Councilmember Templeman would like to see some way of addressing issues such as underage sales or loitering and the operator not taking care of the situation.

Mr. Stevens addressed this by stating the typically this is addressed in the Conditional Use Permit. This gives us the authority to revoke a permit.

Consensus is that council would like staff to start the process for Specific Plan 17 because we have an applicant now, and simultaneously move on to the broader review.

Mayor Morris restated that this is a consensus to look at and review our ordinance with no commitment on how it may go. There will be two public hearings, one with Planning Commission and another with City Council.

Mr. Stevens replied he would go forward on Specific Plan 17 earlier than the rest should they file a use permit. If they don't file it right away it may come back as one item.

- b. Request from Kimco Realty to initiate Zoning Code Amendment to allow various additional uses for the existing shopping center located at 802-888 West Arrow Highway (San Dimas Marketplace/Target) in Specific Plan No. 20

Applicant asked for this item to be deferred to the December 11, 2012 meeting.

- c. Budget adjustments for the Housing Element update. Increase the appropriation by an additional \$25, 000 to a total of \$50,000.

Assistant City Manager Larry Stevens presented a staff report that outlined the details of the request for budget adjustment.

Councilmember Bertone asked if SCAG received new numbers from the State that were more favorable for us.

Mr. Stevens answered no and that his appeal was unsuccessful. They have assigned us just over 1,000 housing units in the last two cycles. In the 2010 Census Report our net growth was minus 2, but they've assigned is 1,000. Of that 1,000 twenty-five percent have to be low variable, in which we will need to zone about 17 acres of land at 30 units per acre. He will be discussing this issue at the December 10, 2012 retreat because he is having difficulty find that much acreage suitable for that much density.

Councilmember Bertone asked if the Gateway Property was included in that.

Mr. Stevens responded a portion of that was included in the 2008 housing element.

Councilmember Templeman moved to approve increase to the budget, but questioned we could not use housing money to pay for this.

Assistant City Manager Ken Duran answered we are only able to use housing money for projects that were prior commitments.

**MOTION:** It was moved by Councilmember Templeman and seconded by Councilmember Badar to approve request for increase to budget for Housing Element. Motion carried unanimously.

## 5. OTHER BUSINESS

- a. Request from Waste Management for a rate increase of 1.35% for residential and commercial refuse services

Assistant City Manager Ken Duran presented the staff report that outlined the history of requests for rate increases from Waste Management.

Councilmember Templeman expressed that while we are encouraging them to recycle we are also going to charge them a fee when we weren't doing it before.

Mr. Duran replied that for customers that have been utilizing the service they will not be charged, but for new customers or those who change service there will be a charge. It was an oversight and it is a service that should have been paid for.

Councilmember Bertone asked if Waste Management used the Puente Hills site.

Mr. Duran answered very little about eight percent mostly they go to the Valley Vista site. We are still using Puente Hills for green waste cover.

Councilmember Templeman asked how are we to encourage business to do this when they are going to be charged for it.

Carolyn Corrao replied by saying that often they can reduce their overall trash bill; trash is more expensive to process.

Mr. Duran added it is required by the State for businesses to recycle, but the responsibility of the City to enforce or encourage.

**MOTION:** It was moved by Councilmember Bertone and seconded by Councilmember Ebiner to approve rate increase. Motion passed unanimously.

- b. San Dimas Avenue Bicycle Traffic Safety between Avenida Loma Vista to Avenida Domingo

Director of Public Works Krishna Patel presented the staff report that outlined background and reasoning for the recommendations for bicycle traffic safety improvements on San Dimas Avenue.

Mayor Morris asked if our ordinance has a minimum or maximum as to how wide our bicycle lanes have to be.

Mr. Patel replied the minimum is five feet, we don't have a maximum but he prefers to keep at seven feet.

Councilmember Templeman asked if with this plan we were only doing the road surface.

Mr. Patel replied that it would just be minor pavement repairs such as filling in and patching cracks.

Mayor Morris asked what the difference was between a bike lane and a bike path.

Mr. Patel answered a bike lane is a striped lane and a bike route is where you have a right to be on the road.

Councilmember Badar asked when are repairs scheduled for that roadway.

Mr. Patel responded depending on funding the plan is to reconstruct in FY 2013-2014.

**MOTION:** It was moved by Councilmember Bertone and seconded by Councilmember Ebiner to approve option 2, the request for repairs and minor modification and waive the formal bid process in retaining a contractor. Motion carried unanimously.

- c. Update Regarding Adopted Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges – National Pollutant Discharge Elimination System (NPDES) Permit

Environmental Coordinator Latoya Cyrus presented the staff report that explained the details of the MS4 Discharges and NPDES Permit processes.

Councilmember Bertone asked if the options explained in the report came from the Regional or State Board.

Ms. Cyrus answered from the regional Board.

Councilmember Bertone asked if she was appealing to the State Board.

Ms. Cyrus answered that she was appealing to the State Board.

Councilmember Bertone asked if we had considered going with the WMP option of the report. He stated that most people that he knows in the water business thinks that is the best deal.

Ms. Cyrus responded that she is still looking at our options for the administrative petition.

Mayor Morris shared that we have a problem with the horse trails that are near the streets and doesn't feel we are going to be able to continue those. Horse trails in general may be a problem. He stated that he thought Ms. Cyrus would be coming to council with recommendation on what we can do about that other than prohibit the riding of horses on those trails.

Ms. Cyrus responded that the good thing about the Watershed Management Program is that it provides permittees with the flexibility to implement the permit. We could implement best management practices and provide outreach.

Councilmember Bertone asked why Walnut Creek, San Jose Creek and Puddingstone Reservoir that are owned by County Flood Control and Parks and Recreation Department are not responsible for that.

Ms. Cyrus responded they are also responsible under the TMDL, but our outfalls and discharges from the city do end up in the Puddingstone Reservoir as well as a contributory to Walnut Creek and Thompson Creek.

Councilmember Ebiner asked if a lot of cities are going to join the WMP.

Ms. Cyrus answered that we have discussed it with cities in the Upper San Gabriel Rivers Watershed since we are subject to the same TMDL'S.

Councilmember asked if the other cities in the Watershed that we would be joining with are going to file a petition. Are they doing the two steps or are a lot of them joining the WMP like Monrovia.

Ms. Cyrus answered that there are three cities out of the eleven that have confirmed that they will file the administrative petition.

Direction was given to file the administrative petition if necessary, and simultaneously start work on the Coalition for the Watershed Program.

**MOTION:** Councilmember Bertone moved and Councilmember Templeman seconded to authorize staff to file the joint Administrative Petition if necessary and the appropriation of \$3,000 of the general fund to file the Administrative Petition. The motion passed four to one with Councilmember Ebiner voting against.

Councilmember Ebiner stated that he doesn't think we are going to get much for our \$3,000 and would like staff to start working on the Watershed Management Program. He would prefer we do that and take a lead if possible. His vote no, is because he does not see the value in the petition.

Councilmember Templeman asked if council needed to provide staff with a consultant or engineer.

Ms. Cyrus responded that she is preparing a matrix of the permit process to determine the compliance deadlines. She will let Krishna know if she needs additional help.

Council continued discussion and sharing of ideas on ways to manage this process.

City Attorney Ken Brown clarified the direction given as, if the recommendation is to become part of a coalition as opposed to becoming the filer of a petition and if there is a next step we are prepared to become part of a coalition and authorize a contribution not to exceed \$3,000.

## 6. ORAL COMMUNICATIONS

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

Dr. Marvin Ersher shared his observations on the matter of the convenience store applicant and the cities policies on alcohol sales.

- b. City Manager

Mayor's call in show November 29, 2012

- c. City Attorney

Nothing to report

- d. Members of the City Council

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

Nothing to report

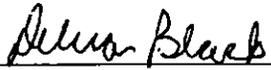
- 2) Individual Members' comments and updates.

Nothing to report.

**7. ADJOURNMENT**

The next meeting will be a Council/staff Retreat on December 10, 2012 at 5:00 p.m. The next regular City Council meeting will be on Tuesday, December 11, 2012 at 7:00 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Deputy City Clerk



# Agenda Item Staff Report

**To:** Honorable Mayor and Members of the City Council  
*For the Meeting of December 11, 2012*

**From:** Krishna Patel, Director of Public Works

**Subject:** **Approval of Operation and Maintenance Agreement with City of Glendora for the jurisdictionally shared traffic signals at Allen Avenue/Auto Centre Drive/Amelia Avenue and Gladstone Street/Lone Hill Avenue**

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## **BACKGROUND**

Both the signalized intersection at Allen/Auto Centre Drive/Amelia Avenue and Gladstone/Lone Hill Avenue are jurisdictionally shared with City of Glendora. Glendora is the lead to perform operation and maintenance on the traffic signal at Gladstone Street/Lone Hill Avenue; while San Dimas is the lead to perform operation and maintenance on the traffic signal located at Allen Avenue/Auto Centre Drive/Amelia Avenue. Both the respective Cities have performed operations, maintenance and shared costs under an agreement which has expired.

## **DISCUSSION**

The expiration of the agreement has given us an opportunity to update the definition of the various maintenance procedures, capital improvements, costs, and payments which have all been folded into a new agreement. The new agreement will be automatically renewed annually, unless for some reason is cancelled by either party, provided by a written notice.

On November 13, 2012, City of Glendora approved the attached two agreements, which prior to receiving their Council's approval was reviewed by each City's respective City Attorney.

## **RECOMMENDATIONS**

Staff recommends that the City Council approve the following:

- 1) Operation and Maintenance Agreements with City of Glendora for the jurisdictionally shared traffic signals at Allen Avenue/Auto Centre Drive/Amelia Avenue and Gladstone Street/Lone Hill Avenue
- 2) Authorize the Mayor to authorize attached Operation and Maintenance Agreements with City of Glendora

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Krishna Patel", written over a horizontal line.

Krishna Patel  
Director of Public Works

11-12-22/kp

Attachments:

- 1) Agreement for Amelia Avenue and Auto Centre Drive/Allen Avenue
- 2) Agreement for Lone Hill Avenue/Gladstone Street

3c

**AGREEMENT BETWEEN THE  
CITY OF SAN DIMAS AND THE CITY OF GLENDORA  
FOR THE OPERATION AND MAINTENANCE OF  
JOINTLY OWNED TRAFFIC SIGNAL INSTALLATION AT  
AMELIA AVENUE AND AUTO CENTRE DRIVE/ALLEN AVENUE**

This Agreement between the **CITY OF SAN DIMAS** and the **CITY OF GLENDORA FOR THE OPERATION AND MAINTENANCE OF JOINTLY OWNED TRAFFIC SIGNAL INSTALLATION AT AMELIA AVENUE AND AUTO CENTRE DRIVE/ALLEN AVENUE** ("Agreement"), is entered into this \_\_\_\_\_ day of \_\_\_\_\_, **2012**, between the **CITY OF SAN DIMAS** ("**San Dimas**") and the **CITY OF GLENDORA** ("**Glendora**"). San Dimas and Glendora are sometimes hereinafter referred to as "Party" or "Parties".

WHEREAS, the City Council of the City of San Dimas at a meeting held on \_\_\_\_\_, **2012**, authorized the Mayor and City Clerk to enter into this Agreement.

WHEREAS, the City Council of the City of Glendora at a meeting held on **November 13, 2012**, authorized the Mayor and City Clerk to enter into this Agreement.

In consideration of performance by the Parties of the Covenants and Conditions herein contained the Parties agree as follows:

**SECTION 1 General.**

The **San Dimas** and **Glendora** hereby agree to the distribution of operation and maintenance responsibilities and the cost of maintenance for the traffic signal installations located at the intersection at Amelia Avenue and Auto Center Drive/Allen Avenue ("Traffic Signal Installations").

**SECTION 2 Definitions.**

A. Routine Maintenance is the inspection, cleaning and adjusting of each controller unit at monthly intervals; replacement, or repairing of any and all defective parts of the controller mechanism as the occasion arises; replacement of all lamps in all signals; cleaning and polishing of all lenses and reflectors of signal equipment annually and at this time replacement of broken or worn parts as necessary; and maintenance of a 24-hour emergency service for the replacement of burned out lamps or controller malfunctions and electricity costs.

B. Extraordinary Maintenance is necessary repairs made due to damage to signals by collision, acts of God, or malicious mischief.

C. Capital Improvements are the installation of additional traffic signal equipment having a cost of \$5,000 or more and providing a higher level of service to an existing traffic signal installation.

SECTION 3 Services to be performed by **Glendora**.

None.

SECTION 4 Services to be performed by **San Dimas**.

**San Dimas** hereby agrees to perform and provide all necessary operation, Routine Maintenance and Extraordinary Maintenance, ("Maintenance Services") of the Traffic Signal Installations.

SECTION 5 Cost allocation of Maintenance Services.

The total cost of all operation, Maintenance Services and Capital Improvements, shall be allocated between **San Dimas** and **Glendora** on the following percentage basis:

<b>San Dimas</b>	50%
<b>Glendora</b>	50%

It is further mutually agreed that traffic signal or highway safety lighting installations may be added to or deleted from the Traffic Signal Installations under the terms of this agreement by written notice from one Party with the concurrence of the other Party or by so stipulating in subsequent installation of modification agreements. Each Party's share of cost of operation and maintenance may be revised as changing jurisdiction may necessitate.

SECTION 6 Payment.

**San Dimas** agrees to submit annually, within 45 days after the end of the fiscal year, a written statement in triplicate, specifying cost associated with the operation, Routine Maintenance and Extraordinary Maintenance incurred in the preceding fiscal year, itemizing the services rendered and the costs thereof in accordance with the percentage schedule set forth in Section 5 of this Agreement.

SECTION 7 Capital Improvements.

Neither **San Dimas** nor **Glendora** shall make any Capital Improvements or expenditures for Capital Improvements on any Traffic Signal Installations without the prior written approval of the **San Dimas** and **Glendora** City Councils.

SECTION 8 Insurance.

**San Dimas** shall insure that **Glendora** and all of its officers and employees are named as additional insured parties under the maintenance contractor's general liability and automobile insurance policies.

SECTION 9 Indemnification.

Neither **Glendora** nor any of its officers or employees shall be responsible for any damage or liability occurring by reason of any acts or omissions on the part of **San Dimas** under or in connection with any work, authority, or jurisdiction delegated to or determined to be the responsibility of **San Dimas** under this Agreement. It is also understood and agreed that, pursuant to Government Code, Section 895.4, **San Dimas** shall fully indemnify, defend, and hold **Glendora**, its officers and employees harmless from any claims or liability imposed for injury (as defined by Government Code, Section 810.8) occurring by reason of any acts or omissions on the part of **San Dimas** under or in connection with any work, authority, or jurisdiction delegated to or determined to be the responsibility of **San Dimas** under this Agreement.

SECTION 10 Extraordinary Maintenance.

Except in emergencies, **San Dimas** shall not perform or provide any Extraordinary Maintenance service for the Traffic Signal Installations described above without the prior approval of the Glendora Public Works Director.

SECTION 11 Cancellation.

Either Party may cancel this Agreement at any time by giving to the other Party thirty (30) days prior written notice addressed as follows:

TO: City of San Dimas  
245 East Bonita Avenue  
San Dimas, CA 91773  
Attention: City Manager

TO: City of Glendora  
116 East Foothill Blvd.  
Glendora, CA 91741  
Attention: City Manager

SECTION 12: Terms.

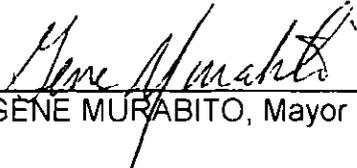
This Agreement has been approved by action of the San Dimas City Council taken at its meeting on \_\_\_\_\_, 2012; and by action of the Glendora City Council taken at its meeting on November 13, 2012, and shall be automatically renewed annually unless canceled by either party as provided in Section 11 above.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

**CITY OF SAN DIMAS,**  
A Municipal Corporation

By \_\_\_\_\_  
Mayor

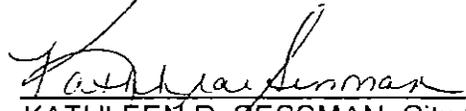
**CITY OF GLENDORA,**  
A Municipal Corporation

By   
\_\_\_\_\_  
GENE MURABITO, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

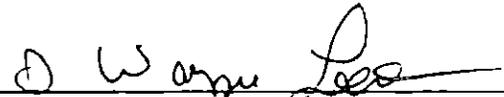
ATTEST:

  
\_\_\_\_\_  
KATHLEEN R. SESSMAN, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

APPROVED AS TO FORM:

  
\_\_\_\_\_  
D. WAYNE LEECH, City Attorney

**AGREEMENT BETWEEN THE  
CITY OF SAN DIMAS AND THE CITY OF GLENDORA  
FOR THE OPERATION AND MAINTENANCE OF  
JOINTLY OWNED TRAFFIC SIGNAL INSTALLATION AT  
LONE HILL AVENUE/GLADSTONE STREET**

This Agreement between the **CITY OF SAN DIMAS** and the **CITY OF GLENDORA FOR THE OPERATION AND MAINTENANCE OF JOINTLY OWNED TRAFFIC SIGNAL INSTALLATION AT LONE HILL AVENUE/GLADSTONE STREET** ("Agreement"), is entered into this \_\_\_\_\_ day of \_\_\_\_\_ **2012**, between the **CITY OF SAN DIMAS** ("**San Dimas**") and the **CITY OF GLENDORA** ("**Glendora**"). San Dimas and Glendora are sometimes hereinafter referred to as "Party" or "Parties".

WHEREAS, the City Council of the City of San Dimas at a meeting held on \_\_\_\_\_, 2012, authorized the Mayor and City Clerk to enter into this Agreement.

WHEREAS, the City Council of the City of Glendora at a meeting held on November 13, 2012, authorized the Mayor and City Clerk to enter into this Agreement.

In consideration of performance by the Parties of the Covenants and Conditions herein contained the Parties agree as follows:

*SECTION 1 General.*

The **San Dimas** and **Glendora** hereby agree to the distribution of operation and maintenance responsibilities and the cost of maintenance for the traffic signal installations located at the intersection at Lone Hill Avenue/Gladstone Street ("Traffic Signal Installations").

*SECTION 2 Definitions.*

A. Routine Maintenance is the inspection, cleaning and adjusting of each controller unit at monthly intervals; replacement, or repairing of any and all defective parts of the controller mechanism as the occasion arises; replacement of all lamps in all signals; cleaning and polishing of all lenses and reflectors of signal equipment annually and at this time replacement of broken or worn parts as necessary; and maintenance of a 24-hour emergency service for the replacement of burned out lamps or controller malfunctions and electricity costs.

B. Extraordinary Maintenance is necessary repairs made due to damage to signals by collision, acts of God, or malicious mischief.

C. Capital Improvements are the installation of additional traffic signal equipment having a cost of \$5,000 or more and providing a higher level of service to an existing traffic signal installation.

SECTION 3 Services to be performed by San Dimas.

None.

SECTION 4 Services to be performed by Glendora.

**Glendora** hereby agrees to perform and provide all necessary operation, Routine Maintenance and Extraordinary Maintenance, ("Maintenance Services") of the Traffic Signal Installations.

SECTION 5 Cost allocation of Maintenance Services.

The total cost of all operation, Maintenance Services and Capital Improvements, shall be allocated between **San Dimas** and **Glendora** on the following percentage basis:

<b>San Dimas</b>	50%
<b>Glendora</b>	50%

It is further mutually agreed that traffic signal or highway safety lighting installations may be added to or deleted from the Traffic Signal Installations under the terms of this agreement by written notice from one Party with the concurrence of the other Party or by so stipulating in subsequent installation or modification agreements. Each Party's share of cost of operation and maintenance may be revised as changing jurisdiction may necessitate.

SECTION 6 Payment.

**Glendora** agrees to submit annually, within 45 days after the end of the fiscal year, a written statement in triplicate, specifying cost associated with the operation, Routine Maintenance and Extraordinary Maintenance incurred in the preceding fiscal year, itemizing the services rendered and the costs thereof in accordance with the percentage schedule set forth in Section 5 of this Agreement.

SECTION 7 Capital Improvements.

Neither **San Dimas** nor **Glendora** shall make any Capital Improvements or expenditures for Capital Improvements on any Traffic Signal Installations without the prior written approval of the **San Dimas** and **Glendora** City Councils.

SECTION 8 Insurance.

**Glendora** shall insure that **San Dimas** and all of its officers and employees are named as additional insured parties under the maintenance contractor's general liability and automobile insurance policies.

SECTION 9 Indemnification.

Neither **San Dimas** nor any of its officers or employees shall be responsible for any damage or liability occurring by reason of any acts or omissions on the part of **Glendora** under or in connection with any work, authority, or jurisdiction delegated to or determined to be the responsibility of **Glendora** under this Agreement. It is also understood and agreed that, pursuant to Government Code, Section 895.4, **Glendora** shall fully indemnify, defend, and hold **San Dimas**, its officers and employees harmless from any claims or liability imposed for injury (as defined by Government Code, Section 810.8) occurring by reason of any acts or omissions on the part of **Glendora** under or in connection with any work, authority, or jurisdiction delegated to or determined to be the responsibility of **Glendora** under this Agreement.

SECTION 10 Extraordinary Maintenance.

Except in emergencies, **Glendora** shall not perform or provide any Extraordinary Maintenance service for the Traffic Signal Installations described above without the prior approval of the San Dimas Public Works Director.

SECTION 11 Cancellation.

Either Party may cancel this Agreement at any time by giving to the other Party thirty (30) days prior written notice addressed as follows:

TO: City of San Dimas  
245 East Bonita Avenue  
San Dimas, CA 91773  
Attention: City Manager

TO: City of Glendora  
116 East Foothill Blvd.  
Glendora, CA 91741  
Attention: City Manager

SECTION 12: Terms.

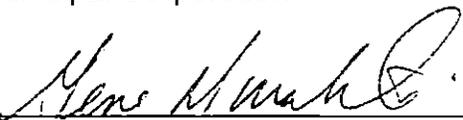
This Agreement has been approved by action of the San Dimas City Council taken at its meeting on \_\_\_\_\_, 2012; and by action of the Glendora City Council taken at its meeting on November 13, 2012, and shall be automatically renewed annually unless canceled by either party as provided in Section 11 above.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

**CITY OF SAN DIMAS,**  
A Municipal Corporation

By \_\_\_\_\_  
Mayor

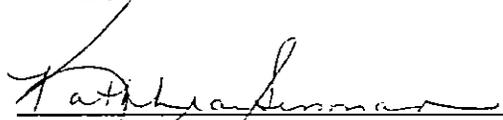
**CITY OF GLENDORA,**  
A Municipal Corporation

By   
\_\_\_\_\_  
GENE MURABITO, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

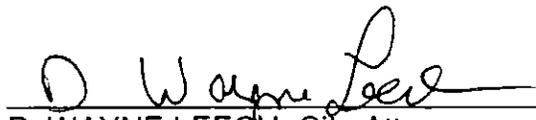
ATTEST:

  
\_\_\_\_\_  
KATHLEEN R. SESSMAN, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

APPROVED AS TO FORM:

  
\_\_\_\_\_  
D. WAYNE LEECH, City Attorney



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*December 11, 2012*

**FROM:** Blaine Michaelis, City Manager

**INITIATED BY:** Ken Duran, Assistant City Manager

**SUBJECT:** Adopt Resolution 2012-68 *Amending the Pay Plan and Reimbursement Schedule for City Employees.*

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## **SUMMARY**

*Adopt Resolution 2012-68 amending the City of San Dimas Adopting and Extending the Pay Plan and Reimbursement Schedule for City Employees per the Public Employees' Retirement Law (PERL) Government Code Sections 20636 and 20636.1 and making other changes*

## **BACKGROUND**

With the recent adoption of AB 340, the State Pension Reform Act, PERS contacted agencies clarifying Government Code Sections 20636 and 20636.1 which requires pay rate compensation schedules to be included in one document. The City has had an adopted longevity pay plan in place for a number of years. The longevity pay plan has been described in the approved City Personnel Rules and Regulations but has not been codified in the Pay Plan and Reimbursement Schedule. In order to make this pay plan clear and to comply with the requirement that all compensation be included in one schedule, it is recommended that the Pay Plan and Reimbursement Schedule be amended to reflect the Longevity Pay Plan, added Section 2 to the Schedule.

In addition there are three other proposed amendments to the Schedule:

- Section 5. Deferred Compensation – This section is amended to codify the previous City Council action in July 2012 to indefinitely suspend employer contributions to employee deferred compensation plans.
- Section 9. Notary Public Pay – This section is being added. One of the requirements of the former City Clerk classification was the requirement to maintain a Notary Public Commission. The salary for that position

reflected that requirement. With the elimination of that position there currently are no position classifications that have a requirement to maintain a Notary Public Commission. In order to compensate an employee who maintains a Notary Commission and who provides that service to the City a monthly stipend of \$75.00 is being added. Currently, the Deputy City Clerk has a commission and would be eligible for the stipend.

- Section 10. Public Employees Retirement System – AB 340 Public Pension Reform Act mandates a new PERS plan for newly hired employees after January 1, 2013. The City is not required to take action to add this new plan since it becomes effective as a matter of law. However, it is recommended that we amend the Pay Schedule to codify this new plan as a part of the Pay and Reimbursement Schedule.

### **RECOMMENDATION**

It is recommended that the City Council adopt **Resolution 2012-68**.

Respectfully Submitted,

Barbara Bishop  
Finance/IS Manager

**RESOLUTION NO. 2012-68**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS  
ADOPTING AND EXTENDING THE PAY PLAN AND REIMBURSEMENT  
SCHEDULE FOR CITY EMPLOYEES  
PER THE PUBLIC EMPLOYEES RETIREMENT LAW (PERL) GOVERNMENT CODE  
SECTION 20636 AND 20636.1 TO DEFINE COMPENSATION EARNABLE FOR  
PUBLIC AGENCY MEMBERS

The Mayor and City Council of the City of San Dimas, California

**DO RESOLVE:**

**SECTION 1.** Resolution No. 2012-68 is hereby amended, and the following salary plan supersedes all previous plans, effective December 11, 2012 to read as follows:

<u>FULL TIME CLASSIFICATIONS</u>	<u>RANGE</u>	<u>MONTHLY SALARY *</u>
<b><u>Executive Staff</u></b>		
City Manager	110	16,780
Assistant C. M. for Community Development	104	13,620
Assistant C. M./Director of Admin. Serv./Treasurer	100	10,186-12,381
Director of Parks & Recreation	97	9,459-11,497
Director of Public Works	97	9,459-11,497
<b><u>Administrative Services</u></b>		
Finance/IS Manager	90	7,899-9,601
IS Applications Analyst	69	4,768-5,772
Senior Accounting Technician	65	4,339-5,247
Human Resource Specialist	63	4,142-5,002
Accounting Technician	57	3,590-4,339
Deputy City Clerk	57	3,590-4,339
<b><u>Development Services</u></b>		
Building & Safety Superintendent	89	7,706-9,367
Plans Examiner	80	6,207-7,518
Senior Planner	80	6,207-7,518
Associate Planner	73	5,256-6,388
Building Inspector	71	5,002-6,052
Senior Code Compliance Officer	69	4,768-5,772
Assistant Planner	67	4,561-5,544
Code Compliance Officer	63	4,142-5,002
Building Permit Technician	59	3,768-4,553

**Public Works**

Senior Engineer	89	7,706-9,367
Public Works Maintenance Superintendent	83	6,677-8,116
Associate Engineer	80	6,207-7,518
Public Works Maintenance Supervisor	71	5,002-6,052
Environmental Services Coordinator	64	4,245-5,160
Public Works Lead Worker	61	3,956-4,809
Equipment Mechanic	58	3,679-4,449
Equipment Operator	58	3,679-4,449
Street Maintenance Worker	55	3,426-4,141

**Parks and Recreation**

Recreation Services Manager	85	7,015-8,527
Facilities Manager	85	7,015-8,527
Landscape Maintenance Manager	78	5,915-7,165
Municipal Arborist	71	5,002-6,052
Facilities Maintenance Supervisor	71	5,002-6,052
Landscape Maintenance Supervisor	71	5,002-6,052
Recreation Coordinator	63	4,142-5,002
Facilities Maintenance Worker	55	3,426-4,141
Landscape Maintenance Worker	55	3,426-4,141

**Interdepartmental**

Administrative Aide	63	4,142-5,002
Administrative Secretary	57	3,590-4,339
Departmental Assistant	52	3,216-3,909
Senior Office Assistant	46	2,773-3,348
Office Assistant	44	2,654-3,195

**HOURLY CLASSIFICATIONS****RANGE      HOURLY  
RATE****Administration Services**

Parking Enforcement Officer	173	17.73-21.57
Senior Office Assistant	153	14.52-17.66
Administrative Intern	149	13.95-16.98
Office Assistant	148	13.82-16.79
Receptionist	116	10.06-12.24

**Parks and Recreation**

Recreation Coordinator	182	19.39-23.58
Aquatics Coordinator	182	19.39-23.58
Maintenance Worker	173	17.73-21.57
Pool Maintenance Operator	173	17.73-21.57
Supervising Lifeguard/Instructor	158	15.28-18.56
Shooting Stars Director	148	13.82-16.79
Senior Lifeguard/Instructor	141	12.89-15.67
Program Specialist	131	11.67-14.20
Swim Instructor	131	11.67-14.20
Lifeguard	126	11.09-13.52
Cashier	122	10.67-12.98
Senior Recreation Leader	126	11.09-13.52
Recreation Leader	116	10.06-12.24
Building Maintenance Aide	115	9.96-12.11
Locker Room Attendant	103	8.85-10.73
Building Maintenance Intern	103	8.85-10.73

**Development Services**

Planning Intern	149	13.95-16.98
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**Public Works**

Engineering Intern	149	13.95-16.98
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**SECTION 2. LONGEVITY PAY\***

Upon the recommendation of the appropriate department head and approval by the City Manager, a merit longevity pay increase may be granted. In the case of an eligible Department Head the City Manager will recommend and approve. Upon implementation, an employee may receive less than the plan specifies.

The increase is not automatic upon the completion of 5, 10, 15, 20 years of full time service, but is awarded on merit as listed in the table below.

5 years continuous full time service	=	2 ½%	Of "E" Step
10 years continuous full time service	=	5%	Of "E" Step
15 years continuous full time service	=	7 ½%	Of "E" Step
20 years continuous full time service	=	10%	Of "E" Step

If an employee is eligible for longevity increase and due to a promotion is on a step other than E step, the longevity pay shall be calculated on the employee's present salary.

**SECTION 3. HEALTH INSURANCE AND OPTIONAL BENEFITS PLAN**

Every eligible full-time or regular part time employee who receives City benefits must be covered by a health insurance plan approved by the City. The City will contribute \$100 per month, as of July 1, 1996, per eligible employee for the approved health care plan of the employee's choice. The City shall contribute an additional \$1,010 per month per eligible full-time employee and \$455 per month per eligible regular part time employee, to an Optional Benefit Plan which the employee may receive as cash or may elect to use for medical, dental, vision insurance, or other such benefits as may be approved by the City Manager, as of November 27, 2011. Full time and regular part time employees who are covered by a health plan not sponsored by the City and who; therefore, do not use the City's \$100 contribution for health care coverage shall have that \$100 added to their Optional Benefits Plan. This plan is maintained for the exclusive benefit of employees and their dependents and is established with the intention of being maintained for an indefinite period of time.

**SECTION 4. LIFE INSURANCE AND LONG-TERM DISABILITY INSURANCE**

The City shall provide, at no cost to the employee, term life insurance in the amount of \$25,000 to all full-time employees and eligible regular part-time employees.

Additionally, in lieu of the employees participating in the State Disability Insurance Program, the City shall provide long-term disability insurance for all full-time and eligible regular part-time employees, which benefits are equal to or exceed those provided under State Disability Insurance.

These insurance plans are maintained for the exclusive benefit of full-time and eligible regular part-time employees, and are established with the intention of being maintained for an indefinite period of time. The specific terms and conditions of said insurance plans should be determined and approved by the City Manager.

**SECTION 5. DEFERRED COMPENSATION**

To encourage employees to participate in the optional deferred compensation program offered by the City, the City shall provide a matching contribution up to a maximum amount. For full time employees the City shall match the employee's contribution on a dollar for dollar basis to a maximum of \$200.00 (two hundred and dollars) per month. For regular part time employees the City shall match the employee's contribution on a dollar for dollar basis to a maximum of \$100.00 (one hundred dollars) per month. The deferred compensation matching program is maintained for the exclusive benefit of full time and regular part time employees and is established with the intention of being maintained for an indefinite period of time. The specific terms and conditions of the program shall be determined and approved by the City Manager. On August 14, 2012,

the City Council took action to suspend indefinitely the deferred compensation match program.

### **SECTION 6. ADMINISTRATIVE LEAVE**

Administrative Leave shall be granted to certain management personnel that are exempt from overtime compensation under Fair Labor Standards Act guidelines. The specific terms and conditions of the program shall be determined and approved by the City Manager.

### **SECTION 7. CAR ALLOWANCES**

The following positions shall receive a monthly allowance for car expenses:

<u>Title</u>	<u>Monthly Allowance</u>
City Manager	\$400.00
Assistant City Manager for Community Dev.	\$250.00
Assistant City Manager/Dir Administrative Services	\$250.00
Director of Parks & Recreation	\$250.00
Director of Public Works	\$250.00
Building & Safety Superintendent	\$250.00
Recreation Manager	\$200.00
Senior Engineer	\$200.00
Associate Engineer	\$200.00
Facilities Manager	\$200.00
Senior Planner	\$200.00
Associate Planner	\$200.00
Assistant Planner	\$200.00

### **SECTION 8. CELL PHONE/DATA ALLOWANCES**

The following positions shall be eligible to receive a monthly allowance for personal cell phone expenses and data charges as listed pursuant to the provisions of the City Cell Phone Policy:

<u>Title</u>	<u>Cell Phone – Data Charges</u>	
City Manager	\$40.00	\$45.00
Assistant City Manager for Community Dev.	\$40.00	\$45.00
Assistant City Manager/Dir Administrative Services	\$40.00	\$45.00
Director of Parks & Recreation	\$40.00	\$45.00
Director of Public Works	\$40.00	\$45.00
Information Systems Applications Analyst	\$40.00	\$45.00
Building & Safety Superintendent	\$30.00	N/A
Recreation Manager	\$30.00	N/A
Senior Engineer	\$30.00	N/A
Facilities Manager	\$30.00	N/A
Senior Planner	\$30.00	N/A
Recreation Coordinator	\$30.00	N/A

**SECTION 9. NOTARY PUBLIC PAY**

The City has needs of the service of a certified Notary Public to notarize City documents. An employee who has been designated by the City Manager to utilize their Notary Public Commission for this purpose shall receive a monthly stipend of \$75.00 per month.

**SECTION 10. PUBLIC EMPLOYEES RETIREMENT SYSTEM**

In August 1999 the City amended the PERS contract to the 2% @ 55 formula with the provision that if the Employer's rate is re-instated at some future time the employees would contribute a portion of their gross salary towards the cost of the enhanced retirement plan. On August 14, 2012, the City Council took action to further increase the employee's contribution, effective August 14, 2012. Effective June 23, 2013, the employees will contribute 5.5% towards the PERS 7% employee rate. As of June 22, 2014 the employees will contribute the full 7% employee rate.

In September 2012 the Governor signed into law AB340 which among other things created a new PERS pension formula for all new employees hired after January 1, 2013. New employees are enrolled in the 2% at 62 formula. New employees are all responsible for paying 50% of the "normal cost" of the plan as annually calculated by PERS.

**PASSED, APPROVED AND ADOPTED** this 11th day of December 2012.

\_\_\_\_\_  
Mayor of the City of San Dimas

ATTEST:

\_\_\_\_\_  
City Clerk

**I HEREBY CERTIFY** that the foregoing **Resolution No. 2012-68** was adopted by vote of the City Council of the City of San Dimas at its regular meeting of **December 11, 2012**, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
City Clerk  
City of San Dimas

**RESOLUTION NO. 2012-68**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS  
ADOPTING AND EXTENDING THE PAY PLAN AND REIMBURSEMENT  
SCHEDULE FOR CITY EMPLOYEES  
PER THE PUBLIC EMPLOYEES RETIREMENT LAW (PERL) GOVERNMENT CODE  
SECTION 20636 AND 20636.1 TO DEFINE COMPENSATION EARNABLE FOR  
PUBLIC AGENCY MEMBERS

The Mayor and City Council of the City of San Dimas, California

**DO RESOLVE:**

**SECTION 1.** Resolution No. 2012-68 is hereby amended, and the following salary plan supersedes all previous plans, effective December 11, 2012 to read as follows:

<b><u>FULL TIME CLASSIFICATIONS</u></b>	<b><u>RANGE</u></b>	<b><u>MONTHLY SALARY *</u></b>
<b><u>Executive Staff</u></b>		
City Manager	110	16,780
Assistant C. M. for Community Development	104	13,620
Assistant C. M./Director of Admin. Serv./Treasurer	100	10,186-12,381
Director of Parks & Recreation	97	9,459-11,497
Director of Public Works	97	9,459-11,497
<b><u>Administrative Services</u></b>		
Finance/IS Manager	90	7,899-9,601
IS Applications Analyst	69	4,768-5,772
Senior Accounting Technician	65	4,339-5,247
Human Resource Specialist	63	4,142-5,002
Accounting Technician	57	3,590-4,339
Deputy City Clerk	57	3,590-4,339
<b><u>Development Services</u></b>		
Building & Safety Superintendent	89	7,706-9,367
Plans Examiner	80	6,207-7,518
Senior Planner	80	6,207-7,518
Associate Planner	73	5,256-6,388
Building Inspector	71	5,002-6,052
Senior Code Compliance Officer	69	4,768-5,772
Assistant Planner	67	4,561-5,544
Code Compliance Officer	63	4,142-5,002
Building Permit Technician	59	3,768-4,553

**Public Works**

Senior Engineer	89	7,706-9,367
Public Works Maintenance Superintendent	83	6,677-8,116
Associate Engineer	80	6,207-7,518
Public Works Maintenance Supervisor	71	5,002-6,052
Environmental Services Coordinator	64	4,245-5,160
Public Works Lead Worker	61	3,956-4,809
Equipment Mechanic	58	3,679-4,449
Equipment Operator	58	3,679-4,449
Street Maintenance Worker	55	3,426-4,141

**Parks and Recreation**

Recreation Services Manager	85	7,015-8,527
Facilities Manager	85	7,015-8,527
Landscape Maintenance Manager	78	5,915-7,165
Municipal Arborist	71	5,002-6,052
Facilities Maintenance Supervisor	71	5,002-6,052
Landscape Maintenance Supervisor	71	5,002-6,052
Recreation Coordinator	63	4,142-5,002
Facilities Maintenance Worker	55	3,426-4,141
Landscape Maintenance Worker	55	3,426-4,141

**Interdepartmental**

Administrative Aide	63	4,142-5,002
Administrative Secretary	57	3,590-4,339
Departmental Assistant	52	3,216-3,909
Senior Office Assistant	46	2,773-3,348
Office Assistant	44	2,654-3,195

**HOURLY CLASSIFICATIONS****RANGE      HOURLY  
RATE****Administration Services**

Parking Enforcement Officer	173	17.73-21.57
Senior Office Assistant	153	14.52-17.66
Administrative Intern	149	13.95-16.98
Office Assistant	148	13.82-16.79
Receptionist	116	10.06-12.24

**Parks and Recreation**

Recreation Coordinator	182	19.39-23.58
Aquatics Coordinator	182	19.39-23.58
Maintenance Worker	173	17.73-21.57
Pool Maintenance Operator	173	17.73-21.57
Supervising Lifeguard/Instructor	158	15.28-18.56
Shooting Stars Director	148	13.82-16.79
Senior Lifeguard/Instructor	141	12.89-15.67
Program Specialist	131	11.67-14.20
Swim Instructor	131	11.67-14.20
Lifeguard	126	11.09-13.52
Cashier	122	10.67-12.98
Senior Recreation Leader	126	11.09-13.52
Recreation Leader	116	10.06-12.24
Building Maintenance Aide	115	9.96-12.11
Locker Room Attendant	103	8.85-10.73
Building Maintenance Intern	103	8.85-10.73

**Development Services**

Planning Intern	149	13.95-16.98
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**Public Works**

Engineering Intern	149	13.95-16.98
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**SECTION 2. LONGEVITY PAY\***

Upon the recommendation of the appropriate department head and approval by the City Manager, a merit longevity pay increase may be granted. In the case of an eligible Department Head the City Manager will recommend and approve. Upon implementation, an employee may receive less than the plan specifies.

The increase is not automatic upon the completion of 5, 10, 15, 20 years of full time service, but is awarded on merit as listed in the table below.

5 years continuous full time service	=	2 ½%	Of "E" Step
10 years continuous full time service	=	5%	Of "E" Step
15 years continuous full time service	=	7 ½%	Of "E" Step
20 years continuous full time service	=	10%	Of "E" Step

If an employee is eligible for longevity increase and due to a promotion is on a step other than E step, the longevity pay shall be calculated on the employee's present salary.

### **SECTION 3. HEALTH INSURANCE AND OPTIONAL BENEFITS PLAN**

Every eligible full-time or regular part time employee who receives City benefits must be covered by a health insurance plan approved by the City. The City will contribute \$100 per month, as of July 1, 1996, per eligible employee for the approved health care plan of the employee's choice. The City shall contribute an additional \$1,010 per month per eligible full-time employee and \$455 per month per eligible regular part time employee, to an Optional Benefit Plan which the employee may receive as cash or may elect to use for medical, dental, vision insurance, or other such benefits as may be approved by the City Manager, as of November 27, 2011. Full time and regular part time employees who are covered by a health plan not sponsored by the City and who; therefore, do not use the City's \$100 contribution for health care coverage shall have that \$100 added to their Optional Benefits Plan. This plan is maintained for the exclusive benefit of employees and their dependents and is established with the intention of being maintained for an indefinite period of time.

### **SECTION 4. LIFE INSURANCE AND LONG-TERM DISABILITY INSURANCE**

The City shall provide, at no cost to the employee, term life insurance in the amount of \$25,000 to all full-time employees and eligible regular part-time employees.

Additionally, in lieu of the employees participating in the State Disability Insurance Program, the City shall provide long-term disability insurance for all full-time and eligible regular part-time employees, which benefits are equal to or exceed those provided under State Disability Insurance.

These insurance plans are maintained for the exclusive benefit of full-time and eligible regular part-time employees, and are established with the intention of being maintained for an indefinite period of time. The specific terms and conditions of said insurance plans should be determined and approved by the City Manager.

### **SECTION 5. DEFERRED COMPENSATION**

To encourage employees to participate in the optional deferred compensation program offered by the City, the City shall provide a matching contribution up to a maximum amount. For full time employees the City shall match the employee's contribution on a dollar for dollar basis to a maximum of \$200.00 (two hundred and dollars) per month. For regular part time employees the City shall match the employee's contribution on a dollar for dollar basis to a maximum of \$100.00 (one hundred dollars) per month. The deferred compensation matching program is maintained for the exclusive benefit of full time and regular part time employees and is established with the intention of being maintained for an indefinite period of time. The specific terms and conditions of the program shall be determined

and approved by the City Manager. On August 14, 2012, the City Council took action to suspend indefinitely the deferred compensation match program.

### **SECTION 6. ADMINISTRATIVE LEAVE**

Administrative Leave shall be granted to certain management personnel that are exempt from overtime compensation under Fair Labor Standards Act guidelines. The specific terms and conditions of the program shall be determined and approved by the City Manager.

### **SECTION 7. CAR ALLOWANCES**

The following positions shall receive a monthly allowance for car expenses:

<u>Title</u>	<u>Monthly Allowance</u>
City Manager	\$400.00
Assistant City Manager for Community Dev.	\$250.00
Assistant City Manager/Dir Administrative Services	\$250.00
Director of Parks & Recreation	\$250.00
Director of Public Works	\$250.00
Building & Safety Superintendent	\$250.00
Recreation Manager	\$200.00
Senior Engineer	\$200.00
Associate Engineer	\$200.00
Facilities Manager	\$200.00
Senior Planner	\$200.00
Associate Planner	\$200.00
Assistant Planner	\$200.00

### **SECTION 8. CELL PHONE/DATA ALLOWANCES**

The following positions shall be eligible to receive a monthly allowance for personal cell phone expenses and data charges as listed pursuant to the provisions of the City Cell Phone Policy:

<u>Title</u>	<u>Cell Phone – Data Charges</u>	
City Manager	\$40.00	\$45.00
Assistant City Manager for Community Dev.	\$40.00	\$45.00
Assistant City Manager/Dir Administrative Services	\$40.00	\$45.00
Director of Parks & Recreation	\$40.00	\$45.00
Director of Public Works	\$40.00	\$45.00
Information Systems Applications Analyst	\$40.00	\$45.00
Building & Safety Superintendent	\$30.00	N/A
Recreation Manager	\$30.00	N/A
Senior Engineer	\$30.00	N/A
Facilities Manager	\$30.00	N/A
Senior Planner	\$30.00	N/A
Recreation Coordinator	\$30.00	N/A

**SECTION 9. NOTARY PUBLIC PAY**

The City has needs of the service of a certified Notary Public to notarize City documents. An employee who has been designated by the City Manager to utilize their Notary Public Commission for this purpose shall receive a monthly stipend of \$75.00 per month.

**SECTION 10. PUBLIC EMPLOYEES RETIREMENT SYSTEM**

In August 1999 the City amended the PERS contract to the 2% @ 55 formula with the provision that if the Employer's rate is re-instated at some future time the employees would contribute a portion of their gross salary towards the cost of the enhanced retirement plan. On August 14, 2012, the City Council took action to further increase the employee's contribution, effective August 14, 2012. Effective June 23, 2013, the employees will contribute 5.5% towards the PERS 7% employee rate. As of June 22, 2014 the employees will contribute the full 7% employee rate.

In September 2012 the Governor signed into law AB340 which among other things created a new PERS pension formula for all new employees hired after January 1, 2013. New employees are enrolled in the 2% at 62 formula. New employees are all responsible for paying 50% of the "normal cost" of the plan as annually calculated by PERS.

**PASSED, APPROVED AND ADOPTED** this 11th day of December 2012.

\_\_\_\_\_  
Mayor of the City of San Dimas

ATTEST:

\_\_\_\_\_  
City Clerk

**I HEREBY CERTIFY** that the foregoing **Resolution No. 2012-68** was adopted by vote of the City Council of the City of San Dimas at its regular meeting of **December 11, 2012**, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
City Clerk  
City of San Dimas

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS  
( S G V C O G )

**STRATEGIC PLANNING RETREAT**

November 30, 2012 \* Garvey Community Center, Rosemead

Marilyn Snider, Facilitator—Snider and Associates (510) 531-2904  
Michelle Snider Luna, Recorder – Snider Education & Communication (510) 735-7744

**MISSION STATEMENT**

*The San Gabriel Valley Council of Governments is a unified voice to maximize resources and advocate for regional and member interests to improve the quality of life in the San Gabriel Valley.*

**VISION STATEMENT**

*The San Gabriel Valley Council of Governments will be recognized as the leader in advocating and achieving sustainable solutions for transportation, housing, economic growth and the environment.*

**CORE VALUES**

not in priority order

The San Gabriel Valley Council of Governments values...

- *Reflecting the diversity of our member communities*
  - *Accountability*
  - *Mutual respect*
  - *Integrity*
- *Unity of common goals and objectives*
  - *Focus on the greater good*
  - *Collaboration*
  - *Fiscal responsibility*

**THREE-YEAR GOALS**

2012-2015 \* not in priority order

*Take the leading role in redefining and revitalizing economic development, affordable housing and homeless services*

*Advocate for and secure funding for prioritized COG transportation projects*

*Advocate for and secure funding for prioritized energy, environmental and natural resources projects*

**SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS    ❁    SIX-MONTH STRATEGIC OBJECTIVES**

November 30, 2012 – May 15, 2013

**THREE-YEAR GOAL: *Take the leading role in redefining and revitalizing economic development, affordable housing and homeless services***

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By January 31, 2013	HCED member Joe Lyons	Re-establish contact with Congresswoman Judy Chu and the University of LaVerne to move forward on the Small Business Development Centers (SBDCs).				
2. By January 31, 2013	Joe Lyons and Michael Cacciotti	Re-establish the connection with the SGV Consortium on Homelessness to include a member of that organization on the HCED Committee.				
3. Beginning April 30, 2013 and quarterly thereafter	HCED member Joe Lyons	Report to the Governing Board progress on the SBDCs.				
4. Beginning April 30, 2013 and ongoing thereafter	Joe Lyons and Michael Cacciotti	Provide updates on the SGV Consortium on Homelessness to the Governing Board.				
5. By May 15, 2013	Executive Director, with input from the COG members	Facilitate and organize a fact-driven presentation for SGV Caucus legislators, City Managers, elected officials, Sheriffs and Police Chiefs to review the impact of realignment on local municipalities with the ultimate goal to identify strategies to address these impacts.				
6. By May 15, 2013	Executive Director	Share information and present to the COG members strategies that local cities have used to replace redevelopment.				

**THREE-YEAR GOAL: Advocate for and secure funding for prioritized COG transportation projects**

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. By February 1, 2013	Executive Director and the Transportation Committee	Convene the first meeting with the Gateway and South Bay COG Transportation Committees to discuss funding, priorities and strategies for transportation projects.				
2. By the February 21, 2013 Governing Board meeting	Transportation Committee Chair John Fasana	Draft federal transportation objectives/talking points for DC advocacy activities and present to the COG Governing Board for action.				
3. At the February 21, 2013 Governing Board meeting	SGVCOG Legal Counsel	Present to the Governing Board legal analysis of the ACE-COG separation.				
4. By May 1, 2013	Transportation Committee (John Fasana-lead)	Develop a write paper outlining policy principles related to Transportation Priority List and present it to the Governing Board for action.				

**THREE-YEAR GOAL: Advocate for and secure funding for prioritized energy, environmental and natural resources projects**

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1. Ongoing	EENR Committee (Sam Pedroza-lead)	Administer Energy Wise Partnership, CEESP grant and Energy Upgrade California, and identify and pursue additional funding for energy-related projects, including Plug In Electric Vehicle.				
2. Beginning with the January 17, 2013 Governing Board meeting and monthly thereafter	Water Working Group (Mary Ann Lutz-lead)	Present the efforts to coordinate with the LA Permit Group to assist cities countywide with MS4 permit implementation.				
3. Beginning January 2013 and monthly thereafter	Denis Bertone	Identify and present to COG membership funding for open space projects in the San Gabriel Valley.				
4. By April 1, 2013	Water Working Group (Mary Ann Lutz-lead)	Provide at least monthly updates to the Governing Board on the status of LA County's Flood Control District's Water Quality Initiative and host a workshop (as needed).				

**THREE-YEAR GOAL: *Strengthen internal and external relationships and communication***

WHEN	WHO	WHAT	STATUS			COMMENTS
			DONE	ON TARGET	REVISED	
1 At the January 17, 2013 Governing Board meeting	Interim Executive Director Fran Delach and the ad hoc Recruitment Cmte	Recommend to the Governing Board for action a candidate for the position of new Executive Director.				
2 Beginning January 23, 2013 and within 5 days following each Governing Board meeting	Executive Director	Send the Governing Board Action Summary to all COG delegates, alternates and City Managers with a request to City Managers to disseminate the summary to all their City Council members.				
3 Beginning in January 2013 and monthly thereafter	Executive Director	Disseminate the Governing Board Summary to the SGV State and Federal Legislators' offices.				
4 By February 1, 2013	Executive Director	Set and hold a meeting with the San Gabriel Valley Caucus and newly elected State Representatives to introduce SGVCOG to them and identify shared interests.				
5 By February 1, 2013	Executive Director	Request all San Gabriel Valley State and Federal Legislative Representatives to attend Governing Board meetings.				
6 By February 15, 2013	Governing Board	Hire the new SGVCOG Executive Director.				
7 By May 15, 2013	Executive Director, working with a PR consultant	Develop and present to the Governing Board for action a Communication Plan, including media training for the Governing Board and a potential quarterly newsletter for public distribution.				
8 By May 15, 2013	Executive Director and Executive Committee	Recommend to the Governing Board for action a SGVCOG policy on Best Practices Regarding Protocol and Official COG Communications.				

*Strengthen internal and external relationships and communication*

**S.W.O.T. ANALYSIS**

Strengths – Weaknesses - Opportunities - Threats

**WHAT ARE THE STRENGTHS AND ACCOMPLISHMENTS OF THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS SINCE THE JANUARY 2012 STRATEGIC PLANNING RETREAT?**

**Brainstormed Perceptions**

- Completed management services audit
- Successfully administered \$6.8 million of energy grants
- San Gabriel Trench groundbreaking
- Eliminated appearance of conflict of interest
- Retained cities as members
- Started a process for a new Executive Director
- Closed out pending litigation
- San Gabriel Valley Transportation Summit
- Grouped cities together for the MS4 permit negotiations
- Retained relationship with State and Federal officials
- Did a priority list and matrix of transportation issues
- Member cities' help with the Homeless Coordinating Council
- We have been educating our members regarding AB32, SB375 and AB341
- Did some assistance and education with the elimination of redevelopment agencies
- Resilience
- Worked through organizational changes
- Energy Wise Partnership saving over 13 million kilowatt hours of electricity
- Visibility to member agencies
- Established 40 battery take-back locations
- Marketing the strengths of the organization
- Became more concerned about our image
- Received \$56 million in grant funds for open space
- We held a workshop on the National Recreation Area to explain to cities how it would impact them
- Infrastructure for the small businesses centers is in place
- Generated \$725,000 to member cities through the Energy Wise Partnership
- Completed 27 Energy Plans for member cities to assist with AB 32
- Cities have received education and outreach that have helped them apply to programs and realize significant savings (e.g., energy, water programs)
- Cities received assistance and support to receive greenhouse gas inventory

## **WHAT ARE THE CURRENT INTERNAL WEAKNESSES/CHALLENGES OF THE SAN GABRIEL VALLEY COG?**

### **Brainstormed Perceptions**

- Tarnished image
- Lack of media relations policy or training
- Are not handling policy issues well that can hurt COG members (e.g., 710 issue)
- Disagreement and uncertainty about ACE
- Lack interaction between TACs and committees
- Lack of COG delegates to their city council and staff
- We are not moving forward on Arroyo issue
- Contributed to negative press about COG relationship
- We are not building non-partisan bridges among elected
- Unnecessary distractions
- Lack of communication on accomplishments and work of the COG
- Perceived lack of cohesion among member cities
- Lack of regional collaboration activities other than transportation and housing
- Not handling the diversity of the group
- Not proactive on recent issues
- Lack of acceptance of each other
- Lack of implementation of NPDES permit
- Uncertainty of potential financial status
- Lack of internal transparency and communication between Executive Board and committees
- Sometimes lacking a cohesive vision
- ACE-COG structure unresolved issues
- Lack of emphasis on COG's involvement in reforming the RHNA process
- Lack of understanding of COG benefits
- North vs. South COG cities—lack of commonalities
- Not addressing image problem and issues
- Weak alliances with other COGs, specifically in transportation
- Agenda organization does not allow sufficient time to address subcommittee items
- Dissenting cities breaking away from the COG
- Dealing with lawsuits
- Haven't reinforced mission to avoid personal agendas
- Continued threat of litigation
- ACE-COG relationship
- Not getting through the Governing Board agenda

## **WHAT ARE THE EXTERNAL FACTORS/TRENDS THAT WILL/MIGHT HAVE A POSITIVE IMPACT ON THE SGVCOG IN THE COMING YEAR?**

### **Brainstormed Perceptions**

- New Executive Director
- Hopefully the State will stop taking money from the cities
- Growing business and travel coming from Asia
- 710 EIR process underway
- Express Lanes Demonstration is moving forward on 10 and 110
- EIR soon to be released for East Side Extension alternatives

- MS4 LA Permitting Group will continue to work together through implementation
- Clean Water Clean Beaches parcel fee
- Prop 30
- Renewal of Transportation Reauthorization Policy
- National Park designation for the foothills and watershed of the San Gabriel Valley
- The economy is going in the up direction
- Gold Line is being completed through Azusa
- 605/10 interchange is getting fixed
- ACE projects
- Energy Wise Partnership is continuing
- Largest freshman class in the newly elected State representatives with local roots
- Opportunity to explain clean fuel vehicle infrastructure
- More stability for statewide funding
- Redistricting
- New home construction increase
- Statewide pension reform

**WHAT ARE THE EXTERNAL FACTORS/TRENDS THAT WILL/MIGHT HAVE A NEGATIVE IMPACT ON THE SGVCOG IN THE COMING YEAR?**

**Brainstormed Perceptions**

- Takeaways
- Loss of redevelopment
- Sacramento comes back to cities for money
- CDBG cuts
- State Department of Finance and Successor Agencies
- RHNA mandates
- High unemployment
- Reactivation/restart of San Onofre
- Lack of energy and the impact on the economy
- Drought
- Closing of landfill
- Increased utility rates
- Unreasonable partisanship
- Lack of water
- High cost of water
- Realignment of Water Board members
- Lack of comprehensive mass transit system
- Disasters
- Climate change
- No Measure J resources
- Storm water permitting
- Federal financial cliff
- VLF fees
- Lack of financial tools
- Realignment
- Aging infrastructure

- Court cutbacks
- National Park Service designation
- AB 109
- Negative press about COG leadership
- Increased homeless numbers
- Pest threatening the citrus crop
- Loss of housing funds
- Asian tiger mosquito
- Unfunded mandates
- Traffic congestion
- Rising pension rates
- Aging population—the silver tsunami
- Scarcity of experienced City Managers, Finance Directors and Police Chiefs
- Inmate release

**NEXT STEPS/FOLLOW-UP PROCESS**

<b>WHEN</b>	<b>WHO</b>	<b>WHAT</b>
December 3, 2012	Interim Executive Director Fran Delach	Distribute the strategic planning retreat record to SGVCOG members.
Within 48 hours of receipt	All SGVCOG members	Read the retreat record.
By December 7, 2012	COG Delegates	Share and discuss the draft updated SGVCOG Strategic Plan with their colleagues.
January 2013 Executive Committee meeting	Executive Committee and Interim Executive Director Fran Delach	Review the "Internal Weaknesses/Challenges" list for possible action items.
At the January 17, 2013 meeting	COG Governing Board	Take action on the updated SGVCOG Strategic Plan.
Monthly	SGVCOG Governing Board and Executive Director	Monitor progress on the goals and objectives and revise objectives (add, amend and/or delete), as needed.
Monthly	Executive Director, Kathy Boyd and Marisa Creter	Prepare and distribute the updated Strategic Plan Monitoring Matrix to all COG members.
June 12, 2013 8:00/8:30-1:00	COG Delegates	Strategic Planning Retreat to: <ul style="list-style-type: none"> <li>- assess progress on the goals and objectives</li> <li>- develop strategic objectives for the next six months for each of the three-year goals.</li> </ul>

## **STRATEGIC PLANNING ELEMENTS**

Marilyn Snider, Strategic Planning Facilitator • Snider and Associates (510) 531-2904

### **"SWOT" ANALYSIS**

Assess the organization's:

- Internal Strengths      - Internal Weaknesses
- External Opportunities      - External Threats

### **MISSION/PURPOSE STATEMENT**

States WHY the organization exists and WHOM it serves

### **VISION STATEMENT**

A vivid, descriptive image of the future— what the organization will BECOME

### **CORE VALUES**

What the organization values, recognizes and rewards—strongly held beliefs that are freely chosen, publicly affirmed, and acted upon with consistency and repetition

### **THREE YEAR GOALS**

WHAT the organization needs to accomplish (consistent with the Mission and moving the organization towards its Vision) - usually limited to 4 or 5 key areas

### **KEY PERFORMANCE MEASURES**

What success will look like upon achievement of the goal

### **SIX MONTH STRATEGIC OBJECTIVES**

HOW the Goals will be addressed: By when, who is accountable to do what for each of the Goals

### **FOLLOW-UP PROCESS**

Regular, timely monitoring of progress on the goals and objectives; includes setting new objectives every six months



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of November 27, 2012*

**FROM:** Blaine Michaelis, City Manager

**INITIATED BY:** Community Development Department

**SUBJECT:** Request from Kimco Realty to initiate Zoning Code Amendment to allow various additional uses for the existing shopping center located at 802-888 West Arrow Highway (San Dimas Marketplace/Target) in Specific Plan No. 20.

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## **BACKGROUND**

1. *Current Request.* The attached summary outlines additional uses and related modifications being requested for Specific Plan No. 20 (San Dimas Marketplace/Target). These are briefly summarized as follows:
  - Professional business (medical, dental, veterinary, etc.) and service (travel, insurance, etc.) offices up to 15% of total floor area
  - Gym/fitness/health clubs
  - Entertainment/sports/recreation (trampoline, internet gaming)
  - Instructional physical activity (dance studio, karate, taekwondo)
  - Instructional education (sylvan, beauty schools)
  - Second hand stores
  - Eliminate 20,000 square foot minimum for home furnishings, appliance, and hardware

A separate email states the following reasons for the requested changes:

- Increased opportunities for marketing for new uses not in the market
  - Need to accommodate increased demand for commercial service providers
  - Stay updated with current tenant standards
2. *Uses Permitted in SP-20 Area II:* SP 20 was initially developed in 1987 with a desire to encourage auto dealerships and big box retail users. It developed several years later as a retail center anchored by Target. While not what the zoning may have initially envisioned, the center and its uses generally fit within the zoning limitations and no changes were made at the time of initial development. There have been a number of use determinations over the years to address specific requests on a case-by-case basis. These included veterinary services/overnight boarding (Petco) and specialty market (Trader Joe's).

SP-20 currently provides for the following uses:

**18.532.240 Permitted uses.** *Uses permitted in area II shall include those businesses listed in this section which operate in compliance with the intent and standards of this district. Each business shall be evaluated in terms of its operational characteristics and specific site location. All uses in area II shall required approval of a conditional use permit pursuant to Section 18.532.250.*

A. *Sales agencies for new automobiles, recreational vehicles, trucks, trailers, boats and motorcycles and service in connection therewith;*

B. *Automobile repair garages, fender and body repair and paint shops, operated as an accessory use with a permitted sales agency;*

C. *Hotels and motels, including retail establishments as part of a hotel or motel complex;*

D. *Automobile, truck and recreational vehicle part and accessory sales, operated as an accessory use with a permitted sales agency;*

E. *Hardware and home improvement centers, occupying a minimum floor area of twenty thousand square feet;*

F. *Home furnishing and appliance outlets, occupying a minimum floor area of twenty thousand square feet;*

G. *Financial institutions, including banks, savings and loan associations, finance companies and credit unions;*

H. *Restaurants, provided that they not contain drive-in or drive-through service;*

I. *Specialty retail, wholesale and catalog stores occupying a minimum floor area of twenty thousand square feet;*

J. *Specialty retail stores with less than twenty thousand square feet in floor area developed in conjunction within a shopping center incorporating retail, wholesale, home appliance, hardware, and similar stores, outlets and centers with floor area greater than twenty thousand square feet per store;*

K. *Accessory billiard use, up to a maximum of four tables, which is secondary and incidental to a use permitted or permitted with a conditional use permit, in this zone which is also defined by Section 18.08.007 of this title.*

L. *Accessory massage permitted with the following primary businesses: day spa, beauty salon, barbershop and similar uses.*

**18.532.250 Conditional uses.** *Conditional uses in area II of Specific Plan No. 20 are as follows:*

A. *All uses listed in Section 18.532.240, which because of operational characteristics specific to that particular business is found by the director of community*

*development to have the potential to negatively impact adjoining properties, businesses or residents and therefor, requires additional approval and consideration. The impacts may be related to, but not necessarily limited to, impacts of traffic, hours of operation, assemblages of people, noise, or site location;*

*B. Eating establishments, with drive-through service and/or which serve alcoholic beverages;*

*C. Sales agencies for used automobiles, recreational vehicles, trucks, trailers, boats and motorcycles and service in connection therewith, operated as an accessory use with a permitted new vehicle sales agency;*

*D. Cinemas and movie theater facilities in conjunction with a shopping center incorporating retail, wholesale and similar uses with a minimum floor area of twenty thousand square feet per store;*

*E. Specialty automobile parts and accessory sales, including automobile repair and service facilities as an accessory use;*

*F. Agricultural and similar uses subject to the provisions of the A-L 20,000 zone.*

## **ANALYSIS**

Pursuant to Section 18.208.020.D consideration of a request to initiate a Code Amendment should evaluate the following:

- Will the amendment further the health, safety and welfare?
- Will the amendment adversely affect other property?
- Are there changed conditions to warrant the amendment?

This evaluation can be preliminary and need only pass a standard of having some merit (rather than a conclusive determination) to allow the hearing process to go forward. In most cases the focus has been to establish if there are changed conditions identified adequately in the request.

It is evident that SP-20 requires modification and updating to address a number of standards and uses although that doesn't mean that all uses requested should be permitted or that the requested limitations on those uses are appropriate. With this center, as with others notably San Dimas Station, there has been a growing trend away from uses that are primarily retail in nature. These trends include various types of offices, fitness centers, second hand businesses, sports activities and the like. In the past the City has largely addressed these uses through various interpretations and through uses determinations. For example, the City has established a policy to guide the appropriate amount of offices in shopping centers – generally 10% of the gross floor area not to exceed 3000 square feet.

Staff would desire some discussion regarding the changing nature of shopping centers and uses prior to considering the modifications to SP-20.

- Should they maintain a primarily retail focus?
- What is the appropriate amount of non-retail or service type businesses?

- What about specialty businesses such as fitness centers or sports activities?
- What about uses that can impact other businesses by having differing hours of operation, higher parking demands, etc.?

In considering changes there should probably be some consideration of appropriate entitlement procedures and addressing increased parking demand associated with at least some of the identified uses. It should be noted that there can be a wide variety of differing impacts within the same business category such as massage businesses and secondhand stores. It is certainly not necessary at this stage to direct in detail exactly what changes should be considered in the subsequent hearings but it is beneficial to provide some direction on the scope of any changes and the issues that should be addressed.

Above and beyond the particular request at hand for SP-20, some consideration might be given to looking more broadly at how the City regulates uses within existing major shopping centers. This could include Via Verde Shopping Center (C-N Zone), Stater's Shopping Center (SP-2), San Dimas Plaza/Ralph's (SP-18), San Dimas Station (CG-1), Lowe's (CG-1), and Albertson's (CG-2). This approach covers a wide variety of zones and could add complexity to the procedure of considering revisions. In addition, some of these centers have differing anchors such as market/drug which can distinguish them from centers like Target.

Changing the focus of retail centers away from retail businesses has other impacts especially with the demise of redevelopment. It may be more important to retain uses which are sales tax generators over businesses that primarily provide services. The difficulty is in trying to define the right mix. It is not necessarily the responsibility of the City through its zoning to ensure that any use be accommodated to assist in keeping a center "full." The City should, when considering changes in types of uses, look at a broader picture to balance community interests and its own fiscal needs.

It is evident that some retail centers have more significant tenanting issues than others and a variety of factors contribute to those conditions including location, age and condition, antiquated designs, management, maintenance and the general economic times.

### **RECOMMENDATION**

Direct Staff as deemed appropriate regarding changes to uses in SP-20 and regarding the scope of any other consideration regarding use standards affecting other major shopping centers in the City. If use changes are considered appropriate in SP-20 other updates to reflect the existing project circumstances should also be made.

Respectfully Submitted,



Larry Stevens,  
Community Development Director

Attachments:



## MUNICIPAL CODE TEXT AMENDMENT APPLICATION

San Dimas Marketplace  
844 W. Arrow Highway  
San Dimas, CA  
Specific Plan 20 Area 2

### Additional Permitted Uses at San Dimas Marketplace to include:

- Professional Business Office to include but not limited to; Medical, Dental, Veterinary, Optometry etc. (The maximum allowed S.F. of this permitted use will not exceed 15% of total building area);
- Professional Service Office to include but not limited to Travel, Insurance, etc. (The maximum allowed S.F. of this permitted use will not exceed 15% of total building area);
- Gym / Fitness / Health Club to include but not limited to Pilates, Yoga etc...
- Entertainment / Sports / Recreational. (Permitted uses to include but not limited to uses such as; Skyzone trampoline; Howie's Game Shack Internet Gaming);
- Instructional Physical Activity (Permitted uses to include but not limited to Dance Studio, Karate, TKD etc);
- Instructional Education (Permitted uses to include but not limited to Kimon or Sylvan, Beauty and professional school);
- General Merchandise / Second Hand Stores. (Permitted uses to include but not limited to; Savers, Goodwill / Threads, Salvation Army etc.).

In addition to the request for additional Permitted Uses above, the following additional Text Amendments, within Specific Plan 20 Area 2, to be considered are as follows;

- Remove the minimum 20,000 S.F. requirement for Home Furnishings and Appliances
- Remove the minimum 20,000 S.F. requirement for Hardware and Home Improvement Centers

# San Dimas Marketplace Tenant Roster

October 23, 2012

Tenant Name	Address	Square Feet	Required Parking Ratio	Required Parking Stalls
Target	888 West Arrow Highway, San Dimas, CA 91773	117,000		
Stein Mart	826 West Arrow Highway, San Dimas, CA 91773	30,000		
Poss Dress for Less	818 West Arrow Highway, San Dimas, CA 91773	27,200		
Petco	822 West Arrow Highway, San Dimas, CA 91773	15,000		
Dress Barn	810 West Arrow Highway, San Dimas, CA 91773	13,000		
Party City	852 West Arrow Highway, San Dimas, CA 91773	10,000		
Trader Joe's	856 West Arrow Highway, San Dimas, CA 91773	8,500		
Anna's Linens	802 West Arrow Highway, San Dimas, CA 91773	7,500		
Vacant	848 West Arrow Highway, San Dimas, CA 91773	7,000		
Halfmark Creations	870 West Arrow Highway, San Dimas, CA 91773	6,500		
Aaron Brothers	840 West Arrow Highway, San Dimas, CA 91773	6,480		
AT&T Wireless	830 C West Arrow Highway, San Dimas, CA 91773	2,570		
Inland Beauty & Supply	860 A West Arrow Highway, San Dimas, CA 91773	2,300		
Vacant	842 West Arrow Highway, San Dimas, CA 91773	2,300		
Food Solutions	844 West Arrow Highway, San Dimas, CA 91773	2,000		
Chopsticks House	860 B West Arrow Highway, San Dimas, CA 91773	1,950		
Little Caesar's	806 B West Arrow Highway, San Dimas, CA 91773	1,850		
Klatch Collee	806 A West Arrow Highway, San Dimas, CA 91773	1,600		
Phillip's Best	806 C West Arrow Highway, San Dimas, CA 91773	1,500		
Scottsde	866 West Arrow Highway, San Dimas, CA 91773	1,500		
GNC	830 B West Arrow Highway, San Dimas, CA 91773	1,350		
AUM Threading & Beauty	814 West Arrow Highway, San Dimas, CA 91773	1,200		
DC Nails	830 A West Arrow Highway, San Dimas, CA 91773	1,200		
Vacant	844 A West Arrow Highway, San Dimas, CA 91773	1,200		

Total Existing Building Square Footage 271,000

Parking Provided	Required Parking Stalls
Handicap Parking Stalls	32
Regular Parking Stalls	1258
Total Parking Spaces	1290

Parking Ratio Provided 4.75  
Stalls / 1000 SF



# Agenda Item Staff Report

**TO:** Honorable Mayor and Members of City Council  
*For the Meeting of December 11, 2012*

**FROM:** Blaine Michaelis, City Manager

**INITIATED BY:** Ken Duran, Assistant City Manager

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

## **BACKGROUND**

Since January 2009 the City has contracted with the University of La Verne (ULV) to manage the City's government access channel, KWST. ULV took over the management of the channel in January 2009 under a one year Agreement for a total amount of \$57,226. The Agreement was renewed in 2010 and was also extended to June 30, 2011 for a pro-rated annual amount of \$66,526. In June 2011 and September 2011 the City Council approved three month extensions collectively to expire in December 31, 2011. In December 2011 the Agreement was again renewed for an annual contract amount of \$70,000 expiring December 31, 2012.

## **ANALYSIS**

The Agreement with ULV provides them to manage the complete operations of the City's Government Access channel. This includes producing programming, providing support, technical expertise and general oversight necessary to operate and maintain the channel. The Agreement requires ULV to provide the staff necessary to manage the channel and produce a specified number of programs. The staffing includes a Station Manager, Production Coordinator, Assistant Programmer and Video Production Specialist. In total the level of paid staffing equates to 65 hours per week. In addition, ULV utilizes a number of volunteers to assist with productions, many of whom are ULV students. ULV also provides an office and production studio housed at the University. Other costs associated with the operations that are included in the Agreement include the office and studio rent, small equipment purchases, equipment maintenance, incidental supplies and music license fees. Major equipment purchases are the responsibility of the City outside of the Agreement.

The Agreement requires a specified amount of programming. A partial list of programs produced this past year includes all City Council meetings; Ask the

Mayor programs; State of the City address; Festival of Arts shows; Music in the Park; Western Days events – parade, rodeo, dog contest, Little Miss San Dimas; HEROES dedications; San Dimas Day at the Fair; City Birthday; Meet the Candidates Legislative Reception; high school athletic events and school musical performances. In addition ULV acquires programming from other sources such as Bonita Unified School District and the University of La Verne.

The proposed amount of the one year extension is \$75,000. This is a \$5,000 increase over the prior annual amount. As described above much of the cost is for labor. The positions that perform under the Agreement are University of La Verne employees and subject to the salary and benefits provided by the University. As those costs increase the cost of the Agreement will increase.

Staff has been satisfied with the level of performance under the Agreement this past year. The ULV staff provides technical knowledge and management and operational abilities that are not currently available with existing City staff. Therefore staff feels that the arrangement with ULV provides a cost effective way to continue to deliver programming and manage of the City's Government/Education Access channel.

The City collects a PEG fee from all cable subscribers in the City to support the access channel. It is anticipated that the total amount collected this year will be \$76,000. This fee is used to offset a portion of the contract amount with ULV, approximately \$61,000, as well as for the purchase of equipment to support the channel. The balance of the contract amount for ULV comes from the General Fund.

### **RECOMMENDATION**

Staff also feels that the amount of the proposed extension is reasonable. Therefore, staff recommends that the City Council approve a one year extension of the existing Agreement with ULV in the amount of \$75,000.

# **AGREEMENT**

AN AGREEMENT BETWEEN THE CITY OF SAN DIMAS AND THE UNIVERSITY OF LA VERNE REGARDING OPERATION OF THE SAN DIMAS CABLE TELEVISION COMMUNITY ACCESS CHANNEL, KWST

THIS AGREEMENT is entered into by and between the City of San Dimas, hereinafter referred to as "City" and the University of La Verne, hereinafter referred to as "University".

## **RECITALS**

WHEREAS, a cable television community access channel, known as KWST, is available for educational and governmental programming; and

WHEREAS, the operation of a community access channel entails considerable television production and promotion activity which requires specialized technical expertise, human resources and equipment; and

WHEREAS, the University possesses the necessary specialized technical expertise and human resources for the operation of an active television production program; and

WHEREAS, it is in the best interests of the City and the University to continue to pool resources to maximize public utilization of the community access channel and cable television related educational opportunities;

NOW, THEREFORE, the City and the University desire to enter into a partnership through this renewal agreement setting forth the terms and conditions for the operation of San Dimas' cable television community access channel.

## **I. STATEMENT OF PURPOSE**

KWST is a cable television community access channel for dissemination of educational and governmental programming.

## **II. OBLIGATIONS OF THE UNIVERSITY OF LA VERNE**

1. University is obligated to provide the necessary specialized technical expertise and human resources for the operation of the community access channel, known as KWST, in accordance with the Scope of Work detailed in exhibit "A".

### **III. OBLIGATIONS OF THE CITY OF SAN DIMAS**

1. The City shall pay the University a sum of \$75,000.00 during the term of this Agreement based upon the budget submitted by the University included as exhibit "A". A start-up payment of \$37,500.00 shall be due at the time of execution of the agreement. The balance shall be due six (6) months from the date of execution. Payments should be mailed to:

University of La Verne  
Attn: Department of Treasury, Management and Budget  
1950 Third Street  
La Verne, CA 91750

2. The City will maintain, and replace if needed, the computer system and playout decks used to operate KWST Channel 3 and its community message board.

### **IV. INDEMNIFICATION: Mutual Hold Harmless between the parties of this agreement:**

University agrees to indemnify, defend, and hold harmless City, its officers, agents and employees against any claim, liability, loss, injury or damage imposed on City arising out of the University's performance on this Agreement, except for liability resulting from the negligent or willful misconduct of City, its officers, agents and employees. University shall reimburse City for costs, attorney's fees, expenses and liabilities associated with this agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or willful misconduct of University, its officers, employees or agents. University shall seek City approval of any settlement that could adversely affect the City, its officers, agents or employees.

City agrees to indemnify, defend, and hold harmless University, its officers, agents and employees against any claim, liability, loss, injury or damage imposed on University arising out of City's performance on this Agreement, except for liability resulting from the negligent or willful misconduct of University, its officers, agents and employees. City shall reimburse University for costs, attorney's fees, expenses and liabilities associated with this agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from

the negligent or willful misconduct of City, its officers, employees or agents. City shall seek University's approval of any settlement that could adversely affect University, its officers, agents or employees.

## **V. INSURANCE**

The University will, during the life of this Agreement, maintain a comprehensive policy of combined single limit general liability insurance with minimum coverage limits of \$1,000,000 per occurrence for bodily injury, personal injury, property damage and automobile liability. The University will annually provide the City with a certificate of insurance naming the City, its elected or appointed officials, employees and volunteers as additional insureds.

The University also agrees to maintain, at its own cost and expense Workers' Compensation insurance in amounts required by State law.

## **VI. NOTICE**

Any notice, demand, request, consent, approval designation, or other communication which either party is required to, desires to give or make or communicate to the other party, shall be in writing and shall be personally delivered or sent by registered or certified mail, postage prepaid, return receipt requested, at the following addresses:

**CITY:**

City of San Dimas  
Attn: City Manager  
245 E. Bonita Ave.  
San Dimas, CA 91773

**UNIVERSITY:**

University of La Verne  
Attn: Office of Sponsored Research  
1950 Third Street  
La Verne, CA 91750

## **VII. DISPUTE RESOLUTION**

A. If, from time to time, disputes arise which are not resolved through the efforts of the University's and City's representatives, then it is the intent of the parties to this agreement, to provide the following procedure to resolve disputes relative to items of interpretation of the provisions of this agreement. In the event of such a dispute,

the City Manager and the University President, or their designee, shall meet to discuss the issues in an effort to resolve the dispute.

- B. All unresolved disputes, claims, or other matters in question arising out of or relating to this agreement or breach thereof may ultimately be decided by means of legal action provided by California State law. Any attorney's fees and associated costs arising from such legal action shall be paid in accordance with the legal ruling.

## **VII. TERM**

This agreement shall be in effect for a period of one year commencing with the execution of the Agreement by the City and the University. This Agreement may only be altered, amended, or modified by written instrument executed by both Parties. The Parties agree to waive any right to claim, contest, or assert that this Agreement was modified, canceled, superseded, or altered by oral agreement, course of conduct, waiver, or estoppel. This Agreement may be terminated during the term of the Agreement upon ninety (90) days written notice from either party, with or without cause.

## **VIII. SUCCESSORS AND ASSIGNS**

All representations, covenants, and warranties set forth by, on behalf of, or for the benefit of either Party herein shall be binding upon and inure to the benefit of such Party and its successors and assigns.

## **IX. SEVERABILITY**

If any one or more of the provisions of this Agreement is held to be invalid, illegal, or unenforceable, then such provision or provisions shall be severed from the Agreement, and the remaining provisions of the Agreement shall continue in full force and effect and shall not be affected, impaired, or invalidated in any way.

## **X. Force Majeure**

University shall not be liable for any failure to perform as required by this Agreement, to the extent such failure to perform is caused by any of the following to a substantial degree: labor disturbances, accidents, failures of any required governmental approval, civil disorders, acts of aggression, acts of God, energy or other conservation measures, failure of utilities, mechanical breakdown, material shortages, disease, or similar occurrences.

## **XI. AUTHORITY**

The Parties warrant and represent that they have the authority to enter into this Agreement in the names, titles, and capacities stated herein and on behalf of the entities, persons, or firms named herein and that all legal requirements to enter into this Agreement have been fulfilled.

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the date hereof

**CITY OF SAN DIMAS**

**UNIVERSITY OF LA VERNE**

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

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

By: \_\_\_\_\_  
City Manager

By: \_\_\_\_\_  
T. Gregory Dewey, Provost

ATTEST:

\_\_\_\_\_  
City Clerk

## **Exhibit A – Scope of Work**

University of La Verne (University) will employ a Community Access Coordinator/Producer who will

- coordinate, encourage and facilitate community access activities during a flexible work schedule that extends into the evening hours, with regular studio hours at the University studio;
- purchase store and maintain security of community access equipment and supplies inventory;
- produce governmental programs as requested or authorized by the City (a list of the minimum annual programs is listed below); and
- provide KWST Channel 3 information on the Internet with links to the City's web site that provides easy access to programming schedules, community access resources and other community information of interest to residents.

In addition to the above listed duties to be performed by the Community Access Coordinator/Producer, the University shall perform the following functions:

1. Perform daily cable casting playout function between the hours of 2:00 p.m. and 10:00 p.m., throughout the year;
2. Operate and maintain the KWST Channel 3 community message board;
3. Develop and distribute the KWST Channel 3 programming schedule on the community message board and on the KWST website;
4. Maintain an up-to-date inventory listing of all publicly owned KWST equipment and supplies to be submitted to the City Finance office annually by August 15<sup>th</sup>;
5. Prepare quarterly reports of KWST operations;
6. Acquire technical equipment for the operation of the community access channel, with prior approval of the City Manager or designee; and
7. Maintain the KWST website.

### *Minimum Annual Programs*

- City Council Meetings – Live broadcast on the second and fourth Tuesdays of each month at 7:00 p.m. for a duration of approximately 1.5 to 4 hours
- Ask the Mayor – Live call-in show on the second and fourth Thursdays of each month, 7:00 p.m. – 8:00 p.m.

As well as the following events:

- San Dimas Rodeo on the first weekend in October, time to be announced
- Western Days Parade on the first Saturday in October, time to be announced
- Little Miss San Dimas Pageant
- Festival of Arts Western Arts Show on the last Saturday in April, live feed from 9:00 a.m. to noon
- Wildlife Art Show
- Smudgepot Football
- Mayor's Annual State of the City Address Luncheon in January, date and time to be announced
- San Dimas Day at the Fair

In addition, other events of community interest and import will be filmed/broadcast as time and funding allow, possibly including, but not limited to, the following:

- Elementary School Choral Concerts, Winter and Spring
- Music in the Park Concerts
- Select High School Music/Theater Events
- Select High School Sporting Events

## Budget Information

### *Personnel Costs*

Funds will support supplemental salary for the Station Manager, as well as hourly wages for the Community Access Coordinator/Producer, an Assistant Programmer, and a part-time Project/Production Assistant, and related fringe benefits for these positions. Rates of pay and fringe benefits are budgeted in accordance with University of La Verne policy.

### *Non-personnel costs*

These costs may include the following:

- Videotape costs
- DVDs
- DVD cases

- Stationary/postage/office supplies
- Video supplies
- Music license fee
- Crew food
- Small equipment purchase
- Equipment maintenance
- Membership dues
- Regional conference travel



# Agenda Item Staff Report

**TO:** Honorable Mayor and Council Members  
for the meeting of *December 11, 2012*

**FROM:** Blaine Michaelis, City Manager

**INITIATED BY:** Barbara Bishop, Finance/IS Manager

**SUBJECT:** Approval of the City's Annual Independent Audited Financial Statements

## **SUMMARY**

*The City's Annual Independent Audited Financial Statements are submitted for adoption by the City Council.*

## **DISCUSSION**

The attached are the City's Annual Independent Audited Financial Statements which must be approved by the City Council as the Annual Report. Prior to the City Council meeting the members of the Finance/Audit Committee; Mayor Curtis Morris, Councilman Jeff Templeman, City Manager Blaine Michaelis, Assistant City Manager Ken Duran, Finance/IS Manager Barbara Bishop, Steven Valdivia, Senior Accounting Technician and Ken Brown, City Attorney, met with Bryan Gruber, CPA Partner from Lance, Soll & Lunghard on November 27, 2012, to discuss the annual audit and the financial statements.

Per the auditor's *Report on Internal Control Over Financial Reporting and On Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards*, they identified a deficiency in internal control over financial reporting that they consider to be a material weakness, **but no other deficiencies that they consider to be significant deficiencies** (see explanation below).

### **Fund Balance Restatement**

The deficiency noted by the auditors is the restatement of fund balance in the amount of \$2,946,569 in January, 2012, for land, reclassified from Fund 30 CRA capital assets to Fund 80 City General Assets. Although not required to be recorded separately, in prior years these properties were in Fund 30 CRA capital assets, even though the City has always been the original legal owner and has title.

Upon dissolution of Redevelopment Agencies it became necessary to categorize the City owned land in the General Assets of the City. The deficiency is noted **only because** there was the restatement of fund balance.

Additionally, during the tests performed of compliance with certain provisions of laws, regulations, contracts, and grant agreements, the results of the tests **disclosed no instances of noncompliance** or other matters that are required to be reported under *Government Auditing Standards*.

Per the auditor's representation letter dated November 19, 2012, it was noted that certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the financial statements were:

The disclosures of the Successor Agency Trust for assets of former Redevelopment Agencies in Note 12 to the financial statements, identified the outstanding balances as of June 30, 2012 of the former Redevelopment Agency. These balances are dependent on the approval of the activity of transactions within the year ended June 30, 2012 by the California Department of Finance.

### **Corrected and Uncorrected Misstatements**

The auditors are required to accumulate all known and likely misstatements identified during the audit, and notify the appropriate level of management. Their description (nature) of Audit Differences and our response are noted as follows:

Accrued Payroll of (\$34,753) – the final payroll for fiscal year 2011-12 ended June 23, 2012. The auditors note accrued payroll expense for June 24 through June 30, 2012. The City only budgets for 26 payrolls per year and since the **amount is not material** the remaining days belong to the next fiscal year budget.

GASB 31 Adjustment of (\$16,494) – the auditors calculate the fair market value of our investments at LAIF and make an adjustment. The City does not record this at June 30<sup>th</sup> as the **amount is not material** and the LAIF actual balance does not reflect this adjustment.

CJPIA Long-Term Receivables of (\$219,774) – the auditors are listing this as a long term receivable from the JPIA report showing a refund to the City for General Liability insurance. Since the formula for refunds or deposits due from JPIA are calculated annually, the City did not record this as a receivable since the amount will change in the new year and **is not material** to the financial statements.

The auditor concluded based upon the audit, that there was a reasonable basis for rendering an **unqualified opinion** that the City of San Dimas' financial statements for fiscal year ended June 30, 2012, are fairly presented in conformity with *Generally Accepted Accounting Principles (GAAP)* and present the results of the operations and financial position of the City for fiscal year 2011-12. As management we assert that to the best of our knowledge and belief, these financial statements are complete and reliable in all material respects.

The following is explanation for some of the major financial highlights found in the Management's Discussion and Analysis.

### **FINANCIAL HIGHLIGHTS**

The City's net assets (including capital assets such as land, buildings, infrastructure and equipment) increased from \$77,164,690 to \$102,871,162 as a result of the 2011-12 operations. This increase comes from the change in net assets for all funds in the amount of \$25,629,514 due to the dissolution of the Redevelopment Agency and a restatement of net assets in the amount of \$76,958 for prior years accounts payable not utilized, as recorded in the Statement of Activities (page 13) and flows through the Statement of Net Assets (page 11).

The total for all fund revenues was \$28,206,553 in addition to the Extraordinary Gain on the dissolution of the Redevelopment Agency of \$25,350,216 (refer to page 48 Note 12 for detail on the gain). The cost of governmental activities was \$27,927,255 (refer to page 13 for detail). Transfers In and Transfers Out between funds are not shown as revenues and expenditures for

financial statement presentation, but are recorded on the City books and for budget purposes as revenues and expenditures.

The General Fund as stated on the financial statements include Fund 70 Equipment Rental Fund in the total (page 14). The General Fund Balance of \$30,596,789 and is comprised of:

Fund Balance General Fund 01	\$30,036,527
Fund Balance Equipment Rental Fund 70	<u>\$ 560,262</u>
<b>Total General Fund Balance</b>	<b>\$30,596,789</b>

The Un-Assigned General Fund Balance and Assigned Fund Balance which is used for budgeting purposes and represents the **cash position** of the funds, shows an ending balance or surplus of \$13,597,138 for **Fund 01** and \$560,262 for **Fund 70**. These amounts **do not** include the **Non-Spendable General Fund Balances** of \$16,439,389 for loans owed to the General Fund from the former Redevelopment Agency funds (now due from the Successor Agency) and for loans owed to the General Fund from the Golf Course fund. When those are factored in, the total General Fund Balance **01/70** is the \$30,596,789 as stated above. The payment of loans due from the Successor Agency to the General Fund remain in question at this time and will require approval from the Department of Finance.

Total long term debt decreased from \$21,215,109 to \$9,142,863 due to annual principal and interest payments on bond issues in the amount of \$1,519,777 and the transfer of \$10,552,469 long term debt to the Successor Agency; a separate entity, for the former Redevelopment Agency due to the dissolution process (page 39).

#### **RECOMMENDATION**

It is recommended that the City Council accept and approve these statements as the Annual Report by minute action.



**CITY OF SAN DIMAS  
MINUTES  
SAN DIMAS HOUSING AUTHORITY MEETING  
TUESDAY, December 13, 2011  
SAN DIMAS COUNCIL CHAMBERS  
245 E. BONITA AVENUE**

---

**PRESENT:**

Chairman Curtis W. Morris  
Mr. Emmett Badar  
Mr. Denis Bertone  
Mr. John Ebner  
Mr. Templeman

Executive Director Blaine Michaelis  
City Attorney J. Kenneth Brown  
Secretary Ina Rios

**CALL TO ORDER**

Chairman Morris called the meeting to order at 8:14 p.m.

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

Chairman Morris commented that throughout the year the Housing Authority owns and operates the Monte Vista apartments above the Hardware Store and Charter Oak Mobile Home Park.

**APPROVAL OF MINUTES**

It was moved by Mr. Templeman, seconded by Mr. Ebner, to approve the minutes of the December 14, 2010 meeting. The motion carried unanimously.

**MEMBERS OF THE AUTHORITY**

There were no comments.

**ADJOURNMENT**

Chairman Morris adjourned the meeting at 8:15 p.m.

Secretary



**MINUTES  
JOINT MEETING OF CITY OF SAN DIMAS CITY COUNCIL/  
SAN DIMAS HOUSING AUTHORITY CORPORATION  
TUESDAY, JANUARY 24, 2012  
SAN DIMAS COUNCIL CHAMBERS  
245 E. BONITA AVENUE**

---

**PRESENT:**

Mayor/Chairman Curtis W. Morris  
Councilmember/Mr. Emmett Badar  
Councilmember/Mr. Denis Bertone  
Councilmember/Mr. John Ebner  
Councilmember/Mr. Templeman  
City Manager/Executive Director Blaine Michaelis  
Assistant City Manager/Deputy Executive Director Ken Duran  
City/Corporation Attorney J. Kenneth Brown  
Secretary Ina Rios

**CALL TO ORDER**

Mayor/Chairman Morris called the joint meeting of the San Dimas City Council/San Dimas Housing Authority Corporation to order at 9:13 p.m.

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

There were no speakers.

- b. **APPROVAL OF SAN DIMAS HOUSING AUTHORITY CORPORATION MINUTES FOR MEETING OF DECEMBER 13, 2011.**

It was moved by Mr. Bertone, seconded by Mr. Templeman, to approve the December 13, 2011 minutes of the San Dimas Housing Authority Corporation. The motion carried unanimously.

- c. **DETERMINATION THAT SAN DIMAS HOUSING AUTHORITY SHALL RETAIN THE HOUSING ASSETS AND FUNCTIONS OF THE DISSOLVED REDEVELOPMENT AGENCY.**

- (1) **RESOLUTION NO. 3, A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF SAN DIMAS DETERMINING THAT IT SHALL RETAIN THE HOUSING ASSETS AND FUNCTIONS OF THE DISSOLVED SAN DIMAS REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34176.**
- (1) **RESOLUTION NO. 2012-06, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ELECTING TO HAVE THE HOUSING AUTHORITY OF THE CITY OF SAN DIMAS RETAIN THE HOUSING ASSETS AND FUNCTIONS OF THE DISSOLVED SAN DIMAS REDEVELOPMENT AGENCY AS PROVIDED IN CALIFORNIA HEALTH AND SAFETY CODE SECTION 34176.**

Assistant City Manager Duran provided a brief background on the California Supreme Court's decision in CRA v. Matosantos, which resulted in the dissolution of all Agencies effective February 1, 2012. The San Dimas City Council must decide whether the City of San Dimas or the San Dimas Housing Authority will be the successor to the housing assets and functions of the Agency. Mr. Duran stated that AB1x26 expressly states that "housing assets" do not include the funds currently in the Agency's Low and Moderate Income Housing Fund, but may include land currently owned by the Agency that was purchased with Low and Moderate Income Housing Funds. The "Successor Housing Agency" has the right to enforce affordability covenants and take other actions

consistent with the former Agency's authority with respect to affordable housing. Staff recommends adoption of Resolution No. 3 and Resolution No. 2012-06 electing to retain the Agency's housing assets and functions.

In response to Mayor/Chairman Morris, Mr. Duran replied that payments are applied to an outstanding bond on the Monte Vista Apartments, which will be paid off in June 2012. He further replied that the apartments generate a negative cash flow, however, once the bond is paid off, the apartments will break even.

Mr. Duran stated that one advantage of having all housing assets in the Housing Authority is that the City will have a resource of all Authority assets for all housing functions.

In response to Mayor Pro Tem/Mr. Templeman, Mr. Duran replied that funds for the operation of Charter Oak Mobile Home Park will remain in the Housing Authority. He said there's a positive cash flow set aside annually in the reserve fund, and if money is available, a decision can be made whether or not to continue with prior housing programs because there will not be a new source of income.

Mayor Pro Tem/Mr. Templeman noted that when the bond on Charter Oak Mobile Home Park is paid in full, the Park will generate a substantial source of revenue.

In response to Mayor Morris, Mr. Duran said the Oversight Committee that will be overseeing the Successor Agency does not have oversight over the Housing Authority, and revenue from the Mobile Home Park falls within the sole discretion of the Housing Authority.

After the title was read, it was moved by Mr. Badar, seconded by Mr. Templeman, to waive further reading and adopt **RESOLUTION NO. 3**, A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF SAN DIMAS CALIFORNIA DETERMINING THAT IT SHALL RETAIN THE HOUSING ASSETS AND FUNCTIONS OF THE DISSOLVED SAN DIMAS REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34176. The motion carried unanimously.

After the title was read, it was moved by Councilmember Badar, seconded by Mayor Pro Tem Templeman, to waive further reading and adopt **RESOLUTION NO. 2012-06**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ELECTING TO HAVE THE HOUSING AUTHORITY OF THE CITY OF SAN DIMAS RETAIN THE HOUSING ASSETS AND FUNCTIONS OF THE DISSOLVED SAN DIMAS REDEVELOPMENT AGENCY AS PROVIDED IN CALIFORNIA HEALTH AND SAFETY CODE SECTION 34176. The motion carried unanimously.

**a. EXECUTIVE DIRECTOR**

There were no comments.

**b. MEMBERS OF THE AGENCY**

There were no comments.

**c. ADJOURNMENT**

Chairman Morris adjourned the meeting at 9:25 p.m.

Respectfully submitted,

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Executive Director



CITY OF SAN DIMAS  
MINUTES  
SAN DIMAS PUBLIC FACILITIES FINANCING CORPORATION  
TUESDAY, DECEMBER 13, 2011  
SAN DIMAS COUNCIL CHAMBERS  
245 E. BONITA AVENUE

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**PRESENT:**

President Curtis W. Morris  
Mr. Emmett Badar  
Mr. Denis Bertone  
Mr. John Ebner  
Mr. Jeff Templeman

Secretary/Treasurer Blaine Michaelis  
Attorney J. Kenneth Brown

**CALL TO ORDER**

Chairman Morris called the meeting of the San Dimas Public Facilities Financing Corporation to order at 8:09 p.m.

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

Secretary/Treasurer Michaelis explained that the purpose of the Facilities Financing Corporation is to create an entity to be able to administer the financing function that makes it possible for the City to secure debt to move forward with a particular project. He said the bylaws for the Authority require an annual meeting to approve the minutes and appoint the officers for the upcoming year.

Mr. Bertone informed the public that unlike other cities, San Dimas Board members do not receive compensation for the Authority meetings.

President Morris stated that the members serve on a number of boards, one of which is the Facilities Financing Corporation for the purpose of approving minutes and electing officers as specified in the bylaws. He noted that Board members at some cities are not subject to restrictions on pay for these types of meetings; however, San Dimas Board members do not get any compensation.

**APPROVAL OF MINUTES FOR MEETING OF DECEMBER 14, 2010.**

It was moved by Mr. Bertone, seconded by Mr. Templeman, to approve the minutes of the December 14, 2010 meeting. The motion carried unanimously.

**ELECTION OF OFFICERS**

It was moved by Mr. Bertone, seconded by Mr. Ebner, to confirm the appointment of Mr. Morris as President of the Corporation, as stipulated in the bylaws; to confirm the appointment of Mr. Templeman as Vice President, as stipulated in the bylaws; and to reappoint Mr. Michaelis to serve as Secretary/Treasurer of the Corporation. The motion carried unanimously.

**MEMBERS OF THE CORPORATION**

There were no comments.

**ADJOURNMENT**

Chairman Morris adjourned the meeting at 8:14 p.m.

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Secretary/Treasurer