



AGENDA
SPECIAL CITY COUNCIL MEETING
TUESDAY, MARCH 11, 2014, 5:30 P. M.
SAN DIMAS COUNCIL CONFERENCE ROOM
245 E. BONITA AVE.

CITY COUNCIL:

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

1. CALL TO ORDER

2. ORAL COMMUNICATIONS

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

- a. Members of the Audience

3. STUDY SESSION

- a. Walker House Food Concession – meet with Chris Felippa owner of Lucca Bella Fine Foods regarding his proposal.
- b. Receive background information and presentation regarding the process to select a new City Attorney. Recommendation to initiate a Request for Proposal process. Provide direction regarding the possible appointment of an Interim City Attorney.

4. ADJOURNMENT

The next meeting is on Tuesday, March 11, 2014, 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 AGENDAS ARE ALSO AVAILABLE ON THE CITY'S HOME PAGE ON THE INTERNET:
<http://cityofsandimas.com/minutes.cfm>.

POSTING STATEMENT: ON March 7, 2014, 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).



CITY OF SAN DIMAS MEMORANDUM

TO: Honorable Mayor and Members of the City Council

FROM: Blaine Michaelis, City Manager

DATE: Wednesday, March 05, 2014

SUBJECT: Means to hang pictures of former city council members

Karon De Leon has been working on a means to hang the pictures of former city council members and she prepared the attached staff report.

We want you to know what we are proposing before we order the apparatus. We have the money in the budget to do this – we do not see a need to conduct a formal vote of the city council to direct us to purchase the equipment. The main thing is our desire for you to know what we are recommending and if you have any comments or suggestions to let us know.

We are including this information in the Study Session information – please feel free to give us any informal feedback before or after the Session.

Thank you.



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of March 11, 2014

FROM: Blaine Michaelis, City Manager

INITIATED BY: Karon De Leon, Facilities Manager

SUBJECT: Installation of Portraits of Retired City Council Members

SUMMARY

A request for the City Council to approve the installation of the portraits of retired City Council members in the City Council Chambers.

BACKGROUND

Prior to the renovation of the City Hall building, the portraits of the retired City Council members were displayed in the City Hall lobby. The new configuration of the lobby does not provide the space needed to hang the existing twenty-two portraits or allow for future portraits to be hung.

ANALYSIS

In an effort to secure a location that would provide for future portraits and be viewable by the public, staff identified the South wall of the City Council Chambers. The wall is composed of brick and mortar and therefore does not allow for a traditional hanging method. Staff has secured a proposal from Linco, Inc. of San Dimas that consists of track and cabling system (AS Hanging System) that allows space for all existing portraits as well as for additional portraits, and has minimal penetrations into the brick wall. The cost for the system and installation is \$2,738.60.

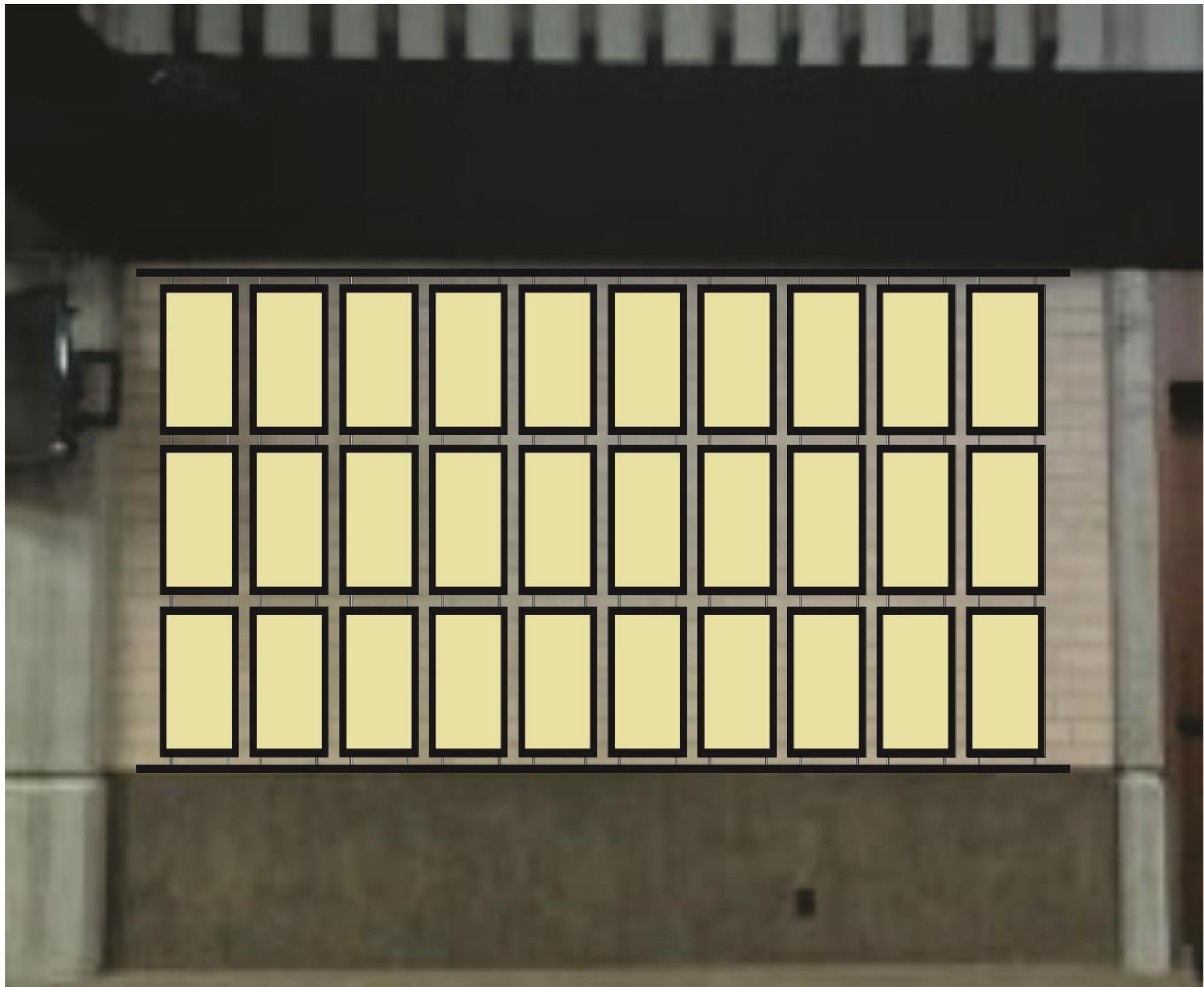
RECOMMENDATION

Staff recommends that the City Council approve the installation of the AS Hanging System in the City Council Chambers for the portraits of the retired City Council members. Funds are currently available in the general fund Civic Center Building and Grounds Maintenance account for the purchase and installation of the hanging system.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Karon De Leon".

Karon De Leon
Facilities Manager





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Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of March 11, 2014

From: Blaine Michaelis, City Manager

Initiated By: Ken Duran, Assistant City Manager

Subject: Walker House Food Concessionaire Proposal

BACKGROUND

In January 2012 the food concessionaire at the Walker House choose not to continue their operations. In February the City began the process of recruiting for a new concessionaire. That recruitment led to discussions with one potential proposer that culminated in a study session with the City Council in August 2012. One of the issues that arose out of that meeting was the question of the future ownership of the Walker House due to the dissolution of the Redevelopment Agency. It was agreed to suspend further consideration of a new concessionaire until after the future ownership issue had been resolved through the dissolution process.

In October 2013 the City received notification from the State Department of Finance on the approval for the Walker House to be retained in ownership by the City. This approval secured the future ownership of the House and allowed the City to move forward with consideration of a new food concessionaire.

The City Council Sub-Committee of Mayor Morris and Council member Templeman met and reviewed options on proceeding with proposals. The Sub-Committee recommended contacting the previous proposers and those that had expressed an interest since then, to have them submit proposals. The City Council confirmed that approach at their October 8th meeting.

Staff prepared a Request for Proposal and made contact with 10 potential proposers. By mid-December four proposals were submitted. The Sub-Committee met and reviewed the proposals. The Sub-Committee eliminated one proposal due to lack of experience. They requested that one previous proposer be afforded the opportunity to reconsider and resubmit their proposal due to concerns with significant elements of their proposal. They directed staff to solicit a more detailed proposal from the other two proposers.

Due to the holidays staff contacted the proposers in January. The proposer that was asked to reconsider was given an opportunity to resubmit but declined to do so. Letters were sent to the remaining two proposers requesting a more detailed proposal. One of them contacted us and stated that their circumstances had changed and stated they were no longer interested in

pursuing this opportunity. The other proposer, Chris Felippa, Lucca Bella Fine Foods, submitted a more detailed proposal in January.

The sub-committee met with the Mr. Felippa on February 20th at the Walker House to review his proposal and walk through the building with them. At the February 25th City Council meeting the sub-committee and staff recommended going forward with negotiations with Mr. Felippa for a Concessionaire Agreement. The City Council requested a meeting with Mr. Felippa for him to present his proposal.

Staff has previously provided the City Council with a copy of Mr. Felippa's proposal. The purpose of the study session is for the City Council to meet Mr. Felippa and for him to present his proposal and answer questions. In addition to the study session we have scheduled a closed session for later this evening to allow for City Council discussion and direction on specific deal points, such as rent and terms, of the Concessionaire Agreement.



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of March 11, 2014

From: Blaine Michaelis, City Manager

Initiated By: Ken Duran, Assistant City Manager

Subject: City Attorney Recruitment

With Ken Brown's recent announcement of his pending retirement staff has prepared this report to provide background on the City/City Council and City Attorney relationship and to provide potential recruitment options.

Background on City Attorney Appointments

The authority for a general law city to appoint a city attorney to be its legal advisor is established in Government Code Sections 36505 and 34856. The authority to appoint the city attorney is vested with the City Council.

Government Code Sections 41801 – 41803.5 also set forth the general role and responsibilities of a city attorney.

41801. The city attorney shall advise the city officials in all legal matters pertaining to city business.

41802. The city attorney shall frame an ordinance or resolution required by the legislative body.

41803. The city attorney shall perform other legal services required from time to time by the legislative body.

41803.5. (a) With the consent of the district attorney of the county, the city attorney of any general law city or chartered city within the county may prosecute any misdemeanor committed within the city arising out of violation of state law. This section shall not be deemed to affect any of the provisions of Section 72193.

(b) In any case in which the district attorney is granted any powers or access to information with regard to the prosecution of misdemeanors, this grant of powers or access to information shall be deemed to apply to any other officer charged with the duty of prosecuting misdemeanor charges in the state, as authorized by law.

41803.7. Whenever the city attorney is acting as a prosecutor in a criminal case pursuant to any provision of law or under a city charter, he shall have the power to issue subpoenas in a like manner

as the district attorney.

41804. The city attorney shall receive such compensation as is allowed by the legislative body.

41805. (a) A city attorney who does not, in fact, exercise prosecutorial responsibilities on behalf of the city or cities by which he or she is employed shall not be precluded from defending or assisting in the defense of, or acting as counsel for, any person accused of any crime except for violation of any ordinance of the city or cities by which he or she is employed, provided that:

(1) The city or cities by which the city attorney is employed expressly relieve the city attorney of any and all prosecutorial responsibilities on its or their behalf; and

(2) The accused has been informed of and expressly waives any rights created as a result of any potential conflict created by his or her attorney's position as a city attorney.

(b) Where the above provisions are met, partner or associate of a city attorney shall not be prevented from defending or assisting in the defense of, or acting as counsel for, any person accused of any crime except for violations of any ordinance of the city or cities by which his or her partner or associate is employed as a city attorney.

This section shall not preclude any city from limiting or prohibiting the private practice of any attorney it retains or employs.

The city attorney is essentially the chief legal officer of the City. The city attorney's job is to provide legal advice to minimize the city's liability and promote compliance with the law. The relationship between the city council and city attorney is a critical component in ensuring that the city functions as a well-managed organization and in accomplishing the public policy objectives of elected officials.

Given the varying legal needs of cities in California there are diverse legal representation arrangements. However, the typical and most common arrangement, especially by small and medium sized cities, is the city attorney as an independent practitioner or member of a law firm who provides services on a contract basis. The city retains the services of the attorney on a contract arrangement to provide basic services as defined in an agreement for a yearly retainer. The basic retainer generally provides for the following services:

- Attendance at all city council and planning commission meetings
- Phone call and email responses to staff and elected officials
- Drafting basic resolutions and ordinances
- Preparing routine contracts

Work above and beyond the routine matters contained under the retainer, is billed on an agreed upon hourly rate.

Current San Dimas City Attorney Arrangement

San Dimas has always maintained a contracted city attorney relationship as described in the above section. Ken Brown was appointed City Attorney in February 1977, when he was with the firm of Ebben and Brown, later with Brown Winfield & Canzoneri. Mark Steres has served as Assistant City Attorney for the last 25 years. Over the years the City has also worked with, and benefited from the experience of a number of attorneys within their firm that have expertise in various specialized areas of law. In 2010 the firm of Brown, Winfield & Canzoneri was dissolved with Mr. Brown and Mr. Steres, along with several other attorneys, being retained by the firm of McKenna, Long & Aldridge. At that time they provided city attorney services to the cities of San Dimas, La Canada Flintridge and Cerritos. Last November, Mr. Brown and Mr. Steres, and another Associate, left McKenna to become Associates with Aleshire & Wynder, LLP. Partner Dave Aleshire was a former Associate at Brown, Winfield & Canzoneri. Aleshire & Wynder, LLP currently provides city attorney services to 20 different cities. The current contract with Mr. Brown and Aleshire is attached for your reference.

The current retainer arrangement is for a monthly amount of \$8,500 and an hourly rate of \$315/hour above and beyond the retainer. The City Attorney also provides the City services for other general city special projects, Successor Agency and Housing Authority activities and litigation when necessary. Total City Attorney expenses for the past three years have been:

- FY 11-12 - \$361,000
- FY 12-13 - \$307,067
- FY 13-14 (through January) - \$125,613

According to the results of a survey taken by another city in February of 16 contract city attorneys the range of monthly retainer amounts was from \$1,200 to \$19,500 with the median amount being \$8,500. The range of hourly rates was \$140/hour to \$315/hour with the median being \$195/hour.

City Attorney Appointment Options

In January Mr. Brown made his announcement that he is retiring. He has not given an exact date but has said it would be prior to the end of the fiscal year. There are several options the City Council has in filling the vacancy upon Mr. Brown's retirement. One is to stay with the Aleshire & Wynder firm and either appoint Mr. Steres or consider other attorneys within the firm. The second is to consider accepting proposals, either from a targeted group of attorneys or firms who specialize in municipal law; or open up a process to solicit proposals from all interested parties. There are several sole practitioner or law firms that special in municipal law. A recent survey conducted by another city identified the following firms as being some of the more common firms who provide city attorney services in the area:

Richards Watson and Gershon
Jones & Mayer
Best Best and Krieger
Burke, Williams & Sorensen
Jenkins and Hogin
Rutan & Tucker
Wallin, Kress Reisman and Kranitz
Colantuono & Levin
Aleshire & Wynder

In addition to the above there are other firms and sole practitioners in the area.

With whatever option, or options, the City Council chooses to take it would be helpful for the City Council to consider what are the desired skills and expectations for the city attorney, a job description if you will. You may also want to consider what the minimum qualifications for the city attorney should be. A sample of some of the factors to consider might be:

- The depth of the attorney's (or the firm's) legal knowledge and experience in municipal law
- Experience in Redevelopment law, though we are into the dissolution process, there are still many outstanding issues needed legal consultation
- Desired level of involvement as a part of the management team of the city
- The availability of the attorney, are they city attorney for other cities and how many
- Who will be the assistant city attorney and the experience of other attorneys who may be working with the city
- The billing structure, amount of retainer and definition of services performed within the retainer
- References from other cities the attorney or firm has performed services for
- Any conflicts of interest in serving the City of San Dimas

The process to solicit proposals may take up to 3 months and look something like this:

- Develop the Request for Proposals and identify targeted invitees or methods to advertise – 2 weeks
- Release and accept proposals – 3 – 4 weeks
- Review proposals – 2 weeks
- City Council Interviews – 2 weeks
- Award of contract – 2 weeks

Recommendation

The appointment of city attorney is one of the fundamental decisions of the City Council. Therefore, it is recommended that a very deliberate process be undertaken. For that reason staff would recommend that we begin a request for proposals process. We recommend identifying a select number of firms and or attorneys to request proposals but be open to accepting proposals from others. We would also encourage Mr. Steres and Aleshire & Wynder to submit a proposal.