



**REGULAR CITY COUNCIL MEETING AGENDA  
WEDNESDAY NOVEMBER 9<sup>th</sup>, 2016 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 Ebner  
Councilmember Jeff Templeman

**1. CALL TO ORDER**

**2. PRESENTATIONS/RECOGNITIONS**

- Recognition of Doctor Robert “Bob” Severtson for receiving the Honor Flight for Veterans

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

- a. Members of the Audience

**4. CONSENT CALENDAR**

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

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

1) **RESOLUTION 2016-56**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF OCTOBER AND NOVEMBER, 2016.

2) **RESOLUTION 2016-51A**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF OCTOBER 2016.

- b. Approval of minutes for Special City Council/Staff Retreat of October 17, 2016, Regular City Council Meeting and Special City Council Meeting of October 25<sup>th</sup>, 2016.
- c. Deny Claim Garcia vs. City of San Dimas
- d. Deny Claim Mercury Insurance vs. City of San Dimas
- e. Foothill Boulevard Bridge Widening Project  
CC 2014-01, BHLS-5367-013, EA 07-9338
  - Construction Contract Management Services – Approval of Change Order 3 for Southstar Engineering and Consulting Inc. in the amount not to exceed \$40,000.00 for additional services
  - Final Closure of the Project
- f. **ORDINANCE 1248, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES AMENDING CHAPTER 13 OF THE SAN DIMAS MUNICIPAL CODE BY AMENDING SECTION 13.16.190 TO AMEND PARK HOURS (SECOND READING AND ADOPTION)**

**END OF CONSENT CALENDAR**

**5. OTHER BUSINESS**

- a. Consideration of an urgency ordinance to ban all commercial marijuana activities, to ban personal outdoor cultivation of marijuana, to prohibit smoking and consumption of marijuana in public places and establish regulations regarding the personal indoor cultivation of marijuana.

**ORDINANCE 1249, AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, PROHIBITING MANUFACTURING, PROCESSING, OUTDOOR CULTIVATION, AND WHOLESALE AND RETAIL DISTRIBUTION OF MARIJUANA AND ESTABLISHING REASONABLE REGULATIONS REGARDING INDOOR CULTIVATION AND DECLARING SAME TO BE AN URGENCY MEASURE TO TAKE EFFECT IMMEDIATELY**

**6. ORAL COMMUNICATIONS**

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

## 7. ADJOURNMENT

The next meeting will be a Joint Study Session with Planning Commission Tuesday, November 22<sup>nd</sup>, 2016 at 5:00 p.m.



**Notice Regarding American with Disabilities Act:** In compliance with the ADA, if you need assistance to participate in a city meeting, please contact the City Clerk's Office at (909) 394-6216. Early notification before the meeting you wish to attend will make it possible for the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

Copies of documents distributed for the meeting are available in alternative formats upon request. Any writings or documents provided to the City Council regarding any item on this agenda will be made available for public inspection at the Administration Counter at City Hall and at the San Dimas Library during normal business hours. In addition most documents are posted on the City's website at [cityofsandimas.com](http://cityofsandimas.com).

**Posting Statement:** On November 4<sup>th</sup>, 2016 a true and correct copy of this agenda was posted on the bulletin board at 245 East Bonita Avenue (San Dimas City Hall), 145 North Walnut Avenue (Los Angeles County Library), 300 East Bonita Avenue (United States Post Office), Von's Shopping Center (Puente/Via Verde Avenue) and the City's website [www.cityofsandimas.com/minutes.cfm](http://www.cityofsandimas.com/minutes.cfm)

## **Recognition of Doctor Robert “Bob” Severtson for receiving the Honor Flight for veterans**

Dr. Robert “Bob” Severtson, a World War II Veteran and a San Dimas resident, applied to go on The Honor Flight, which is a free flight to Washington D.C. and free stay for two nights at the Hilton Biltmore Hotel and free meals. The mission of the Honor Flight is to transport America’s veterans to Washington, DC to visit those memorials dedicated to honor the service and sacrifices of themselves and their friends.

Honor Flight Network is a non-profit organization created solely to honor America’s veterans for all their sacrifices. They transport our heroes to Washington, D.C. to visit and reflect at their memorials. Top priority is given to the senior veterans – World War II survivors, along with those other veterans who may be terminally ill.

In August 2016 Dr. Severtson received the e-mail that he was being offered this wonderful opportunity. He asked his daughter, Cindy Hitchman, to accompany him as the veterans can only have a son or daughter as guardian. On Friday, September 30, 2016 they flew on American Airline charter flight along with 78 other veterans and guardians out of San Diego airport.

They followed a well-planned itinerary for three days. Each team leader was assigned a group of 20 veterans. On arrival they were given a Colored I.D. Bracelet and an Honor Flight Tee Shirt which they wore on Saturday to the different places of interest.

The first place to visit was the World War II Memorial where they took a group photo. The second place was the Lincoln Memorial. The third place was the Arlington National Cemetery and the changing of the Guards. The fourth place was Iwo Jima Memorial. The fifth place was U.S. Air force and Navy Memorial. Lastly, there was dinner at the Hilton Biltmore Hotel.

Sunday on their return to San Diego they were honored by approximately 2000 well-wishers including parents and children waving flags and cheering and shaking hands and saluting in grand fashion.

All veterans are eligible for this 3-day Honor Flight. They have only to apply, at no cost and be put on a waiting list. We are proud to recognize San Dimas resident Dr. Robert “Bob” Severtson on his receipt of this distinguished honor.

# *Congratulations*

*Dr. Robert Severtson*

*World War II Veteran and San Dimas resident  
on your selection by the Honor Flight Network  
to participate in the Honor Flight Program*

*November 9<sup>th</sup>, 2016*

**RESOLUTION 2016-56**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SAN DIMAS, CALIFORNIA, APPROVING  
CERTAIN DEMANDS FOR THE MONTHS OCTOBER AND  
NOVEMBER 2016**

**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 Prepaid Warrant Register 10/31/16 in the amount of \$531,016.20  
checks(25896-25941); and Warrant Register 11/15/16 in the amount of \$502,914.77  
checks(156728-156826).

**PASSED, APPROVED AND ADOPTED** this 9th, day of November 2016.

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Curtis W. Morris, Mayor City of San Dimas

**ATTEST:**

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Debra Black, Assistant City Clerk

**I, DEBRA BLACK, ASSISTANT CITY CLERK, HEREBY CERTIFY** that  
Resolution 2016-56 was approved by vote of the City Council of the City of San Dimas at its  
regular meeting of November 9<sup>th</sup>, 2016 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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Debra Black, Assistant City Clerk

10/31/2016

PREPAID

WARRANT REGISTER

Ck#'s 25896 - 25941

Total: \$531,016.20

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
25896	10/31/16	BANK OF AMERICA	DJP ENGINEERING INC	12379	BONITA AVE IMPROVEM	4,450.00		N M 012.4841.692.007
25897	10/31/16	SAN BERNARINO SHERIF	ARREST & CONTROL COUR	0.0001		116.00		N M 001.4310.021.000
25898	10/31/16	CPRS AGING SERVICES&	REG. SENIOR SYMPOSIUM	12466		30.00		N M 001.4420.021.000
25899	10/31/16	MAZMANIAN/JACK	MAILBOX PEDISTAL RPIC	0.0002		184.21		N M 001.4211.014.003
25900	10/31/16	DEPARTMENT OF CONSER	SMI FEES JUL-SEPT/16	10180		673.11		N M 001.210.002
25900	10/31/16	DEPARTMENT OF CONSER	SEISMIC EDUCATION CRED	10180		639.45		N M 001.321.103
25901	10/31/16	CALIFORNIA BUILDING	ADMIN FEE JUL-SEPT/16	12298		225.00		N M 001.4311.020.003
25902	10/31/16	VALDIVIA/STEVEN	PKG PERMIT REFND 9/2-	12134		14.00		N M 001.4190.020.001
25902	10/31/16	VALDIVIA/STEVEN	LEE AIR CAN DUSTER	12134		19.28		N M 001.4190.020.001
25902	10/31/16	VALDIVIA/STEVEN	J. STEVENS MTCG & TRA	12134		128.97		N M 001.4190.020.001
25902	10/31/16	VALDIVIA/STEVEN	L. TORRICO MTCG 9/20	12134		194.54		N M 001.4309.033.000
25903	10/31/16	GUERRERO/DANIEL	REFUND PERMIT #B16226	0.0003		107.12		N M 001.321.104
25903	10/31/16	GUERRERO/DANIEL	REFUND PERMIT #B16226	0.0003		117.02		N M 001.321.104
25904	10/31/16	ADAIR/DANIEL & LAURE	REIMB 25% PROP TAX	10818		77.06		N M 001.4410.023.922
25905	10/31/16	SAN DIMAS PAYROLL/CI	P/E 10/8/16	16050		163,848.34		N M 001.110.004
25906	10/31/16	EMPLOYMENT DEVELOPME	SIT P/E 10/8/16	12343		8,504.68		N M 001.210.004
25907	10/31/16	LINCOLN NATIONAL LIF	EMP DED P/E 10/8/16	14286		1,190.00		N M 001.210.004
25907	10/31/16	LINCOLN NATIONAL LIF	CITY PORT P/E 10/8/16	14286		1,829.16		N M 001.212.001
25908	10/31/16	NATIONWIDE RETIREMNT	EMP DED P/E 10/8/16	14735		7,870.57		N M 001.210.004
25908	10/31/16	NATIONWIDE RETIREMNT	CITY PORT P/E 10/8/16	14735		7,702.33		N M 001.212.001
25909	10/31/16	PERS RETIREMENT CONT	EMP 7% P/E 10/8/16	15639		12,223.50		N M 001.210.004
25909	10/31/16	PERS RETIREMENT CONT	CITY 8.00% P/E 10/8/16	15639		14,654.96		N M 001.210.004
25909	10/31/16	PERS RETIREMENT CONT	SURVIVOR P/E 10/8/16	15639		54.02		N M 001.4190.200.002
25909	10/31/16	PERS RETIREMENT CONT	OPTIONAL P/E 10/8/16	15639		6.02		N M 001.4190.200.002
25909	10/31/16	PERS RETIREMENT CONT	EMP 6.25% P/E 10/8/16	15639		1,907.95		N M 001.210.004
25909	10/31/16	PERS RETIREMENT CONT	CITY 6.55% P/E 10/8/16	15639		2,001.06		N M 001.210.004
25909	10/31/16	PERS RETIREMENT CONT	SURVIVOR P/E 10/8/16	15639		1,015.81		N M 001.210.004
25909	10/31/16	PERS RETIREMENT CONT	OPTIONAL P/E 10/8/16	15639		30,831.19		N M 001.4190.200.002
25910	10/31/16	SAN DIMAS EMPLOYEES	SDEA DUES OCT/16	15995		413.00		N M 001.210.004

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WARRANT	DATE	VENDOR	DESCRIPTION	DISBURSEMENT	AMOUNT	CLAIM	INVOICE
25911	10/31/16	BANK OF AMERICA	EMP DED P/E 10/8/16	825.59			
25911	10/31/16	U.S. BANK	CITY PORT P/E 10/8/16	173.11			
				998.70		*CHECK	TOTAL
25912	10/31/16	VANTAGEPOINT	EMP DED P/E 10/8/16	1,014.71			
25913	10/31/16	VANTAGEPOINT	EMP DED P/E 10/8/16	2,355.00			
25913	10/31/16	VANTAGEPOINT	CITY PORT P/E 10/8/16	2,605.00			
						*CHECK	TOTAL
25914	10/31/16	WAGE WORKS INC	UNREIMB MED P/E 10/8/16	877.08			
25915	10/31/16	ARELLANO/CONNIE	REIMB. L. PAVA 8/1/16	21.78			
25915	10/31/16	ARELLANO/CONNIE	CITY PORT P/E 10/8/16	43.20			
25915	10/31/16	ARELLANO/CONNIE	REIMB. MILEAGE 8/25/16	22.08			
25915	10/31/16	ARELLANO/CONNIE	REIMB. A. BRYAN 8/25/16	27.22			
25915	10/31/16	ARELLANO/CONNIE	REIMB POSTAGE HILLY S.	176.97			
25916	10/31/16	SAN GABRIEL VALLEY C	SGVCMA MTG 10/19	30.00			
25917	10/31/16	DIVISION OF STATE AR	SMI FEE REPT JUL-SEP	183.00			
25918	10/31/16	DURAN/KEN	MILEAGE K DURAN 10/12	106.92			
25919	10/31/16	LINCOLN NATIONAL LIFE	EMP DED P/E 9/10/16	50.00			
25919	10/31/16	LINCOLN NATIONAL LIFE	CITY PORT P/E 9/10/16	100.00			
						*CHECK	TOTAL
25920	10/31/16	SAN DIMAS SENIOR CIT	REFND BINGO PERMIT	25.00			
25921	10/31/16	SAN DIMAS PAYROLL/CI	P/E 10/22/16	164,575.24			
25922	10/31/16	AFLAC BENEFIT SERV	CANCER PREMIUM OCT/16	563.60			
25922	10/31/16	AFLAC BENEFIT SERV	SPECIAL EVENT OCT/16	200.60			
25922	10/31/16	AFLAC BENEFIT SERV	ACCIDENT INS. OCT/16	310.30			
25922	10/31/16	AFLAC BENEFIT SERV	HOSPITAL INS. OCT/16	277.20			
25922	10/31/16	AFLAC BENEFIT SERV	VISION INS. OCT/16	112.40			
25922	10/31/16	AFLAC BENEFIT SERV	DENTAL INS. OCT/16	24.00			
25922	10/31/16	AFLAC BENEFIT SERV	OPTIONAL BEN OCT/16	1,488.19			
						*CHECK	TOTAL
25923	10/31/16	CALIF PERS RETIREMEN	EMP DED OCT FOR NOV	5,597.14			
25923	10/31/16	CALIF PERS RETIREMEN	CITY PORT OCT FOR NOV	49,750.80			
25923	10/31/16	CALIF PERS RETIREMEN	RETIRE FEES OCT FOR NOV	2,750.00			
25923	10/31/16	CALIF PERS RETIREMEN	ADMIN FEES OCT FOR NOV	202.98			
						*CHECK	TOTAL
25924	10/31/16	DELTA DENTAL INSURAN	CITY PORT OCT FOR NOV	867.11			

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
BANK OF AMERICA								
25925	10/31/16	DELTA DENTAL OF CALI	EMP DED OCT FOR NOV/16	71.29				N M 001.210.004
25925	10/31/16	DELTA DENTAL OF CALI	CITY PORT OCT FOR NOV	525.21				N M 001.212.001
25925	10/31/16	DELTA DENTAL OF CALI	EMP PYMT OCT FOR NOV	1,662.98				N M 001.4190.200.002
*CHECK TOTAL								
25926	10/31/16	EMPLOYMENT DEVELOPME	SIT P/E 10/22/16	8,505.19				N M 001.210.004
25927	10/31/16	INLAND EMPIRE UNITED	EMP DED P/E 10/22/16	270.00				N M 001.210.004
25928	10/31/16	LINCOLN NATIONAL LIFE	EMP DED P/E 10/22/16	1,190.00				N M 001.210.004
25928	10/31/16	LINCOLN NATIONAL LIFE	CITY PORT P/E 10/22/16	1,829.16				N M 001.212.001
*CHECK TOTAL								
25929	10/31/16	NATIONWIDE RETIREMNT	EMP DED P/E 10/22/16	7,920.57				N M 001.210.004
25929	10/31/16	NATIONWIDE RETIREMNT	CITY PORT 10/22/16	15,622.90				N M 001.212.001
*CHECK TOTAL								
25930	10/31/16	PERS RETIREMENT CONT	EMP 7% P/E 10/22/16	12,203.95				N M 001.210.004
25930	10/31/16	PERS RETIREMENT CONT	CITY PORT P/E 10/22/16	14,603.35				N M 001.212.001
25930	10/31/16	PERS RETIREMENT CONT	OPTIONAL P/E 10/22/16	54.87				N M 001.210.004
25930	10/31/16	PERS RETIREMENT CONT	EMP 6.25% P/E 10/22/16	957.94				N M 001.210.004
25930	10/31/16	PERS RETIREMENT CONT	CITY PORT P/E 10/22/16	1,153.81				N M 001.212.001
25930	10/31/16	PERS RETIREMENT CONT	OPTIONAL P/E 10/22/16	30,887.85				N M 001.4190.200.002
*CHECK TOTAL								
25931	10/31/16	LEGAL SHIELD	EMP DED OCT/16	231.88				N M 001.210.004
25931	10/31/16	LEGAL SHIELD	CITY PORT OCT/16	233.30				N M 001.4190.200.018
*CHECK TOTAL								
25932	10/31/16	U.S. BANK	EMP DED P/E 10/22/16	783.22				N M 001.210.014
25932	10/31/16	U.S. BANK	CITY PORT P/E 10/22/16	1,947.43				N M 001.212.014
*CHECK TOTAL								
25933	10/31/16	VANTAGEPOINT TRANSFE	EMP DED P/E 10/22/16	1,016.15				N M 001.210.004
25934	10/31/16	VANTAGEPOINT TRANSFE	EMP DED P/E 10/22/16	2,355.00				N M 001.210.004
25934	10/31/16	VANTAGEPOINT TRANSFE	CITY PORT P/E 10/22/16	2,605.00				N M 001.212.001
*CHECK TOTAL								
25935	10/31/16	VISION SERVICE PLAN	EMP DED OCT FOR NOV/16	17.08				N M 001.210.004
25935	10/31/16	VISION SERVICE PLAN	CITY PORT OCT FOR NOV	988.90				N M 001.212.001
25935	10/31/16	VISION SERVICE PLAN	EMP PYMT OCT FOR NOV	1,499.90				N M 001.4190.200.002
*CHECK TOTAL								
25936	10/31/16	WAGE WORKS INC	UNREIMB MED P/E 10/22	877.08				N M 001.210.004
25937	10/31/16	WAGE WORKS INC	ADMIN FEES OCT/16	84.00				N M 001.210.004
25937	10/31/16	WAGE WORKS INC	ADMIN FEES OCT/16	41.00				N M 110.210.004
25937	10/31/16	WAGE WORKS INC	ADMIN FEES OCT/16	50.00				N M 110.210.004
*CHECK TOTAL								

WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
		BANK OF AMERICA						
25938	10/31/16	O'BRIEN/MICHAEL	11261 TUITION REIMBURSEME	2,000.00				N M 001.4190.020.005
25939	10/31/16	PARTIES UNLIMITED	15032 DEPOSIT DINNER 11/4/1	523.20				M M 001.4420.013.003
25940	10/31/16	HENRY/TRICIA	10874 ENTERTAINMENT 11/4/16	225.00				M M 001.4420.013.003
25941	10/31/16	SCRRA	10538 PERMIT BONITA AV PR 2,	775.00				N M 073.4841.660.001
156603	10/31/16	STATE WIDE MECHANICA	10565 WR #156603 VOID-DUPLIC	18.62CR		61015		N M 001.4430.015.000
		BANK OF AMERICA	TOTAL	531,016.20				

Disbursement Journal  
DESCRIPTION AMOUNT  
CLAIM INVOICE  
531,016.20

RECORDS PRINTED - 000096

ACS FINANCIAL SYSTEM  
11/02/2016 12:37:31

CITY OF SAN DIMAS  
GL060S-V07.27  
GL540R  
RECAPPAGE

Disbursement Journal

FUND RECAP:  
-----  
FUND DESCRIPTION  
-----  
001 GENERAL FUND  
012 PUBLIC WORKS REPLACEMENT  
073 PUBLIC LOCAL TRANSPORTATION  
110 TRUST AND AGENCY  
TOTAL ALL FUNDS

DISBURSEMENTS  
523,517.20  
4,450.00  
2,774.00  
531,016.20

BANK RECAP:  
-----  
BANK NAME  
-----  
CHEK BANK OF AMERICA  
TOTAL ALL BANKS

DISBURSEMENTS  
531,016.20  
531,016.20

11/15/2016

WARRANT REGISTER

Ck#'s 156728-156826

Total: \$502,914.77

WARRANT DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
156728	11/15/16	ACCO ENGINEERED SYST					
156728	11/15/16	ACCO ENGINEERED SYST	2,034.00		669321		N D 001.4411.015.000
		OCT'16 MAINTENANCE	2,034.27	*CHECK	669321		N D 001.4411.015.000
		OCT'16 MAINTENANCE	2,708.27	TOTAL			
156729	11/15/16	ACT NOW! SIGNS	136.25		19304		N D 001.4430.010.000
156730	11/15/16	ACT 1 CONSTRUCTION,					
156730	11/15/16	ACT 1 CONSTRUCTION,	21,516.46				N D 007.4341.041.003
156730	11/15/16	ACT 1 CONSTRUCTION,	209,262.39				N D 012.2841.692.007
		RETENTION	213,984.71	*CHECK			N D 012.210.006
		TOTAL					
156731	11/15/16	ALBERTSON'S	13.37		020307		N D 001.4212.033.000
156731	11/15/16	ALBERTSON'S	39.07		020308		N D 001.4222.013.003
156731	11/15/16	ALBERTSON'S	169.17	*CHECK	020308		N D 001.4222.013.003
		TOTAL	221.61	TOTAL			
156732	11/15/16	WYNDER, & WYNDER,	5,076.00		39446		N D 001.4170.020.000
156732	11/15/16	WYNDER, & WYNDER,	644.00		39447		N D 001.4170.020.000
156732	11/15/16	WYNDER, & WYNDER,	93.00		39448		N D 001.4170.020.000
156732	11/15/16	WYNDER, & WYNDER,	180.00		39449		N D 001.4170.020.000
156732	11/15/16	WYNDER, & WYNDER,	539.00		39450		N D 038.4120.020.909
		TOTAL	6,521.00	*CHECK			
156733	11/15/16	AMERIPRIDE UNIFORM	4.80		1401482623		N D 001.4342.031.000
156733	11/15/16	AMERIPRIDE UNIFORM	38.45		1401482623		N D 001.4342.031.000
156733	11/15/16	AMERIPRIDE UNIFORM	4.80		1401482623		N D 001.4342.031.000
156733	11/15/16	AMERIPRIDE UNIFORM	36.65		1401482623		N D 001.4342.031.000
156733	11/15/16	AMERIPRIDE UNIFORM	66.98		1410053007		N D 001.4410.029.000
156733	11/15/16	AMERIPRIDE UNIFORM	218.65	*CHECK	1410053007		N D 001.4415.029.000
156734	11/15/16	ANDREU/CHARLES F	70.00		10192016		M D 001.4210.411.001
156735	11/15/16	ARAWARK REFRESHMENT	337.19		1404412		N D 001.4190.033.000
156736	11/15/16	ARCHITERRA DESIGN GR	1,200.00		21985		N D 012.4841.692.001
156736	11/15/16	ARCHITERRA DESIGN GR	1,238.88	*CHECK	21985		N D 012.4841.692.001
		TOTAL		TOTAL			
156737	11/15/16	BITHELL, INC	11,141.00		2016102016		N D 001.4410.023.000
156738	11/15/16	CASHIER, DEPARTMENT	60.00				N D 001.4414.016.000
156739	11/15/16	CENTER ICE	125.80				N D 001.4420.020.000
156740	11/15/16	CHAPARRAL LANES	74.80				N D 001.4420.020.000
156741	11/15/16	CHINO TACH & SPEEDO	325.00		27267		M D 001.4342.020.001
156742	11/15/16	COLLIERS INTERNATIONAL	3,900.00		LAX160552		N D 038.4120.020.522

WARRANT DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
BANK OF AMERICA							
156743 11/15/16	COMPUTER SERVICE COM	ARROW HWY/WALNUT WRK	899.41		1001		N D 008.4415.033.000
156743 11/15/16	COMPUTER SERVICE COM	ARROW HWY/WALNUT WRK	343.74		1002		N D 008.4415.033.000
			1,243.15	*CHECK TOTAL			
156744 11/15/16	CONSTRUCTION HARDWAR	SECURITY DOOR	1,231.70		91563-A		N D 001.4410.023.000
156745 11/15/16	COSTCO WHOLESALE	HALLOWEEN SPECT. CAND	139.90		10212016		N D 001.4420.034.010
156746 11/15/16	COUNTRY ESTATE FENCE	RAIL, CAPS, INSTALL CHR	606.06		22543		N D 012.4410.929.002
156747 11/15/16	CREATIVE FORMS & CON	W2S/1099	208.32		115003		N D 001.4150.018.000
156748 11/15/16	DENMAC INDUSTRIES; I	REFURBISH TRASH CAN	1,678.60		7308		N D 012.4841.692.007
156748 11/15/16	DENMAC INDUSTRIES; I	REFURBISH BENCHES	4,180.15	*CHECK TOTAL	7308		N D 012.4841.692.007
156749 11/15/16	DJP ENGINEERING INC	TRAFFIC CNTROL- RR X	1,900.00		15021COR-5		N D 073.4841.660.001
156749 11/15/16	DJP ENGINEERING INC	BADILLO/VALLEY CTR	5,360.00		15020-I		N D 073.4841.660.001
156749 11/15/16	DJP ENGINEERING INC	BADILLO/VALLEY CTR	15,960.00	*CHECK TOTAL	15020-I		N D 073.4841.660.001
156750 11/15/16	DOG WASTE DEPOT	DOG WASTE ROLL BAGS C	686.70		112992		N D 008.4414.033.000
156751 11/15/16	E L LANDSCAPE SERVIC	IRRIGATION INSTALL	1,305.00		170		M D 001.4415.020.008
156751 11/15/16	E L LANDSCAPE SERVIC	IRRIGATION INSTALL	1,780.00		171		M D 001.4415.020.008
156751 11/15/16	E L LANDSCAPE SERVIC	IRRIGATION INSTALL	1,425.00		172		M D 001.4415.020.008
156751 11/15/16	E L LANDSCAPE SERVIC	IRRIGATION INSTALL	1,743.00		173		M D 001.4415.020.008
156751 11/15/16	E L LANDSCAPE SERVIC	IRRIGATION INSTALL	6,295.00	*CHECK TOTAL	173		M D 001.4415.020.008
156752 11/15/16	EMPLOYMENT DEVELOPME	BENEFIT 7/1/16-9/30	6,176.00		L0959251488		N D 001.4190.200.016
156753 11/15/16	EWING IRRIGATION PRO	IRRIGATION SUPPLIES	16.11		2345542		N D 001.4415.033.000
156753 11/15/16	EWING IRRIGATION PRO	190-ADV HUNTER LG TUR	130.89	*CHECK TOTAL	2372035		N D 008.4414.033.000
156754 11/15/16	F & H TIRE CO	TIRES/WHEEL BAL.	408.76		IN00728256		N D 001.4342.011.000
156754 11/15/16	F & H TIRE CO	TIRES	1,433.52	*CHECK TOTAL	IN00728256		N D 001.4342.011.000
156755 11/15/16	FAITH FIRE EXTINGUIS	FIRE EXTINGUISHERS	247.41		7374		M D 001.4342.033.000
156756 11/15/16	FLEETSERV	CLAMP AND SEAL	285.29		08-1608-190		N D 001.4342.011.000
156757 11/15/16	GANAHL LUMBER COMPAN	LUMBER	894.52		A1266540		N D 001.4342.041.011
156758 11/15/16	GARRETT	CORE DRILL	325.00		111665		N D 001.4341.020.000
156759 11/15/16	GAS COMPANY/THE	105 017 1500 6	388.03				N D 053.4410.022.002
156759 11/15/16	GAS COMPANY/THE	163 717 4800 1	1,621.48	*CHECK TOTAL			N D 001.4430.022.002



WARRANT	DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
156769	11/15/16	BANK OF AMERICA	INSR. SOCCER 9/17-1	4,712.40				N D 001.4420.020.000
156770	11/15/16	KLEIN/LIZBETH	SPANISH INSTR.	658.24				M D 001.4420.020.000
156771	11/15/16	KNOX/JAMES	GIS CONSULTING SERV	1,813.00		24		M D 001.4310.020.007
156772	11/15/16	KOSMONT COMPANIES	SERVICES 9/1-9/30/16	286.00		0009		N D 038.4120.020.522
156773	11/15/16	L.A. CO. DEPT OF PUB	LOVE HILL & CIENEGA	1,465.06		PW-16101203225		N D 007.4345.601.003
156773	11/15/16	L.A. CO. DEPT OF PUB	TRAFFIC SIGN MAINT.	118.72		PW-16101203225		N D 007.4345.601.003
156773	11/15/16	L.A. CO. DEPT OF PUB	TRAFFIC SIG MAINT.	1,631.82		PW-16101203225		N D 007.4345.601.003
						TOTAL		N D 007.4345.601.003
						*CHECK		N D 007.4345.601.003
156774	11/15/16	L.A. CO. PROBATION D	CRIME PREV. 7/1-9/	20,500.00		161701PIP		N D 001.4210.020.022
156775	11/15/16	L.A. COUNTY ASSESSOR	MAPS BY E-MAIL	20.00		17ASRE098		N D 001.4309.016.000
156776	11/15/16	L.A. COUNTY FIRE DEP	LACO/CUPA#AR0008243	426.00		IN0237047		N D 001.4340.020.009
156776	11/15/16	L.A. COUNTY FIRE DEP	HAZARDOUS MATERIAL	1,930.00		IN0240207		N D 001.4342.020.003
						TOTAL		N D 001.4342.020.003
						*CHECK		N D 001.4342.020.003
156777	11/15/16	L.A. COUNTY SHERIFF'	SEPT PRISONER MAINTEN	911.92		171227JK		N D 001.4210.412.000
156778	11/15/16	LA VERNE POWER EQUIP	BAR & CHAIN OIL	11.98		98851		N D 001.4342.033.000
156779	11/15/16	LEPE/MAURO	SEPT'16 SERVICES	65.00				M D 034.4802.015.000
156780	11/15/16	LIFT TEK	OFFICE SUPPLIES	866.52				M D 001.4342.033.000
156781	11/15/16	LOS ANGELES FREIGHTL	OIL CHG/REPAIR	587.61		FS369831		N D 001.4342.020.001
156781	11/15/16	LOS ANGELES FREIGHTL	OIL CHG/REPAIR	552.18		FS369831		N D 001.4342.020.001
						TOTAL		N D 001.4342.020.001
						*CHECK		N D 001.4342.020.001
156782	11/15/16	LOWE'S	STOARGE FOR ART SUPPL	116.89		021329		N D 001.4342.020.000
156782	11/15/16	LOWE'S	ART FESTIVAL SUPPLIES	123.36		021811		N D 001.4342.020.000
156782	11/15/16	LOWE'S	CLEANING SUPPLIES	17.55		022018		N D 001.4342.020.000
156782	11/15/16	LOWE'S	50LB FIL SUP TOOL HANG	51.95		023228		N D 001.4342.020.000
156782	11/15/16	LOWE'S	SUPPLIES FOR UNIT# 66	44.05		024555		N D 001.4342.020.000
156782	11/15/16	LOWE'S	PAINTING SUPPLIES	12.73		024555		N D 001.4342.020.000
156782	11/15/16	LOWE'S	WH PARTS REPAIRS	14.43		025229		N D 001.4342.020.000
156782	11/15/16	LOWE'S	SUPPLIES FOR UNIT# 66	18.13		025229		N D 001.4342.020.000
156782	11/15/16	LOWE'S	SUPPLIES FOR UNIT# 66	14.33		026219		N D 001.4342.020.000
156782	11/15/16	LOWE'S	UTILITY PARK FLAG POLE	34.34		026219		N D 001.4342.020.000
156782	11/15/16	LOWE'S	FREEDOM PARK FLAG POLE	34.34		026219		N D 001.4342.020.000
156782	11/15/16	LOWE'S	SUPPLIES BOLTS, WASHERS	54.58		026419		N D 001.4342.020.000
156782	11/15/16	LOWE'S	LUMBER GRIP	17.92		026419		N D 001.4342.020.000
156782	11/15/16	LOWE'S	LUICK PATS	64.92		026524		N D 001.4342.020.000
156782	11/15/16	LOWE'S	ROOF PATCHING SUPPLIES	73.55		027329		N D 001.4342.020.000
156782	11/15/16	LOWE'S	SUPPLIES	39.21		027329		N D 001.4342.020.000
156782	11/15/16	LOWE'S	ENTRY LEVEL FLAIR			02832		N D 001.4342.020.000

WARRANT DATE VENDOR  
BANK OF AMERICA

Disbursement Journal

F 9 S ACCOUNT

PO#

CLAIM INVOICE

AMOUNT

DESCRIPTION

10479

VACUUM EXTENSIONS BRUSH

14.57

PLATE, PIGTAIL, LEG 20A

23.34

15.84

694.56

\*CHECK TOTAL

474.32

ACTUATOR-THROTTLE

12263

SEPT BOURBANS SYCAMORE

2,574.31

SEPT MEDANS GROUND

1,401.02

SEPT SPARKS GROUND

1,467.24

74332-1

74332-1

74332-1

74332-1

74332-1

74332-1

74332-1

74332-1

74332-1

74332-1

\*CHECK TOTAL

137653

SEPT PARAWINDS

972.22

SEPT MTS. SHELTERS

441.52

SEPT PLANT CANALS & P

1,323.28

SEPT PLANT CANALS

1,323.28

\*CHECK TOTAL

1,068.97

OVERPMT INV. #72677

26,287.57

INSTR. T.TOTS 10/21-

1,425.60

10816

552.89

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475.00

\*CHECK TOTAL

1,175.00

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CAL PERS SEMIN

309.90

937.02

1,113.35

1,391.35

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1,363.12

3,380.68

\*CHECK TOTAL

1,051.64

1,346.97

18,846.14

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WARRANT DATE VENDOR  
BANK OF AMERICA

Disbursement Journal

F 9 S ACCOUNT

WARRANT DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
156793	11/15/16 PHOENIX GROUP	INFORM	997.64	*CHECK	092016188		N D 001.4210.411.000
		SEPTEMBER SRVCS		TOTAL			
156784	11/15/16 PLUMBING WHOLESALERS	O	124.32		8100117618.022		N D 053.4410.023.000
156784	11/15/16 PLUMBING WHOLESALERS	O	458.12		8100117618.022		N D 053.4410.023.000
156784	11/15/16 PLUMBING WHOLESALERS	O	658.47	*CHECK	8100117618.022		N D 053.4410.023.000
		PLUMBING SUPPLIES		TOTAL			
156795	11/15/16 POMONA VALLEY HOSPIT		34.00		07398624		N D 001.4420.020.000
156796	11/15/16 POOL & ELECTRICAL PR		12.39		19204		N D 001.4410.031.000
156797	11/15/16 PROSOURCE FACILITY S		488.03		19204		N D 001.4410.031.000
156797	11/15/16 PROSOURCE FACILITY S		488.03		19204		N D 001.4410.031.000
156797	11/15/16 PROSOURCE FACILITY S		488.03		19204		N D 001.4410.031.000
156797	11/15/16 PROSOURCE FACILITY S		1,956.11	*CHECK	19204		N D 001.4430.031.000
		FACILITY SUPPLIES		TOTAL			
156798	11/15/16 QUALITY INSTANT PRIN		867.10		40446		N D 001.4345.033.000
156799	11/15/16 QUALITY MOBILE HOME		2,250.00		5318		N D 034.4802.851.040
156800	11/15/16 RAYA/LEON		111.53		6832		N D 001.4420.034.010
156801	11/15/16 RDM ELECTRIC CO., IN		1,250.00		7126		N D 007.4341.041.003
156802	11/15/16 RECONCILED TERMITE &		30.00		7126		M D 001.4411.023.000
156802	11/15/16 RECONCILED TERMITE &		45.00		7126		M D 001.4411.023.000
156802	11/15/16 RECONCILED TERMITE &		35.00		7126		M D 001.4411.023.000
156802	11/15/16 RECONCILED TERMITE &		238.00		7126		M D 001.4411.023.000
156802	11/15/16 RECONCILED TERMITE &		300.00		7126		M D 001.4411.023.000
156802	11/15/16 RECONCILED TERMITE &		1,288.00		7126		M D 001.4411.023.000
156802	11/15/16 RECONCILED TERMITE &		329.00	*CHECK	7126		M D 001.4411.023.000
		OCT PEST MARTIN H		TOTAL			
156803	11/15/16 REED/BONNIE		938.40		5045194686		M D 001.4420.020.000
156804	11/15/16 RICOH USA, INC		685.34		5045233862		N D 001.4190.015.000
156804	11/15/16 RICOH USA, INC		96.35		5045233862		N D 001.4190.015.000
156804	11/15/16 RICOH USA, INC		64.76		5045233862		N D 001.4190.015.000
156804	11/15/16 RICOH USA, INC		385.21		5045233862		N D 001.4190.015.000
156804	11/15/16 RICOH USA, INC		1,608.74	*CHECK	5045233862		N D 001.4190.015.000
		OCT IMAGES #3333031		TOTAL			
156805	11/15/16 RIGHT OF WAY INC		1,220.80		24490		N D 012.4845.692.007
156805	11/15/16 RIGHT OF WAY INC		368.93		24541		N D 012.4845.692.007
156805	11/15/16 RIGHT OF WAY INC		1,988.27	*CHECK	24581		N D 012.4845.692.007
		BONITA SIGNS/BARRIC		TOTAL			

WARRANT DATE	VENDOR	DESCRIPTION	AMOUNT	CLAIM	INVOICE	PO#	F 9 S ACCOUNT
BANK OF AMERICA							
1568006	11/15/16	RKA CONSULTING GROUP	808.50		25326		001.4308.020.002
1568006	11/15/16	RKA CONSULTING GROUP	317.25		25326		001.4308.020.002
1568006	11/15/16	RKA CONSULTING GROUP	117.50		25326		001.4308.020.002
1568006	11/15/16	RKA CONSULTING GROUP	448.75		25326		001.4308.020.002
1568006	11/15/16	RKA CONSULTING GROUP	448.75		25326		001.4308.020.002
1568006	11/15/16	RKA CONSULTING GROUP	147.00		25326		001.4308.020.002
1568006	11/15/16	RKA CONSULTING GROUP	216.50		25326		001.4308.020.002
*CHECK TOTAL							
1568007	11/15/16	SAN DIMAS CHAMBER OF PROMOTIONAL SVC NOV 2, 500.00	500.00		NOVEMBER2016		N D 001.4190.010.003
1568008	11/15/16	SAN DIMAS GROVE STAT NOV H.O.A 364 S.S.D.A 298.14	298.14				N D 034.4802.865.512
1568008	11/15/16	SAN DIMAS GROVE STAT NOV H.O.A 334 S.S.D.A 598.36	598.36		*CHECK TOTAL		N D 034.4802.865.512
*CHECK TOTAL							
1568009	11/15/16	SAN GABRIEL VALLEY LOCAL GOV. MEMBER 1 5,250.00	5,250.00		6008		N D 001.4190.016.000
156810	11/15/16	SANDER'S AUTO SMOG CHECK #65 43.70	43.70		105218		M D 001.4342.020.001
156810	11/15/16	SANDER'S AUTO SMOG CHECK #11 43.70	43.70		105220		M D 001.4342.020.001
156810	11/15/16	SANDER'S AUTO SMOG CHECK #29 43.70	43.70		105278		M D 001.4342.020.001
156810	11/15/16	SANDER'S AUTO SMOG CHECK #75 43.70	43.70		105283		M D 001.4342.020.001
156810	11/15/16	SANDER'S AUTO SMOG CHECK #31 43.70	43.70		105293		M D 001.4342.020.001
156810	11/15/16	SANDER'S AUTO SMOG CHECK 305.90	305.90		105209		M D 001.4342.020.001
*CHECK TOTAL							
156811	11/15/16	SCHWEITZER/DORA INSTR. T.TOTS 10/17- 1,742.40	1,742.40				M D 001.4420.020.000
156812	11/15/16	SERRATO/HORTENCIA REFUND DEPOSIT 10/29 500.00	500.00				N D 001.341.002
156813	11/15/16	SHERWIN WILLIAMS CO WALKER HOUSE REPAIR 38.40	38.40		5050-0		N D 003.4410.033.000
156814	11/15/16	SIERRA ERGONOMICS, I WORKSTATION ERGO. ASS 343.74	343.74		162107401		N D 001.4190.020.000
156815	11/15/16	SMART & FINAL TABLE COVERS 23.96	23.96		100449		N D 001.4420.034.010
156815	11/15/16	SMART & FINAL HALLOWEEN CARNIVAL 11.97	11.97		101407		N D 001.4420.034.010
156815	11/15/16	SMART & FINAL HAPPY HOUR 10/20/16 88.53	88.53		1952555		N D 001.4420.013.003
156815	11/15/16	SMART & FINAL LUNCH SOCIAL 10/20/16 50.88	50.88		1952556		N D 001.4420.013.003
156815	11/15/16	SMART & FINAL FLU SHOT CLINIC 48.82	48.82		199676		N D 001.4420.013.003
156815	11/15/16	SMART & FINAL COFFEE SUPPLIES 145.01	145.01		199678		N D 001.4420.013.003
*CHECK TOTAL							
156816	11/15/16	SOUTHEAST CONSTR PRO SECO SONO TUBE 106.43	106.43		1156671-1		N D 001.4341.033.000
156816	11/15/16	SOUTHEAST CONSTR PRO GRATE & FRAME 172.77	172.77		1160057-1		N D 001.4341.033.000
*CHECK TOTAL							
156817	11/15/16	SOUTHERN CALIF EDISO 2-02-365-5038 992.30	992.30				N D 072.4125.453.002
156817	11/15/16	SOUTHERN CALIF EDISO 2-09-985-6338 2,240.18	2,240.18				N D 007.4345.022.001
156817	11/15/16	SOUTHERN CALIF EDISO 2-03-702-9469 1,093.52	1,093.52				N D 001.4342.022.001

WARRANT DATE VENDOR

PO# INVOICE

AMOUNT

DESCRIPTION

DEBIT CREDIT

WARRANT DATE	VENDOR	PO#	INVOICE	AMOUNT	DESCRIPTION	DEBIT	CREDIT
BANK OF AMERICA							
156817	11/15/16			57.38	2-25-190-116-4430	57.38	
156817	11/15/16			587.29	2-09-990-266377	587.29	
156817	11/15/16			2,680.72	2-09-990-266377	2,680.72	
156817	11/15/16			2,142.87	2-09-990-266377	2,142.87	
156817	11/15/16			1,560.14	2-09-989-833066	1,560.14	
156817	11/15/16			2	2-12-250-47781	2	
156817	11/15/16			24.41	2-09-990-47781	24.41	
156817	11/15/16			73.41	2-09-990-47781	73.41	
156817	11/15/16			2,376.30	2-18-769-0995	2,376.30	
156817	11/15/16			204.47	2-18-370-8817	204.47	
				28,037.04			
					*CHECK TOTAL		
156818	11/15/16		19819	1,236.95	12319 OCT LANDSCAPE MAINT		1,236.95
156819	11/15/16		25444	540.43	11118 REPAIR CITY YARD GATE		540.43
156820	11/15/16		028809	40.84	11267 HALLOWEEN SUPPLIES		40.84
156821	11/15/16		S106020110.001	1,513.51	10860 ELECTRIC SUPPLIES		1,513.51
156821	11/15/16		S106453675.001	123.93	10860 CONCRETE TRAFFIC BOX		123.93
156821	11/15/16		S106493633.001	55.25	10860 ELECTRIC SUPPLIES		55.25
				1,692.69			
					*CHECK TOTAL		
156822	11/15/16		5356134	178.76	10242 HYPOCHLORITE SOLUTION		178.76
156822	11/15/16		5356908	271.72	10242 HYPOCHLORITE SOLUTION		271.72
				450.48			
					*CHECK TOTAL		
156823	11/15/16		119050	6,250.60	12070 16-17 TREE MAINT.		6,250.60
156824	11/15/16		21687	400.00	10319 WASHING WASH RACK PIT		400.00
156825	11/15/16			61.43	11137 CA CHAPTER CONF. REIMB		61.43
156826	11/15/16		086448573	43.00	17425 6204CP COPILER		43.00
156826	11/15/16		086448574	187.64	17425 WC7428P PRINTER		187.64
				230.64			
					*CHECK TOTAL		
BANK OF AMERICA				502,914.77	TOTAL		

ACS FINANCIAL SYSTEM  
11/02/2016 15:12:03  
WARRANT DATE VENDOR  
REPORT TOTALS:

DESCRIPTION      Disbursement Journal  
AMOUNT  
502,914.77

CLAIM INVOICE

PO#

CITY OF SAN DIMAS  
GL540R-V07:27 PAGE 9  
F 9 S ACCOUNT

RECORDS PRINTED - 000263

Disbursement Journal

FUND RECAP:  
 FUND DESCRIPTION  
 001 GENERAL FUND  
 002 STATE GAS TAX  
 003 WALKER HOUSE LIGHTING DISTRICT  
 007 CITY WIDE PARCEL TAX  
 008 LANDSCAPE PICTURE REPLACEMENT  
 012 LANDSCAPE PICTURE REPLACEMENT  
 027 CIVIC CENTER PARKING DIST  
 034 HOUSING AUTHORITY 2-1-12  
 038 SUCCESSOR AGENCY CG 2-1-12  
 053 GOLF COURSE MAINT & OPERATIO  
 071 AIR QUALITY MANAGEMENT DIST  
 072 PROP A LOCAL TRANSPORTATION  
 073 PROP C LOCAL TRANSPORTATION  
 075 LANDSCAPE MAINTENANCE DIST  
 110 TRUST AND AGENCY  
 TOTAL ALL FUNDS

DISBURSEMENTS  
 133,888.97  
 13,800.17  
 25,000.00  
 216,815.38  
 3,613.00  
 25,452.85  
 25,304.47  
 3,281.67  
 1,120.00  
 1,829.10  
 502,914.77

BANK RECAP:  
 BANK NAME  
 CHEK BANK OF AMERICA  
 TOTAL ALL BANKS

DISBURSEMENTS  
 502,914.77

**RESOLUTION 2016-51A**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SAN DIMAS, CALIFORNIA, APPROVING  
CERTAIN DEMANDS FOR THE MONTH OCTOBER 2016**

**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 10/31/16 in the amount of \$768,747.55 checks  
(156618-156727).

**PASSED, APPROVED AND ADOPTED** this 25th, day of October 2016.

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Curtis W. Morris, Mayor City of San Dimas

**ATTEST:**

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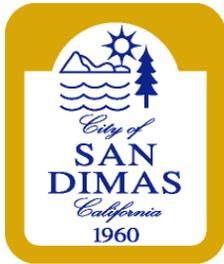
Debra Black, Assistant City Clerk

**I, DEBRA BLACK, ASSISTANT CITY CLERK, HEREBY CERTIFY** that  
Resolution 2016-51 was approved by vote of the City Council of the City of San Dimas at its  
regular meeting of October 25th, 2016 by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

---

Debra Black, Assistant City Clerk



**SPECIAL CITY COUNCIL – STAFF RETREAT  
MINUTES  
MONDAY, OCTOBER 17, 2016, 5:00 P. M.  
COUNCIL CHAMBERS CONFERENCE ROOM  
245 E. BONITA AVE.**

---

**CITY COUNCIL:**

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

**STAFF:**

City Manager Blaine Michaelis  
City Attorney Mark Steres  
Assistant City Manager Ken Duran  
Assistant City Manager Community Development Larry Stevens  
Director of Parks and Recreation Theresa Bruns  
Director of Public Works Krishna Patel

**CALL TO ORDER**

Mayor Morris called the Special City Council Meeting to order at 5:00 p.m.

**1. a. OVERVIEW OF PROPOSITION 64 ADULT USE OF MARIJUANA ACT**

City Manager Michaelis reviewed his summary report on Proposition 64, the Control, Regulate, and Tax Adult use of Marijuana Act (“AUMA”) on the November ballot. He explained that there are a few land use provisions that local jurisdictions may adopt that may expressly prohibit or restrict some marijuana related matters including; outright prohibition on commercial/retail activities, prohibition of personal outdoor cultivation of marijuana and prohibition of the smoking of marijuana in any public place. He added that a city may also place restrictions on but not prohibit the indoor cultivation in private residences.

Mr. Michaelis outlined options of actions the Council could take if they wanted to adopt restrictive provisions of Proposition 64. The consensus of the Council was to be as restrictive on sale, cultivation and use of marijuana in public places as possible. Mr. Michaelis responded that staff will present an ordinance at the October 9<sup>th</sup> meeting that would prohibit commercial or retail sales activities, prohibit personal outdoor cultivation of marijuana and place restrictions on indoor personal cultivation and prohibit use of marijuana in public places. He added that it will be presented as an urgency ordinance to become effective immediately, in the event the Proposition passes on October 8<sup>th</sup> and a regular ordinance will then be brought back under the normal process. Mr. Steres confirmed that there is no issue with adopting an urgency ordinance on this matter.

There were some questions as to the City’s ability to regulate marijuana use on private business such as outdoor eating areas of restaurants. Mr. Stevens responded that it is still unclear if a city

can regulate use on private businesses. Mr. Steres suggested that regulation on private businesses needs to be reviewed more before the city should consider taking action.

**1. b. STAFF REPORT BACK ON DIRECTION GIVEN BY THE CITY COUNCIL  
REGRADING DOWNTOWN ENCHROACHMENTS**

Mr. Stevens recapped the previous directions given by Council on guidelines and permits for outside display and dining areas in the downtown. He reviewed some of the changes based upon Council direction. He added that the guidelines include the ability to have a small eating space, defined as 2 tables or 4 chairs, without a fence. He also reviewed the description of “standard of quality” to address concern of clutter or inappropriate merchandise. He added that the applicant would submit a diagram and general description of the display and staff will use discretion to approve or deny the displays. He added that if there is a dispute in staff’s approval the matter can be reviewed by DPRB. There was discussion on the need and practicality for a diagram and description given that merchandise and displays will change regularly. The consensus of the Council was not to require diagrams but only a general description.

Mr. Stevens commented that there is still one issue that is unresolved and that is whether or not the City would provide financing for businesses that may want to add outdoor dining fencing in the future. The consensus of the Council was to wait and deal with the issue if it arises.

**1. c. DISCUSSION ON THE CONCEPT OF HAVING PUBLIC WI-FI IN AND  
OUTSIDE OF CITY HALL AND IN THE DOWNTOWN AREA**

Mr. Duran reported that since the last discussion with the Council on public Wi-Fi in the downtown area, staff has reviewed with consultants and engineers and have come up with a viable option if the desire is to make public Wi-Fi available. He explained the system that would utilize existing and already planned conduit and existing light poles on Bonita Ave. He added that the system would allow for public Wi-Fi to be available from Cataract to San Dimas Ave. in outdoor areas. He added the cost of the installation and equipment would be \$35,000 with an on-going monthly expense of \$100 per month.

Councilmember Bertone commented that it seems that if we are going to install it, now is the time to do it. Councilmember Ebner commented that he has had discussions on having Wi-Fi in the downtown with a number of people and they shared with him ways they would use the service. Mayor Morris commented that he can’t envision many places where people would be sitting around using it. Councilmember Templeman suggested installing the cable now and see how the overall project pencils out before deciding on the rest of the installation.

Councilmember Badar commented that he came in opposed to spending the money but now seems like now is the best time to install it.

Councilmember Badar made a motion to install the described Wi-Fi system in the downtown at the expense of \$35,000. The motion was seconded by Councilmember Bertone and passed on a vote of 4 – 1 with Mayor Morris voting no.

Mr. Duran also reviewed his staff report which presents options for public Wi-Fi in the civic center and civic center park. The consensus of the Council was to wait to see how it goes with the downtown Wi-Fi before exploring anything in the civic center.

### **1. d TOBACCO RETAIL LICENSE ORDINANCE – EXPLANATION AND DIRECTION ON PROCEEDING**

Mr. Duran reviewed his staff report on the explanation of establishing a city tobacco retail license requirement. Councilmember Templeman commented that he and Mr. Duran met with representatives with the County Health Department and that they are strongly encouraging cities to adopt a retail license requirement so cities can monitor retailers on compliance with not selling to minors. Mr. Duran provided a survey of other cities that have license requirements and the amount they charge for the license. He added that the amount collected would be used to fund compliance checks on retailers. There was discussion on concerns over the amount of the license fee. Mr. Duran suggested that if it is the desire of the Council to proceed with a license requirement that staff can do more research on the actual costs of enforcement and administering the license and recommend a fee that would collect only the amount needed to cover those costs. It was the consensus of the Council for staff to bring back an ordinance establishing a tobacco retail license and recommendations for fees.

### **1. e. CONSEQUENCES OF THE DROUGHT – DEAD LAWNS/LANDSCAPING ISSUES AND CONCERNS**

Mr. Stevens reported that staff is receiving an increasing number of complaints about brown and dead lawns and landscaping. Mr. Stevens explained that due to statewide drought regulations cities are not allowed to enforce brown lawn ordinances, however, we are finding that some property owners are going beyond just allowing lawns to brown, but many are dying off and turning to dirt and weeds. He showed a number of photos demonstrating acceptable brown lawns vs. dead lawns.

Mr. Stevens also explained the new statewide water standards for landscaping and how they would severely restrict planting of new lawns. He showed photo examples of acceptable and unacceptable drought tolerant landscape plantings. He explained that staff will begin to communicate with brown lawn owners to encourage them to salvage their lawns. He added that staff will also begin enforcement on some properties that have allowed the landscaping to completely die off and turn to weeds or dirt.

### **1. f RECOMMENDATION TO HAVE SPLIT VOTES ON SECOND READINGS TO BE APPROVED ON THE CONSENT CALENDAR**

Mr. Michaelis explained that the second reading of an Ordinance with a split vote can be placed on the Consent Calendar for final approval as long as the agenda report explains the exact vote of the initial reading. He added that for efficiency staff is recommending that the City Council adopt this practice. The consensus of the Council was to adopt the practice of placing second readings of Ordinances on the Consent Council even if it was not a unanimous vote.

### **2. a UPDATE ON THE HOTEL PROJECT RFQ**

Councilmember Ebner and Public Works Director Patel recused themselves from this discussion and left the room since they conflicts of interest on this project.

Mr. Michaelis reported that the Successor Agency has retained an appraisal consultant to provide an appraisal on the subject property and the appraisal is expected within the next few weeks.

## **2. b STREET SWEEPING CONTRACT PROCESS AND SCHEDULE**

Mr. Patel reported that staff is finalizing the specifications for the street sweeping contract and plans to be out for bid in January and start contract sweeping of a portion of the streets in July. In response to a question he mentioned that the reason we decided to contract out street sweeping services is that we are at the point where we need to replace existing sweepers and that the new requirement is that new sweepers must be alternative fuel which is much more expensive for the sweepers and fueling facility.

## **2. c. UPDATE ON GOLDEN HILLS ROAD**

Mr. Patel reported that the plans are taking an extremely long with the County for plan review. He added that the intent is to start the project in mid-January or February.

Councilmember Ebner commented that he would like to consider keeping the existing road as asphalt to be used as a bike route. Mr. Patel responded that the road is subject to landslides and would not be safe and subject to liability on the City's part if it was allowed for future bike use. Mr. Steres commented that he would be concerned if it were to remain as asphalt and not continued to be maintained by the City.

## **2. d. CITY COUNCIL PARTICIPATION IN THE CITY'S EMERGENCY EXERCISE ON JANUARY 20<sup>th</sup>**

Mr. Duran explained the planned emergency exercise on January 20<sup>th</sup> and invited the Council to observe and participate in the exercise. He provided a brief refresher on the City Council's role in an emergency, their interaction with the EOC and on interviews and press conferences.

## **2. e. DOWNTOWN SIGN DESIGN CONCEPTS AND BONITA AVE. BANNER PROGRAM**

Mr. Stevens reported that staff has retained a consultant who is working on 6 to 8 concepts for business signs for the downtown. He added that once staff has narrowed the preliminary designs they will hold a business owner meeting. He also added that staff has received a dozen requests for additional businesses who have asked about being added to the signs.

Mr. Duran reviewed his report on the idea of adding banners on Bonita Ave. He suggested that we will begin now with banners on the existing poles between Walnut and San Dimas Ave. and look at flags for the poles west of San Dimas Ave. once the downtown project is complete.

## **2. f. REPORT ON WEB SITE UPGRADE PROJECT**

Mr. Duran reported that staff is in the process of preparing an upgrade of the City's website and is seeking public input. He offered that the Council provide input if they have suggestions. Councilmember Ebner commented that he sees that some sites are designed to adapt to phone formats which sometimes makes it less user friendly for desktop users.

Mr. Michaelis commented that staff will also be exploring the City's future participation in social media platforms.

## **2. g. REPORT ON DRONE REGULATIONS**

Mr. Duran reviewed his staff report on drone regulations. He summarized that drone regulations are an ever evolving area involving multiple jurisdictions. He added that most of San Dimas is within 5 miles of Brackett Field airport, which makes the area a no-fly zone for drones. He recommended that there is no need for the City to adopt any City restrictions at this time and that staff will continue to monitor the drone regulation landscape.

## **2. h. STATUS OF VARIOUS DEVELOPMENT PROJECTS IN THE CITY**

Mr. Stevens provided an update on various development projects in the City.

## **2. i. UPDATE ON THE ACCELA SOFTWARE PROJECT**

Mr. Duran reported that the project to update permit and planning project management software is behind schedule due to the vendor and is now scheduled to launch after the first of the year.

## **2. j. UPDATE ON NEW HOUSING LAWS ENACTED BY THE STATE**

Mr. Stevens provided an overview of new state legislation impacting cities regulations on housing, in particular second units.

## **2. k. UPDATE ON BIKE AND PEDESTRIAN OPEN STREETS EVENT IN 2018**

Mr. Stevens reported that City, along with 3 other cities, was awarded a grant to conduct an open streets event in spring of 2018.

## **2. l. UPDATE ON COUNTY ELECTION CONSOLIDATION REQUEST FOR MARCH 2017 ELECTION**

Mr. Duran reviewed his staff report on the County's consideration to place a County Tax Measure on the March 2017 ballot and the potential impacts that may have on a consolidated municipal election.

Ms. Bruns reported that staff is testing a new type of light at Pioneer Park and asked for Council feedback, that Via Verde Park playground improvements are out to bid, that Marchant Park improvements bid plans are nearing completion and the median island projects have been completed.

## **3. COUNCIL COMMENTS**

None.

## **4. ORAL COMMUNICATIONS**

None.

**ADJOURNMENT**

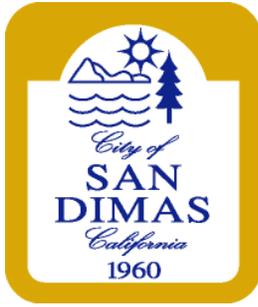
The meeting adjourned at 8:55 p.m.

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Ken Duran, City Clerk

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Curtis W. Morris, Mayor



**SPECIAL CITY COUNCIL MEETING MINUTES  
TUESDAY, OCTOBER 25, 2016, 6:00 P. M.  
COUNCIL CHAMBERS CONFERENCE ROOM  
245 E. BONITA AVE.**

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**CITY COUNCIL:**

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

**STAFF:**

City Manager Blaine Michaelis  
City Attorney Mark Steres  
Assistant City Manager Ken Duran  
Assistant City Manager Community Development Larry Stevens  
Director of Parks and Recreation Theresa Bruns  
Director of Public Works Krishna Patel  
Administrative Services Manager Michael O'Brien

**1. CALL TO ORDER**

Mayor Morris called the Special City Council Meeting to order at 6:00 p.m.

**2. ORAL COMMUNICATIONS**

None.

**3.a STAFF SUMMARY OF METRO'S DOUBLE TRACK PROJECT AND AN INVITATION FOR THE PUBLIC TO PARTICIPATE IN A COMMUNITY MEETING SPONSORED BY METRO ON NOVEMBER 29<sup>th</sup>**

Mr. Michaelis explained that Metro has begun a study to design a double track project for the Metrolink line, including the portion of the line through San Dimas. He added that the project design will include upgrading intersection crossings to "quiet zone" standards. He added that Metro is planning to host a community meeting on November 29<sup>th</sup> to explain the project.

Mr. Patel provided an overview of the design project. He explained that the project is for design only, and that Metro hopes to use the design to seek funding for the construction of the project.

Mr. Michaelis explained that if the project is ultimately built the crossing upgrades would meet "quiet zone" standards but then it would be up to someone to apply for "quiet zone" status from the Federal Railroad Authority. He added that this is a long range project, even if funding becomes available. He added that the purpose of the report is for informational purposes only.

### **3.b REPORT ON 2015-16 FISCAL YEAR END; APPROPRIATION OF FUND BALANCE**

Mr. Duran reviewed his staff report on the audited financials for the 2015-16 fiscal year-end. He reviewed the General Fund revenues for the year discussing the actual revenues for the major revenue categories and answered questions.

Mr. Duran reviewed the General Fund expenditures for year-end from his staff report.

Mr. Duran reviewed the Schedule 1 Summary of Actual Ending Balances for all Funds from the staff report. He reviewed the ending General Fund Balance section of the staff report indicating that the ending fund balance was \$17,502,489.

Mr. Michaelis made a presentation on the ending fund balance. He presented that in keeping with the previous informal policy of maintaining 78% of general fund operating expenses in reserves there is \$1.6 million in additional reserve funds available for reallocation to other projects or funds.

Mr. Michaelis commented that the City had a past practice of allocating the equivalent amount of 10% of the annual sales tax to Fund 12 the Infrastructure Fund and staff is recommending doing that again this year in the amount of \$600,000. He added that staff is recommending using \$185,865 of reserves to make an additional payment to PERS for the City's unfunded pension liability. Administrative Services Manager Michael O'Brien explained the unfunded liability side-fund and that paying an additional \$185,865 this year will result in interest savings.

Mr. Michaelis commented that staff's recommendation on the balance of the additional reserves is to hold them in the overall general fund reserves for the potential need for some of the already budgeted capital projects, similar to last year.

Councilmember Ebiner asked Parks and Recreation Director Bruns if she is comfortable in not allocating any additional reserve funds to the community park fund. She responded that she understands that the additional reserves may be used for budgeted park projects and is okay with that.

In response to a question regarding the Sheriff's Department budget Mr. Michaelis explained how staff, in consultation with the Sheriff's Captain, prepares the annual Sheriff's contract recommendations. He added that the Captains recommendation this past year was that there was not a need for an increase in the level of service. He added that San Dimas' contract level of service is higher than most contract cities.

Councilmember Badar asked how the City might be able to advance money to the golf course for improvements to the maintenance yard. Mr. Michaelis responded that the City could provide a short term loan to the golf course fund which would be paid back with interest.

Councilmember Templeman made a motion to approve staff's recommendation to reallocate \$1.6 million in excess reserves in the general fund to - \$600,000 to Fund 12; \$185,865 to prepayment of the PERS unfunded liability and retain the balance in the general fund reserves to augment budgeted capital projects if needed. The motion was seconded by Councilmember Badar and approved unanimously.

### **4. ADJOURNEMENT**

There being no further business the meeting was adjourned at 6:58 p.m.

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Ken Duran, City Clerk

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Curtis W. Morris, Mayor



**REGULAR CITY COUNCIL MEETING MINUTES  
TUESDAY OCTOBER 25, 2016 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 Jeff Templeman  
Councilmember Denis Bertone  
Councilmember John Ebner

**CALL TO ORDER AND FLAG SALUTE**

**Mayor Morris** called the meeting to order at 7:03 p.m. and led the flag salute.

**ANNOUNCEMENTS/PRESENTATIONS**

- Parks and Recreation Department Halloween Activities on October 31, including Downtown Trick or Treat on Bonita Avenue from 3:30-5:30 pm, and Halloween Spectacular at the Civic Center Plaza from 5:30 – 8:30 pm.

**Recreation Coordinator Jeff Freeth** made announcement of activities for the event.

- Recognition of the Winner of the Elementary School Challenge for the San Dimas Fitness Festival 1 Mile Fun Run - Presented to Principal Lucinda Newton, Ekstrand Elementary School

**Recreation Coordinator Jeff Freeth** and Mayor Morris made the presentation to Principal Lucinda Newton of Ekstrand Elementary School.

**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

**Erica Rodriguez and Kevin Frey** representing Relay for Life presented Mayor Morris with an award for sponsorship of the event.

**Gary Enderle** resident announced Veterans Day Event on November 11, 2016, 4:00 p.m. at Freedom Park.

**Gary??** shared information regarding citizen's use of police department locations for sale of e-commerce items.

### **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:

**RESOLUTION 2016 - 51**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF OCTOBER, 2016.

- b. Approval of minutes for regular City Council meeting of October 11, 2016
- c. Approval of the City's 2015-2016 Annual Independent Audited Financial Statements
- d. Chan v. City of San Dimas - Denial

### **END OF CONSENT CALENDAR**

**MOTION:** Motion/second by Councilmember Ebner/Badar to approve the consent calendar as presented. The motion passed by unanimous vote.

**YES:** Badar, Bertone, Ebner, Templeman, Morris

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

### **OTHER MATTERS**

#### **March 7, 2017 General Municipal Election Options**

**RESOLUTION 2016-52**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 7, 2017, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

**RESOLUTION 2016-53**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, MARCH 7, 2017

**RESOLUTION 2016-54**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE THE CITY OF SAN DIMAS' GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 7, 2017 WITH ANY COUNTYWIDE SPECIAL ELECTION THAT MAY BE HELD ON MARCH 7, 2017, PURSUANT TO SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE

**RESOLUTION 2016-55**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY THE OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 7, 2017

**Assistant City Clerk Debra Black** presented staff's report on this item. The Council and staff discussed the available options for the election as well as the different challenges of those options.

**MOTION:** Motion/second by Councilmember Badar/Templeman to approve Election Resolutions 2016-52, 2016-53, 2016-54, 2016-55. The motion passed by unanimous vote. **(5-0)**

**YES:** Badar, Bertone, Ebiner, Templeman, Morris  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**Ordinance Amending Chapter 13 of the San Dimas Municipal Code by amending Section 13.16.190 Parks Hours**

**ORDINANCE 1248**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES AMENDING CHAPTER 13 OF THE SAN DIMAS MUNICIPAL CODE BY AMENDING SECTION 13.16.190 TO AMEND PARK HOURS (**FIRST READING AND INTRODUCTION**)

**Theresa Bruns Director of Parks and Recreation** presented staff's report on this item and indicated that an additional report including other cities ordinance language was presented to council at tonight's meeting.

**Councilmember Badar** asked what the penalties for violations are.

**Director Bruns** responded our code defines these as general penalties which incur fines that could start at \$100 or \$150 and increases with subsequent infractions.

**Councilmember Ebiner** shared an observation of walkers in park before sunrise which the city is trying to encourage. But we don't want to subject the users to fines while doing this.

Council and staff discussed improved lighting for the park, alternate time periods, as well as possible options that would not penalize early morning park users.

**Director Bruns** emphasized that staff and the Parks and Recreation Commission discussed facilities that are not night walking parks and are not recommended for night time activities. Because of minimal lighting they concluded that for the safety of the walkers, and for city liability, there is a responsibility to limit and restrict the use of parks that are designed and intended for day time use.

**Mayor Morris** indicated that he is in favor of the recommendation but thinks that the city should take a look at Via Verde Park because the use patterns there are different from some other city; parks and consider some type of lighting for the park.

**Councilmember Ebner** shared concern for adopting an ordinance that most likely would not be enforced as intended and cited the ordinance for the recreational vehicle as an example.

**MOTION:** Motion/second by Councilmember Bertone/Templeman to waive further reading and introduce Ordinance 1248. The motion passed by vote of four to one, **(4-1)** with Councilmember Ebner voting no.

**YES:** Badar, Bertone, Templeman, Morris  
**NOES:** Ebner  
**ABSENT:** None  
**ABSTAIN:** None

### **Update Bonita Avenue Project**

**Director of Public Works Krishna Patel** presented a Power Point presentation on the item.

**Councilmember Bertone** asked about the timeline on the project and if it would be completed by Thanksgiving.

**Director Patel** answered that it is two weeks behind schedule and would not be completed for Thanksgiving.

**Councilmember Badar** asked about the ongoing issue of the businesses employees parking in customer parking areas.

**Director Patel** answered that the city has sent letters to business owners to address the issue.

### **ORAL COMMUNICATIONS**

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

**Patrick Jones** resident shared comments on Ordinance 1248.

**Caryol Smith** Friends of the Dog Park shared comments on Ordinance 1248.

**Gary????** spoke on the parking at Via Verde Park.

**Ryan Vienna** spoke on Proposition 109 passed in 2011 and Proposition 57 on the ballot this November.

b. City Manager

- Request for Joint Study Session with the Planning Commission on November 9<sup>th</sup>, 2016 at 5:30 p.m., regarding the Downtown Specific Plan

November 22, 2016 at 5:00 p.m. was selected for the meeting.

**City Manager Blaine Michaelis** recognized Ken Duran for receiving the Public Employees Retirement System's Spotlight on Excellence Award and Larry Stevens the Spirit of Service Award from the San Gabriel Valley Council of Governments.

Mayor's call in show Thursday October 27, at 7:00 p.m.

**City Attorney**

**City Attorney Mark Steres** clarified that there is a park ordinance currently on record that states park hours start at 8:00 a.m.

**Members of the City Council**

- 1) Reappointments to the Parks and Recreation Commission

**MOTION/SECOND** by Councilmembers Ebner/Bertone to reappoint Kathryn Perkins and Susan Davis to the Parks and Recreation Commission.

**YES:** Badar, Bertone, Ebner, Templeman, Morris  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

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

Nothing to report

- 3) Individual Members' comments and updates.

**Councilmember Templeman** announced that he will not be seeking re-election to City Council at the city's upcoming election.

**ADJOURNMENT**

The meeting adjourned at 8:56 p.m., in memory of Marcelino Vera. The next meeting will be a Joint Study Session with the Planning Commission at 5:00 p.m., November 22, 2016, followed by the regular City Council meeting at 7:00 p.m.





**CARL WARREN & COMPANY**  
Claims Management and Solutions

September 16, 2016

To: The City of San Dimas

Attn: Ken Duran, Risk Management

RE: Claim : Mercury Insurance vs. City of San Dimas  
Claimant : Mercury Ins/Garcia, Auturo  
D/Event : 7/16/16  
Date Filed : 9/8/16  
Our File : 1948317 DBQ

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

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

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

Very truly yours,  
CARL WARREN & COMPANY

*Deborah Been*  
Deborah Been

AN EMPLOYEE-OWNED COMPANY

770 S. Placentia Avenue | Placentia, CA 92870

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

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

CA License No. 2607296



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

Received by UB initials

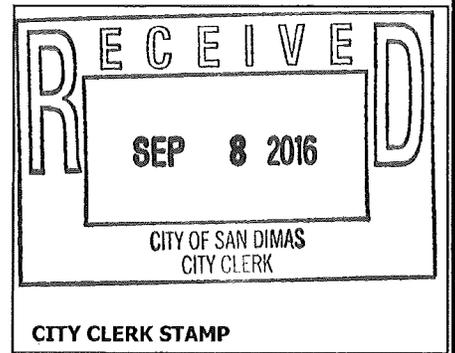
Via

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

ALETHA NIVENS

AUG 26 2016

CLAIMS



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

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

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

1. Name of Claimant AUTURO GARCIA  
a. Address \_\_\_\_\_  
b. City S \_\_\_\_\_  
c. Telephone \_\_\_\_\_  
e. Date of Birth \_\_\_\_\_  
g. e-mail: AS \_\_\_\_\_
2. Name, telephone and post office address to which claimant desires notices to be sent if other than above:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Event or occurrence from which the claim arises:  
a. Date 07/16/2016 b. Time 2:00PM a.m./p.m.  
c. Place (exact & specific location) LOS ANGELES COUNTY RECREATIONAL PARK  
\_\_\_\_\_  
\_\_\_\_\_  
d. How and under what circumstances did damage or injury occur? Specify the particular occurrence, event, act or omission you claim caused the injury or damage. (Use additional paper if necessary)  
INSURED DRIVER STOPPED IN PARKING LOT OF PARK WAITING FOR OTHER VEHICLE TO CLEAR WHEN CL/  
VEHICLE OF FRANK G BONELLI PARK REAR ENDED OUR INSURED VEHICLE.  
\_\_\_\_\_  
\_\_\_\_\_  
e. What particular action by the City, or its employees, caused the alleged damage or injury?  
PARK LIFEGUARD WERE DRIVER OF PARK AND RECREATION VEHICLE.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Give a description of the injury, property damage or loss, so far as is known at the time to this claim. If there were no injuries, state "no injuries".  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

UNKNOWN

6. Name and address of any other person injured:

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

AUTURO GARCIA

8. Damages claims:

- a. Amount claimed as of this date: \$ 596.52
- b. Estimated amount of future costs: \$
- c. Total amount claimed: \$ 596.52
- d. Basis for computation of amounts claimed  
(attach copies of all bills, invoices, estimates, etc.)

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

- a. NONE
- b.
- c.
- d.

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

NONE

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

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

Signed this 26TH day of AUGUST, 2016  
at 7:52AM

*Althea Nieves*

Claimant's signature

Print Form

Clear Form



**CARL WARREN & COMPANY**  
Claims Management and Solutions

October 27, 2016

To: The City of San Dimas

Attn: Ken Duran, Risk Management

RE: Claim : Garcia vs. City of San Dimas  
Claimant : Garcia, Auturo  
D/Event : 7/16/16  
Date Filed : 9/19/16  
Our File : 1948317 DBQ

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

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

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

Very truly yours,  
CARL WARREN & COMPANY

*Deborah Been*  
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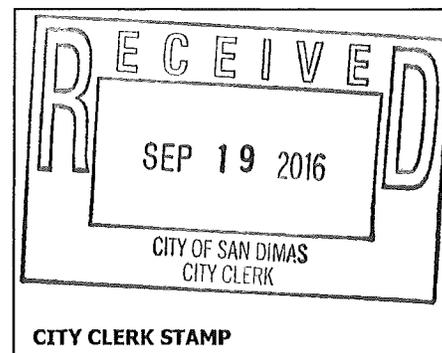


**CLAIM AGAINST THE CITY OF SAN DIMAS  
(For damages to Persons or Personal Property)**

Received by UB initials

Via

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



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

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

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

1. Name of Claimant AUTURO GARCIA

- a. Address
- b. City
- c. Telephone
- e. Date of
- g. e-mail:



2. Name, telephone and post office address to which claimant desires notices to be sent if other than above:



3. Event or occurrence from which the claim arises:

a. Date 07/16/2016 b. Time 2:00PM a.m./p.m.

c. Place (exact & specific location) SAN DIMAS @ LOS ANGELES COUNTY RECREATIONAL PARK PARKING LOT

d. How and under what circumstances did damage or injury occur? Specify the particular occurrence, event, act or omission you claim caused the injury or damage. (Use additional paper if necessary) OUR INSURED VEHICLE WAS STOPPED IN PARK PARKING LOT WAITING FOR ANOTHER VEHICLE WHEN LIF

e. What particular action by the City, or its employees, caused the alleged damage or injury? LIFEGUARD EMPLOYEE REAR ENDED OUR INSURED VEHICLE WITH COMPANY VEHICLE

4. Give a description of the injury, property damage or loss, so far as is known at the time to this claim. If there were no injuries, state "no injuries".

1999 DODGE RAM REAR BUMPER DAMAGED BY FRONT END OF LIFEGUARD COMPANY VEHICLE

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

UNKNOWN MALE LIFEGUARD

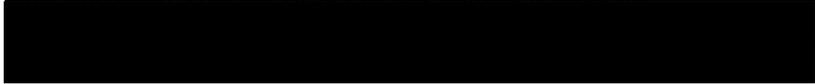
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Name and address of any other person injured:

NO INJURY

\_\_\_\_\_

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



\_\_\_\_\_

8. Damages claims:

- a. Amount claimed as of this date: \$ 596.25
- b. Estimated amount of future costs: \$ \_\_\_\_\_
- c. Total amount claimed: \$ 596.25
- d. Basis for computation of amounts claimed  
(attach copies of all bills, invoices, estimates, etc.)

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

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

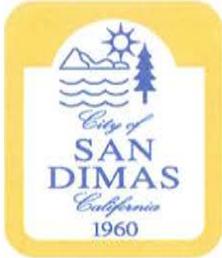
I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this THURSDAY day of SEPTEMBER 15, 2016,  
at 2:39PM

**Print Form**

**Clear Form**

\_\_\_\_\_  
Claimant's signature



## Agenda Item Staff Report

**Date:** November 2, 2016

**To:** Honorable Mayor and Members of City Council  
*For the Meeting of November 9, 2016*

**From:** Blaine Michaelis, City Manager

**Initiated by:** Krishna Patel, Public Works Director 

**Subject:** **Foothill Boulevard Bridge Widening Project**  
**CC 2014-01, BHLS-5367-013, EA 07-93318**

- **Construction Contract Management Services - Approval of Change Order 3 for Southstar Engineering and Consulting Inc. in the amount not to exceed \$40,000.00 for additional services**
- **Final Closure of the Project**

### Summary

Staff is requesting Council approve additional monies in the amount of \$40,000 for Southstar Engineering and Consulting Inc., the City's Construction Management Services contractor for the Foothill Boulevard Bridge Widening over the San Dimas Wash.

This request is for additional monies to offset Contract Management (CM) costs associated with the delays in completing the project. The project was originally anticipated to be completed in November of 2015 and later delayed to mid March of 2016. The project was substantially complete by the time we held the dedication ceremony on April 14, 2016 but there were still outstanding items that remained to be finished and/or resolved. The project was not considered finalized and completed until all construction items were addressed to the City's satisfaction on July 14, 2016. And even after that date, the CM still had services to provide assisting in closing out all unresolved issues as well as to finalize documentation required for Federal reimbursement of approved project costs.

Staff is requesting that Council consider approving Change Order 3 in the amount of \$40,000 to cover these additional costs and services that were provided in good faith by Southstar Engineering and Consulting Inc. for Construction Management Services on the Foothill Boulevard Bridge Widening Project. The approval of Change Order 3 will revise the CM contract amount to approximately \$589,134.

Now that the project is complete, the final project costs have been generated. Should Council approve Change Order 3, the grand total cost of the project which includes Preliminary Engineering, Right of Way Acquisition, Construction, and Construction Engineering is \$3,704,151.23 and the City's contribution is \$405,012.27. Although Construction Engineering Cost are higher than originally anticipated, the lower costs in Preliminary Engineering and Construction costs yield a net savings in the overall project. With the federal reimbursements, this results in the City's contribution also being less than previously anticipated.

## **BACKGROUND**

The Construction Management Agreement contract for the Contract Management Services (CMS) in the negotiated amount of \$372,134.00 was approved by Council and awarded to Southstar Engineering and Consulting Inc. on June 24, 2014. At the time, Staff anticipated awarding the construction Cash Contract 2014-01, Foothill Boulevard Bridge Widening over San Dimas Wash, BHLS-5367(013), and EA 07-93318 on July 22, 2014 and soon thereafter commence construction in early August.

The CMS contract includes the following:

### *Pre-Construction Phase:*

- a. Provide value engineering by performing a constructability review of the project plans and specifications to identify any potential construction related issues and address.
- b. Provide support and assistance during the bid process

### *Construction Phase:*

- b. Construction inspection services
- c. Quality Assurance including surveying services
- d. Office contract administration in accordance with State and FHWA requirements
- e. Material testing
- f. Source inspection
- g. Biologist for mitigation monitoring
- h. Public relations and other services as outlined in this scope of work

### *Post-Construction Phase:*

- i. Office contract administration in accordance with State and FHWA requirements
- j. Provide support and assistance in closing out project

As Council may recall, the original bid was opened on July 15, 2014. The contract was not awarded due to the low bidder withdrawing its bid and the ensuing bid results being much higher than budgeted.

After the project specifications and plans were slightly revised to reduce costs, the project was re-advertised with bids opened on November 18, 2014. The lowest bid in the amount of \$2,529,529 was \$417,529 greater than the engineer's estimate. With the construction cost anticipated to be higher and with other additional expenditures for the project, additional funding was needed.

### *Additional Funding from Caltrans*

On December 4, 2014, we filed a formal request with Caltrans for additional funding for construction and construction engineering. Upon receipt of verbal confirmation from Caltrans that the additional state/federal funding would be available for the project, the City proceeded with award of the construction contract to Mamco Incorporated dba Alabbasi at the February 10, 2015 Council meeting. On April 20, 2015 we received formal confirmation from Caltrans regarding our request for additional funding.

As a result of rejecting the initial construction bids, re-bidding the construction project, securing additional state/federal funding, and the construction contract date shifting to March 16, 2015, the time period to provide services for the "pre-construction phase" of the CMS was extended. All the pre-construction phase service provided by CM is covered under the Preliminary Engineering Phase of the federal funding. In addition, since we have secured additional funding, the additional costs incurred by CM for their services for additional work under pre-construction phase of the project would be eligible for reimbursement by the state.

Change Order 1 CM Costs

At its August 25, 2015 Meeting, Council approved Change Order 1 in the amount of \$132,000 to offset additional CM services required due in large part to rebidding the project and due to slower than anticipated construction progress made by the contractor. In an attempt to try to get the project back on track, the CM was asked to provide higher level monitoring and inspection in order to help the contractor avoid time consuming mistakes. Of the Change Order 1 amount, \$116,859.60 was eligible to be reimbursed by federal funds.

Change Order 2 CM Costs

At its February 3, 2016 Meeting, Council approved Change Order 2 in the amount of \$45,000 to offset additional CM services required due in large part to unforeseen circumstances and/or adjustments made during construction in addition to the slower than anticipated construction progress made by the contractor. Of the Change Order 2 amount, \$39,838.50 was eligible to be reimbursed by federal funds.

**DISCUSSION**

Change Order 3 CM Costs

The Contract Management (CM) team from Southstar Engineering and Consulting Inc. went above and beyond the City's expectation by providing a higher level of service not only during the construction phase but also afterwards in the closing of the project. The CM's detailed monitoring and inspection during the project helped avoid any time and financially consuming mistakes that may have been caused by the contractor. In addition, the CM's proactive communication and coordination during the project also helped avoid any further delays that could have been costly. The CM's staffing team was an essential reason for the successful completion of a great quality project. Their resourcefulness and attention is noticeable in the project's finished product. They were critical in preserving the high integrity of the structural characteristics as well as the pleasing aesthetic aspects of the improvements that will be a great asset to the community for generations to come.

Staff is requesting that Council consider approving an additional amount of \$40,000 to Southstar Engineering and Consulting Inc. for CM to offset costs due to the additional services provided based on good faith to complete the project and avoid any further delays. The construction project is complete and Southstar has prepared and generated all of the necessary documentation for federal cost reimbursement.

These CM costs are eligible for Federal reimbursement at a ratio of 88.53% and the City has made a request to adjust the federal funding programmed to take into account the amount for Change Order 3. We have received a verbal confirmation from Caltrans that there are no objections in processing the City's request to amend the federal funding. Of the additional \$40,000 amount requested for Change Order 3, the City is eligible to receive \$35,412 as a federal reimbursement. Given this reimbursement, the actual cost of Change Order 3 to the City is projected to be \$4,588.

Final costs for construction management (CM) portion excluding water company share is:

Original negotiated CM Budget *	\$372,134
Change Order 1	\$132,000
Change Order 2	\$ 45,000
Change Order 3	<u>\$ 40,000</u>
SUBTOTAL	<b>\$589,134</b>

\*Please note that this CM cost includes services provided as part of the Preliminary Engineering (PE) Phase prior to commencing construction activity as well as the Construction Management (CM)/Construction Engineering (CE) Phase during the construction activity. All CM cost (with the exception of the Golden State Water Company's share of \$25,500) is eligible for federal reimbursement.

**Final Project Costs**

Should the Council approve Change Order 3 and Caltrans approve amending the federal funding, the final budget for this project would be as follows:

	<b>Orig. Estimated Total Costs (before bids)</b>	<b>Revised Estimated Total Costs (after bids)</b>	<b>Final Actual Total Costs</b>
Prelim Engineering	\$ 405,000	\$ 455,000	\$ 407,244.13
Right of Way	\$ 95,000	\$ 111,938	\$ 111,938.34
Construction	\$2,323,357*	\$2,782,482*	\$2,613,518.70
Constr. Engineering	\$ 348,504	\$ 417,372	\$ 571,450.06
<b>TOTAL</b>	<b>\$3,171,861</b>	<b>\$3,766,792</b>	<b>\$3,704,151.23</b>

\*Note that this amount includes 10% contingency.

	<b>Orig. Federal Funds Obligated</b>	<b>Approved Federal Funds</b>	<b>Anticipated Federal Funds</b>	<b>City's Share</b>
Prelim Engineering	\$ 358,546	\$ 402,811	\$ 402,811	\$ 52,189
Right of Way	\$ 84,401	\$ 99,100	\$ 99,100	\$ 12,838
Construction	\$1,842,771	\$2,281,859	\$2,140,545	\$ 472,974*
CM**	\$ 276,416	\$ 342,279	\$ 483,593	\$ 88,155***
<b>TOTAL</b>	<b>\$2,562,134</b>	<b>\$3,126,049</b>	<b>\$3,126,049</b>	<b>\$ 626,156</b>

\*Note that this amount includes Golden State Water Company's share of \$195,643.73 for their portion of work completed as part of this project.

\*\*Note that the CM costs now also include Change Orders 1, 2, and 3

\*\*\*Note that this amount includes Golden State Water Company's share per this project's utility agreement in the amount of \$25,500.

Of the \$626,156 City total share for the cost of the project, **\$405,012.27** is the final project cost to the City for this project taking into account the CM Change Orders 1, 2, and 3 and receiving the federal reimbursement programmed. This amount is derived from the total of the City's Share shown in the table above and deducting Golden State Water Company's share of the project:

City's Final Total Share	\$ 626,156
GSWC Construction Share	- \$195,643.73
GSWC CM Share	- \$ 25,500.00
<b>Final City's Share</b>	<b>\$405,012.27</b>

Please also take into account that prior to the approval of CM Change Order 3, the anticipated City's Final Total Share was \$425,314.77. Although the CM costs increased as a result of Change Order 3, the due diligence of Southstar Engineering and Consulting Inc. actually resulted in a cost saving for the construction cost of the project which ultimately results in an overall cost savings for the City and our share as well. The Construction Cost including a 10% contingency (which is typically anticipated in construction projects) was previously estimated to be \$2,782,482. With the attention and care Southstar's staffing team invested in the project, their detailed record keeping and due diligence aided in minimizing additional construction costs and keeping the construction costs under budget. At the completion of the project, the construction cost was \$2,613,518.70 which is a cost savings of \$168,963.30

Estimated Construction Costs Prior to CO #3	\$2,782,482
Actual Construction Costs with CO #3	- \$2,613,518.70
<b>Construction Cost Savings</b>	<b>\$ 168,963.30</b>

The City's contribution savings for the overall project taking into account the federal reimbursements as stated above is:

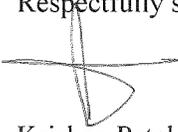
Estimated City's Share Prior to CO #3	\$425,314.77
City's Share after CO #3	- \$405,012.27
<b>City's Share Savings</b>	<b>\$ 20,302.50</b>

**In summary, Change Order 3 increases the costs for the projects CM services, but it actually results in a net savings when you consider the other aspects of the project. The investment in the additional CM services results in a net savings for the City overall.**

**RECOMMENDATION:**

Staff recommends that City Council approve Change Order 3 in the amount not to exceed \$40,000.00 for additional services for the Construction Management Services provided in good faith by Southstar Engineering and Consulting Inc. on the Foothill Boulevard Bridge Widening Project over the San Dimas Wash. The approval of Change Order 3 would increase the total CM negotiated contract from \$549,134 to \$589,134.

Respectfully submitted,

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

Krishna Patel  
Director of Public Works



## Agenda Item Staff Report

**To:** Honorable Mayor and Members of City Council  
*For the meeting of November 9, 2016*

**From:** Blaine Michaelis, City Manager

**Initiated by:** Theresa Bruns, Director of Parks and Recreation

**Subject:** Adoption of Ordinance 1248 Amending Chapter 13 of the San Dimas Municipal Code by amending Section 13.16.190 Parks Hours.

---

### SUMMARY

On a vote of 4-1, with Councilmember Ebner voting no, at their October 25, 2016 meeting the City Council approved the adoption of Ordinance 1248 Amending Chapter 13 of the San Dimas Municipal Code by amending Section 13.16.190 to clarify park hours in all city parks.

### **BACKGROUND**

Currently chapter 13.16 of the San Dimas Municipal Code establishes rules and regulations for Parks including Section 13.16.190 defining park hours.

The current code reads:

*A person shall not enter, be or remain in any park or in any building in any park between the hours of twelve midnight and eight a.m. except where such person is camping as provided for under Section 13.16.210 or as authorized by a written permit issued by the director. The director may, from time to time, change the hours of use as stated above for any individual park. All persons shall comply with such changed hours.*

Staff recommendation is to clarify the hours and adopt an ordinance to amend the municipal code that specifically and clearly defines the hours for City parks. The proposed Ordinance was presented to and discussed with the Parks and Recreation Commission on September 20, 2016, and gained unanimous support.

## **ANALYSIS**

The City of San Dimas has neighborhood parks, community parks and specialty parks. A neighborhood park is a municipal outdoor recreational facility with a basic level of outdoor recreational amenities designed for the demographic groups who use the park. The community park provides a mid-range level of facilities, buildings and outdoor recreational amenities that may include tennis courts, basketball courts, and baseball/softball fields. A specialty park is a municipal recreational facility that serves a specific purpose. Special use sites include athletic complexes, skate parks, dog parks, and equestrian centers.

City parks serve the purpose of allowing for recreational activity to be enjoyed by residents and visitors of San Dimas within the established daylight hours of sunrise to sunset. There are special amenities within the parks that can be accessed at nighttime such as recreational facilities including buildings, sport fields and courts. Currently, the Parks and Recreation Department operates sport courts and fields with a light curfew of 10:00pm for night use. For parks that have facilities, including buildings, and lighted sport amenities, extended park hours will allow park access until 10:00pm.

Once the Ordinance is approved, a campaign to educate the public will take place through park signage, and press releases. The Ordinance shall go into effect and be in full force and operate from and after fifteen days after its final passage of adoption.

The provisions of this Ordinance shall be enforced as necessary by the Los Angeles County Sheriff Department. Violation by any person within the city falls under General Penalty of Municipal Code 1.12.030, which is classified as an infraction and shall be punishable by a fine defined therein.

## **DISCUSSION**

This Ordinance will codify the current policy and practice of park operations for daytime use. The amended code extends morning hours from 8:00a.m. as previously defined in the code to the earlier time of sunrise, and restricts the evening hours from midnight to sunset or 10:00p.m., depending upon park night-lit amenities. Included within the code is an allowance for park hours to be changed for any individual park, at the discretion of the Parks and Recreation Direction. This Ordinance does provide a tool for law enforcement for public safety in parks.

Discussion at the October 25th City Council meeting included Councilmember concern for limitations and restrictions on park use before sunrise, particularly on the walking path at Via Verde Park. While staff recognizes that there is activity that may occur within parks during the pre-dawn hours, we are not comfortable to encourage or authorize such activity in unlit areas of parks that are designed and intended for daytime use. Staff will continue to review park activities, and evaluate the use of parks to determine recommendations for future amenities, including lights, within parks.

## **RECOMMENDATION**

Read by Title and adopt Ordinance 1248, an Ordinance of the City Council of the City of San Dimas, County of Los Angeles Amending Chapter 13 of the San Dimas Municipal Code by amending Section 13.16.190 to clarify park hours in all city parks, consistent with the City Council vote on October 25, 2016.

Respectfully submitted,



Theresa Bruns  
Director of Parks and Recreation

Attachments:

- Ordinance 1248

## ORDINANCE 1248

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES AMENDING CHAPTER 13 OF THE SAN DIMAS MUNICIPAL CODE BY AMENDING SECTION 13.16.190 TO AMEND PARK HOURS

NOW, THEREFORE, the CITY COUNCIL of the CITY OF SAN DIMAS, County of Los Angeles does hereby ordain as follows:

**SECTION 1. AMENDMENT TO CODE:** Title 13 of the San Dimas Municipal Code is hereby amended by amending Section 13.16.190 to read as follows:

#### 13.16.190 Hours

A person may enter, be or remain in any park, or in any building in any park, as expressly permitted as follows:

- (1) *Parks without lighted facilities, athletic fields, or courts.* A person may enter, be and remain in any park without lighted facilities, athletic fields or courts between sunrise and sunset of each day.
- (2) *Parks with lighted facilities, athletic fields, or courts.* A person may enter, be and remain in any park which has lighted facilities, athletic fields or courts between sunrise and up to 10:00 p.m. if in the park after sunset for the purpose of use of such lighted facilities, athletic fields, or courts.
- (3) *The Director may in his/her discretion change the hours of use as stated above for any individual park. All persons shall comply with such changed hours.*

**SECTION 2. SIGNS:** The Parks and Recreation Department shall cause signs to be posted at all city parks and facilities.

**SECTION 3. SEVERABILITY.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

**SECTION 4. EFFECTIVE DATE AND PUBLICATION.** This Ordinance shall take effect 30 days after its final passage, and within 15 days after its passage the City Clerk shall cause it to be published in the Inland Valley Daily Bulletin, a newspaper of general circulation (GC§40806) in the City of San Dimas hereby designated for that purpose.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of San Dimas this 9<sup>th</sup> day of November, 2016.

\_\_\_\_\_  
Curtis W. Morris, Mayor City of San Dimas

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Debra Black, Assistant City Clerk

\_\_\_\_\_  
Mark Steres, City Attorney

I, DEBRA BLACK, ASSISTANT CITY CLERK of the City of San Dimas, do hereby certify that Ordinance 1248 was introduced at a regular meeting of the City Council of the City of San Dimas on the 25th day of October, 2016, and thereafter passed, approved and adopted at a regular meeting of said City Council held on the 9<sup>th</sup>, day of November, 2016, by the following vote:

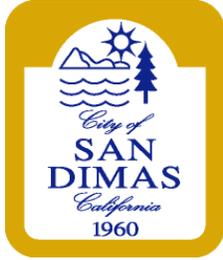
**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Debra Black, Assistant City Clerk



## Agenda Item Staff Report

**To:** Honorable Mayor and Members of City Council  
*November 9, 2016*

**From:** Blaine Michaelis, City Manager

**Initiated by:** Larry Stevens, Community Development Department

**Subject:** Consideration of an urgency ordinance to ban all commercial marijuana activities, to ban personal outdoor cultivation of marijuana, to prohibit smoking and consumption of marijuana in public places and establish regulations regarding the personal indoor cultivation of marijuana.

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### **SUMMARY**

The City Council previously enacted in 2007 (revised in 2016) bans on medical marijuana dispensaries, deliveries and cultivation. Proposition 64 on the Statewide November ballot proposes to allow marijuana for personal use while allowing cities to retain certain specified land use related authority over said use. In a Study Session on October 17, 2016 the City Council reviewed background information and directed Staff to prepare an ordinance for consideration to also apply said ban to marijuana.

Due to the timing of the election and its effective date if passed, staff has prepared an urgency ordinance pursuant to Government Code Section 36937(b). Said ordinance would take effect immediately but requires a 4/5ths vote.

### **BACKGROUND**

Attached are materials from the City attorney and League of California cities providing information on Proposition 64 (also referred to as AUMA).

Proposition 64 on the General Election ballot November 8, 2016 and named the Control, Regulate, and Tax Adult use of Marijuana Act ("AUMA"), aims at legalizing non-medical, recreational use of marijuana by persons 21 years of age or older, allows for the personal cultivation of marijuana plants, and creates a state regulatory and licensing system governing the commercial cultivation, testing, and distribution of non-medical marijuana for adult use ("marijuana"). Further, AUMA proposes to legalize the commercial/retail sale, cultivation, manufacturing, distribution, transportation/delivery, and testing of marijuana throughout the State of California. In regards to the personal use of marijuana, AUMA would allow adults to possess up to one ounce (28.5 grams) of marijuana and/or 8 grams of marijuana in a concentrated form, but would prohibit the smoking of marijuana in any public place or facility, where smoking tobacco is prohibited, in any location within 1,000 feet of a school/day care center, and also while driving or riding in the passenger seat of any vehicle used for transportation.

While AUMA proposes to legalize marijuana throughout the State of California thereby limiting local jurisdictional prohibition and regulation of marijuana, local jurisdictions are permitted to adopt their own land use regulations expressly prohibiting various marijuana activities including but not limited to the following:

- Outright prohibition or ban on commercial/retail activities, including marijuana dispensaries, delivery services and cultivation
- Outright prohibition of personal outdoor cultivation of marijuana
- Outside probation of the smoking of marijuana in any public place

Pursuant to AUMA local jurisdictions are able to maintain local control and authority to prohibit the above activities and local jurisdictions may reasonably regulate but cannot ban personal cultivation of marijuana. All jurisdictions must allow up to six marijuana plants per residence for personal cultivation indoors but may impose reasonable regulations on such indoor cultivation.

With regards to indoor cultivation there are legitimate issues associated with growing marijuana. These include extraordinary electric loads overloading circuits, humidity and mold considerations, ventilation issues, storage of chemicals, use of butane to produce marijuana oils and similar cultivation/manufacturing factors even on the smaller personal scale.

## **DISCUSSION/ANALYSIS**

Many jurisdictions are grappling with the associated land use issues and multiple approaches are being undertaken. Staff has reviewed a number of approaches to land use related regulations particularly the standards to apply to indoor cultivation. Many are approaching prohibitions in a similar manner to the prior direction of the City Council. As it relates to indoor standards many are adopting a "wait and see" approach by using interim ordinances and planning on developing more detailed standards over the next several months. It is highly likely that the methods of regulation will evolve over the next year.

The City Attorney has recommended that we follow up the urgency ordinance with a regular ordinance adopted pursuant to standard public hearing procedures in the early part of 2017. This

will allow some time to test the draft standards and make any needed adjustments and learn from the experiences and research of other cities.

In its earlier discussion the City Council indicated an interest in prohibiting smoking in other circumstances such as commercial buildings, restaurants with designated smoking areas and the like. Staff expects to include this evaluation in the next update of this ordinance. If the Council has other areas for consideration they should be identified so they can be investigated within the constraints of Proposition 64.

The proposed indoor cultivation standards come from a variety of sources and can be further investigated as part of the update. Our primary purpose is to ensure adequate protection for adjacent property owners who may be affected by possible nuisance conditions and to ensure that properties where cultivation is occurring are properly managed to minimize excessive water and power usage and maintain minimum safety compliance consistent with adopted Codes.

### **RECOMMENDATION**

Staff recommends adoption of Ordinance XXXX to take effect immediately and that staff be directed to monitor the implementation of AUMA and report back on future amendments in the early part of 2017.

Respectfully submitted,



Larry Stevens,  
Assistant City Manager for Community Development

#### Attachments:

1. Ordinance XXXX
2. League of California Cities Memo on AUMA dated September 12, 2016
3. League of California Cities FAQ dated September 12, 2016
4. League of California Cities webinar slides dated October 20, 2016
5. Memorandum to Client from Aleshire & Wynder regarding AUMA dated August 31, 2016 (Note: provided under separate cover as privileged attorney-client work product)

## ORDINANCE 1249

### **AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, PROHIBITING MANUFACTURING, PROCESSING, OUTDOOR CULTIVATION, AND WHOLESALE AND RETAIL DISTRIBUTION OF MARIJUANA AND ESTABLISHING REASONABLE REGULATIONS REGARDING INDOOR CULTIVATION AND DECLARING SAME TO BE AN URGENCY MEASURE TO TAKE EFFECT IMMEDIATELY**

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

#### **SECTION 1. FINDINGS.** The City Council finds and declares as follows:

**WHEREAS**, in 1996, the voters of the State of California approved Proposition 215 Codified as California Health and Safety Code Section 11362.5 – The Compassionate Use Act of 1996 (CUA); and

**WHEREAS**, in 2004, the Legislature enacted Senate Bill 420 (codified as California Health & Safety Code Section 11362.7 et seq. and referred to as the “Medical Marijuana Program” (MMP) to clarify the scope of Proposition 215 and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with a limited defense to certain specified State criminal statutes. Assembly Bill 2650 passed in 2010 and Assembly Bill 1300 passed in 2011 amended the MMP to recognize the authority of local governments to “adopt ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective” and to civilly and criminally enforce such ordinances; and

**WHEREAS**, on October 9, 2015, the Governor signed into law Senate Bill 643, Assembly Bill 266, and Assembly Bill 243, collectively referred to as the Medical Marijuana Regulation and Safety Act (“MMRSA”), effective January 1, 2016, which establishes a state licensing system for medical marijuana cultivation, manufacturing, delivery, testing, and dispensing, regulating these activities with licensing requirements and regulations that are only applicable if cities and counties also permit marijuana cultivation, manufacturing, dispensing, testing, and/or delivery within their jurisdictions. Under the MMRSA, cities and counties may continue to ban medical marijuana cultivation, manufacturing, dispensing, testing, and delivery, in which case the new state laws would not allow nor permit these activities within the cities and counties; and

**WHEREAS**, the California Supreme Court has established that neither the CUA nor the MMP preempt a local ban on marijuana dispensaries in the case of *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.*, 56 Cal.4th 729 (2013); and

**WHEREAS**, the Federal Controlled Substances Act, 21 U.S.C. § 801 et seq., classifies marijuana as a Schedule 1 Drug, defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the

United States, and has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful under federal law for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana. The Federal Controlled Substances Act contains no exemption for medical purposes, although there are two (2) recent instances of case law that raises a question as to whether the Federal Government may enforce the Act where medical marijuana is allowed; and

**WHEREAS**, in 2016, the City adopted Ordinance 1239 prohibiting the cultivation and delivery of medical marijuana, and prohibiting medical marijuana cooperatives and collectives in all zones in the City; and

**WHEREAS**, On June 28, 2016, the Secretary of State certified Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”), for the November 8, 2016 ballot. If passed by a majority of California voters, the AUMA would make it lawful for individuals 21 years of age and older, to possess, process, transport, purchase, obtain, or give away, to persons 21 years of age or older, without any compensation whatsoever, up to 28.5 grams of marijuana or not more than eight grams of marijuana in the form of concentrated cannabis contained in marijuana products. The AUMA would also make it lawful for individuals 21 years of age and older, to possess, plant, cultivate, harvest, dry or process not more than six living marijuana plants and possess the marijuana produced by the plants. Further, the AUMA would make it lawful for individuals 21 years of age and older, to smoke or ingest marijuana or marijuana products. If passed by the voters, portions of the AUMA could take effect as soon as the day after the election, specifically recreational use by adults, and cultivation in private residences; and

**WHEREAS**, if passed, Proposition 64 as drafted will allow local governments to ban recreational marijuana businesses entirely. With respect to cultivation, Proposition 64 will allow local governments to reasonably regulate cultivation through zoning and other local laws, and to ban outdoor cultivation outright. Proposition 64 will, however, require local governments to allow limited indoor cultivation in private residences; and

**WHEREAS**, if the City fails to pass ordinances surrounding these issues, the City could face issues of preemption and grandfathering in the days, weeks and months after Proposition 64 passes. The City has an overriding interest in planning and regulating the use of property within the City. Implicit in any plan or regulation is the City’s interest in maintaining the quality of urban life and the character of the City’s neighborhoods. Without stable, well-planned neighborhoods, areas of the City can quickly deteriorate, with tragic consequences to social, environmental and economic values; and

**WHEREAS**, the City Council finds there is a current and immediate threat to the health, safety, and welfare of City residents arising from the risks associated with the manufacture, processing, storing and wholesale and retail distribution of marijuana, whether medical or recreational. Citywide prohibition of all activities, from cultivation to

point of sale, is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells and indoor electrical fire hazards that may result from such activities; and

**WHEREAS**, as recognized by the Attorney General’s August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, marijuana cultivation or other concentrations of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

**WHEREAS**, several California cities have reported negative impacts of marijuana processing and distribution uses, including offensive odors, illegal sales and distribution of marijuana, trespassing, theft, violent robberies and attempted robbery, and fire hazards; and

**WHEREAS**, until and unless the Department of Food and Agriculture establishes a track and trace program for reporting the movement of marijuana items through the distribution chain as mandated by Business & Professions Code § 19335, the risk of crime from theft and burglary attendant to manufacturing and distribution facilities is significant. Until traceable, stolen product will have street value for sale to minors; and

**WHEREAS**, manufacturing of cannabis products can involve the use of chemicals and solvents, and as a result, the manufacture of hash oil concentrate, often added to edibles, drink and liquids, carries a significant risk of explosion due to the distillation process utilized to extract tetrahydrocannabinol. Major burn treatment centers at two hospitals in Northern California reported in 2015 that nearly 10 percent of severe burn cases were attributed to butane hash oil explosions, which was more than burn cases from car accidents and house fires combined; and

**WHEREAS**, the limited immunity from specified state marijuana laws provided by the Compassionate Use Act, Medical Marijuana Program and Proposition 64 do not confer a land use right or the right to create or maintain a public nuisance; and

**WHEREAS**, cultivation of cannabis and medical marijuana dispensaries are currently prohibited under the City’s permissive zoning regulations. The City Council desires to enact this urgency ordinance to expressly clarify that manufacture, processing, storing and wholesale and retail distribution of marijuana, whether medical or recreational, are also prohibited in all zones throughout the City; and

**WHEREAS**, the immediate ban of all commercial or industrial cannabis activities will maintain the status quo while allowing the City to investigate and research the safety and options of regulation and taxation; and

**WHEREAS**, the immediate ban of all commercial or industrial marijuana activities will enable the City to develop a comprehensive approach to marijuana, including analysis of the provisions of Proposition 64’s proposed Health & Safety Code § 11362.2, if passed; and

**WHEREAS**, except for limited indoor cultivation, the City Council desires to assure that the cultivation, processing, manufacturing, storing, and wholesale and commercial/retail distribution of marijuana is prohibited in the City; and

**WHEREAS**, the City Council further desires to enact this urgency ordinance to expressly clarify that, except for limited indoor cultivation, the cultivation, processing, manufacturing, storing, and wholesale and retail distribution and delivery of marijuana is prohibited in all zones throughout the City.

**WHEREAS**, this ordinance is not a project subject to the California Environmental Quality Act (CEQA) because it does not have the potential to create a physical environmental effect.

**SECTION 2. REGULATION.** Chapter 18.194 is hereby amended by deleting all crossed out text and by adding all text shown in red to read as follows:

**Chapter 18.194 MARIJUANA AND MEDICAL MARIJUANA**

**18.194.010 Purpose.**

The purpose and intent of this chapter is to prohibit marijuana and medical marijuana dispensaries, cultivation of marijuana **and medical marijuana**, and the mobile delivery of same within the city limits. It is recognized that it is a federal violation under the Controlled Substances Act and is classified as a “Schedule I Drug” which is defined as a drug or other substance that has a high potential for abuse. Furthermore, the Federal Controlled Substance Act makes it unlawful for any person to cultivate, or dispense marijuana. The Controlled Substance Act contains no statutory exemption for the possession of marijuana for medical purposes.

In addition the prohibition of marijuana and medical marijuana dispensaries, cultivation of marijuana **and medical marijuana** and the mobile delivery of same within the city limits will help protect the public health, safety and general welfare of the city and its residents. Additionally, there is evidence of an increased incidence of crime-related secondary impacts in locations associated with **marijuana and** medical marijuana dispensaries, cultivation of marijuana **and medical marijuana** and the mobile delivery of same which is contrary to policies that are intended to promote and maintain the public’s health, safety and welfare. This chapter will help preserve the city’s law enforcement services, in that monitoring and addressing the negative secondary effects and adverse impacts will likely burden the city’s law enforcement resources.

**18.194.020 Definitions.**

As used in this chapter:

“Marijuana” means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It includes marijuana infused in foodstuff. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant incapable of germination.

“Marijuana and/or medical marijuana cultivation” means the planting, growing, harvesting, drying and/or processing of marijuana plants or any part thereof.

“Medical marijuana” means marijuana used for medical purposes in accordance with California Health and Safety Code Section 11362.5.

~~“Marijuana and/or medical marijuana dispensary” means any facility, location, association, cooperative, club, co-op, delivery service, collective, or entity of any nature that sells, grows, transmits, gives or otherwise distributes marijuana and/or medical marijuana for medical purposes as defined in California Health and Safety Code Sections 11362.5 through 11362.83.~~

“Mobile marijuana and/or medical marijuana dispensary” means any facility, location, association, cooperative, club, co-op, collective, or entity of any nature that transports or delivers, or arranges the transportation or delivery of marijuana and/or medical marijuana for any purpose.

“Operation” means any effort to locate, operate, own, lease, supply, allow to be operated, or aid, abet or assist in the operation of a mobile marijuana dispensary.

“Person” means any person, firm, corporation, association, club, society, or other organization. The term person shall include any owner, manager, proprietor, employee, volunteer or salesperson. (Ord. 1239 § 1, 2016; Ord. 1167 § 1, 2007)

#### **18.194.030 Prohibition.**

A. The establishment or operation of a **marijuana and/or** medical marijuana dispensary as defined in this chapter shall be prohibited within the city limits. The delivery of marijuana or medical marijuana within city limits by any means is prohibited.

B. **The outdoor cultivation, planting, harvesting, drying or processing of** ~~m~~Marijuana and/or medical marijuana ~~cultivation~~ by any person, including primary caregivers and qualified patients, collectives, cooperatives and/or dispensaries are prohibited within the city limits.

C. The establishment or operation of a mobile marijuana and/or medical marijuana dispensary as defined in this chapter shall be prohibited within the city limits. No person shall locate, operate, own, suffer, allow to be operated or aid, abet, or assist in the operation of any mobile marijuana and/or medical marijuana dispensary within the city.

1. No person shall deliver and/or dispense marijuana and/or medical marijuana to any location within the city from a mobile marijuana dispensary or any other vehicle or method, regardless of where the mobile marijuana dispensary or vehicle is located or based, or engage in any operation for this purpose.

2. No person shall deliver and/or dispense any marijuana-infused product such as tinctures, baked goods or other consumable products, to any location within the city from a mobile marijuana dispensary or any other vehicle or method, regardless of where the mobile marijuana dispensary or vehicle is located or based or engage in any operation for this purpose.

D. The indoor cultivation of marijuana and/or medical marijuana by any person is prohibited except the indoor cultivation of marijuana and/or medical marijuana of up to six living marijuana plants for personal use shall be permitted in residential zones within the city subject to compliance with the following standards:

1. All persons cultivating marijuana and/or medical marijuana shall register on forms available in the planning department, shall acknowledge their acceptance of standards set forth herein, and shall allow with reasonable notice access to public officials to confirm compliance with said standards.

2. The maximum number of marijuana plants shall not exceed six per residence.

3. Cultivation lighting shall not exceed 1200 watts. The cultivation shall not draw more power than the structure and electrical service is designed to handle and shall not constitute a fire hazard.

4. The use of gas products, including but not limited to carbon dioxide and butane, for cultivation or processing is prohibited.

5. The residence shall remain at all times a residence with a legal and functioning kitchen, bathrooms and bedrooms for their intended use and such cultivation shall not prevent their primary use. If cultivation occurs in a garage, it shall be conducted in a manner that does not reduce required off street parking.

6. The cultivation area shall include an adequate ventilation and filtration system to ensure that odors from cultivation are not detectable beyond the subject structure and shall be designed to prevent mold and moisture in order to otherwise protect the health and safety of persons inhabiting the residence.

7. Any chemicals used for cultivation shall be properly and safely stored outside the habitable area of the residence.

8. The cultivation shall not use more water than is reasonably required to cultivate the maximum number or permitted marijuana plants.

9. The cultivation area shall comply with all applicable provisions of the Building and Fire Codes.

10. The cultivation area shall not adversely affect the health or safety of nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts and shall not be hazardous due to the use or storage of materials, processes, products or wastes, or from other actions related to the cultivation.

**18.194.040 Prohibition in Public Places.**

The smoking, consumption and use of marijuana and medical marijuana in any and all forms shall be prohibited in all public places. Public places is defined herein to include all public parks, buildings and other facilities owned, leased or operated by or on behalf of the City of San Dimas. Public places shall include all municipal parking lots, public sidewalks, trails, and streets and roadways.

**SECTION 3. URGENCY ORDINANCE.** Based upon the findings set forth in Section 1, above, this is an urgency ordinance adopted pursuant to Government Code Section 36937(b), and pursuant to the authority granted to the City of San Dimas in Article 11, Section 7 of the California Constitution. This ordinance shall therefore take effect immediately upon adoption. This ordinance will terminate upon a determination by the City Council supported by substantial evidence that the threat to public health, safety and welfare described in Section 1 of this ordinance has been ameliorated or by the adoption of ordinances or amendments extending or superseding this ordinance.

**SECTION 4. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of San Dimas this 9<sup>th</sup> day of November, 2016.

\_\_\_\_\_  
Curtis W. Morris, Mayor City of San Dimas

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Debra Black, Assistant City Clerk

\_\_\_\_\_  
Mark Steres, City Attorney

I, DEBRA BLACK, ASSISTANT CITY CLERK of the City of San Dimas, do hereby certify that Ordinance 1249 was adopted at a regular meeting of the City Council of the City of San Dimas on the 9<sup>th</sup> day of November, 2016, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Debra Black, Assistant City Clerk



1400 K Street, Suite 400 • Sacramento, California 95814  
Phone: 916.658.8200 Fax: 916.658.8240  
www.cacities.org

MEMORANDUM

To: League of California Cities' City Managers Department  
League of California Cities' City Attorneys Department  
From: League Staff  
Date: September 12, 2016  
Re: The Control, Regulate and Tax Adult Use of Marijuana Act

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On November 8, 2016, the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA" or "Act") will come before California voters as Proposition 64. If passed, the AUMA will legalize the nonmedical use of marijuana by persons 21 years of age and over, and the personal cultivation of up to six marijuana plants. In addition, the AUMA will create a state regulatory and licensing system governing the commercial cultivation, testing, and distribution of nonmedical marijuana, and the manufacturing of nonmedical marijuana products. The regulatory system governing these commercial marijuana activities largely mirrors the Medical Marijuana Regulation and Safety Act ("MMRSA"), but there are key differences. This memorandum will provide an overview of the AUMA, highlight the ways in which the AUMA differs from the MMRSA, and identify the issues that cities will need to take action on if the AUMA passes.

**I. Overview of the AUMA**

**A. Personal Nonmedical Marijuana Use**

The AUMA makes it legal for persons 21 years of age or older to: (1) smoke or ingest marijuana or marijuana products; (2) possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older, without any compensation, 28.5 grams of marijuana, or 8 grams of concentrated marijuana, including as contained in marijuana products; and (3) possess, plant, cultivate, harvest, dry or process up to six living marijuana plants for personal use.<sup>1</sup> The AUMA requires that marijuana in excess of 28.5 grams that is produced by plants kept pursuant to the personal cultivation provision of the Act be kept in a locked space on the grounds of a private residence that is not visible from a public place.<sup>2</sup>

Although persons 21 years of age or older may use and possess nonmedical marijuana under the Act, their ability to engage in these activities is not unfettered. The AUMA prohibits the smoking of marijuana: (1) in any public place, except where a local jurisdiction has authorized use on the premises of a retailer or microbusiness in accordance with Business and Professions Code

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<sup>1</sup> Health & Saf. Code § 11362.2(a).

<sup>2</sup> Health & Saf. Code § 11362.2(a)(2).

section 26200; (2) where smoking tobacco is prohibited; (3) within 1,000 feet of a school, day care center, or youth center while children are present; and (3) while driving, or riding in the passenger seat of, any vehicle used for transportation.<sup>3</sup> Moreover, individuals cannot possess marijuana on school grounds, in day care centers, or in youth centers while children are present, or possess an open container of marijuana or marijuana products while driving, operating, or riding in any vehicle used for transportation.<sup>4</sup> The AUMA further provides that cities may prohibit possession and smoking in buildings owned, leased, or occupied by the city, and that employers, including cities, may maintain a drug and alcohol free workplace by prohibiting the use, consumption, possession, transfer, transportation, sale, display or growth of marijuana in the workplace.<sup>5</sup>

### **1. Personal Cultivation**

The AUMA provides that local governments can reasonably regulate, but cannot ban, personal indoor cultivation of up to six living marijuana plants within the person's private residence.<sup>6</sup> The Act defines private residence as "a house, an apartment unit, a mobile home, or other similar dwelling unit."<sup>7</sup> This includes cultivation in a greenhouse on the same property as the residence that is not physically part of the home, as long as it is fully enclosed, secure, and not visible from a public space.<sup>8</sup>

The AUMA completely protects the ability of local governments to regulate, and to ban, personal outdoor cultivation operations.<sup>9</sup> However, it purports to repeal any ordinance that bans outdoor cultivation upon the California Attorney General's determination that nonmedical use of marijuana is lawful under federal law.<sup>10</sup>

### **B. Commercial Nonmedical Marijuana Activity**

Under the AUMA, California will have a comprehensive state regulatory system for nonmedical marijuana that governs the industry from "seed to sale." The Bureau of Marijuana Control, currently the Bureau of Medical Cannabis Regulation, which is within the Department of Consumer Affairs, will have primary responsibility for administering and enforcing the AUMA.<sup>11</sup>

The AUMA divides state licensing and enforcement responsibilities among three agencies: (1) the Department of Consumer Affairs, which will issue licenses for marijuana the transportation, storage, distribution, and sale of marijuana;<sup>12</sup> (2) the Department of Food and Agriculture will issue marijuana cultivation licenses, which will administer the provisions of the AUMA related

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<sup>3</sup> Health & Saf. Code § 11362.3(7)-(8).

<sup>4</sup> Health & Saf. Code §§ 11362.3(3), 11362.3(4).

<sup>5</sup> Health & Saf. Code § 11362.45 (f)-(g).

<sup>6</sup> Health & Saf. Code §§ 11362.1(a)(3), 11362.2.

<sup>7</sup> Health & Saf. Code § 11362.2(5).

<sup>8</sup> Health & Saf. Code § 11362.2(a)(2).

<sup>9</sup> Health & Saf. Code § 11362.2(b)(3).

<sup>10</sup> Health & Saf. Code § 11362.2(b)(4).

<sup>11</sup> Bus. & Prof. Code § 26010.

<sup>12</sup> Bus. & Prof. Code § 26012(a)(1).

to the cultivation of marijuana;<sup>13</sup> and (3) the Department of Public Health, which will issue licenses for marijuana manufacturers and testing laboratories.<sup>14</sup> Each of these state licensing authorities is responsible for creating regulations governing their respective areas of responsibility, and must begin issuing licenses by January 1, 2018.<sup>15</sup>

A state marijuana license will be valid for one year.<sup>16</sup> A separate state license is required for each commercial marijuana business location.<sup>17</sup> With the exception of testing facilities, any person or entity licensed under the AUMA may apply for and be issued more than one type of state license.<sup>18</sup>

### **1. Local Control**

All nonmedical marijuana businesses must have a state license.<sup>19</sup> A state license cannot issue to an applicant whose operations would violate the provisions of any local ordinance or regulation.<sup>20</sup> However a state applicant need not provide documentation that the applicant has a local license or permit.

The AUMA does not limit the authority of a local jurisdiction to adopt and enforce local ordinances regulating or completely prohibiting state-licensed marijuana businesses.<sup>21</sup> Local jurisdictions may establish “standards, requirements, and regulations regarding health and safety, environmental protection, testing, security, food safety, and worker protections that exceed state standards.”<sup>22</sup>

### **2. Local Enforcement**

Like the MMRSA, the AUMA establishes a dual enforcement scheme for commercial marijuana activities that violate either state or local laws. The state licensing authorities will enforce state statutes and regulations. State authorities can suspend or revoke state licenses,<sup>23</sup> pursue civil penalties against violating businesses in an amount equal to three times the applicable licensing fee per violation,<sup>24</sup> or may prosecute violators criminally.<sup>25</sup> Local authorities will be responsible for enforcing local ordinances and regulations.<sup>26</sup> For state-licensed facilities operating within a

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<sup>13</sup> Bus. & Prof. Code § 26012(a)(2).

<sup>14</sup> Bus. & Prof. Code § 26012(3).

<sup>15</sup> Bus. & Prof. Code §§ 26012(c), 26013 (a).

<sup>16</sup> Bus. & Prof. Code § 26050(c).

<sup>17</sup> Bus. & Prof. Code § 26055(c).

<sup>18</sup> Bus. & Prof. Code § 26053.

<sup>19</sup> Bus. & Prof. Code § 26038.)

<sup>20</sup> Bus. & Prof. Code § 26055(e).

<sup>21</sup> Bus. & Prof. Code § 26200(a). But see, Bus. & Prof. Code §§ 19340(f), 26080(b), 26090(c) [prohibiting cities from preventing the use of public roads to lawfully transport or deliver nonmedical marijuana].

<sup>22</sup> Bus. & Prof. Code § 26201.

<sup>23</sup> Bus. & Prof. Code § 2603.

<sup>24</sup> Bus. & Prof. Code § 26038(a)

<sup>25</sup> Bus. & Prof. Code § 26038(c).

<sup>26</sup> Bus. & Prof. Code § 26200 (b).

city, a city may have authority to enforce state law and regulations “if delegated the power to do so by the [B]ureau [of Marijuana Control] or a licensing authority.”<sup>27</sup>

## **II. Key Differences Between the AUMA and MMRSA**

### **A. Licensing**

The MMRSA established dual licensing of medical marijuana businesses, requiring both local approval and a state license in order for a business to operate legally.<sup>28</sup> Specifically, the MMRSA requires applicants to provide the relevant state licensing entity with documentation proving their compliance with local ordinances and regulations.<sup>29</sup>

The AUMA does not require an applicant to provide evidence of local permission prior to being issued a state license.<sup>30</sup> Instead, the AUMA prohibits state licensing entities from approving licenses for activities that would violate local ordinances.<sup>31</sup> Thus, state licensing officials bear the onus of evaluating local regulatory compliance.

Under this system, the AUMA allows a nonmedical marijuana business licensed by the state to operate within city limits unless the city’s municipal code prohibits the use. Cities that wish to regulate or prohibit nonmedical marijuana businesses will need to do so before the State begins issuing licenses, either by enacting a nonmedical marijuana ordinance/regulation or by amending an existing medical marijuana ordinance/regulation to include nonmedical marijuana within its scope.

### **B. License Revocation**

Under the MMRSA, revocation of a local license or permit unilaterally terminates the ability of the medical marijuana business to operate in the jurisdiction issuing the permit, until such time as the local permitting entity reinstates it.<sup>32</sup>

Under the AUMA, if a local jurisdiction revokes a local license, permit, or authorization for a licensee to engage in commercial marijuana activity within the local jurisdiction, the Bureau of Marijuana Control must initiate proceedings to determine whether the state license issued should be suspended or revoked within ten days of being notified by the local jurisdiction of the local revocation.<sup>33</sup> Note, however, that, even if the state license is not suspended or revoked immediately, the business cannot operate within the local jurisdiction once local revocation occurs.

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<sup>27</sup> Bus. & Prof. Code § 23202(a).

<sup>28</sup> Bus. & Prof. Code § 19320(b).

<sup>29</sup> Bus. & Prof. Code § 19322(a).

<sup>30</sup> Bus. & Prof. Code § 26056.

<sup>31</sup> Bus. & Prof. Code § 26055(e).

<sup>32</sup> Bus. & Prof. Code § 19320(d).

<sup>33</sup> Bus. & Prof. Code § 26200(c).

### **C. Personal, Indoor Cultivation**

Under the MMRSA, local governments possess the power to regulate and completely ban personal, indoor cultivation.<sup>34</sup> Under the AUMA local governments can “reasonably regulate” indoor cultivation of up to six marijuana plants for personal use, but cannot ban it.<sup>35</sup>

### **D. Personal Outdoor Cultivation**

Under the MMRSA local governments can prohibit all outdoor cultivation. Under the AUMA local governments can prohibit all outdoor cultivation, until such time as the Attorney General determines that the use of nonmedical marijuana is lawful in the State of California under federal law.<sup>36</sup> Upon such determination, the AUMA purports to repeal all local bans on outdoor cultivation.<sup>37</sup>

### **E. Amendment**

Any portion of the MMRSA can be amended at any time, if there is sufficient political support within the Legislature for making substantive changes to the regulatory structure. Under some circumstances, an amendment to the MMRSA by the Legislature might arguably violate The Compassionate Use Act of 1996 (adopted by the voters as Proposition 215), which decriminalized the personal use of medical marijuana.<sup>38</sup>

Under the AUMA, the Legislature may amend Sections 5 (relating to the use of medical marijuana for medical purposes) and 6 (relating to state licensing) and the provisions relating to penalties by majority vote. The Legislature may amend any other provision of the Act by a 2/3 vote. Any amendment must further the purposes and intent of the AUMA. The purpose and intent of the Act include allowing local governments to ban nonmedical marijuana businesses.

### **F. Taxation**

The AUMA imposes new state taxes on medical and nonmedical marijuana in the following manner:

- Effective January 1, 2018, the AUMA imposes an excise tax at the rate of 15% of gross retail sales receipts.<sup>39</sup>
  - This tax will be in addition to existing state and local sales tax.<sup>40</sup> Given that state and local sales taxes can range from 7-10%, the combined excise tax + sales tax at the retail level could approach 25%;

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<sup>34</sup> Health & Saf. Code § 11362.777(g); *Maral v. City of Live Oak* (2013) 221 Cal.App.4th 975, 984; *Kirby v. County of Fresno* (2015) 242 Cal.App.4th 940, 969-970.

<sup>35</sup> Bus. & Prof. Code § 11362.2(b)(1).

<sup>36</sup> Bus. & Prof. Code § 11362.2(b)(4).

<sup>37</sup> Bus. & Prof. Code § 11362.2(b)(4).

<sup>38</sup> Health & Saf. Code § 11362.5.

<sup>39</sup> Rev. & Tax Code § 34011(a).

<sup>40</sup> Rev. & Tax Code § 34011(d).

- Effective January 1, 2018, the AUMA imposes a separate cultivation tax on all harvested marijuana as follows:<sup>41</sup>
  - \$9.25 per dry-weight ounce on all marijuana flowers;
  - \$2.75 per dry-weight ounce on all marijuana leaves;
- The AUMA prohibits imposition of state and local sales taxes on medical marijuana.<sup>42</sup>
- The AUMA exempts marijuana cultivated for personal use from taxation.<sup>43</sup>

The AUMA does not pre-empt local taxation.<sup>44</sup> However, the AUMA's estimated cumulative tax rate of nearly 35% on the purchase of nonmedical marijuana has potentially troubling implications for local governments. A high state tax rate by itself may depress sales and stimulate the black market. Any local taxation of marijuana should be governed by an awareness that a high retail sales tax rate, imposed on an industry that, until recently, has not been regulated at all, might stimulate black market activity and compromise the anticipated yield of revenue. In order to avoid such a result, cities might consider imposing an excise tax on discrete commercial nonmedical marijuana activities rather than on retail sales. New taxes on marijuana require compliance with Proposition 218.

### **1. Allocation of State Tax Revenues**

After repaying certain state agencies for marijuana regulatory costs not covered by license fees, and making certain grants to universities for research and development and the Governor's Office of Business and Economic Development, the AUMA distributes the remaining tax revenue as follows:

- 60% for youth programs, substance abuse education, prevention and treatment;
- 20% for environmental cleanup and remediation; and
- 20% for state and local programs that reduce DUI and grant programs designed to reduce negative health impacts resulting from marijuana legalization

### **G. Deliveries**

Under the MMRSA, medical marijuana deliveries can only be made from a state-licensed dispensary in a city, county, or city and county that does not explicitly prohibit it by local ordinance.<sup>45</sup> A delivery person must carry a copy of the dispensary's state-issued license, a government ID, and a copy of the delivery request.<sup>46</sup> The patient or caregiver requesting the delivery must also maintain a copy of the delivery request.<sup>47</sup> Dispensaries and delivery people who comply with MMRSA are immune from prosecution for marijuana transportation.<sup>48</sup>

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<sup>41</sup> Rev. & Tax Code § 34012.

<sup>42</sup> Rev. & Tax Code § 34011(g).

<sup>43</sup> Rev. & Tax Code § 34012(j).

<sup>44</sup> Rev. & Tax Code § 34021.

<sup>45</sup> Bus. & Prof. Code § 19340(a).

<sup>46</sup> Bus. & Prof. Code §§ 19340(b)(2), 19340(d).

<sup>47</sup> Bus. & Prof. Code § 19340(e).

<sup>48</sup> Bus. & Prof. Code § 19317(f).

Under the AUMA, deliveries can be made by a state-licensed retailer, microbusiness, or nonprofit unless they are prohibited by local ordinance.<sup>49</sup> Although the AUMA does require a customer requesting delivery to maintain a copy of the delivery request, there is no express requirement that delivery people carry or maintain any records.<sup>50</sup> Moreover, unlike the MMRSA, the AUMA does not require that deliveries come *from* a dispensary. Instead, it states that “Deliveries, as defined in this division, may only be made *by* a licensed retailer or microbusiness, or a licensed nonprofit under Section 26070.5.”<sup>51</sup> Thus, there is at least some question regarding whether deliveries may be made from non-retail locations by retail employees.

Under both the MMRSA and the AUMA, local jurisdictions can ban or regulate deliveries within their borders.<sup>52</sup> However, local jurisdictions cannot prevent a delivery service from using public roads to simply pass through its jurisdiction from a licensed dispensary to a delivery location outside of its boundaries.<sup>53</sup>

### III. Local Regulatory Options<sup>54</sup>

The AUMA preserves the authority of a city to adopt business regulations and land use regulations for nonmedical marijuana activities.<sup>55</sup>

#### A. Personal Marijuana Cultivation

Under the AUMA local governments can regulate or prohibit all personal, outdoor cultivation, until such time as the Attorney General determines that the use of nonmedical marijuana is lawful in the State of California under federal law. In addition, local governments can “reasonably regulate” personal, indoor cultivation. Nothing in the AUMA requires a city to enact a regulatory scheme or ban by a certain date. However, assuming that the AUMA passes, if a city does not have a ban or regulatory scheme governing personal cultivation in place before November 9, 2016, a person may legally engage in personal cultivation of up to six marijuana plants within the person’s private residence.

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<sup>49</sup> Bus. & Prof. Code §26090(a).

<sup>50</sup> Bus. & Prof. Code §26090(b).

<sup>51</sup> Bus. & Prof. Code § 26090(a).

<sup>52</sup> Bus. & Prof. Code §§ 19340(a), 19316(a), 26200.

<sup>53</sup> Bus. & Prof. Code §§ 19340(f), 26080(b), 26090(c).

<sup>54</sup> For a thorough discussion of the various marijuana regulatory options that a city may consider, see McEwen, *Medical Marijuana-Revisited After New State Laws* (Spring 2016) <<http://www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Attorneys/Library/2016/Spring-2016/5-2016-Spring-Medical-Marijuana-%E2%80%93-Revisited-After>>. In addition, sample ordinances may be found on the League’s website, at: <http://www.cacities.org/Policy-Advocacy/Hot-Issues/Medical-Marijuana>. **But note:** the regulatory schemes discussed in the McEwen paper and posted on the League’s website pertain to medical marijuana businesses under the MMRSA and may need to be modified to comply with the requirements of the AUMA.

<sup>55</sup> Health & Saf. Code § 11362.2; Bus. & Prof. Code §§ 26201, 26200(a).

## B. Nonmedical Marijuana Businesses

The AUMA recognizes a range of businesses, including dispensaries, cultivators, manufacturers, distributors, transporters, and testing laboratories. Cities may expressly ban, adopt business regulations, or adopt land use regulations pertaining to any or all of these businesses.

Again, the AUMA does not require a city to enact a regulatory scheme or ban by a certain date. However, assuming that the AUMA passes in November, if a city wishes to regulate or ban marijuana businesses before marijuana businesses may legally operate within the city, the regulations or ban will need to take effect before the state begins issuing nonmedical marijuana business licenses. The League anticipates that cities have until January 1, 2018 to enact bans or regulations relating to nonmedical marijuana businesses, because: (1) nonmedical marijuana businesses cannot operate in any city without a state license;<sup>56</sup> (2) the state licensing agencies in charge of implementing the AUMA have stated that they anticipate that they will not begin issuing licenses under the MMRSA until January 2018, and it is unlikely that said agencies will be able to begin issuing licenses under the AUMA before they begin issuing licenses under the MMRSA; and (3) the AUMA does not require state agencies to issue licenses until January 1, 2018.<sup>57</sup> It is not the League's position that state licensing agencies cannot issue licenses before January 1, 2018, just that it is unlikely that they will do so.

## C. Caution Against Use of Permissive Zoning

Under a permissive zoning code, any use not enumerated in the code is presumptively prohibited, unless an authorized city official finds that the proposed use is substantially the same in character and intensity as those land uses listed in the code.<sup>58</sup> Although the MMRSA upheld a city's authority to rely on permissive zoning to prohibit medical marijuana land uses, it is unlikely that cities will succeed in arguing that nonmedical marijuana land uses are prohibited by permissive zoning under the AUMA. This is so because: (1) the statutory language in the AUMA regarding local control seems to anticipate that a city will adopt an ordinance explicitly prohibiting and/or regulating nonmedical marijuana businesses (rather than relying on the silence of its Code to argue for a prohibited use);<sup>59</sup> (2) the AUMA does not contain the same protective language as the

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<sup>56</sup> Bus. & Prof. Code § 26038.

<sup>57</sup> Bus. & Prof. Code § 26012 (c).

<sup>58</sup> See *City of Corona v. Naulls* (2008) 166 Cal.App.4th 418, 433-436. See also *County of Los Angeles v. Hill* (2011) 192 Cal.App.4th 861, 871 [holding that "medical marijuana dispensaries and pharmacies are not 'similarly situated' for public health and safety purposes"]; *City of Monterey v. Carrnshimba* (2013) 215 Cal.App.4th 1068, 1091 [holding that a medical marijuana dispensary was not substantially similar to the listed commercial use classifications for personal services, retail sales, pharmacies and medical supplies]; *County of Tulare v. Nunes* (2013) 215 Cal.App.4th 1188, 1205 [holding that a medical marijuana collective did not qualify as an "agricultural" land use because "marijuana is a controlled substance and is not treated as a mere crop or horticultural product under the law"].

<sup>59</sup> Bus. & Prof. Code § 26200 ["Nothing in this division shall be interpreted to supersede or limit the authority of a local jurisdiction to *adopt* and *enforce* local ordinances to regulate businesses licensed under this division, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to second hand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed under this division within the local jurisdiction."] (emphasis added).

MMRSA with respect to permissive zoning;<sup>60</sup> and (3) the AUMA explicitly designates nonmedical marijuana as an agricultural product—thus if a city’s permissive zoning code authorizes agricultural uses, the city may be precluded from arguing that marijuana is prohibited.<sup>61</sup> Therefore, cities that wish to ban all or some nonmedical marijuana activities should adopt express prohibitions, even if they operate under a permissive zoning code.

#### **IV. What actions need to be taken?**

At this time city officials should: (1) review the city’s municipal code; (2) consider whether they wish to regulate the personal cultivation of nonmedical marijuana indoors; (3) consider whether they wish to regulate or ban the personal cultivation of nonmedical marijuana outdoors; (3) consider whether they wish to enact business regulations of nonmedical marijuana businesses; (4) consider whether they wish to enact land use regulations of nonmedical marijuana businesses; and (5) consider whether they wish to enact local taxes on marijuana. Cities should prioritize considering or enacting ordinances regulating personal nonmedical marijuana cultivation, because it will be legal under state law on November 9, 2016 if the AUMA passes, whereas nonmedical marijuana businesses will not be able to operate lawfully until the state licensing system becomes operational (likely in late 2017). New taxes on marijuana require compliance with Proposition 218.

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<sup>60</sup> Compare Health & Saf. Code § 11362.777(b)(3) [a “person or entity shall not submit an application for a state license . . . if the proposed cultivation of marijuana will violate the provisions of any local ordinance or regulation, or if medical marijuana is prohibited by the city, county, or city and county in which the cultivation is proposed to occur, either expressly or otherwise under principles of permissive zoning”] with Bus. & Prof Code § 26205(e) [“Licensing authorities shall not approve an application for a state license under this division if approval of the state license will violate the provisions of any local ordinance or regulation adopted in accordance with Section 26200.”].

<sup>61</sup> Bus. & Prof. Code § 26067(a).

September 12, 2016



## Frequently Asked Questions (FAQs)

### Adult Use of Marijuana Act<sup>1</sup>

#### Proposition 64

**Question#1:** If passed, when will the AUMA take effect?

**Answer:** The AUMA will take effect November 9, 2016, the day after the election. But note, the AUMA requires a state license to engage in commercial nonmedical marijuana activity. Licensing authorities are required to begin issuing licenses by January 1, 2018 and the League anticipates that the issuance of licenses will not occur much in advance of January 1, 2018. Thus, the AUMA provisions legalizing commercial nonmedical marijuana activity will not become operational until the state begins issuing licenses (likely in late-2017). The AUMA provisions legalizing personal use and cultivation of nonmedical marijuana take effect November 9, 2016.

**Question #2:** Assuming the AUMA passes, can private individuals cultivate nonmedical marijuana at home beginning November 9, 2016?

**Answer:** Yes, within a residence by a person 21 years and older for personal use. The AUMA provides that local governments can reasonably regulate, but cannot prohibit personal indoor cultivation of up to six marijuana plants. This includes cultivation in a greenhouse that is on the property of the residence but not physically part of the home, as long as it is fully enclosed, secure, and not visible from a public space. Because this activity is not subject to state licensing requirements, private individuals may cultivate up to six living marijuana plants indoors beginning November 9, 2016—unless a city enacts an ordinance imposing a reasonable regulatory scheme that would preclude them from doing so before complying with the city's regulatory requirements. Cities cannot adopt or enforce bans on private indoor cultivation of six living nonmedical marijuana plants on or after November 9, 2016.

Local governments may regulate or ban all outdoor personal cultivation. However, the AUMA includes language purporting to repeal any ordinance that bans personal outdoor

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<sup>1</sup> Please consult your City Attorney before taking action to implement the AUMA. The answers to these FAQs may be different in your city based upon your municipal code, regulations, and policies. The answers do not constitute legal advice from the League of California Cities®.

cultivation upon the California Attorney General's determination that nonmedical use of marijuana is lawful under federal law.

**Question #3:** What does the AUMA say about possession, transporting, purchasing or giving away of non-medical marijuana?

**Answer:** A person 21 years of age or older may possess, process, transport, purchase or give away to persons 21 years of age or older not more than 28.5 grams of marijuana in the non-concentrated form and not more than 8 grams of marijuana in a concentrated form including marijuana products. If the AUMA passes, these activities will be lawful under state law and cannot be prohibited under local law.

**Question #4:** Do cities that ban or regulate medical marijuana businesses need to update their ordinances to include nonmedical marijuana?

**Answer:** Yes. The AUMA prohibits state licensing authorities from issuing a license to a commercial nonmedical marijuana business if operation of the business violates a local ordinance of the jurisdiction in which the business will operate. This means that a city wishing to adopt business or land use regulations prohibiting or regulating commercial nonmedical marijuana businesses must adopt an ordinance prior to the date the state begins issuing licenses, which the League anticipates will be in late 2017.<sup>2</sup>

**Question #5:** Can cities be confident that a permissive zoning code, by itself, provides sufficient protection against nonmedical marijuana businesses setting up shop without local approval?

**Answer:** No. It is unlikely that cities will succeed in arguing that nonmedical marijuana land uses are prohibited by permissive zoning codes under the AUMA, because the AUMA does not contain the same protective language as the MMRSA with respect to permissive zoning. Therefore, cities that wish to ban all or some nonmedical marijuana activities should adopt express prohibitions, even if they operate under a permissive zoning code.

**Question #6:** Are cities at risk of losing the opportunity to impose bans on personal outdoor cultivation if they don't act until after the November election?

**Answer:** No. A city may adopt an ordinance banning or regulating personal outdoor cultivation at any time. However, if a city does not adopt a ban or regulatory scheme before November 9, 2016, individuals will be able to cultivate marijuana outdoors for personal use until such time as the city enacts a ban or regulatory scheme. Because the logistics of enforcing a ban after an individual's outdoor cultivation operations have begun, the best practice may be to adopt an ordinance before November 9, 2016.

**Question #7:** Are cities at risk of losing the opportunity to impose bans on nonmedical marijuana businesses, if they don't act until after the November election?

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<sup>2</sup> Please see Question #8 regarding the use of public roads for transportation and delivery.

**Answer:** No. However, if a city does not adopt an ordinance expressly banning or regulating nonmedical marijuana businesses before the state begins issuing state licenses nonmedical businesses, a state-licensed nonmedical marijuana business will be able to operate within its jurisdiction without local permission or permitting. This is due to a provision in the AUMA that provides that state licenses cannot be issued where the activity would violate a local ordinance. If a jurisdiction has no ordinance regulating nonmedical marijuana businesses, then the local regulatory scheme is silent on that type of activity, and the state can unilaterally issue a license under terms fully compliant with the AUMA. Cities may adopt an ordinance expressly banning or regulating such operations after the state begins to issue licenses, but it will be difficult to terminate the state licensee's operations until the state license is up for renewal. Therefore, the best practice is to adopt an ordinance before the state begins issuing state licenses.

**Question #8:** Can cities ban deliveries under the AUMA?

**Answer:** Yes. Cities can ban deliveries within their territorial limits. However, cities cannot prevent the use of public roads for the delivery of marijuana. For example, if a licensed delivery company located in City A must travel on public roads through City B to make an authorized delivery in City C, City B cannot prohibit the licensed delivery company from travelling on public roads in City B to get to City C. In addition, cities may not prevent the use of public roads within its jurisdiction to transport nonmedical marijuana.

**Question #9:** What is the best way for cities to notify the state licensing agencies of their local ordinances that regulate and/or prohibit commercial non-medical marijuana activities within their jurisdictions?

**Answer:** Unless the state licensing agencies indicate otherwise, cities should mail copies of their local ordinances that regulate or prohibit commercial nonmedical marijuana activities within their jurisdictions to the Department of Consumer Affairs, the Department of Food and Agriculture, and the Department of Public Health. Cities should regularly check each Department's website to ensure that this practice complies with any regulations the Departments may pass regarding notice of local ordinances. In addition, Cities should ensure that any updates or amendments to local ordinances that regulate or prohibit commercial nonmedical marijuana activities are promptly submitted to each Department.



Adult Use of Marijuana Act  
Proposition 64  
November 8, 2016 Statewide Ballot

Thursday, October 20, 2016  
10:00 a.m. – 11:30 a.m.



# Webinar Presenters

Bismarck Obando

*Director of Public Affairs, League of California Cities  
(Moderating)*

Betsy Strauss

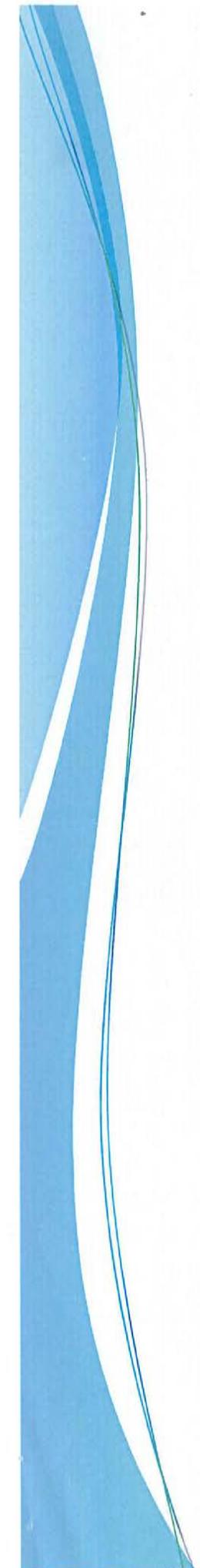
*Special Counsel, League of California Cities*

Steve McEwen

*Partner, Burke, Williams & Sorensen, LLP*

Tim Cromartie

*Legislative Representative, League of California Cities*



# How to Ask a Question

- All phone lines have been muted
- For Questions - Use the Q&A window to the right side of your screen
- Please enter your **Name, Title and City** when you ask a question



# Agenda

- **Summary of the AUMA**
- **Key Differences: AUMA vs. MMRSA**
- **Personal Use**
- **Personal Cultivation**
- **State Licensing of Commercial Operations**
- **Local Regulation of Commercial Operations**
- **Taxation of Nonmedical Marijuana**
- **Allocation of State Tax Revenues**
- **Local Policy Issues**



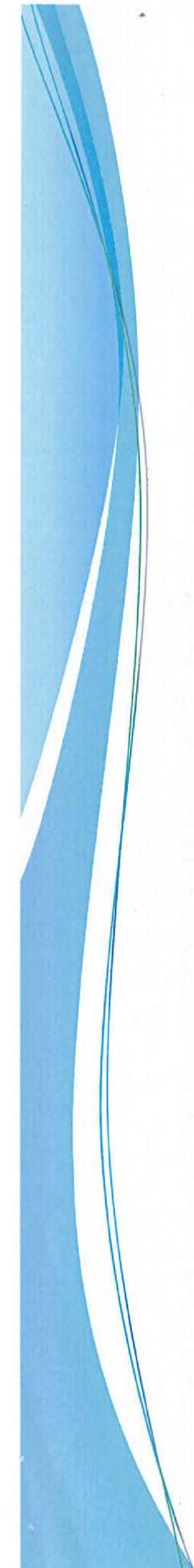
# Summary

- Legalizes the nonmedical use of marijuana by persons 21 years of age and over and the personal cultivation of six marijuana plants
- Creates state regulatory and licensing system for the commercial cultivation, testing, and distribution of nonmedical marijuana, and the manufacturing of nonmedical marijuana products.
- Allows local governments to prohibit or regulate and license commercial nonmedical marijuana
- Takes effect November 9, 2016

# Key Differences: AUMA and the MMRSA

For purposes of local regulation, there are four key differences between the Adult Use of Marijuana Act and the Medical Marijuana Regulation and Safety Act.

- 1) **Focus:** The MMRSA regulates medical marijuana, while the AUMA regulates nonmedical marijuana.
- 2) **Taxation:** The MMRSA authorizes counties to impose excise taxes. The AUMA exempts medical marijuana from state and local sales tax. The AUMA imposes state taxes on the purchase and cultivation of non-medical marijuana. Local taxation of nonmedical marijuana is not pre-empted by the AUMA.
- 3) **Local Regulations:** Under the MMRSA and the AUMA, local governments may allow, regulate, or prohibit commercial marijuana businesses within their jurisdictions. This policy choice should be reflected in an ordinance that contains express language regarding marijuana land uses and business regulations.
- 4) **Personal Cultivation:** The MMRSA does not alter local governments' existing authority to prohibit all personal cultivation. Under the AUMA, locals can reasonably regulate but cannot ban indoor private indoor cultivation. Note: Local ability to regulate or prohibit commercial indoor cultivation remains intact even under the AUMA.



# Personal Use

- **AGE:** 21 years of age or older
- **POSSESSION:** Possess, process, transport, purchase, obtain, or give away 28.5 grams of non-concentrated non-medical marijuana, or 8.5 grams of concentrated marijuana products
- **USE:** Smoke or ingest marijuana or marijuana products
- **CULTIVATION:** Possess, plant, cultivate, harvest, dry or process up to 6 plants per residence for personal use



# Restrictions on Personal Use

- No smoking in a public place (except where authorized locally)
- No smoking where smoking tobacco is prohibited
- No smoking within 1,000 feet of a school, day care center or youth center
- No smoking while driving or riding in a vehicle
- Cities may prohibit smoking and possession in buildings owned, leased, or occupied by the city
- Employers may maintain drug-free workplaces



# Personal Cultivation

- Local governments may “reasonably regulate” but not prohibit personal indoor cultivation of up to 6 marijuana plants within a private residence.
- Includes cultivation within a greenhouse or other structure on the same parcel of property that is not visible from a public space.
- Local governments may regulate or prohibit personal outdoor cultivation.



# Questions about Personal Use

- What are “reasonable regulations” on personal cultivation of 6 plants within a personal residence?
- Examples:
  - A local requirement for a residential cultivation permit, with an appropriate fee;
  - Requiring as a condition of the permit, that the permit holder agree to periodic inspections (upon appropriate notice), to ensure that cultivation is not:
    - In excess of the six-plant limit
    - Drawing more electrical power from the grid that the structure/house is designed to withstand, thereby causing a fire hazard
    - Presenting a health hazard such as mold accumulation
    - Using more water than is reasonably required to cultivate six plants
  - Express local regulations requiring cultivation to comply with the Fire Code, Building Code and reasonable limitations on the use of water



# State Licensing

## Commercial Operations

State licensing and enforcement under direction of the Bureau of Marijuana Control is divided among:

- ◆ **Department of Consumer Affairs:** transportation, storage, distribution, and sale
- ◆ **Department of Food and Agriculture:** cultivation
- ◆ **Department of Public Health:** manufacturers and testing laboratories.

Regulations will be adopted. Licensing to begin no later than January 1, 2018



# State Licensing

## Commercial Operations

- All nonmedical marijuana businesses must have a state license
- State license cannot be issued to an applicant whose operations would violate the provisions of any local ordinance or regulations
- Review ordinances, and update if necessary: If local ordinances are silent on nonmedical marijuana, the state can issue a license for a business in your city without local input
- State license will be valid for one year.
- Separate state license required for each business location.



# Local regulation/prohibition

## Commercial Operations

- Cities and counties may adopt and enforce ordinances regulating or completely prohibiting state-licensed marijuana businesses (but may not prohibit use of public roads for deliveries in another jurisdiction).
- State standards are minimums. Cities and counties may establish additional standards, requirements and regulations regarding health and safety, environmental protection, testing, security, food safety, and worker protections.



# Local regulation/prohibition

## Commercial Operations

- Proposition 64 does not require a city to enact regulatory scheme or prohibition by certain date
- League anticipates that State will not begin issuing licenses before January 1, 2018.
- If city prohibition or regulations in place before business applies for state license, state license either will not issue or be subject to local regulations.
- Caution against relying on use of permissive zoning code.



# Local regulation/prohibition

## Commercial Operations

- Proposition 64 does not require a city to enact regulatory scheme or prohibition by certain date
- League anticipates that State will not begin issuing licenses before January 1, 2018.
- If city prohibition or regulations in place before business applies for state license, state license either will not issue or be subject to local regulations.
- Caution against relying on use of permissive zoning code.



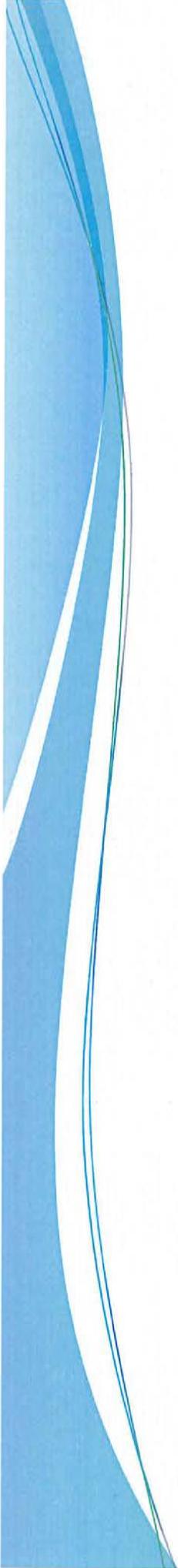
# Taxation of Nonmedical Marijuana

- 15% State excise tax of gross retail sales receipts.
- \$9.25/dry-weight ounce on marijuana flowers State cultivation tax
- \$2.75/dry-weight ounce on marijuana leaves State cultivation tax
- Marijuana cultivated for personal use is exempt from cultivation tax
- Medical marijuana is exempt from State/local sales tax
- Proposition 64 does not prevent cities and counties from imposing local taxes [except sales tax on medical marijuana]



# Allocation of State Tax Revenues

- 60% for youth programs, substance abuse education, prevention and treatment
- 20% for environmental cleanup and remediation
- 20% for state and local programs that reduce DUI and grant programs designed to reduce negative health impacts regulating from marijuana legalization



# Local policy issues

Does your city want to:

- regulate the indoor cultivation of nonmedical marijuana for personal use? [legal beginning 11/9/16]
- regulate or ban the outdoor cultivation of nonmedical marijuana for personal use? [legal beginning 11/9/16]
- enact business regulations of nonmedical marijuana businesses?
- enact land use regulations that apply to nonmedical marijuana businesses?
- impose local taxes on nonmedical marijuana?