

**SPRING CONFERENCE**  
**May 19-21, 1999**  
**ALVAREZ-GLASMAN & COLVIN**  
**ATTORNEYS AT LAW**

## **LEGAL WRITING 101: EFFECTIVE CITY COUNCIL REPORT WRITING**

*“Death is easy...Comedy is difficult. Pleasing the entire City Council is next to impossible.”*

An unknown, but wise, City Attorney

One thing William Shakespeare, Stephen King and John Grisham all have in common is that they have never written a city council report. As tough as their editors had to be on their works, these authors have not had the pressure filled experience of having their writings undergo the scrutiny and criticism of city council members. Every city attorney and city staff member who has ever put pen to paper, or in these days of technology, CG Times to WordPerfect, has had to “sweat it out” wondering if the members of the city council will conduct an editing session in front of a packed city council chamber and viewed on the local cable television channel.

Finding ways to prepare effective, concise reports for a city council is a skill not explained in the Government Code nor taught in law school. While this presentation will not turn your next report into the local legislative equivalent to *Hamlet*, *The Shining* or *The Firm*, hopefully it will offer a few helpful points to ensure that your next city council report is not viewed as pulp fiction.

### **Writing for City Council Members is not like writing for lawyers or judges!**

Throughout a lawyer’s career, he or she is trained to write in a persuasive manner. Serving as an advocate is at the foundation of most legal efforts. However, while advocating for certain positions may be necessary in a council report, it can also be a dangerous path to follow unless done with finesse and fairness. Most city council members will have a position on issues that come before them but the city attorney will be viewed as “playing politics,” if their lawyer advocates for a viewpoint which differs from that of the council member. Even when the opinion of the city attorney is well founded in the law, council members don’t always want to be burdened with following legal precedent, particularly when their constituency desires a specific contrary result.

In preparing a legal brief or argument, well-structured legal writing will direct the reader down a certain path to a desired conclusion. However, when writing council reports, instead of leading to a specific conclusion, council members tend to want reports that provide options and alternatives, rather than hard and fast, one-choice resolutions. Policy makers desire the necessary “wobble-room” to give opportunities for debate and discussion, and not absolute black or white solutions, especially in reports addressing controversial or difficult issues. This approach should not be misinterpreted by a city attorney as an excuse to avoid giving solid legal advice, especially in challenging areas of law, and should include a summary of potential impacts, when a city council desires to head down a road legally less traveled.

The style in which a report is written may also vary, depending upon whether it is confidential memorandum or a report for the open agenda of a city council meeting. Memorandum intended as confidential, attorney-client communications will differ from those reports prepared for public review and consumption. Open agenda reports should avoid absolute terminology, such as “never,” “always” or “only.” On the other hand, closed session reports or other confidential written communications will have a different presentation style. Confidential material will generally be more direct, more persuasive (if necessary) and more candid. (A more detailed discussion of confidential materials is set forth below.)

### **Present your written reports in “councilese” not “legalese!”**

*“...but, you gotta’ know the territory!”*

From *The Music Man* by Meredith Wilson

Unless your city council is entirely comprised of attorneys (heaven forbid!!), your reports will be read by individuals who have never spent a single day in law school. The extent of some council members’ legal experience is watching *Matlock*, *Perry Mason* or *The Practice*. So, by showing off your vast knowledge of terms found only in *Black’s Law Dictionary*, you may frustrate your client and run the risk of being misunderstood. It is important to remember to explain legal terms in a manner which will be clearly understood by each council member whether they are a housewife (or house husband, to be politically correct) or hardware store owner.

Just like Professor Harold Hill, in *The Music Man*, warned his fellow salesmen, that “you gotta’ know the territory,” it is equally important for the city attorney to know his or her council and their level of understanding of the often complex materials presented. To lawyers, the term “discovery” is a well-known process of interrogatories, requests for admissions and depositions. However, to your council member *Discovery* may simply be a show on cable television. Many lawyers forget the “territory” of their audience. City attorneys who interact with city councils on a daily basis understand this concept, but many deputy city attorneys and special counsel, especially litigators, forget that their reports will be read by those with little or no understanding of legal jargon and concepts.

Take, for example, the following excerpt from a closed session memorandum explaining the status of a case and which seeks settlement authority:

Deputy City Attorney Anderson will present an update on the case of *Very Hurt v. City of Indefensible, et al.* This case involves a 42 USC § 1983 claim in which, after extensive discovery steps were taken, a summary judgment motion was presented and denied. The court rejected the *Monell* defense and set the matter for further hearings. A series of motions in limine were filed prior to the MSC, which the court has taken under submission. At the MSC, Judge Mendoza considered the possibility that the City would be found liable and urged the City to negotiate in good faith or be subject to an order to show cause. At this time, it is felt that the City has no alternative but to offer \$500,000 to resolve this case.

Most council members would ask for a translation of the above paragraph into English or better yet, “councilese,” before parting with a half a million of their taxpayers’ dollars. Explaining this case in clear understandable terms would likely give the Deputy City Attorney a better chance at walking away with some settlement authority rather than merely receiving blank stares from his “audience.” For greater ease in comprehension by a city council, a different synopsis of the same case could read as follows:

At your closed session Monday night, Deputy City Attorney Anderson will present an update on the case of *Very Hurt v. City of Indefensible*. This case involves a lawsuit brought by the plaintiff, Very Hurt, against the City, the Police Department and certain members of the department, claiming that excessive force was used in the arrest of Ms. Hurt. A complete explanation of the facts will be presented in closed session. These facts were discovered through the litigation process which included written questions and answers to the parties (interrogatories), along with oral testimony received in pre-trial questioning (depositions).

An attempt was made by the City Attorney’s office to cause this case to be dismissed without the necessity of a trial. However, Superior Court Judge Mendoza denied the City’s motion. Our office has also filed additional motions attempting to limit the issues at trial, but the Judge has not yet ruled on these motions. If successful in these motions, the City’s position in this case would be greatly enhanced, but at this point Judge Mendoza, as expressed at a recent settlement conference, feels the city could be held responsible for Ms. Hurt’s injuries and has directed her viewpoint be communicated to the city council. She has stated that, if the City Council continues to take the position that no settlement offer will be presented, all members of the city council could be ordered to appear in her courtroom to explain.

Due to the sympathy factor, which would likely come into play should this matter go to trial, providing some level of authority to settle this matter would be justified. The judge has recommended \$500,000 in settlement value, which seems excessive. However, if Ms. Hurt should succeed at trial, even in a low dollar amount, the City would be responsible for the cost of her attorney’s fees, which would be in the six-figure range. It is recommended that settlement authority in the amount of \$150,000 be provided, pending the outcome of the pending pre-trial motions.

While converting the first paragraph from “legalese” to “councilese” took many more words, the explanation in the second example provides the city council with a summary which is easier for the lay person to understand. The second message is better packaged and explains the current status of a difficult case in non-lawyer terminology.

It is always a challenge for any city attorney to define the balance between explaining a case, a legal concept or an issue with the necessary detail to “CYA” (cover your anatomy) while making it understandable. Most council members won’t care about case citations, let alone understand what “5 Cal. 4th 363” means. However, there are a few council members, even non-lawyers, who will read the case, just to check out your legal reasoning as to whether it is, in their opinion, correct. There is no hard and fast rule in defining how much legal authority to reference or how many citations should be included in written council reports. Yet, when preparing formal legal opinions, which are primarily for use by other lawyers, but may be read by city council members, proper legal briefing

style and cites should be followed.

The approach that, every writing by a lawyer is a legal brief, cannot be viewed as realistic, because your *council* members should not be viewed as “counsel” members in your communications. A written report should be prepared with a measure of sensitivity, recognizing that the document is being offered to council members, rather than lawyers. Keeping this in mind will enhance your opportunity for success in providing effective written communications.

### **Writing an effective report is as simple as A...B...C.**

*“I have suffered from being misunderstood, but I would have suffered a hell of a lot more if I had been understood.”*

Clarence Darrow

One must wonder if Mr. Darrow developed the above quote after a terrifying experience appearing before a town council. Certainly, most experienced city attorneys have their series of horror stories stemming from reports they have prepared which have come back to haunt them. Misspellings, typographical errors, incorrect facts or unsubstantiated conclusions are the fodder for the feeding frenzy that can occur at a city council meeting. Yet taking simple precautions in preparing council reports may save a city attorney the embarrassment of having a council member point out to a packed city council chamber audience that words are misspelled or even left out of a report.

Effective council report writing is as easy as A-B-C. Accuracy...Brevity...Consistency. If the concepts of Accuracy, Brevity and Consistency are followed, this should guarantee that a council report will withstand the scrutiny of the most discriminating critic. These simple rules, if put into place, will improve most every written report.

### **ACCURACY: You are more likely to be believed if your report is accurate.**

Imagine receiving materials which are full of misspellings, incorrect data or typographical errors. Most readers would question the accuracy of the conclusions contained in such a report. City council members are likely to question such presentations, and there are those who might reject a recommendation based purely upon the technical flaws in the report, even if the substance is accurate. While it may seem petty, there are council members who have no reluctance in pointing out misspelled words or typographical errors in an agenda report. Even the most well thought out and substantively correct report may “go down in flames” due to errors in the document.

While it is next to impossible to present a perfect report 100% of the time, clients expect that written materials submitted by their legal counsel be accurate and correct. Some cities have the city attorney read and sign-off their approval of each report prior to its appearance on a city council agenda. If this is your role, it is easy to identify those staff members who present reports with accurate information and proper review. Conversely, when errors continue to appear consistently in the work of certain staff members, the city attorney is more likely to view this work with a great degree of uncertainty and question. Council members are no different. They will view inaccurate work with a skeptical eye.

Establishing a reputation of preparing accurate reports is the first step in developing credibility with the client. The credibility of one's work is often the difference between success or failure of a city attorney. A council's faith in the legal opinions offered is nurtured out of trust that a presentation by the city attorney, whether written or verbal, will be accurate. Enlisting the assistance of other attorneys or support staff to proof read reports is essential. Ego should never interfere with the opportunity to improve written presentations. Remember that it is rare that praise will be bestowed for a well-written report, but an inaccurate report will certainly be brought to everyone's attention.

**BREVITY: Council reports should be the equivalent of a short story and not *War and Peace*.**

It is important to remember that city council members receive a great deal of written material throughout the course of their business day. This reading is to be accomplished along with their obligations as a spouse, parent, businessperson, community leader and advocate for their city. As readers of staff reports council members fall into one of the following categories:

Read everything presented. Study, analyze and question everything written. Edit and correct mistakes.

Read everything presented. Question what is understood. Overlook mistakes.

Read only the executive summary. Question what is not clear. Prepare based upon the executive summary presentation.

Read only the title of the item. Ask no questions.

Don't read anything...hope for the best.

Of course there are certain variations to the above scenarios, but it may come as a surprise to discover that some council members never read their reports. The longer the report, the less likely the report will be read in its entirety.

There are many council members who have "get to the point" personalities. Lengthy dissertations on fine nuances of the law will not only bore them, but will probably never be read. In this day and age of sound bites, thirty second messages and instant meals, long council reports are often viewed by council members as overkill, especially if the written reports are followed by lengthy verbal reports by staff at council meetings.

In order to meet this challenge, one city has a policy that council agenda reports (known as "Agenda Bills" in that city) can only be one page in length. Although the council Agenda Bills are limited to one page, attachments are permitted, which still tends to turn single page presentations into lengthy reports. While there should be a balance between an agenda report being too short or too long, it is important to convey the essential elements of the issue in a brief, concise and clear manner. Executive summaries are very accommodating for council members who do not have the time, nor the desire, to read everything. (Samples of executive summaries are attached to this presentation for

review.)

**CONSISTENCY: If you do something right, it is worth doing it right consistently!**

We are all creatures of habit, and Council members are no different. Demonstrating consistency works well to reflect one's ability. Council reports with a standard format, standard font, and standard language are generally well received. If a city has one standard for framing its written agenda reports, it is much simpler to find the recommendation, the analysis and the conclusion. To the contrary, if each department within the city is permitted to prepare its reports using a different format, a different outline or manner of presentation, the reports will appear inconsistent, inconclusive, and incomplete.

Some cities have precise policies to define the manner and form of its council reports. (See attached policies and procedures from the City of Napa.) Others utilize a standard format, consistent with successful past practice. Aside from the formality of defining a policy for the preparation of council agenda reports, the following are some key elements, essential to all agenda matters, which should be included:

Definition of the issue(s) to be addressed in a concise statement

Discussion, background and/or analysis

Fiscal impact

Public noticing requirements

Recommendation

Action to be taken

Attachments, including ordinances, resolutions or contracts.

If these topics are offered in an orderly, consistent manner, council members are more likely to follow the presentation, read the key elements of the report and understand the pertinent issues before them. (A series of city council agenda reports are attached for evaluation of how various cities format their staff reports.)

Even though written reports should contain all essential materials for the city council to make an informed decision, oral presentations are often required of staff at council meetings. Rather than recite the provisions of the written report word for word, staff should summarize the key elements of the document and find a fresh, novel manner of orally presenting the essence of the written account. Nothing can be more boring, or annoying, than a staff member reading the written material which has already been offered to the city council in written form. A council member will undoubtedly question staff or a department head who lacks ingenuity and makes no creative effort by only offering a recount of the exact same agenda presentation which could and should have already been read by any hard working council member.

The concept that written reports presented to city councils should be consistent in format holds true whether the report is one offered as part of the public, open agenda, part of a closed session written summary, or a formal legal opinion which is not part of a council agenda. Reports which are consistent in their presentation are easier to read, simpler to understand and more likely to be favorably received for their contents.

Every effort should be made to work with the city council, city manager/administrator and city staff to define a report format which fits the needs of the legislative body and staff. Consistency in performing a task, when a standard has been established, makes errors less likely and, even when there are slight errors or imperfections in a report, those flaws will outweigh the importance of the content.

### **Confidentiality/Attorney-Client Privilege and Public Records Act Issues**

While this presentation is not intended as a comprehensive review of issues involving attorney-client privilege, including confidential documents, and the Public Records Act, some mention must be made on these topics and how reports are impacted by these rules of law. Guarantees must be made to ensure that documents and reports which are intended to be confidential remain confidential.

The area of public records and public access to city attorney documents is effectively addressed in other city attorney publications and presentations. (Readers are urged to direct their attention to those writings as found in the City Attorney Handbook, Index of City Attorney Papers offered at recent League presentations.) However, a basic understanding of the concepts necessary to protect confidential documents and reports is essential for every municipal practitioner.

Written reports prepared by City Attorneys and their staffs generally fall into the following categories:

Agenda Reports offered in a public forum

Closed session reports intended as confidential

Litigation reports and status memorandum

Attorney opinion letters

Newsletter and other informational reports.

Some of these report categories are clearly intended for public review and consumption, while others are intended to be confidential documents, cloaked in the attorney-client, attorney communication privilege.

The California Supreme Court addressed these issues in the case of *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363. The Court provided direction on questions of balancing confidentiality versus the public's right to know under the Public Records Act (California Government Code, sections 6250 et seq.). The *Roberts* Court held that documents, records and other written communications which contain a legal opinion formed and

advice given by the lawyer in the course of attorney-client relationship are confidential pursuant to the Evidence Code. (*Id.* at p.372) Not only are documents which are protected under the pending litigation exception of Government Code, Section 6254(b) confidential, other reports and written materials deemed confidential under the attorney-client privileges of the Evidence Code and other provisions of law are also protected. (Also see *Fairley v. Superior Court* (1998) 66 Cal.App.4th 1414 which discusses the pending litigation exception ruling found in *Roberts*.)

In order to preserve the attorney-client privilege, legal counsel should consider labeling each document, and each page to that document, with a disclaimer to the effect:

Attorney-Client Privileged  
Attorney Work Product  
Confidential Communication.

While it may be left to the courts to ascertain what is confidential and what is not, providing this language on each document the city desires to keep as confidential demonstrates the intent of the public agency to maintain the confidentiality of those records not intended for public disclosure.

This disclaimer certainly must be placed upon those documents intended for protection under the pending litigation exception of the Public Records Act. Additionally, those opinions, writings and records which can have the proper shield of the attorney-client, attorney-work product protections should contain the appropriate language labeling the material accordingly.

**A well-written report is prepared with the reader in mind.**

Every author, whether it be Shakespeare, King or Grisham, writes for the benefit of his or her audience. The ability to write effective reports for a city council stems from an understanding that, even though as city attorneys we have a job to protect our clients, an effective city attorney should keep in mind the roles of the city council members as policy makers. By providing Accurate, Brief and Consistent reports, hopefully, each city council will better appreciate the role and obligations of an effective city attorney.

ATTACHMENTS:

**ATTACHMENT 1 ATTACHMENT 1 ATTACHMENT 1 ATTACHMENT 1**

CITY OF NAPA  
ADMINISTRATIVE POLICY ON COUNCIL AGENDA PREPARATION PROCEDURE

**ADMINISTRATIVE POLICY**

**REGULAR AGENDA PROCEDURE**

***Purpose***



To establish policy for the submission agenda items by the public and administrative staff. Recognizing that the preparation, publication and dissemination of the agenda and agenda items for the City Council is an ongoing, interdependent activity, a number of timely, coordinated actions must be performed on a weekly basis to achieve this goal. If problems and delays are to be avoided, all departments must adhere to fundamental format and procedure requirements.

The specific steps involved in preparing the City Council agenda are as follows:

### ***Scheduling***

All matters that appear to require Council action are to be discussed with, and approved by, the appropriate department head. Items that require discussion during the Council meeting (non-consent), must be scheduled for a specific Council meeting through the City Clerk. The number of items scheduled for each meeting is limited to insure that the matter will be addressed that evening and not continued to a future date due to lack of time.

It is the responsibility of the initiating department to notify the applicant or party involved of the Council meeting date scheduled and to provide them with a copy of the agenda summary report.

Items to be scheduled for an adjourned or study session meeting (second and/or fourth Tuesdays) must be calendared on the previous regular meeting agenda and set by Council. As a general rule, no meetings will be scheduled on the fifth Tuesday.

### ***Notices***

The City Clerk's Office is responsible for publishing and posting any required public notice with the exception of environmental listings.

The originating department is responsible for providing information necessary in the public notice and references as to the legislation requiring the notice.

Items which require an environmental listing shall be reviewed by the CEQA officer and returned to the originating department for publication prior to the Council meeting. Following Council action, the originating department will file the required notice of determination regarding environmental documents with the County Clerk.

### ***Publication Deadlines***

Citywide advertising is contracted with The Napa Valley Register.

The following is an example of lead-time required for items which require publication of 1/8 page display ads ten days prior to public hearing. Display ads must be delivered to the Napa Register by noon three days prior to publication:

Tuesday Council Meeting

July 19

Saturday (10 days prior)	Publication date July 7*
Tuesday noon (15 days prior)	Materials July 5
Friday (18 days prior) 1	Materials to City Clerk July 1

\* The City Clerk's Office routinely publishes all legal ads on Thursdays in order to provide continuity for the public. This procedure is to be followed as the general rule. Other publication dates (within requirements) can be used in the event of urgency. The following is an example of lead-time required for items which require legal publication five days prior to the Council meeting.

Tuesday Council Meeting	July 19
Thursday (5 days prior)	Publication date July 14
Tuesday noon (7 days prior) 5	Materials to Napa Register July 5
Friday 5:00 p.m. (11 days prior)	Materials to City Clerk July 1

Materials must be reviewed and approved by the City Attorney prior to being submitted to the City Clerk.

All materials for publication must be received by the Clerk's Office for review a minimum of two days prior to publication deadline.

These deadlines represent minimum time necessary to meet publication requirements. Issues of a substantial/controversial nature will require additional review time of the City Attorney's Office.

***Routine Items/Legislative Items***

All agenda items must have supportive administrative staff work prepared and reviewed by the appropriate department head before submission to the City Clerk's Office 11 days prior to the Council meeting.

All materials related to items added following the Department Manager meeting must be received by 5:00 p.m. on Tuesday.

***Agenda Subject Description***

The submitting department must carefully prepare the agenda subject description so that it informs the public, staff and Council of the nature of the proposal. A land use decision must include a description of the action proposed and a street address as well as project number. Under "Council Action Requested", the precise action to be taken must be specifically indicated.

### ***Review of Supporting Documents***

The City Attorney's Office is charged with determining the legal procedure for items proposed for Council action. The department submitting the material to the City Attorney's Office is responsible for providing all material necessary for Attorney review. All ordinances and contracts (other than routine items) must bear the City Attorney's signature signifying approval as to legal foan prior to being submitted to the City Clerk.

### ***Agenda Preparation***

The draft agenda is prepared and distributed to Department Managers by the City Clerk on Thursday, 12 days preceding the Council meeting for discussion at the subsequent Department Manager meeting (currently Monday afternoons 8 days prior to the Council meeting). The deadline for submitting agenda summary reports, including all required attachments such as agreements, exhibits, maps, resolutions, ordinances, etc., is Friday at 5:00 p.m. (11 days preceding the meeting).

Items listed on the draft agenda for which an Agenda Summary Report has not been received by the Monday Department Manager meeting, that item will be removed from the agenda unless otherwise approved by the City Manager.

### ***Photocopying***

Reports consisting of ten (10) pages or less will be photocopied by the City Clerk's Office. Reports containing more than ten (10) pages shall be photocopied by the originating department and received by the City Clerk's Office no later than 5:00 p.m. on Wednesday. Photocopying is done on 3 hole drilled paper for agenda packets.

### ***Assembly and Posting of Agenda***

The final agenda is prepared by the City Clerk's Office and routinely posted on Wednesday. The City Clerk is required to post agendas of City Council meetings and to comply with other requirements of the California Government Code. Not less than seventy-two (72) hours prior to the time set for the holding of a regular or an adjourned regular meeting of the City Council, the City Clerk shall cause the agenda for that meeting to be posted on the doors of the Council Chambers and the glass enclosed bulletin case at the west entrance to City Hall, 955 School Street. The City Council has determined that the foregoing described location is one which is freely accessible to members of the public.

### ***Cable TV Broadcasting***

Council meetings are now broadcast on Channel 45 for public viewing. A copy of the agenda is faxed to them after it is run.

A copy of the agenda is also faxed to the County Clerk's Office, the Napa Valley Register and to California Grocers Assoc (FAX numbers are posted near the FAX machine).

Agenda packets are picked up by a custodian between 2:00 and 2:30 p.m. on Thursday for delivery to Mayor/Council.

### ***Preview of Agenda***

The draft agenda is available on Thursday 12 days prior to the meeting via the computer AS400. Press the "Esc" key to pull up the box on your screen and choose Option 17.

Updated: February 23, 1996

## **ADMINISTRATIVE POLICY**

### **CITY COUNCIL AGENDA ITEM AND SUMMARY PROCEDURE**

#### ***PURPOSE***

To establish policy for the submission of agenda items by the public and administrative staff, to insure that the City Council agenda is prepared in an organized and timely manner.

Recognizing that the preparation, publication and dissemination of the agenda and agenda items for the City Council is an ongoing, interdependent activity, a number of timely, coordinated actions must be performed to achieve this goal. If problems and delays are to be avoided, all departments must adhere to fundamental format and procedure requirements.

#### ***PROCEDURE***

Management Team members are responsible for agenda items related to their department. They are responsible for researching, writing, proofing and submitting the document and attachments within the time frame established in the Administrative Policy. They are responsible for obtaining related documents (insurance policies, contracts, attachments, exhibits, etc.) and for obtaining approval of the City Attorney and City Manager.

The City Council meets on the first and third Tuesday of each month, unless otherwise scheduled.

The City Clerk's Office is responsible for coordinating the agenda preparation.

All matters that appear to require Council action are to be discussed with, and approved by, the appropriate department head. Items that require discussion during the Council meeting (non Consent items), must be scheduled for a specific Council meeting through the City Clerk. The number of items scheduled for each Council meeting is limited to insure that the matter will be addressed that evening and not continued to a future date due to lack of time. Council policy provides for a 9:00 p.m. adjournment time for Council meetings.

All agreements must be approved as to form by the City Attorney before going to Council.

All ordinances are to be prepared by the City Attorney's Office and submitted along with the Agenda Summary Report by the regular deadline. The City Clerk's Office publishes the legal notice required for ordinances.

It is the responsibility of the initiating department to notify the applicant or party involved of the Council meeting date scheduled and to provide them with a copy of the agenda summary report. Please note that this procedure also applies to Agenda Summary Reports for joint meetings with commissions and the Board of Supervisors.

Items to be scheduled for an adjourned or study session meeting (second and/or fourth Tuesday), must be scheduled on the previous regular meeting agenda and set by Council. As a general rule, no meetings will be scheduled on the fifth Tuesday.

### **AGENDA PREPARATION -SEQUENCE OF EVENTS**

- 1.** City Clerk prepares draft agenda by Thursday, 12 days prior to the Council meeting. Draft agenda is distributed on Tuesday to departments, and is available for viewing and/or printing through the AS 400. To view and/or print from the General Inquiry Menu, select City Clerks Legislative Index, and then select View City Council Agenda.
- 2.** Friday, 5:00 p.m., eleven days prior to the Council meeting is the deadline for all Agenda Summary Reports to be submitted to the City Clerk.
- 3.** Monday, eight days prior to the Council meeting, the draft agenda is updated and viewable through the AS 400.
- 4.** 9:00 a.m., seven days prior to the Council meeting, the agenda is reviewed by Department Managers to insure that items from their department have been received and are complete. As a general rule, any item that is incomplete, and/or has not been reviewed by the City Attorney and City Manager will be pulled from the agenda. The agenda is finalized at this meeting. No new items will be added after this meeting.
- 5.** Wednesday, six days prior to the Council meeting, the agenda is printed and posted. The agenda is posted on the Council Chambers door, and in the display cabinet outside of City Hall.
- 6.** Wednesday, six days prior to the Council meeting, the City Clerk begins numbering, copying and assembling the agenda packets. Agenda Summary Reports of 10 pages or less are numbered and copied by the City Clerk's Office. Agenda Summary Reports of 10 pages or more are numbered and copied by the initiating department. Copies are to be done on 3 hold drilled paper with the agenda item number indicated on the upper right corner. There are 23 packets to be assembled. Submit copied items no later than 11 :00 a.m. on Thursday, five days prior to the Council meeting.

### **PREPARATION OF COUNCIL AGENDA SUMMARY REPORT**

Agenda Summary Reports (ASR's) should be prepared so that it informs the public, staff and Council of the nature of the proposal. Under "Council Action Requested, all actions

to be taken must be specifically indicated. Also include any required CEQA determinations.

The form of the Agenda Summary Report should be prepared in the following manner:

SUBJECT  
ORIGINATED BY  
DISCUSSION  
FINANCIAL IMPACT  
CEQA  
DOCUMENTS ATTACHED  
COUNCIL ACTION REQUESTED

**SUBJECT** -a brief statement of the nature of the action and/or item for discussion. This statement should include names and addresses of parties involved, or a description of the location of the area under discussion.

**ORIGINATED BY** -the appropriate department and/or staff contact person

**DISCUSSION** -a thorough summary of the potential impact(s) of the action, including a review of the pros and cons, a list of options available, and a description of the justification or basis of staffs recommendation/request.

**FINANCIAL IMPACT** -a description of the cost of the project or service, including the annual amount, future financial impact, and the funding source(s). Costs should take into account design costs, environmental work, staff inspection time, construction or purchase, maintenance, daily operations, supervision, liability insurance, etc.

**CEQA DETERMINATION** -include an environmental determination of the action to be taken if necessary (if unsure, consult City Attorney's Office).

**DOCUMENTS ATTACHED** -all documents related to the request/discussion must be attached and referenced in the order they are attached to the Agenda Summary Report.

**CEQA** -If CEQA was or was not applicable for the specific action or project

**COUNCIL ACTION REQUESTED** -All actions must be listed in the order they are to be taken. All actions are to be thoroughly outlined. Please note, when preparing the agenda, the City Clerk refers to information under this category as the agenda description. All CEQA determinations and funding authorizations must be specifically listed.

**PRIMARY PARTIES NOTIFIED** -a list of interested parties notified after the item has been approved for that particular agenda (note, these copies should not be distributed normally until Thursday when the agenda packet is available to the City Council). The following should be notified:

**OUTSIDE CITY** -residents, businesses, agencies, unions and others who have expressed interest in the project or issue or who may be affected by it

**OTHER STAFF** -whose department may be affected by the action to be taken by Council Notifications should be noted at the end of the Agenda Summary Report as "cc:".

## **RESOLUTIONS**

Resolutions are to be prepared by the individual departments and attached to the staff report. This includes resolutions approving agreements and appropriating funds. Resolutions need to specifically list action taken. Attached are form resolutions for appropriating funds and approving agreements.

## **LEGAL NOTICE PUBLICATION DEADLINES**

The City Clerk's Office publishes most ads dealing with items before the City Council. The City has a citywide contract with The Napa Valley Register for citywide publications. Lead-time must be considered when submitting legal ads.

As a general rule, all city legal ads published by the City Clerk's Office are published on Thursdays. In order to meet that deadline, you must submit your legal ad to the City Clerk's Office the Friday preceding the Thursday publication date.

## **ATTACHMENT 2 ATTACHMENT 2 ATTACHMENT 2 ATTACHMENT 2**

SAMPLE EXECUTIVE SUMMARIES OF CITY COUNCIL REPORTS

## **THE CITY OF POMONA**

### **AGENDA**

FOR THE CITY COUNCIL ALSO SITTING AS THE REDEVELOPMENT AGENCY AND THE HOUSING AUTHORITY

ADJOURNED REGULAR MEETING  
COUNCIL CHAMBERS OF THE CITY HALL  
CLOSED SESSION TO BE CONVENED AND HELD IN THE CITY COUNCIL BOARD ROOM. CITY HALL  
MONDAY. FEBRUARY 8. 1999. 6:00 P.M.

Edward S. Cortez, Mayor

Vacant: Vice-Mayor, Councilmember, 1st District  
Marco Robles, Vice-Mayor, Councilmember, 2nd District  
Cristina Carrizosa, Councilmember 3 rd District  
Paula Lantz, Councilmember, 4th District  
Elliott Rothman, Councilmember, 5th District  
Willie "White, Councilmember 6th District

EXCERPTS FROM CITY COUNCIL RULES OF PROCEDURE ON INSIDE COVER

## **CITIZEN PARTICIPATION ON ACTION AGENDA ITEMS**

ANYONE WISHING TO SPEAK ON ANY ACTION AGENDA MATTER MAY DO SO. SUBJECT TO THE FOLLOWING GUIDELINES:

PRIOR TO THE MEETING, OR DURING THE MEETING PRIOR TO THE AGENDA ITEMS BEING READ BY THE CITY CLERK. PERSONS WISHING TO ADDRESS THE CITY COUNCIL MAY FILL OUT A SPEAKER CARD AND SUBMIT IT TO THE CITY CLERK. SPEAKER CARDS ARE AVAILABLE IN THE FOYER OF THE COUNCIL CHAMBERS.

WHEN CALLED UPON. THE PERSON SHOULD COME TO THE PODIUM, STATE HIS/HER NAME AND ADDRESS FOR THE RECORD, AND, IF SPEAKING FOR AN ORGANIZATION OR OTHER GROUP. IDENTIFY THE ORGANIZATION OR GROUP REPRESENTED.

ALL REMARKS SHOULD BE ADDRESSED TO THE MAYOR OR THE CITY COUNCIL GENERALLY, AND NOT INDIVIDUAL COUNCILMEMBERS.

QUESTIONS. IF ANY, SHOULD BE DIRECTED TO THE MAYOR WHO WILL DETERMINE WHETHER, OR IN WHAT MANNER, AN ANSWER WILL BE PROVIDED.

LIMIT THE TIME FOR ALL SPEAKERS TO THREE (3) MINUTES, WITH THE EXCEPTION OF THE INITIAL PRESENTER OF A PUBLIC HEARING AGENDA ITEM, WHICH SHALL BE FIVE (5) MINUTES.

WHENEVER ANY GROUP OF PERSONS WISHES TO ADDRESS THE CITY COUNCIL ON THE SAME SUBJECT MATTER, THE MAYOR MAY REQUEST THAT A SPOKESPERSON BE CHOSEN BY THE GROUP. IN CASE ADDITIONAL MATTERS ARE TO BE PRESENTED BY ANY OTHER MEMBER OF THE GROUP, THE MAYOR MAY LIMIT THE NUMBER OF SUCH PERSONS ADDRESSING THE CITY COUNCIL.

MEMBERS OF THE PUBLIC ARE ENCOURAGED BUT NOT REQUIRED TO MAKE THEIR COMMENTS ON AGENDA ITEMS IN WRITING TO THE CITY COUNCIL, WHICH MUST BE PRESENTED TO THE CITY CLERK BY THE TUESDAY PRIOR TO THE MEETING.

### ***CITY COUNCIL PROTOCOL***

FOLLOWING THE PLEDGE OF ALLEGIANCE AND INVOCATION, THE MAYOR WILL ASK THE CITY CLERK TO READ THE AGENDA. CITY COUNCILMEMBERS MAY MOVE ANY ITEM TO THE BEGINNING OF THE AGENDA, IF APPROVED BY THE COUNCIL. DISCUSSION AND ACTION WILL BE LIMITED TO TWENTY MINUTES (20). IF THE REQUESTED ITEM IS NOT ACTED UPON WITHIN TWENTY MINUTES, THE MAYOR HAS THE AUTHORITY TO PLACE THE ITEM AT THE END OF THE AGENDA. CONSENT ITEMS PULLED FOR DISCUSSION BY COUNCILMEMBERS WILL BE LIMITED TO FIVE (5) MINUTES. THE MAYOR WILL MOVE CONSENT ITEMS TO THE END OF THE AGENDA IF THEY ARE NOT ACTED ON WITHIN FIVE MINUTES. CITY COUNCIL DISCUSSION OF AN INDIVIDUAL ITEM IS LIMITED TO THIRTY MINUTES (30), EXCLUDING PUBLIC INPUT. IF THE DISCUSSION EXCEEDS



THIRTY MINUTES, THE MAYOR WILL TABLE THE ITEM UNTIL THE END OF THE MEETING.

### **CITY COUNCIL AGENDAS**

AGENDAS FOR CITY COUNCIL MEETINGS ARE AVAILABLE IN THE CITY CLERK'S OFFICE ON THURSDAY MORNINGS.

AFTER EACH CITY COUNCIL MEETING THE CITY CLERK PREPARES AN ANNOTATED AGENDA WHICH INDICATES THE ACTIONS TAKEN BY THE CITY COUNCIL, INCLUDING VOTES.

EVERY MEETING OF THE CITY COUNCIL IS RECORDED AND DUPLICATE TAPES ARE AVAILABLE FROM THE CITY CLERK FOR A NOMINAL CHARGE.

PERSONS REQUIRING ACCOMMODATIONS SHOULD MAKE THEIR REQUEST TO THE CITY CLERK AT LEAST 72 HOURS IN ADVANCE.

FOR MORE INFORMATION, CONTACT THE CITY CLERKS OFFICE:  
CITY HALL 505 SOUTH GAREY AVENUE, Box 660, POMONA, CA 91769  
(909) 620-2341 TDD (909) 620-3746

SEVERO ESQUIVEL -CITY MANAGER  
ARNOLD ALVAREZ-GLASMAN -CITY ATTORNEY  
ELIZABETH VILLERAL, CMC -CITY CLERK

CITY OF POMONA  
505 SOUTH GAREY AVENUE  
P.O. BOX 660  
POMONA, CA 91769  
(909) 620-2341

Adjourned Regular Meeting -February 8, 1999

**CLOSED SESSION** -6:00 p.m. -For discussion of the following:

**1). CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION.** (Pursuant to Subdivision (a) of Government Code Section 54956.9)

(a) City of Pomona vs. Southern California Edison.

**2) CONFERENCE WITH REAL PROPERTY NEGOTIATORS.** (Pursuant to Government Code Section 54956.8)

(a) Property: 84 Rio Rancho Road  
Negotiating Party: Regal Cinemas  
Under Negotiation: Terms of Sale

(b) Property: Murchison and Dudley at the I-10

Negotiating Party: Bonaventure Partners  
Under Negotiation: Terms of Sale

**PLEDGE OF ALLEGIANCE.**

**INVOCATION.**

**ROLL CALL.**

**REGULAR ACTION ITEM/S**

**1. APPROVAL OF PROCLAMATIONS.** (To be presented at a later date)

**Issue** -Request for approval of the following proclamations to be presented at a later date:

(a) February 1999, as " American History Month," in the City of Pomona.

(b) Honoring DeVry Institute of Technology on 15 Years in Southern California.

**Recommendation** -That the City Council approve the above proclamations.

**2. CONSENT AGENDA:**

**THE FOLLOWING STATEMENT SHALL BE READ BY THE CITY CLERK:**

*All items listed below maybe enacted by a single motion without separate discussion. If, however, discussion or a separate vote on any item is desired by a Councilmember, that item may be removed from the Consent Agenda and considered separately. All Consent items pulled for discussion by Councilmembers will be limited to five minutes. If they are not acted upon within five minutes, the Mayor will move that Consent item to the end of the Agenda, after consideration of the public hearings. Any motion relating to an ordinance shall also waive the reading of the ordinance and include its introduction or adoption as appropriate.*

(a)\* **RESOLUTION** -Establishing a Franchise Fee for commercial haulers.

(b) **RESOLUTION** -Accepting Lot Line Adjustment (L.L.A. #1-99) at 1345 and 1395 East Lexington Avenue, Council District 3.

**Issue** -Should the City Council accept the attached resolution approving the Lot Line Adjustment at 1345 and 1395 E. Lexington Avenue? .

**Recommendation** -Approve the attached resolution accepting the Lot Line Adjustment at 1345 and 1395 E. Lexington Avenue.

**Fiscal Impact** - No impact with this action.

(c)\* **RESOLUTION** - Approving an extension of agreement for consultant services to Norman Spielman, a Professional Engineer. (Continued from February 1, 1999)

(d)\* **SOUTH GAREY A VENUE CORRIDOR 1999 LIVABLE CITIES NOMINATION.**

**Issue** -Should the Council approve the proposed nomination for South Garey Avenue Corridor project?

**Recommendation** - Approve the proposed nomination of the South Garey Avenue Corridor project.

**Fiscal Impact** -None at this time, however, there has been discussion about requiring selected communities to contribute \$5,000 to the program. The South Garey Avenue Corridor project is within the Southwest Pomona and South Garey /Freeway Corridor Project Areas and may be eligible for redevelopment monies.

### **3. PUBLIC HEARING OF THE REDEVELOPMENT AGENCY:**

On Resolution of Necessity - South Garey/Freeway Corridor Redevelopment Project Area.

**Issue** -Should the City Council, sitting as the Governing Board of the Redevelopment Agency:

Adopt a Resolution of Necessity, permitting the Agency to commence proceedings in eminent domain to acquire the properties subject to the resolution ("Subject Properties").

**Recommendation** -It is recommended that the City Council, sitting as the Governing Board of the Redevelopment Agency:

Adopt a Resolution of Necessity, permitting the Agency to commence proceedings in eminent domain to acquire the properties subject to the resolution ("Subject Properties").

**Fiscal Impact** -The fiscal impact is difficult to ascertain at this time, however, the total appraised values of the Subject Properties is \$495,700.00.

**(a) RESOLUTION OF THE REDEVELOPMENT AGENCY** -Finding and determining that the Public Interest, Convenience and Necessity require the acquisition of certain real properties for redevelopment purposes and all uses appurtenant thereto located within the South Garey Freeway Corridor Redevelopment Project Area.

### **4. PROPOSED DEVELOPMENT PROJECT AT DUDLEY/MURCHISON.** (Council District 1)

**Issue** -Should the City Council and the City Council sitting as the Governing Board of the Redevelopment Agency:

**a.** Approve a resolution directing staff to draft and execute a sale and leaseback agreement between the Pomona Public Finance Authority (PPFA) and the City of Pomona; and

**b.** \* Approve a resolution directing staff to draft and execute a loan agreement between the City and the Redevelopment Agency.

**Recommendation** -It is recommended that the City Council and the City Council sitting as the Governing Board of the Redevelopment Agency:

**a.** Approve a resolution directing staff to draft and execute a sale and leaseback agreement between the Pomona Public Finance Authority (PPFA) and the City of Pomona; and

**b.** Approve a resolution directing staff to draft and execute a loan agreement between the City and the Redevelopment Agency.

**Fiscal Impact** -The loan amount is approximately \$3,535,000 plus accrued interest based on a variable London Inter Bank Offer Rate (LIBOR). Loan payments will be made by the PPFA to the lender and reimbursed by the City to PPFA through lease payments of equivalent amount. The Agency would be required to make loan payments equivalent

to the lease payments to the City. The Agency would be the ultimate recipient of the loan proceeds.

**(a) RESOLUTION** -Authorizing a Sale and Leaseback Agreement between the Pomona Public Finance Authority ("PPFA") and the City of Pomona.

**(b) RESOLUTION** -Authorizing the City to enter into a Loan Agreement with the Redevelopment Agency of the City of Pomona for the purpose of assisting in the Redevelopment Agency' s purchase of certain properties within the South Garey Avenue/Freeway Corridor Redevelopment Project Area.

**(c) RESOLUTION OF THE REDEVELOPMENT AGENCY** -Authorizing the Agency to enter into a Loan Agreement with the City of Pomona for the purpose of purchasing certain properties within the South Garey Avenue/Freeway Corridor Redevelopment Project Area.

#### **5. PROPOSED POMONA UNIFIED SCHOOL DISTRICT PARKING IMPROVEMENTS AT DECKER ELEMENTARY SCHOOL.** (Council District 5 - Requested by Councilmember Rothman)

**Issue** --Should the City Council provide direction to City staff regarding the School District's proposed additional parking spaces and drop-off area for Decker Elementary School along Village Loop Road?

**Recommendation** - Provide direction to staff to explore options to improve traffic safety in the area surrounding Decker Elementary School.

**Fiscal Impact** -This project is proposed by the Pomona Unified School District. There will be no fiscal impact to the City.

**MBE/DBE/WBE** - Not applicable.

**6. \* RESOLUTION** -Projecting the amount of population, housing and employment for the years 2000, 2005, 2010, 2015 and 2020

**Issue** -Should the Council approve the revised projections for housing, population and employment?

**Recommendation** -Approve recommended population, housing and employment projections for the City of Pomona.

**Fiscal Impact** -None

#### **STUDY SESSION ITEM/S**

#### **7. 1998/99 MID-YEAR BUDGET REPORT.**

This is an informational item only. No action is required on the part of the City Council.

**Issue** -Should the City Council receive and file the 1998/99 Mid Year Budget review?

**Recommendation** -Receive and file the mid-year report.

**Fiscal Impact** - None with this report.

#### **8. TECHNOLOGY SERVICE UPDATE.**

**Issue** -Should the City Council review the Vision for Technology Services presentation by Technology Services?

**Recommendation** - Review the presentation.

**Fiscal Impact** - None.

## **9. COMMUNITY SERVICES REVIEW.**

**Issue** -Should the City Council review a summary of the Community Services Department programs and services (including Recreation and the Pomona Public Library) which details current programs, other cities' programs, and suggestions for future programs and services?

**Recommendation** -That the City Council review the Community Services summary to provide information as a foundation for future programming, service, and funding decisions.

**Fiscal Impact** - Informational item only. Future fiscal impact may result based on information contained in this report.

**MBE/WBE** - Not applicable.

(a) **LIBRARY.**

(b) **RECREATION.**

(c) **SKATEPARK CONSIDERATION FOR POMONA.**

**Issue** -Should the City Council direct staff to further pursue the design and construction of one or more Skateparks in Pomona?

**Recommendation** -That the City Council provide direction to staff to either:

a. Continue working with a qualified consultant to complete skatepark design, construction documents, and proceed with construction of skatepark; OR

b. Accept the recommendation of the Parks & Recreation Commission, to discontinue work on skatepark design at this time, noting other high priority projects within Pomona.

**Fiscal Impact** -The City has entered into an agreement with Purkiss Rose-RSI, a qualified skatepark consultant, to perform a site suitability analysis at potential skatepark locations within Pomona. The site analysis has totaled \$5,000 thus far (for 3 park sites), with an additional \$4,800 projected to complete community workshops and determine a preliminary design for the proposed skatepark site. Source of funding is Park Dwelling Tax funds for the two portions above. Cost for construction documents and bidding phase is estimated at \$10,000. No monies have been identified to date for construction documents, bidding or construction phases of this project. Data indicates that a moderately sized skatepark facility at any of the suggested locations (approx. 7,500 sq. ft.) will cost between \$170,000 to \$195,000.

## **10. DISCUSSION OF ISSUES RELATED TO THE HOMELESS POPULATION IN POMONA.**

**Issue** -Should the City Council review and consider the issue of the homeless population and discuss alternatives for addressing the impact of the homeless in Pomona?

**Recommendation** -Review staffs report on the homeless population and, if necessary, direct staff to return with a recommendation for further action

## **11. COMMUNICATIONS FROM THE CITY ADMINISTRATOR.**

\*Material to be provided prior to Monday's meeting.

**COUNCIL BUILDING AGENDA** -March 1, 1999 (To be provided at a later date)

**CLOSED SESSION** -Continuation

**ADJOURNMENT** - To Monday, March 1, 1999 at 6:00 p.m. in the Council Board Room for Closed Session, and Regular Meeting to follow in the Council Chambers of the City Hall. (Monday, February 15, 1999- City Holiday)

\*(**REVISED: 2/5/99**)

**2. CONSENT AGENDA** (continued):

**(a)\* DOCUMENT RELATING TO ESTABLISHMENT OF FRANCHISE FEES FOR COMMERCIAL SOLID WASTE SERVICES AND NOTICE OF INTENT TO GRANT COMPETITIVE, NON-EXCLUSIVE FRANCHISES FOR COMMERCIAL SOLID WASTE SERVICES (CITYWIDE).**

**Issues** -(1) Should the City Council adopt a resolution establishing Franchise Fees for commercial haulers? (2) Should the City Council adopt a resolution declaring its intent to grant competitive, non-exclusive franchises for commercial solid waste services and schedule a public hearing for the March 15, 1999 City Council meeting?

**Recommendations**- (1) Adopt a resolution (Attachment 1) establishing Franchise Fees for commercial haulers. (2) Adopt a second resolution (Attachment 2) declaring the City Council's intent to grant competitive, non-exclusive franchises to commercial haulers and setting the date for a public hearing, as required by the City Charter, for March 15, 1999, creating a competitive, non-exclusive franchise system for commercial haulers.

**Fiscal Impact** -With the creation of a competitive, non-exclusive franchise system, the City will assess a 15% Franchise Fee on the commercial haulers' gross receipts and a \$5,000 annual fee per franchise. The AB 939 Program Fee will be \$.50 per disposed ton. The Community Clean-Up Fee will also be \$.50 per disposed ton. The Franchise Fees, including the annual fee, are expected to generate between \$500,000 and \$1 million per year for the General Fund, based on estimated gross receipts. This compares to the \$5,126 per year currently collected through the annual business license renewal process. The AB 939 Program Fee will generate approximately \$50,000 per year to defray the cost of compliance. The Community Clean-Up fee will generate approximately \$8,000 annually per Council district which can be used for clean-up events.

**(1) RESOLUTION**- Establishing Franchise Fees as permitted in Chapter 12, Solid Waste of the Pomona City Code.

**(2) RESOLUTION**- Declaring the Council's intent to grant non-exclusive franchise for commercial solid waste collection, disposal and diversion services as required by Article XIV. Franchises, Sections 1401 and 1402 of the Pomona City Charter and as permitted by Chapter 12 (Solid Waste) of Ordinance No. 1673, also known as the Code, and scheduling a **public hearing** regarding the granting of non-exclusive franchises for the **March 15, 1999 City Council Meeting.**

(c)\* **RESOLUTION** -Approving an extension of agreement for consultant services to Norman Spielman, a Professional Engineer.

**Issue** - Should the City Council authorize the City Manager to extend the contract with Norman Spielman and Associates for a period not to exceed ninety days as an Engineering Consultant to focus on expediting the Regional Transit Center project and various projects from the 1998-99 Capital Improvement Program (CIP)?

**Recommendation** -Authorize the City Manager to extend the contract with Norman Spielman and Associates for a period not to exceed ninety days as an Engineering Consultant to focus on expediting the Regional Transit Center project and various projects from the 1998-99 Capital Improvement Program (CIP).

**Fiscal Impact** -The cost for Engineering Consulting Services is \$58 per hour. The cost to extend the contract with Mr. Norman Spielman will not exceed \$41,760. Funding for this service is from Proposition " C ", Local Return and Capital Improvement Project Funding from the 1998-99 CIP as needed.

**MBE/DBE/WBE** - Not applicable.

(d)\* **SOUTH GAREY AVENUE CORRIDOR  
SAN GABRIEL VALLEY COUNCIL OF GOVERNMENT (SGVCOG)  
1999 LIVABLE COMMUNITIES NOMINATION.**

**Issue** -Should the Council approve the proposed nomination for South Garey Avenue Corridor project?

**Recommendation** -Approve the proposed nomination of the South Garey Avenue Corridor project as a case study project in the San Gabriel Valley Council of Governments (SGVCOG) Livable Communities Project.

**Fiscal Impact** - None at this time. However, the SGVCOG project committee has discussed requiring the communities that are selected to participate in the program to contribute \$5,000. The South Garey Avenue Corridor project is within the Southwest Pomona and South Garey/Freeway Corridor Project Areas and therefore would be eligible for redevelopment monies.

**AGENDA**

REGULAR MEETING  
MONTEBELLO CITY COUNCIL  
**TUESDAY, APRIL 6, 1999**  
CITY HALL COUNCIL CHAMBERS,  
1600 WEST BEVERLY BOULEVARD,  
MONTEBELLO, CALIFORNIA'

**MONTEBELLO CITY COUNCIL**  
KATHY SALAZAR, MAYOR

WILLIAM M. MOLINARI, MAYOR PRO TEM  
MARY ANNE SAUCEDO, COUNCILWOMAN  
EDWARD VASQUEZ, COUNCILMAN  
ART PAYAN, COUNCILMAN

**CITY CLERK** ROBERT J. KING

**CITY TREASURER** TOM Z. MALKASIAN

**CITY STAFF**

CITY ADMINISTRATOR, Richard Torres  
CITY ATTORNEY, Arnold Alvarez-Glasman

**DEPARTMENT HEADS**

Assistant City Administrator-- Steve Blancarte  
Assistant City Administrator/CRA --Linda Payan  
Director of Finance & Services --Ted Nix  
Director of Planning -- Paul Deibel  
Director of Transportation--Jack Gabig  
Fire Chief --Jim Cox  
Police Chief --Tim Mahan

**6:30 P.M.**

**OPENING CEREMONIES**

- 1. CALL MEETING TO ORDER:** Mayor Salazar
- 2. ROLL CALL:** City Clerk King
- 3. OATH OF OFFICE:** City Clerk King

FIRE CHIEF JIM COX

**CLOSED SESSION**

**4. CONFERENCE WITH LEGAL COUNSEL -EXISTING LITIGATION**

(Govt. Code section 54956.9(a)  
Name of Case Pending: Stull vs. Bank of America

**5. PUBLIC EMPLOYMENT**

(Govt. Code Section 54957)  
Title: Police Chief

.

**7:30 P.M.**

**REGULAR SESSION**

- 6. INVOCATION:** City Clerk King
- 7. PLEDGE OF ALLEGIANCE:** Mayor Salazar

**8. STATEMENT OF ORAL COMMUNICATIONS:** Those interested in addressing the City Council on any agenda item or topic should fill out a form, provided at the door, and turn



it in to the City Clerk IMMEDIATELY FOR 'SCHEDULED MATTERS' and no later than 8:00 p.m. for any other items. PLEASE BE AS SPECIFIC AS POSSIBLE ABOUT THE TOPIC ON WHICH YOU WISH TO SPEAK.

FAILURE TO FILE SUCH A FORM WILL PROHIBIT YOU FROM ADDRESSING THE COUNCIL IN THE ABSENCE OF UNANIMOUS CONSENT OF THE COUNCIL.

**\*\*\*NOTE\*\*\* IMPLEMENTATION OF RULES OF CONDUCT FOR AUDIENCE PARTICIPATION AT COUNCIL MEETINGS:**

Pursuant to Resolution No. 89-70, "Providing Rules for the Conduct of Audience Participation," Section 1 (c) "The maximum time for addressing the Council shall be limited to FIVE (5) minutes; however, the presiding officer may either extend or reduce the maximum time to such period of time as the Council may determine."

**9. APPROVAL OF AGENDA:** Any items a Councilmember wishes to discuss should be designated at this time. All other Items, with the exception of ITEMS NO. 10, 11, 12 & 14, AND ANY OTHER ITEMS ON WHICH A MEMBER OF THE PUBLIC HAS REQUESTED TO SPEAK, may be approved in a single motion as recommended by the City Administrator. Such approval will also waive the reading of any ordinance.

***SCHEDULED MATTERS***

**10. PUBLIC HEARING: INCREASE IN GOLF TOURNAMENT FEES AND RELATED GOLF COURSE MATTERS**

**COMMENT:** Golf course fees were last raised in 1997. At that time, the new golf fees reflected the anticipated market rate for the re-opening of our golf course. It is important to note that they were estimated a year and a half prior to implementation. While staff feels they are on the low side, based on our competitors, staff is not recommending any adjustments except for fees charged outside tournaments. It is staff's opinion that outside tournaments should be charged the market rate. Staff has completed a survey (attached to the staff report which contains data warranting an increase in the weekday and weekend tournament fees from 545 to 555, and 560 to 565, respectively. Also, the rate for Montebello based non-profit organizations is proposed to increase from \$36 to \$45. This is still 18% below the market rate of \$55.

Staff is also recommending other changes in the resolution, including the reference of two City Administrative policies for Starting Times and Gratis Play. The Starting Time policy sets forth procedures for starting times, and has been part of the fee resolution in the past. However, staff feels it is more appropriate that the Starting Time policy be a part of the City's Administrative Policy manual enabling the City Administrator to revise the policy as necessary. The Golf Course Gratis Play policy has always been an administrative policy and has traditionally been revised every two years or so and would continue to charge the City Administrator with the responsibility for revisions as needed.

This public hearing has been noticed in the Montebello Messenger as required by law.

**RECOMMENDATION:** pending testimony received, and based on Assistant City Administrator Blancarte's report, dated April 6, 1999, move to adopt the attached resolution raising fees and charges at the Montebello Municipal Golf Course.

#### **11. PUBLIC HEARING: RATE ADJUSTMENT FOR ANIMAL CONTROL FEES**

**COMMENT:** The City's current fee structure has not been modified since 1988. However, contract costs with SEAACA can be expected to increase in the coming year due to more stringent animal control requirements as a result of recent legislation. Therefore, staff is recommending an increase in animal control license fees as set forth in the staff report. It is staff's opinion that the requested increases are justified in order to help cover a portion of the increased costs, which SEAACA will be required to charge the City,

This public hearing has been noticed in the Montebello Messenger as required by law

**RECOMMENDATION'** pending testimony received, and based on Director of Finance Nix's report, dated April 6, 1999, move to adopt the attached resolution setting forth animal control fees and rescinding all resolutions inconsistent herewith,

#### **12. PUBLIC HEARING: AMEND CHAPTER 15.32 OF THE MONTEBELLO MUNICIPAL CODE (MMC), WHICH ADOPTS THE 1997 EDITION OF THE UNIFORM FIRE CODE**

**COMMENT.** The present authority for fire prevention code enforcement is the 1997 Uniform Fire Code, The Fire Department would like to update its fire code enforcement by the adoption of the 1997 Uniform Fire Code, which will require only minor changes to the existing wording of Chapter 15.32 of the MMC.

This chapter of the MMC shall be known as the Uniform Fire Code. The 1997 Uniform Fire Code is the tenth edition of the Code. The City has updated its MMC accordingly in the past.

The City Attorney's Office has prepared the attached ordinance for Council's consideration.

This public hearing has been noticed In the Montebello Messenger as required by law.

**RECOMMENDATION:** Pending testimony received, and based on Fire Chief Cox's report, dated April 6, 1999, move to waive the reading and introduce the attached ordinance amending Chapter 15.32 of Title 15 (Building and construction) of the MMC by adopting the 1997 Edition of the Uniform Fire Code.

#### **13. BID AWARD: RESTROOM RENOVATION IMPROVEMENTS AT CITY PARK, HOLIFIELD PARK AND ASHIYA PARK**

**COMMENT:** At their meeting of October 13, 1998, the Parks and Recreation Commission, based on their Facilities Committee's recommendation, voted to recommend that the City Council approve the restroom renovations for City; Holifield and Ashiya Parks. Work to be done includes general upgrade of the facilities, as well the need

to meet ADA requirements as part of the City's Americans with Disabilities Act, Self-Evaluation and Transition Plan of April, 1995.

Fifteen bids were received at the November, 1998 bid opening, of which **Natural Building Maintenance Corporation (N.B.M.), 4143 West Pico Boulevard, Los Angeles**, submitted the lowest bid, in the amount of 5243,960. At the time this bid was received, it was over budget. However, in February 1999, Council approved the use of additional CDBG funds in order to fund the project.

Staff has checked the references of N.B.M., and has found them to be satisfactory.

The budget for the project also includes a 13% contingency of 537,500, for a total project budget of 5281,460.

**RECOMMENDATION.** Based on Assistant City Administrator Blancarte's report, dated April 6, 1999, move to award the bid for the restroom renovation Improvements at City park, Holifield Park and Ashiya Park to Natural Building Maintenance Corporation, as the lowest qualified bidder, in the amount of 5243,960, and authorize the Mayor and City Clerk to execute the agreement on behalf of the City,

#### **14. PLANNING COMMISSION -TERM OF APPOINTMENT**

**COMMENT.** Lori G. Gonzales was appointed to the Planning Commission at the March 16, 1999 meeting to complete an unexpired term. However, at that time the Council action inadvertently overlooked designating her term of appointment.

There are currently two unexpired terms; one will expire on June 30, 1999 and the other will expire on June 30, 2001. Please note that MMC Section 2.40.020 provides that a term of appointment to the Planning Commission **shall not exceed four years.**

**RECOMMENDATION:** Based on City Clerk King's report, dated April 7, 1999, move to set the term of appointment for Planning Commissioner Lori G. Gonzales.

#### *NEW BUSINESS*

#### **15. TAX ALLOCATION PARITY BONDS: MONTEBELLO HILLS AND SOUTH MONTEBELLO INDUSTRIAL REDEVELOPMENT PROJECT AREAS**

**COMMENT: SEE CRA AGENDA ITEM NO. 5**

**RECOMMENDATION** Based on Director of Finance Nix's report, dated April 6, 1999, move to (1) adopt the attached resolution approving the Issuance by the Community Redevelopment Agency of the City of Montebello of Tax Allocation parity Bonds, 1999 Series A" relating to the Montebello Hills Redevelopment project and making certain findings with respect to such bonds; and (2) adopt the attached resolution approving the issuance by the Community Redevelopment Agency of the City of Montebello of 1999 Tax Allocation parity Refunding Bonds relating to the South Montebello Industrial Redevelopment project and making certain findings with respect to such bonds.

## **16. APPROPRIATION REQUEST FOR THE RELOCATION OF THE CITY'S PRIMARY RADIO SITE**

**COMMENT.** One of Montebello's main radio transmitter/receiver sites is on the Arco Microwave site located at 1300 North Montebello Boulevard, In the Chevron Hills. Arco has given up their lease and Is preparing to dismantle the site. The City received notification that we will have to vacate the site.

It is staff Intention to move the equipment and antennas to the whittler Reservoir #12. Montebello has an agreement with the City of Whittier for the use of the site. As a result of this agreement a shelter and antenna were constructed in 1997. In return, the City of Montebello provides Mobile Data Terminal service to the Whittier Police Department. The FCC has approved the licensing of the Whittier site for the transmitters and receivers and has given the City 90 days to complete the move.

The Whittier Reservoir site provides a better overall location for the primary radio transmitter and receiver due to its elevation and its orientation towards Montebello. This relocation will provide main transmitters and receivers for the Fire, Police and Transit, as well as the microwave link with Downey Dispatch.

The cost of the relocation is estimated at \$10,000. Therefore, staff is requesting Council approval of the attached resolution In order to complete the move in an expeditious manner.

**RECOMMENDATION:** Based on Fire Chief Cox's report, dated April 6, 1999, move to adopt the attached resolution appropriating the sum of \$10,000 from the Citywide Financing Entity account to the Fire Communications Outside Contracts account, In order to move the City's radio transmitter/receiver equipment from the Arco Microwave site to the Whittier Reservoir #12.

## **17. ORDINANCE AMENDING MUNICIPAL CODE CHAPTER 8.04 (PUBLIC HEALTH CODE)**

**COMMENT:** The proposed ordinance would amend the MMC concerning public health so that it is consistent with a recently adopted amendment to the county of Los Angeles health code regulations governing restaurants.

In summary, these measures would require Montebello restaurants to Post a health Inspection letter grade card or Inspection score, and to have an employee on the premises who Is trained and certified In safe food handling and storage practices.

Since the County Health Department enforces the municipal health code in most cities within the County, Including Montebello, the County supervisors have requested all cities in the county adopt these new regulations. Doing so will allow the County Health Department inspectors to Implement a uniform and consistent set of standard throughout the county.

Subsequent to extensive review and discussion with representatives of the affected group of businesses, the County has successfully implemented these regulations

throughout their jurisdiction. It is staff's assessment that it would be advantageous to the health, safety and welfare of Montebello residents to authorize the County Health Department to implement these measures within Montebello. Adoption by the City Council of the attached ordinance would accomplish this.

Staff has also included some additional language to the ordinance as a housekeeping measure to delete Section 8.04.030 of the MMC. This section was adopted in 1966 and provided an exemption to the county Health Code to allow certain Montebello dairies to sell limited quantities of unpasteurized milk. There is now only one active milk producer in Montebello and it does not sell any unpasteurized milk products nor is it opposed to this amendment.

The City Attorney's Office has reviewed and approved the attached ordinance,

**RECOMMENDATION:** Based on Director of Planning Deibel's report, dated April 6, 1999, move to waive the reading and introduce the attached ordinance amending Chapter 8.04 of the MMC relating to the county Health Code.

#### ***ROUTINE MATTERS***

#### **18. ZONE CHANGE 1.99, PLANNED DEVELOPMENT 1.99, TENTATIVE TRACT MAP NO. 52369, 501 SOUTH MONTEBELLO BOULEVARD (WILLIAM MARTIN CONSTRUCTION)**

**RECOMMENDED ACTION:** Based on Director of Planning Deibel's report, dated April 6, 1999, move to continue this matter to the April 20, 1999 City Council meeting.

#### **19. ORDINANCE FOR PASSAGE: AMENDING TITLE 9 PUBLIC PEACE, MORALS AND WELFARE OF THE MMC, ADDING CHAPTER 9.32 (SATURDAY NIGHT SPECIALS--SALE PROHIBITED) TO MAKE UNLAWFUL THE SALE OF CERTAIN FIREARMS DEFINED AS "SATURDAY NIGHT SPECIALS"**

**RECOMMENDED ACTION.** Move to waive the reading and pass the ordinance.

#### **20. ORDINANCE FOR PASSAGE: AMENDING SECTION 2.60.100 OF THE MMC RELATING TO UNCLASSIFIED SERVICE EMPLOYEES (adding the positions of Assistant City Engineer, Economic and Community Development Manager/CRA, Emergency Services Coordinator and purchasing Coordinator AND deleting the position of Assistant Director of Economic Development/CRA)**

**RECOMMENDED ACTION** Move to waive the reading and pass the ordinance.

#### **21. MONTHLY INVESTMENT REPORT: FEBRUARY 1999**

**RECOMMENDED ACTION:** Move to note and file said report.

#### **22. PAYMENT OF BILLS: WARRANT REGISTER OF DEMANDS DATED APRIL 6, 1999**

**RECOMMENDED ACTION-** Move to adopt the attached resolution.

**23. APPROVAL OF MINUTES: REGULAR SESSION OF MARCH 16, 1999 AND SPECIAL SESSION OF MARCH 23, 1999**

**RECOMMENDED ACTION:** Move to approve said minutes as written.

**ORAL COMMUNICATIONS**

**COUNCIL ORALS**

**24. Mayor Pro Tem: "Yellow Ribbon" campaign for Andrew Ramirez, one of the soldiers captured while on patrol in Macedonia.**

**25. Mayor Salazar: Volunteer program -Montebello Citizens on Patrol program**

**ADJOURNMENT**

---

<sup>1</sup>. *In compliance with the Americans with Disabilities ACT, if you need special assistance to participate in this meeting, please contact the Building Services Manager at 213/887-1497. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)*

**ATTACHMENT 3 ATTACHMENT 3 ATTACHMENT 3 ATTACHMENT**

**SAMPLE CITY COUNCIL AGENDA REPORTS**

**CITY OF POMONA  
COUNCIL REPORT**

No.

April 15, 1999

**To:** Mayor and City Council

**Subject:** Resolution Awarding Contract for " Asphalt Rubber Cape Seal and Slurry Seal on Various Streets, Project No. 208-67673" (District 6)

**SUMMARY**

**Issue** -Should the City Council award a contract for the application of asphalt rubber ape seal and slurry seal on various city streets? (See attachment 6)

**Recommendation** -It is recommended that the City Council 1: Award the contract for he application of" Asphalt Rubber Cape Seal and Slurry Seal on Various City Streets, Project No. 08-67673" to the low bidder, Glick Corp. dba Asphalt Maintenance Company of California, 13893 Shady Knoll Lane, Chino Hills, CA 91709 for the low bid of \$236,646.42. 2: Reappropriate Gas Tax Funds in the amount of \$250,000 for Cape Seal and Slurry Seal work for Council District 6.

**Fiscal Impact-** The Subject Project was originally budgeted from Gas Tax Funds in the 1997-98 Capital Improvement Program. The appropriation for this project was not carried over to the 1998-99 CIP and therefore must be reappropriated to allow for the award of this contract. There will be no fiscal impact upon the General Fund.

**MBE/WBE Impact** -On March 9,1999, three bids were received and opened by the City Clerk. One bid was submitted by a MBE contractor. No local contractors submitted bids. The low bidder is not a MBE/WBE contractor.

**Previous Related Action** -On November 16, 1998 by Council Resolution Number 98-173, the City Council rejected all bids for" Asphalt Rubber Cape Seal and Slurry Seal on Various Streets, Project No. 208-67673" and authorized staff to re-evaluate and rebid the project.

**Public Noticing Requirements** -Not applicable.

## **Background**

On October 1, 1998, the City opened bid proposals for" Asphalt Rubber Cape Seal and Slurry Seal on Various Streets, Project No. 208-67673 ". Included in this project were the parking lots for the Vehicle Parking District. The engineering estimate for the completion of the this project was \$780,(XX) of which approximately \$77,000 would have applied to the VPD parking lots. The City received only two bids of \$1,011,590.78 and \$1,068,036.80. These bids exceeded the engineering estimate by 30% and 37% respectively and for that reason the staff recommended the rejection of all bids. Staff held a discussion with the two bidders after the bid opening and the consensus expressed was that contractors involved with this type of construction were generally busy and that projects costs were higher when fewer contractors were available for construction.

In the November 16, 1998 staff report to City Council, staff recommended the rebidding of this project in March, 1999 so that construction could begin just prior to the summer months, potentially receiving more and lower bids.

During the review of the contract documents and specifications, the Vehicle Parking District Commissioners expressed the desire to contract the parking lots independently of the city streets. Staff is providing such assistance and are involved in the final preparation of contract documents and specifications for the VPD Commission. The streets in the Phillips Ranch area are also being packaged as their own project and will be advertised for bid in April of 1999.

## **Discussion**

The project entails the application of a slurry emulsion over the streets in the northern Pomona area and the application of a rubberized cape seal on streets within the Ganesha Hills area. (See attachment 6)

The "Notice Inviting Bids" was advertised in the "Daily Bulletin," in the trade papers "Green Sheet," "Dodge Reports," "Construction News," "Bid-Week" and published in the

trade paper issued by Contractors Information Network. Notices were posted in the Pomona City Hall, on the bulletin board in front of the City Council Chambers and in the Pomona Public Library. Also, on February 11, 1999, letters were mailed to 29 contractors advising them of the project and inviting them to submit bids. Eight letters were sent to local contractors. Ten contractors obtained contract documents and specifications from the Public Works Department. No local contractor obtained contract documents and specifications. Copies of the "Bid Document Check-Out Form" and the contractor's mailing list are attached.

This project is scheduled for award on April 5, 1999. The Contractor has 15 calendar days to execute the contract after notification of the award of the contract. It is anticipated that construction will commence on May 3, 1999 and be completed by June 30, 1999.

On March 9, 1999, three bid were received and opened by the City Clerk. The bids ranged from a low of \$236,646.42 to a high of \$240, 140.18. The engineering estimate was \$242,450. It is hereby recommended that a contract be awarded to Glick Corp. dba Asphalt Maintenance Company of California, 13893 Shady Knoll Lane, Chino Rills, CA 91709 for the low bid of \$236,646.42. With the first contract it does appear that rebidding the Asphalt Rubber Cape Seal and Slurry Seal Project has been in the City's favor. The prices are just under the staff estimate.

A reference check was performed and this firm was found to be well qualified.

Respectfully submitted,

Approved by,

M. Victor Rollinger ,  
Director of Public Works  
City Engineer

Severo Esquire  
City Manager

Prepared by,  
Blane W. Frandsen, P .E.  
Assistant City Engineer

Attachments:

- Attachment 1 -Resolution
- Attachment 2 -Bid Spread Sheet
- NOTE: THE FOLLOWING ATTACHMENTS ARE NOT AVAILABLE IN WEB FORMAT*
- Attachment 3 -Proposal,
- Attachment 4 -Contractor's Mailing List
- Attachment 5 -Bid Document Check-Out Form
- Attachment 6- Project Location Maps

\*\*\*\*\*

\*\*

**RESOLUTION NO.....**

A RESOLUTION OF THE COUNCIL OF THE CITY OF POMONA, COUNTY OF LOS ANGELES, REALLOCATING STATE GAS FUND EXPENDITURE FOR AND THE AWARDING THE CONTRACT FOR **ASPHALT RUBBER CAPE SEAL AND SLURRY**



**SEAL ON VARIOUS STREETS, PROJECT NO. 208-67673 IN THE CITY OF POMONA, AND THE CLERK TO ATTEST THERETO.**

**WHEREAS**, the City Clerk of the City of Pomona on the 9th day of March, 1999, during open session thereof, did publicly open, examine, and declare all sealed proposals, or bids, for **Asphalt Rubber Cape Seal and Slurry Seal on Various Streets, Project No. 208-67673** in the City of Pomona, said work to be done in accordance with plans and specifications on file in the office of the City Engineer and the Office of the City Clerk; and

**WHEREAS**, the requirements of Section 1303 of the Charter of the City of Pomona have been complied with in respect to the notice given pursuant to the inviting of said bids:

**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Pomona as follows to wit:

**SECTION 1.** That the City Council reappropriate the expenditure of State Gas Tax Funds as identified in the 1997-98 Capital Improvement Program in the amount of \$250,000 for construction, project, contingencies, and contract administration.

**SECTION 2.** That the Council of the City of Pomona hereby awards the contract for the doing of said work and making the said improvements to the lowest responsible bidder, to wit: **Glick Corp. dba Asphalt Maintenance Company of California, 13893 Shady Knoll Lane, Chino Hills, CA 91709** in the amount of **\$236,646.42** and that said work shall be done in accordance with the proposal or bid now on file in the office of the City Clerk.

**SECTION 3.** That the Council of the City of Pomona hereby rejects all proposals or bids in connection with the **Asphalt Rubber Cape Seal and Slurry Seal on Various Streets, Project No. 208-67673**, in the City of Pomona except as herein mentioned.

**SECTION 4.** That the Council of the City of Pomona hereby finds and determines that all requirements of Section 1303 of the Charter of the City of Pomona relating to notice inviting bids and the receiving and opening thereof have been met.

**SECTION 5.** That the Mayor of the City of Pomona is hereby authorized and directed to sign the contract between the said Clerk and the person receiving the award thereof, and the City Clerk is hereby directed to attest to the signing of said contract in behalf of the City of Pomona.

**SECTION 6.** That the City Clerk shall certify to the adoption and passage of this Resolution and it shall thereupon take effect and be in force.

**APPROVED AND PASSED** this ..... Day of ....., (1999).

**ATTEST:** .....**THE CITY OF POMONA**

\*\*\*\*\***By:**.....

City Clerk

Mayor

**APPROVED AS TO FORM:**

\*\*\*\*\*

City Attorney

\*\*\*\*\*

\*\*

**ATTACHMENT 2**

**CITY OF POMONA**  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION  
CONTRACTS/DESIGN

ASPHALT RUBBER CAPE SEAL AND SLURRY SEAL  
ON VARIOUS STREETS  
PROJECT NO. 208-67673

BID OPENING: .....Engineer's Estimate: \$242,450.00  
March 9 1999  
11:00 A.M.  
BIDDERS .....BID AMOUNT

1. Glick Corp. dba Asphalt Maintenance Co. of Calif.  
13893 Shady Knoll Lane  
Chino Hills, CA 91709 .....\$236,646.42

2. Manhole Adjusting Contractors, Inc.  
2300 Greenwood Avenue  
Monterey Park, CA 91755 .....\$238,170.60

3. California Pavement Maintenance Company, Inc.  
9390 Elder Creek Road  
Sacramento, CA 95829 .....\$240,140.18

\*\*\*\*\*

\*\*

**CITY OF PICO RIVERA**  
City Council Agenda

**T0:** Mayor and City Council  
**From:** City Manager  
**Meeting Date:** March 1, 1999

**Subject: REHABILITATION OF PASSONS BOULEVARD FROM WASHINGTON BOULEVARD TO SLAUSON AVENUE (PROJECT NO. 9216) CONTRACT AWARD**

**Recommendation:**

Award contract in the amount of \$118,975.20 to Ruiz Engineering, Inc., 1344 Temple Avenue, Long Beach CA 90804, for the construction of Project No. 9216 -Rehabilitation of Passons Boulevard from Washington Boulevard to Slauson Avenue.

**Discussion:**

At its meeting of December 19, 1999, the City Council approved plans and specifications for subject project and authorized the City Clerk to advertise for receipt of bids.

Bids were opened on February 18, 1999, with the following results:

<b>ENGINEER'S ESTIMATE</b> .....	\$157,000.00
Ruiz Engineering Co. ....	\$118,975.20
Mobassaly Engineering, Inc. ....	\$123,697.22
E.C. Construction .....	\$125,218.00
All American Asphalt .....	\$133,531.20
Palp, Inc. dba Excel Paving .....	\$134,997.57
L.M.T. Enterprises, Inc. ....	\$135,318.75
Sully Miller Contracting .....	\$139,811.06
Sequel Contractors .....	\$142,126.46
Copp Contracting, Inc.....	\$147,453.34
Gentry Brothers, Inc. ....	\$147,717.98

Ruiz Engineering Company's bid is \$38,024.80 or 24.22% lower than the Engineer's Estimate. Construction cost and construction engineering cost will be funded with Proposition C monies. Currently available Prop. C Funds allocated for this project is \$470,000.

The project includes cold planing of bituminous pavement, asphalt concrete paving and resurfacing; and other appurtenances, including pavement striping.

It is estimated that construction can begin in mid-April 1999 and be completed by June 1999.

Dennis Courtemarche  
DC:EA:sp

\*\*\*\*\*

\*\*

**CITY OF NORWALK**  
CITY COUNCIL  
AGENDA REPORT

**DATE:** February 16, 1999  
**TO:** Honorable City Council  
**FROM:** Ernie V. Garcia, City Manager  
**BY:** Kurt Anderson, Director of Community Development  
Frank F. Yang, City Engineer  
Randall B. Hillman, Engineering Associate

**SUBJECT:** APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR RECONSTRUCTION OF THE BLOOMFIELD AVENUE SEWER LIFT STATION -PROJECT NO. 2608, ENGINEER'S REPORT NO.99-9

***Background:***

The subdivision located east of Bloomfield Avenue between Molette Street and Excelsior Drive is served by a sewer lift station that pumps the sewage up to the elevation of the trunk line in Bloomfield Avenue. The lift station was constructed in 1954 and has reached the end of its efficient life. The electrical and mechanical equipment needs to be replaced and modern replacement equipment would function better if the station was completely overhauled.

The new design would be similar to the recently reconstructed Harvard Street lift station, with watertight submersible pumps located below ground without the need for above ground structures. The facility would still be located on the small lot next to the street but personnel would no longer need to enter the 20-foot deep shaft for routine maintenance.

The Engineer's estimate is \$200,000 for the 90-day project.

***Fiscal Impact:*** Budgeted Project

***Recommendations:***

- 1) Receive and order filed Engineer's Report No.99-9.
- 2) Approve Plans and Specifications and authorize advertising bids for Project No. 2608, reconstruction of the Bloomfield Avenue Sewer Lift Station, and set a bid opening date of March 24, 1999.

***Citizens Advised:*** N/A

\*\*\*\*\*

**CITY OF NORWALK**  
CITY COUNCIL  
AGENDA REPORT

**Meeting Date:** February 16, 1999

**TO:** Honorable City Council  
**FROM:** Ernie V. Garcia, City Manager  
**BY:** Gail A. Vasquez, City Clerk

**SUBJECT:** SECOND READING -ORDINANCE NO. 1490, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORWALK SETTING FORTH ITS FINDINGS OF FACT AND DECISION APPROVING ZONE CHANGE NO. 324.

The City Council, at their February 2, 1999 meeting, passed Ordinance No. 1490 to second reading. This ordinance is now being presented for second reading and adoption.

If adopted this evening, this Ordinance will become effective on March 18, 1999.

***Recommendation Action:***

Staff recommends that City Council accept for second reading and adopt Ordinance No. 1490 by title only and waive further reading.

***Attachment:*** Ordinance No. 1490.

**ORDINANCE NO. 1490**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORWALK SETTING FORTH ITS FINDINGS OF FACT AND DECISION APPROVING ZONE CHANGE NO. 324

***Section 1.***

The City Council adopted Resolution No. 4636," A Resolution of the City Council of the City of Norwalk Declaring its Intent to Consider a General Plan Amendment and Zone Change from Unclassified to General Commercial for Railroad Right-of-way Adjacent to Property Generally Known as 12540-62 Rosecrans Avenue and to Authorize Staff to Study Citywide Railroad Rights-of-way Use" on December 15, 1998; and

***Section 2.***

Section 27 -21.5 of the Norwalk Municipal Code Section 27 -21.5 stipulates that the Planning Commission render its recommendation on a Zone Change, including reasons for the recommendation, in writing to the City Council; and

***Section 3.***

Zone Change No. 324 and a Negative Declaration have been reviewed by the Planning Commission on January 13, 1999 at which time oral and documentary evidence relative to the application was received; and

***Section 4.***

The Planning Commission adopted Resolution No.99-4, recommending that the zone designation be changed from unclassified to Automobile Parking (P); and

***Section 5.***

Section 27 -21.4 of the Norwalk Municipal Code requires the City Council to hold a public hearing upon the initiation of a Zone Change; and

***Section 6.***

The City Council conducted a duly noticed public hearing on February 2, 1999; and

**Section 7.**

The City Council adopted Resolution No.99-3, "A Resolution of the City Council of the City of Norwalk Setting Forth its Finding of Fact and Approving a Negative Declaration and General Plan Amendment No. 154" on February 2, 1999, which approved the Negative Declaration for General Plan Amendment No. 154 and Zone Change No. 324; and

**Section 8.**

Based on evidence presented in the staff report, public comment, and during the-public hearing, the City Council finds that:

- 1. The proposed Zone Change is in compliance with the Norwalk Municipal Code and the Norwalk General Plan, since a General Plan Amendment has been recommended for City Council approval, and the proposed Automobile Parking (P) zone is consistent with the General Commercial land use designation; and
- 2. The proposed Zone Change is necessary to promote public safety, and welfare, because use of the site under the current Unclassified zoning designation will be inconsistent with the General Plan land use designation.

**NOW, THEREFORE, BE IT ORDAINED** that the City Council approves Zone Change Case No. 324, as indicated in Exhibit "A", to change the zone designation for railroad right-of-way adjacent to property generally known as 12540-62 Rosecrans Avenue from Unclassified to Automobile Parking (P).

**APPROVED AND ADOPTED BY THE NORWALK City Council on this 16th day of February, 1999.**

.....  
.....\*\*\*\*\*  
.....JESSE M. LUERA, MAYOR

**ATTEST:**

\*\*\*\*\*  
GAIL A. VASQUEZ, CITY CLERK

\*\*\*\*\*  
\*\*

**CITY OF CHINO**  
MEMORANDUM  
COMMUNITY DEVELOPMENT DEPARTMENT

**COUNCIL MEETING DATE:** FEBRUARY 2, 1999

**TO:** CITY MANAGER GLEN ROJAS  
**FROM:** DIRECTOR OF COMMUNITY DEVELOPMENT CHUCK COE

**SUBJECT:** AGRICULTURAL PRESERVE APPLICATION NO. 19

**RECOMMENDATION:**

Adopt Resolution Number 99-08, approving the tentative cancellation of Land Conservation Contract No. 73-405 and adopt the associated Negative Declaration. :

**FISCAL IMPACT:**

Cancellation of the Land Conservation Contract will allow the subject property to be developed for industrial and manufacturing uses. Development of the property will result in increased property taxes. and therefore. provide additional tax revenue to the City.

Approved [ ] Denied [ ] Continued [ ] Tabled [ ] Agenda Item No.:  
Motion .....Second .....File No.:.....  
AYES: .....EU [ ] .....GD ...EE [ ] ...BR [ ] ...CY [ ]  
NOES: .....EU [ ] .....GD ...EE [ ] ...BR [ ] ...CY [ ] ...City Clerk:.....  
ABSENT:.....EU [ ] .....GD ...EE [ ] ...BR [ ] ...CY [ ]  
ABSTAIN.....EU [ ] .....GD ...EE [ ] ...BR [ ] ...CY [ ]

**BACKGROUND:**

On January 4, 1999, the Planning Commission recommended approval of the Tentative Cancellation of Land Conservation Contract No. 73-405. Cancellation of the Contract must occur before the property can be developed for urban uses. The applicant, Betty Garrison, is currently in negotiation to sell the property to the Trammell Crow Company. They are interested in developing an industrial park.

Land Conservation Contracts are established for a term of ten years and are automatically renewed each year, unless the property owner files a Notice of Non-Renewal. Once a Notice of Non-renewal is filed, the contract expires at-the end of ten years. When early cancellation is requested, the property owner must pay a penalty fee to the County Treasurer in an. amount equal to 12.5 percent of the current unrestricted base (fair market) value of the land. For this request, the County Treasurer has calculated the fee to be in the amount of \$209, 729. State law requires that local jurisdictions approve contract cancellations, hence the City Council action.

**ISSUES/ANALYSIS:**

Generally, the Land Conservation Contract cancellations involve two distinct steps. Step One is the approval of a tentative cancellation, including conditions by the City Council, and the recordation of a Certificate of Tentative Cancellation by the City Council. Step Two is a final cancellation by the City Council after all of the conditions of the tentative cancellation are met. The only condition of the subject tentative cancellation is that, as required by state law, the cancellation fees must be paid by the applicant prior to the final cancellation by the City Council. Four key items listed below must occur prior to approval of the tentative cancellation.

- 1. A Notice of Non-Renewal is filed with the County Clerk.

2. The County Tax Assessor calculates the 12.5 percent cancellation fees and certifies the fees to be correct.
3. The City Council finds that the cancellation is for an alternative use which is consistent with the General Plan and other applicable development regulations (in this case the Eucalyptus Business Park Specific Plan).
4. Other specified findings required by state law are made by the City Council. All of these items have been addressed, including the "specified findings" noted in the attached Resolution. Narrative text supporting each finding is also included in the Resolution.

Attachment

## **RESOLUTION NO.99-08**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, ADOPTING A TENTATIVE CANCELLATION OF LAND CONSERVATION CONTRACT NO. 73-405, COMPRISING 43.75 ACRES LOCATED SOUTH OF EUCALYPTUS AVENUE, EAST OF THE LINE EXTENDING SOUTHERLY FROM THE TERMINUS OF YORBA AVENUE AND NORTH OF THE SAN ANTONIO CREEK CHANNEL (AGRICULTURAL PRESERVE APPLICATION NUMBER 19).

**WHEREAS**, an application requesting the tentative cancellation of Land Conservation Contract No. 73-405 was submitted; and

**WHEREAS**, the Chino Community Development Department has completed its study of the proposed Tentative Cancellation of Land Conservation Contract No. 73-405; and

**WHEREAS**, the Planning Commission has reviewed and held a public hearing on the proposed Tentative Cancellation of Land Conservation Contract No. 73-405 and has recommended that the City Council approve the tentative cancellation; and

**WHEREAS**, all provisions of the California Government Code and Chino Municipal Code related to the proposed Tentative Cancellation of Land Conservation Contract No. 73-405 have been complied with, including noticed public hearings; and

**WHEREAS**, the proposed Tentative Cancellation of Land Conservation Contract No. 73-405 is consistent with the goals and policies of the General Plan because it will allow for the development of the property for industrial uses, consistent with the light Industrial General Plan Land Use Designation for the property; and

**WHEREAS**, the Tentative Cancellation of Land Conservation Contract No. 73-405 is reasonable and beneficial, and in the interest of good zoning practice because it will allow the site to develop with industrial uses in accordance with the Eucalyptus Business Park Specific Plan; and

**WHEREAS**, the City Council has reviewed the application and determined that it meets the following findings required by California Government Code Section 51282(b) for the reasons described herein:

1. The cancellation is for land on which a Notice of Non-Renewal has been served.



On April 7, 1998, the applicant served a Notice of Non-Renewal concerning Land Conservation Contract No. 73-405 on the City of Chino. The Notice of Non-Renewal was recorded on May 13, 1998.

**2.** The cancellation is not likely to result in the removal of adjacent lands from agricultural use.

There is a strong pre-existing impetus to remove the adjacent properties from agricultural use. The urban uses planned and envisioned by the Eucalyptus Business Park provide much of this impetus. The Eucalyptus Business Park Specific Plan (EBPSP) encourages the transformation of this area from agricultural to industrial uses. In fact, conversion to non-agricultural uses was anticipated and addressed in the EBPSP and its EIR.

It is likely that adjacent areas will convert to non-agricultural uses, due to the availability of infrastructure combined with the urban land uses planned by the EBPSP. This conversion is likely to occur regardless of the approval or disapproval of the contract cancellation because the main impetus for conversion is provided for and supported by the EBPSP. In short, the applicant's property and adjacent lands exist within an environment that induces and is conducive to development. In this context, cancellation of the Land Conservation Contract is such an insignificant factor with regard to the development of adjacent properties that it is not likely to result in their removal from agricultural use.

**3.** The cancellation is for an alternative use that is consistent with the applicable provisions of the City of Chino General Plan.

Cancellation of Land Conservation Contract No. 73-405 is for an alternative use that is consistent with the applicable provisions of the City of Chino General Plan. The proposed alternative use is for industrial uses. These uses are consistent with the light Industrial General Plan Designation and the existing Manufacturing designation of the Eucalyptus Business Park Specific Plan (EBPSP). Cancellation eliminates the contract restriction limiting the site to agricultural uses, and allows the site to develop in accordance with the underlying industrial land use designation of the EBPSP.

**4.** The cancellation will not result in discontinuous patterns of urban development.

It is clear that cancellation of Land Conservation Contract No. 73-405 will not result in discontinuous patterns of urban development. An industrial park exists immediately to the north of the site. Since the site was annexed in 1982, the area within a one-mile radius of the site has experienced a steady conversion of vacant and agricultural land into industrial, commercial, and residential uses. Although the properties immediately adjacent to the site to the east and west of the site are vacant or developed for agriculture areas, other areas near the site have experienced urban development. Therefore, the surrounding area is of a decidedly urban character.

Also, since 1989 the EBPSP has designated the property and the adjacent lands for manufacturing, industrial park, office space, and commercial uses. The appropriate infrastructure is presently in place to support such development. In addition, a substantial

portion of the property within the EBSP is owned by Majestic Realty, a large development company that has previously developed a significant amount of property to the north and west of the site. It is the apparent intent of Majestic Realty to develop the property within the EBSP. Therefore, cancellation of Land Conservation Contract No. 73-405 will not result in the creation of an urban island in a rural sea. Currently, the situation is reversed. The site and its immediate neighbors are rather an agricultural island amidst a developing ocean. Continued use of the site for agricultural purposes, (i.e. dairy and pasture) is inconsistent with the character of the surrounding area and the land uses designated in the EBSP.

5. There is no proximate, noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

There is no proximate non-contracted land which is both available and suitable for the alternative proposed use. The applicant does not seek to develop the subject property, rather the use to which the applicant intends to put the property is its sale. The applicant has contracted with Trammell Crow to purchase the property. It is the apparent intent of Trammell Crow to develop the property as an industrial park and they have submitted a preliminary review application with the City towards this end.

The applicant does not own any other property in the general area, The applicant cannot, therefore, sell any other proximate non-contracted land to Trammel Crow for the alternative use. Furthermore, in this case it is clear that the eventual development of this site will provide for the most contiguous pattern of urban development. As discussed above, the surrounding area in which the site is situated is predominantly urban in character, the site has been slated for industrial use since 1989 under the EBSP, and development is now at the site's doorstep. Cancellation of Land Conservation Contract No. 7 3-405 will allow development of the site in a manner that is consistent with the EBSP and that is compatible with the urban character of the surrounding area. Development of the site will not result in a disconnected urban enclave, but rather will better integrate the site into the surrounding community,

**WHEREAS**, the proposed tentative contract cancellation will not have a significant adverse impact on the environment as an Initial Study Checklist has been prepared and no adverse environmental impacts resulting from the proposed project were identified.

**NOW, THEREFORE, BE IT RESOLVED, THE CITY OF CHINO CITY COUNCIL HEREBY APPROVES** the Certificate of Tentative Cancellation for Land Conservation Contract No. 73-405, attached herein as "Exhibit A" and adopts the associated Negative Declaration.

APPROVED AND ADOPTED THIS 2nd DAY OF FEBRUARY, 1999.

\*\*\*\*\*  
EUNICE M. ULLOA, MAYOR

ATTEST:

\*\*\*\*\*

LENNA J. TANNER, CITY CLERK

City of Chino.....)  
County of San Bernardino )§  
State of California .....

I, Lenna J. Tanner, City Clerk of the City of Chino, do hereby certify the foregoing Resolution of the City of Chino was duly adopted by the City Council at a regular meeting held on the 2nd day of February, 1999, by the following votes:

c

AYES:.....COUNCIL MEMBERS:  
NOES:.....COUNCIL MEMBERS:  
ABSENT:.....COUNCIL MEMBERS:

\*\*\*\*\*

LENNA J. TANNER, CITY CLERK

\*\*\*\*\*

\*\*

Item No.  
MARCH 29 1999[Date on Seal]  
**DATE** December 14,1998  
**TO** Honorable Mayor and Members of the City Council  
**FROM:** Julio J. Fuentes, City Manager  
Leland C. Dolley, City Attorney  
Jose Sanchez, Director of Finance

**BY:** Frances A. Moore, CMC, City Clerk

**SUBJECT:** Public Hearing--Alhambra (California Lutheran Homes)/Internext Group Tax Equity & Financial Responsibility Act (TEFRA) Financing

**PURPOSE:** To consider the approval of an Installment Purchase Financing to be undertaken by the California Statewide Communities Development Authority to benefit The Internext Group and conduct the public hearing required in connection therewith.

**FACTS:**

1. Pursuant to Section 6500, *et seq.*, of the Government Code of the State of California, a number of California cities and counties entered into a joint exercise of powers agreement (JP A) pursuant to which the *California Statewide Communities Development Authority* (CSCDA) was organized.

**2.** CSCDA is a joint powers agency which, in essence, is a "joint venture" between the League of California Cities and the County Supervisors Association of California, to which 149 cities and 45 counties currently belong.

**3.** CSCDA is authorized by the JP A to issue bonds, notes or other evidences of indebtedness, or certificates of participation in leases or other agreements in order to promote economic development.

**4.** Additionally, CSCDA was authorized by resolution adopted March 21, 1991 to issue bonds, notes or other evidences of indebtedness, or certificates of participation in leases or other agreements to finance or refinance health care facilities owned and operated by organizations described in Section 501(c)(3) of the Internal Revenue Code and which are determined by CSCDA to satisfy the criteria set forth in such resolution. In 1991, the California Superior Court entered a judgment validating such resolution; i.e., CSCDA's authority to act as an issuer in Section 501 ( c )(3 ) financings.

**5.** CSCDA has become an experienced issuer with respect to Section 501(c)(3) organization financings which include AIDS Project-Los Angeles, YMCA of Metropolitan Los Angeles, Catholic Healthcare West, Sutter Health, Cedars-Sinai Medical Center, UniHealth, St Joseph's Health System, United Western Medical Centers, Salk Research Institute and the Getty Museum.

**6.** Section 501(c)(3) organization financings are structured so that neither CSCDA nor the relevant city, county or city and county member thereof has any financial responsibility or pecuniary liability for any indebtedness issued in connection therewith.

**7.** Pursuant to the JP A, CSCDA will not approve a financing unless the governing body of a member city or county in whose jurisdiction the project is located approves the project and the financing therefore.

**8.** CSCDA has now requested that the City of Alhambra hold the required public hearing so that tax-exempt nonprofit bonds can be issued by CSCDA to provide for the refinance of existing debt and consolidation off ACT Retirement Services, Pacific Homes and California Lutheran Homes into a new nonprofit entity The Internext Group.

**9.** The proceeds from the proposed \$225 million bond issue will be used to refinance and improve Internext's 13 nonprofit healthcare facilities, including the California Lutheran Home at 2312 South Fremont Avenue. The issue will be offered at public sale, has a 30-year maturity, at a fixed interest rate, with an expected Standard & Poor's rating of BBB, and provides for a Special Call or Put features of 10 years @ 102; declining to par in 12 years. The closing date for this issue is 12-23-98 and is being underwritten by Paine Webber who is represented by Orrick, Herrington & Sutcliffe. Bond Counsel is Brown & Wood and the Trustee has yet to be identified.

**10.** On November 25, 1998, the City Clerk caused to be published the required Notice of Public Hearing pursuant to Internal Revenue Code Section 147(t).

11. Costs incurred by the City of Alhambra for publication of the required notice and legal review will be reimbursed by The Internext Group as cost of issuance.

**ANALYSIS & CONCLUSION:**

The City Council is being requested to hold a public hearing as required by Section 147(t) of the Internal Revenue Code of 1986, as amended, with respect to the proposed execution and delivery of certificates of participation which represent proportionate interests in the principal and interest components of payments to be made by the California Statewide Communities Development Authority (CSCDA) pursuant to an installment purchase agreement, in an amount not to exceed \$225 million. The proceeds of the Certificates will be used to provide for the refinancing of existing debt and the consolidation of Pacific Homes, California Lutheran Homes and f ACT Retirement Services into a new nonprofit entity to be known as The Internext Group. One of the 13 facilities which will be owned by Internext is. *The Alhambra*, which includes a 132-bed licensed assisted living facility and a 50-bed licensed skilled nursing faculty, located at 2400 South Fremont Avenue.

CSCDA will not approve a financing unless the governing body in whose jurisdiction a project is located approves the same and the financing therefore. Consequently, the City Council must first conduct a public hearing and then approve the financing to be undertaken through CSCDA. As provided in the CSCDA' s JP A, the City of Alhambra will have no monetary liability with respect to the financing--the Council's action in approving the financing is solely for purposes of federal tax law and the CSCDA joint powers agreement.

The financing documents have been reviewed by both the City Attorney and Neil Yeager of Burke, Williams & Sorensen and have been found to be in proper order. Mr. Bill Jennings of the California Lutheran Home will be present at the hearing to answer any questions the Councilor the public may have.

**RECOMMENDED ACTION:**

After receiving public comment, the Mayor should close the public hearing and the City Council adopt Resolution No. R98-58 entitled *A Resolution of the City Council of the City of Alhambra approving an Installment Purchase Financing to be undertaken by the California Statewide Communities Development Authority to benefit The Internext Group.*

\*\*\*\*\*

\*\*

**DATE:** December 2, 1998  
**TO:** City Council  
**FROM:** Director of Planning & Building

**HSPB-34 -UNTERMAYER-BISHOP RESIDENCE/THE WILLOWS, 412 W. TAHQUITZ CANYON WAY, R-1-A ZONE, SECTION 15 -HISTORIC SITE DESIGNATION**

**RECOMMENDATION:**

The Historic Site Preservation Board recommends that the City Council receive public testimony regarding this case and designate the Untermeyer-Bishop Residence/The Willows, located at 412 W. Tahquitz Canyon Way, a *Class 1* Historic Site. This matter comes at the request of the property owners, Tracy Conrad and Paul Marut.

## **BACKGROUND:**

The Historic Site Preservation Board (HSPB) heard this case at its meeting of November 18, 1997. However, the HSPB delayed sending its recommendation to the City Council in hopes of also working out a companion Mills Act application. Although that application is still in process, the property owners and the HSPB now wish to complete the designation process.

There is conflicting information regarding the origin of this structure. One track says that it was built in 1923 for the Burnham family, being later acquired by Samuel Untermeyer. The other track says it was designed by architects Dow and Richards in 1927, and completed in 1929, for Samuel Untermeyer, a New York corporate lawyer who championed human rights causes. He served an appointed position under the Secretary of the Treasury and on international commissions during the Wilson administration. Untermeyer wintered in Palm Springs for relief from bronchial asthma in this home he called "The Willows".

Originally a single-family residence, the three-story structure was designed in the Mediterranean Revival style with an Italianate influence. It was constructed of steel, brick, rock and concrete. The home contained 8,000 sq. ft. of living area. Originally a four-acre estate, the structure sits on a one-acre lot in Downtown Palm Springs. Located at the foot of the San Jacinto Mountains, it retains its impact made upon it by the people with whom it has come in contact -politicians, film stars and other noted persons. Hollywood personalities Clark Gable and Carole Lombard honeymooned here. In a sequestered spot above the house, called "Inspiration Point," Albert Einstein came to meditate in the pre-dawn hours during his 20 or more two-week visits to the residence.

Following the death of Samuel Untermeyer, his son, Alvin Untermeyer, and his family lived in the home until 1940. Marion Davies, long-time mistress of William Randolph Hearst, made this residence her home in the 1950s. Several owners followed and the property eventually fell into neglect and disrepair. Each ensuing ownership brought changes to the original interior finishes.

The current owners have converted the residence into an eight-room inn which opened in late-1996. Two years were spent restoring the residence to its original condition. Minor additions were made to the roof structure on the north side of the building to allow for the conversion of attic area to living space.

## **OWNERS' PARTICIPATION**

Tracy Conrad and Paul Marut worked with staff during the restoration of The Willows to ensure maintenance of the historic character of the property. Once the restoration was completed, they requested that the property be designated as a Class 1 Historic Site.

They are also interested in applying for Mills Act benefits, and the required contract will be subject to later and separate City Council action.

\*\*\*\*\*

DOUGLAS R. EVANS  
Director of Plannign & Buildidng

\*\*\*\*\*

City Manager  
ATTACHMENTS:  
1. Resolution

\*\*\*\*\*

\*\*

**RESOLUTION NO.**

OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA,  
DESIGNATING THE UNTERMAYER-BISHOP RESIDENCE/THE WILLOWS,  
LOCATED AT 412 W. TAHQUITZ CANYON WAY, R-1-A ZONE, SECTION 15, AS A  
CLASS 1 HISTORIC SITE.

\*\*\*\*\*

**WHEREAS** the Untermeyer-Bishop Residence/The Willows, and its associated personages and activities, have substantially contributed to the history of the City of Palm Springs; and

**WHEREAS** the Untermeyer-Bishop Residence/The Willows has long been a notable feature at the edge of the Central Business District of the City of Palm Springs, being a structure of significant architectural value; and

**WHEREAS** the current owners of the subject property, Tracy Conrad and Paul Marut, have sensitively restored the Untermeyer-Bishop Residence/The Willows to reflect the site's period of significance, being the 1930s; and

**WHEREAS** the restoration of the property and its reuse as The Willows Palm Springs Historic Inn significantly contributes to the economic well-being of the Central Business District and the community as a whole; and

**WHEREAS** the Palm Springs General Plan provides for the long-term preservation of significant architectural historic and cultural buildings and neighborhoods; and

**WHEREAS** Chapter 8.05 of the Palm Springs Municipal Code allows for the proper designation of historic sites; and

**WHEREAS** the Historic Site Preservation Board held a public hearing on November 18, 1997, to consider designation of the Untermeyer-Bishop Residence/The Willows as an historic site and unanimously recommended to the City Council designation of said property as a Class I Historic

Site; and

**WHEREAS** the City Council concurs in the recommendation of the Historic Site Preservation Board regarding the historic and architectural value of the Untermeyer-Bishop Residence/The Willows; and

**WHEREAS** the designation of the Untermeyer-Bishop Residence/The Willows shall further the purposes and intent of the General Plan and Chapter 8.05 of the Municipal Code; and

**WHEREAS** the designation of the Untermeyer-Bishop Residence/The Willows shall promote the sensitive long-term preservation of said site, and will enhance the character and the economic well being of the Central Business District.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Palm Springs, California, as follows:

**Section 1.** The Untermeyer-Bishop Residence/The Willows, located at 412 W. Tahquitz Canyon Way, shall be designated a Class I Historic Site pursuant to Chapter 8.05 of the Palm Springs Municipal Code. The site is located on a portion of Lot 1. Block 23 of the Subdivision of Palm Springs, as recorded at Page 432 of Map Book 9, Riverside County, California; APN 5 13-082-002.

**Section 2.** No permit for the exterior alteration to the Untermeyer-Bishop Residence/The Willows shall be granted without the prior approval of the Historic Site Preservation Board, pursuant to Chapter 8.05 of the Palm Springs Municipal Code; approved alterations shall maintain the historic integrity of the site. A plaque demarking the Untermeyer-Bishop Residence/The Willows as an historic property shall be placed on the site at the discretion of the Historic Site Preservation Board.

ADOPTED this day of, 1998.

AYES.

NOES:

ABSENT

ATTEST:.....CITY OF PALM SPRINGS, CALIFORNIA

By\*\*\*\*\* .....

City Clerk.....City Manager

REVIEWED & APPROVED: \*\*\*\*\*

\*\*\*\*\*  
\*\*

**CITY OF MONTEBELLO**  
Administration

March 16, 1999



**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Mario Guerra, Assistant to the City Administrator  
**SUBJECT:** Award of contract for the construction of the City Park Plunge Pool

**OBJECTIVE**

That the City Council award a construction contract to Construct One, Corp., for the construction of the City Park Plunge project phase 1, which is construction of an Olympic size pool.

**FACTS**

1. On February 2, 1999, the City Council approved plans and specifications and authorized bids for the City Park Plunge project, phase 1 which is construction of an Olympic size pool.

2. On March 1st 1999, the City Clerk received and opened 2 sealed bids, of which the lowest bid was submitted by Construct One, Corp., at 1421 Edinger Avenue, Suite A, Tustin, CA 92780. That bid totaled \$1,535, 587. which is within budget. The total project cost, which also includes project design costs, a 5% contingency, construction management costs, as well as project testing costs is \$1 1844,587. The total budget (available and approved funds) for this project is \$1, 850,069. The bidders list is attached for your review.

3. Attached is a proposed signed agreement between the City and Construct One, Corp., which has been reviewed by the City Attorney. Once the contract is awarded, construction of the new pool will start in mid April and will take 5 months to complete. The scope of work as outlined in the plans and specs is the construction of a 50 meter Olympic size pool (12,444 square feet), with an adjacent kiddy pool (1600 square feet), pool decks, relocation of perimeter walls to accommodate larger pool size and reconstruction and relocation of existing arcade at north end of the pool.

4. Project budget resources are as follows:

Proposition A, 1996 (Project Specific Funds)	\$450,000
Proposition A, 1996 (Maintenance Funds) ....	\$197,163
George Hensel Contribution .....	\$250,000
COBG 98/99 Funds .....	\$764,906
Montebello on the Move matching funds to George Hensel contribution .....	\$250,000
<b>TOTAL .....</b>	<b>\$1,912,069</b>

5. Montebello on the Move (MOM), a non-profit organization in good standing and established to assist the City with fund raising efforts to fund recreation and community projects, has committed to match George Hensels' contribution towards the construction of this project. Its first fund raising effort will take place in May. Any monies short of the

\$250,000, not raised by MOM by the end of construction will be compensated with COBG funds, and MOM will reimburse the City as funds are raised.

MAR 16 1999

Agenda Item No. 9

### **ANALYSIS**

The construction of a new pool at City Park is a long overdue project which has gained very strong community support. The design and quality of equipment that will be incorporated into the construction of the pool are state of the art. Once completed, the community will be able to enjoy, what the contractors have called, a Cadillac Pool, a pool typical of those found at competitive Colleges throughout the country. Staff has checked references of the lowest bidder, Construct One, Corp., and his major contractor, California Commercial Pools and have found them both to be very capable with good to excellent references. The lowest bid is also within project budget.

### **SUMMARY**

On February 2, 1999, the City Council approved plans and specifications and authorized bids for the City Park Plunge project, phase 1, which is construction of an Olympic size pool.

On March 1st, 1999, the City Clerk received and opened 2 sealed bids, of which the lowest bid was submitted by Construct One, Corp., at 1421 Edinger Avenue, Suite A, Tustin, CA 92780. That bid totaled \$1,535,587. which is within budget. The total project cost, which also includes project design costs, a 5% contingency, construction management costs, as well as project testing costs is \$1,844,587. The total budget (available and approved funds) for this project is \$1, 912,069. which includes a \$250,000 contribution from Montebello on the Move (MOM), a local non-profit organization which has committed to raise that amount. The bidders list is attached for Council review.

Attached is a proposed signed agreement between the City and Construct One, Corp., which has been reviewed by the City Attorney. Once the contract is awarded, construction of the new pool will start in mid April and will take 5 months to complete. The scope of work as outlined in the plans and specs is the construction of a 50 meter Olympic size pool (12,444 square feet), with an adjacent kiddy pool (1 ,600 square feet), pool decks, relocation of perimeter walls to accommodate larger pool size and reconstruction and relocation of existing arcade at north end of the pool.

### **RECOMMENDATION**

That the City Council award a contract to Construct One, Corp., as the lowest qualified bidder, in the amount of \$1,535,587 for the construction of an Olympic size pool at City Park; and authorize the Mayor and City Clerk to execute the contract with Construct One, Corp.

\*\*\*\*\*

\*\*

|

**City of Montebello**

March 16, 1999

**T0:** Honorable Mayor and Members of the City Council

**FROM.** Richard Torres, City Administrator

**SUBJECT:** Reorganization: Economic Development Department, Planning Department, Fire Department, Engineering Department, and Transportation Department.

***Proposal***

To amend the Montebello Municipal Code, Classification Plan, Table of Organization, and Compensation Plan to facilitate a multi-(departmental reorganization that would allow for more efficient use of existing staff and financial resources.

***Background***

1. In January 1996, an Assistant City Administrator position was established to consolidate most of the City's traditional "community development functions. This appointment was made following the elimination of two department head positions (i.e., Director of Public Works, and Director of Parks and Recreation). A third department head position was also eliminated a year later when the Director of Building Services retired.
2. On March 17, 1998, the City Council approved the reorganization of Administration which, amongst other things, established a second Assistant City Administrator to oversee the City's Economic Development Department, Employee Relations, and Finance Department. This reorganization was a precursor to the City Administrator's efforts to consolidate "internal operations."
3. In October 1998, the Assistant Director of Economic Development resigned from his position to pursue other endeavors.

***Analysis***

1. Over the past three years, the City has continued with its reorganization efforts by re-evaluating staffing, programs, and service delivery when vacancies occur. Currently, two separate departments (i.e., Economic Development Department, and the Planning Department) administer the City's housing and community development programs.
2. The proposed consolidation of the housing and community development programs into the Economic Development Department will streamline and facilitate the administration of the City's various housing, community development, and business programs. Furthermore, it would also help reduce the significant resident confusion regarding the location of the City's housing and community development programs (i.e., Home Improvement and Preservation Program [HIPP], Rental Rehabilitation [RRP], Housing Mediation Board [HMB], etc.).

**3.** It is also hoped that an additional benefit of the proposed reorganization is that the Planning Department will be left to focus only on traditional planning issues and code enforcement. The goal of this "focus" is to shorten the length of time it takes the Planning Department to process requests for permits and project reviews.

MAR 16 1999  
Agenda Item NO. 12

**4.** Finally, the funding of a full-time Economic Development Project Coordinator should strengthen efforts to encourage and promote economic development in the City. This is after years of reducing Economic Development staffing levels to help balance the CRA budget.

**5.** As currently proposed, the six major components of this reorganization include:

**a)** Reclassifying the Assistant Director of Economic Development -100% CRA funded position to Economic and Community Development Manager (50% CRA, & 50% CDBG) (Exhibit A). The salary range will remain the same (\$4,690 - \$5,702) for this position. This position will oversee the City's various economic and community development programs and projects.

**b)** Add a Grants and Projects Administrator (\$3,775 -\$4,590) to oversee and, expand the housing programs. The City's Classification Plan already includes a classification for Grants and Projects Administrator.

**c)** Fund the vacant Economic Development Project Coordinator -100% CRA funded position (\$4,002 -\$4,937) to oversee the economic development programs.

**d)** Transfer the Community Development Analyst and Community Development Specialist positions to the Economic Development Department.

**e)** As a result of the consolidation, reallocate the position and funding from the Associate Planner (CDBG) and Community Development Grants Program Monitor (CDBG) in the Planning Department to the Economic and Community Development Manager and Grants and Project Administrator respectively, in the Economic Development Department.

**f)** Delete the positions of Associate Planner {CDBG} and Community Development Grants Program Monitor {CDBG} from the Planning Department.

**6.** This reorganization, as described above will not entail any additional costs to any of the affected funds {i.e., General, CRA CDBG, Home}. The number of positions in the Table of Organization remains the same. It is believed that the reorganization will strengthen each of the affected functions of the City; Economic Development, Community Development, including Housing and Planning. This proposal also helps to retain valuable employees.

**7.** While further reviewing the City's operations, the Fire Chief also identified a means to enhance and improve the public safety services provided to the Montebello community. The addition of an Emergency Services Coordinator {\$3,340- \$4,001} (Exhibit B) will provide administrative support to the Fire Department. This position will coordinate the City's emergency preparedness program, crime free multi- housing program, and assist with the fire prevention program.

8. The Assistant City Administrator also reviewed the Engineering Division of Public Works which has only one management staff member (i.e., Engineering Manager/City Engineer) to supervise employees in this work unit. Hence, in an effort to improve the chain of command, there is a need to add an Assistant City Engineer (\$4,264 - \$5,183) (Exhibit C). It is anticipated that an in-house candidate (i.e., one of two existing Engineering Assistants) will be appointed to this position. The Engineering Assistant position will not be back-filled thus, resulting in minimal cost savings when overtime is factored in. This is also another effort to retain valued employees in an increasingly competitive marketplace, especially for individuals with formal engineering skills.

9. Finally, the City's purchasing and procurement functions are generally centralized within the Finance Department. A review of the City's overall purchases reveal that the Transportation Department accounts for a significant number of all purchases. In addition, the purchasing duties for the Transportation Department are divided among four positions. The addition of a Purchasing Coordinator (\$3,031 - \$3,684) (Exhibit D) will ease the purchasing load in the Finance Department and consolidate the purchasing duties in the Transportation Department. The Purchasing Coordinator will continue to coordinate with the Finance Department; however, the Director of Transportation will be given purchasing authority within the City's purchasing policy guidelines to approve transportation purchase orders. The Purchasing Coordinator will be paid from the Transportation fund.

10. To implement the changes, the Table of Organization, Compensation Plan, Classification Plan, and Municipal Code need to be amended.

**Recommendation**

1. Adopt a resolution amending the Classification Plan, Compensation Plan, and Table of Organization.
2. Amend Section 2.60.100 of the Montebello Municipal Code relating to unclassified service employees.

\*\*\*\*\*  
\*\*

**RESOLUTION NO.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEBELLO AMENDING THE TABLE OF ORGANIZATION, CLASSIFICATION PLAN, AND COMPENSATION PLAN FOR NON-CLASSIFIED MANAGEMENT POSITIONS AND NON-CLASSIFIED NON-MANAGEMENT POSITIONS.

THE CITY COUNCIL OF THE CITY OF MONTEBELLO DOES HEREBY RESOLVE AS FOLLOWS:

**SECTION 1.** That the Table of Organization is hereby amended by deleting the following:

*POSITION..... DEPARTMENT..... NO. OF .....EFFECTIVE*

		<i>POSITIONS</i>	<i>DATE</i>
Associate Planner	Planning	1	March 17, 1999
Community Dev. Grants Program Monitor	Planning	1	March 17, 1999
Assistant Director of Economic Development/CRA Development	Economic	1	March 17, 1999
Engineering Assistant	Public Works	1	Upon vacancy
Community Development Analyst	Planning	1	March 17, 1999
Community Development Specialist	Planning	1	March 17, 1999

**SECTION 2.** That the Table of Organization is hereby amended by adding the following:

<i>POSITION</i>	<i>DEPARTMENT</i>	<i>NO. OF</i>	<i>EFFECTIVE</i>
		<i>POSITIONS</i>	<i>DATE</i>
Economic & Community Development Manager/CRA Development Grants and Project Administrator	Economic Development	1	March 17, 1999
Emergency Services Coordinator	Fire/Administration	1	March 17, 1999
Assistant City Engineer	Public Works	1	March 17, 1999
Purchasing Coordinator	Transportation	1	March 17, 1999
Community Development Analyst	Economic Development	1	March 17, 1999
Community Development Specialist	Economic Development	1	March 17, 1999

**SECTION 3.** That Section 2 of Resolution 98-99 specifying compensation for certain non-classified non-management positions is amended to delete the following:

<i>POSITION</i>	<i>RANGE</i>	<i>SALARY RANGE</i>
Community Dev. Grant Program Monitor	45.1	\$2,777- \$3,544

**SECTION 4.** That Section 1 of Resolution 98-100 specifying compensation for certain non-classified management positions is amended to add the following:

<i>NON-CLASSIFIED MANAGEMENT POSITION</i>	<i>SALARY RANGE</i>
Economic and Community Development Manager -CRA	\$4,690 -\$5,702
Assistant City Engineer	\$4,264 -\$5,183
Emergency Services Coordinator	\$3,340 -\$4,061
Purchasing Coordinator	\$3,031 -\$3,684

and to delete the following:

*NON-CLASSIFIED MANAGEMENT POSITION .....SALARY RANGE*  
Assistant Director of Economic Development- CRA .....\$4,690 - \$5,702

**SECTION 5.** That the Classification Plan is amended to delete the job descriptions for Assistant Director of Economic Development/CRA and Community Development Grant Program Monitor.

**SECTION 6.** That the Classification Plan is amended to add the job descriptions for Economic and Community Development Manager –CRA (Exhibit A), Emergency Services Coordinator (Exhibit B) Assistant City Engineer (Exhibit q and Purchasing Coordinator (Exhibit D).

**SECTION 7.** That the City Clerk shall certify to the adoption of this Resolution and deliver a copy hereof to the City Administrator, Employee Relations Manager, and Director of Finance, Assistant City Administrators, Fire Chief and Transportation Director and the same shall be in full force and effect

ADOPTED AND APPROVED this .....day of,..... 1999.

.....  
.....Kathy Salazar, Mayor

ATTEST:

.....  
Robert J. King, City Clerk