



City of Calimesa
Regular Meeting of the City Council
AGENDA

Monday, October 21, 2013

6:00 p.m.

Norton Younglove Multipurpose Senior Center
908 Park Avenue, Calimesa, CA 92320

William Davis, Mayor ♦ Jeff Hewitt, Mayor Pro Tem
Jim Hyatt, Council Member ♦ Joyce McIntire, Council Member ♦ Ella Zanowic, Council Member
Randy Anstine, City Manager ♦ Kevin Ennis, City Attorney

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting or other services offered by this City, please contact the City Clerk's Office, (909) 795-9801. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Any public writings distributed by the City to at least a majority of the Council Members regarding any item on this regular meeting agenda will be made available at the public counter at City Hall located at 908 Park Avenue, Calimesa, CA 92320

ANNOUNCEMENT REGARDING SPEAKER SLIPS

Anyone wishing to address the City Council either during "Communications from the Public" or on any item on the agenda should fill out a **blue speaker slip** and give that slip to the City Clerk **prior to the item being heard**. Please write the number of the agenda item or the subject of your presentation on the slip. **Please observe a time limit of three (3) minutes when giving your presentation**. When called upon, please step forward to the microphone, state your name for the record, whom you represent and any statement you wish to make. **Please be advised that you may not defer your three (3) minutes to another speaker.**

CALL TO ORDER

ROLL CALL: MAYOR DAVIS, MAYOR PRO TEM HEWITT, COUNCIL MEMBER HYATT, COUNCIL MEMBER MCINTIRE, COUNCIL MEMBER ZANOWIC.

STAFF: CITY MANAGER ANSTINE, CITY ATTORNEY ENNIS, CITY CLERK GERDES, ACCOUNTING COORDINATOR SIMMONS, PUBLIC WORKS DIRECTOR FRENCH, COMMUNITY DEVELOPMENT DIRECTOR EVANS, CITY ENGINEER THORNTON, FIRE CHIEF GREGG AND POLICE CHIEF PEEBLES.

PLEDGE OF ALLEGIANCE

COMMUNICATIONS FROM THE PUBLIC

Anyone wishing to address the Council on any item within the Council's jurisdiction that is not on the agenda may do so at this time. This is not a time for Council Member comment or action, but the Council may ask questions for clarification or make a referral to staff for factual information to be reported back to the Council at a later meeting.

APPROVAL OF THE AGENDA

RECOMMENDATION: Move to approve the agenda

Motion _____ Second _____ Vote _____

CONSENT CALENDAR

The following Consent Calendar items are expected to be routine and non-controversial. Council will act upon them at one time without discussion. Any Council Member or staff member may request removal of an item from the Consent Calendar for discussion.

1. APPROVAL OF CITY COUNCIL ACTION MINUTES. [Page 4](#)
 - a. **City Council Action Minutes of the Regular Meeting of October 7, 2013.**
2. RECEIVE AND FILE CITY COMMISSION & BOARD MINUTES. [Page 10](#)
 - a. **There are no minutes ready for approval at this time.**
3. APPROVAL OF WARRANT REGISTERS. [Page 11](#)
 - a. **Check Register Report with a total of \$319,547.00 (Check Nos. 27469 to 27505)**
 - b. **October 10, 2013 Payroll of \$29,575.24 (Ck Nos. 6501 thru 6513)**
4. WAIVE FULL READING OF ANY PROPOSED ORDINANCES ON THE AGENDA. [Page 15](#)

This permits reading the title only in lieu of reciting the entire text of the Ordinances. This does not take policy action on the Ordinances or approve or disapprove any Ordinances on the agenda.
5. COUNCIL TRAVEL REPORT. [Page 16](#)

RECOMMENDATION: That the City Council move to approve the travel expenses report.
6. AWARD OF CONTRACT FOR A SUBCONTRACTOR FOR LEAD-BASED PAINT AND ASBESTOS TESTING & CONSULTING SERVICES. [Page 19](#)

RECOMMENDATION: That the City Council award the contract and enter into an agreement with Lead Tech Environmental to provide Lead-Based Paint and Asbestos Testing & Consulting Services for the City's HOME Program.
7. 4th STREET COMMUNITY PARK – AUTHORIZATION TO AWARD CONTRACT [Page 31](#)

RECOMMENDATION: That the City Council:

 - (1) Authorize the City Manager to execute contract with Hamel Contracting in the amount of \$1,911,689.28 for construction of the 4th Street Community Park Improvements.
 - (2) Authorize the City Manager to execute minor contract change orders within a ten percent contingency of the contract in the amount of \$191,168.93.
 - (3) Authorize staff to transfer an additional \$50,000 from Park Improvement Development Impact Fee (Fund # 39) to the project.

CHIEF OF POLICE COMMENTS & REPORTS

FIRE CHIEF COMMENTS & REPORTS

MAYOR & COUNCIL MEMBER REPORTING OF COUNTY & REGIONAL MEETINGS

BUSINESS ITEMS

8. AMENDMENTS TO THE POWERS AND DUTIES OF THE COMMUNITY SERVICES COMMISSION; and ORDINANCE NO. 327 - AN ORDINANCE OF THE CITY OF CALIMESA AMENDING THE POWERS AND DUTIES OF THE COMMUNITY SERVICES COMMISSION, AND AMENDING THE CALIMESA MUNICIPAL CODE; and REACTIVATION OF THE COMMUNITY SERVICES COMMISSION; and OVERSIGHT OF SENIOR CENTER OPERATIONS. [Page 39](#)

RECOMMENDATION: That the City Council:

- (1) Introduce first reading by title only, Ordinance No. 327 - An Ordinance of the City of Calimesa Amending the Powers and Duties of the Community Services Commission, and Amending the Calimesa Municipal Code; and
 - (2) Reactivate the Community Services Commission for the purposes of: (a) having the Commission appoint two of its members to meet with a two-member ad hoc committee of the City Council to continue with mediation efforts as directed by the City Council, and (b) permitting the Commission to later act upon other mediation related solutions as determined and directed by the City Council and when specified by City staff; and (c) subsequently, the Commission would be permitted to work on and discuss other matters of business at the conclusion of the mediation discussion and upon reaching an understanding and acceptance by the Commission members of the scope and parameters of the Commission's authority.
9. REVIEW OF THE CURRENT CITY COMMISSIONS AND THEIR PURPOSE AND DUTIES AS ESTABLISHED IN THE CALIMESA MUNICIPAL CODE. [Page 47](#)
- RECOMMENDATION: That the City Council review the purpose and duties of the established City Commissions and provide direction to staff as appropriate.***

COUNCIL MEMBERS' COMMENTS & REPORTS

This is the time for additional general comments, announcements, reports on meetings attended at public expense as required by AB 1234, requests of staff, and other issues of concern to Council Members may be presented briefly at this time. The Council may not legally take action on any item presented at this time other than to direct staff to investigate a complaint or place an item on a future agenda unless (1) by a majority vote, the Council determines that an emergency situation exists, as defined by Government Code § 54956.5 or (2) by a four-fifths vote, the Council determines that there is a need for immediate action and the need for action arose subsequent to the agenda being posted as required by Government Code § 54954.2(b).

CITY MANAGER COMMENTS & REPORTS

ADJOURNMENT

Adjourn to the Regular Meeting of the City Council on Monday, November 4, 2013, at 6:00 p.m.

Agenda Item No. 1



STAFF REPORT

CITY OF CALIMESA CITY COUNCIL MEETING

SUBJECT: Approval of City Council Meeting Minutes

MEETING DATE: October 21, 2013

PREPARED BY: Darlene Gerdes, City Clerk

RECOMMENDATION: That the City Council approve the action minutes as presented for the Regular City Council meeting of October 7, 2013.

ATTACHMENTS:

Attachment A: City Council action minutes of October 7, 2013 regular meeting.

City Of Calimesa
City Council Minutes of Regular Meeting
 October 7, 2013

CALL TO ORDER 6:00 p.m. by Mayor Davis.

ROLL CALL: MAYOR DAVIS, MAYOR PRO TEM HEWITT, COUNCIL MEMBER HYATT, COUNCIL MEMBER MCINTIRE AND COUNCIL MEMBER ZANOWIC.

ABSENT: NONE

STAFF: CITY MANAGER ANSTINE, CITY ATTORNEY ENNIS, CITY CLERK GERDES, ACCOUNTING COORDINATOR SIMMONS, PUBLIC WORKS DIRECTOR FRENCH, CITY ENGINEER THORNTON AND POLICE CHIEF PEEBLES.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Paul Zanowic.

COMMUNICATIONS FROM THE PUBLIC

None.

APPROVAL OF THE AGENDA

MOTION BY COUNCIL MEMBER HYATT, SECONDED BY COUNCIL MEMBER ZANOWIC, CARRIED 5-0 TO APPROVE THE AGENDA AS PRESENTED.

Mayor Davis asked if there were any items to be removed from the consent calendar for discussion. City Manager Anstine requested that Item No. 7 be pulled to address amendments needed on the bond documents.

CONSENT CALENDAR

1. APPROVAL OF CITY COUNCIL ACTION MINUTES.
 - a. *City Council Action Minutes of the Regular Meeting of September 16, 2013.*
2. RECEIVE AND FILE CITY COMMISSION & BOARD MINUTES.
 - a. *Planning Commission Minutes of 5/13/2013 Regular Meeting*
 - b. *Planning Commission Minutes of 7/8/2013 Regular Meeting*
3. APPROVAL OF WARRANT REGISTERS.
 - a. *Check Register Report with a total of \$53,389.67 (Check Nos. 27431 to 27468)*
 - b. *September 26, 2013 Payroll of \$36,090.98 (Ck Nos. 6478 thru 6495)*
September 30, 2013 Payroll of \$1,614.75 (Ck Nos. 6496 thru 6500)
4. WAIVE FULL READING OF ANY PROPOSED ORDINANCES ON THE AGENDA.

This permits reading the title only in lieu of reciting the entire text of the Ordinances. This does not take policy action on the Ordinances or approve or

disapprove any Ordinances on the agenda.

5. AMENDMENT TO THE AL HOLLIMAN AGREEMENT.

RECOMMENDATION: *That the City Council approve the proposed amendment to the Professional Services Agreement with Al Holliman, CPA.*

6. HOLIDAY MEETING SCHEDULE OF THE CITY COUNCIL AND CONSIDERATION OF THE CLOSURE OF CITY HALL THE WEEK OF 12/23/13 – 12/27/13.

RECOMMENDATION: *That the City Council approve the cancellation of the January 6, 2014 Regular City Council meeting and consider the closure of City Hall the week of 12/23/13 – 12/27/13 for the Christmas Holiday.*

MOTION BY COUNCIL MEMBER HYATT, SECONDED BY MAYOR PRO TEM HEWITT, CARRIED 5-0 TO APPROVE ITEM NO'S. 1 - 6 OF THE CONSENT CALENDAR AS PRESENTED.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

7. CUP 13-01 DOLLAR GENERAL ACCEPTANCE OF THE BONDS AND AGREEMENTS.

RECOMMENDATION: *That the City Council accept the sureties and authorize the Mayor and the City Clerk to execute the project improvement agreement.*

City Attorney Ennis informed Council of the amendment necessary to the Bond Documents as follows: change to Section 5 (A)(2) to only require a payment bond of 50% rather than 100%.

After Council discussion the following action was taken:

MOTION BY MAYOR PRO TEM HEWITT, SECONDED BY COUNCIL MEMBER ZANOWIC, CARRIED 5-0 TO ACCEPT THE SURETIES AND AUTHORIZE THE MAYOR AND THE CITY CLERK TO EXECUTE THE PROJECT IMPROVEMENT AGREEMENT WITH THE AMENDMENTS AS BROUGHT BY CITY STAFF.

CHIEF OF POLICE COMMENTS & REPORTS

Police Chief Peebles reported that thefts were up from last month by two (2) and vandalism, vehicle thefts and burglaries were down by 50%. He further reported of an incident in Cherry Valley where the Riverside County Sheriff's SWAT team was called to a home for possession of explosives, as well as an underground bunker, adding that the suspects were all in custody and the investigation was on-going.

FIRE CHIEF COMMENTS & REPORTS

Fire Chief Gregg was not in attendance. No report was given.

MAYOR & COUNCIL MEMBER REPORTING OF COUNTY & REGIONAL MEETINGS

Council Member Hyatt reported that he attended the Riverside State of the County, adding that it was a good event and that they highlighted County projects. He stated that Council Member McIntire was also in attendance. He further reported that he

attended the WRCOG "Advancing the Choice" at Tukwet Canyon and a SCAG meeting where they spoke about redistricting

Council Member McIntire reported that she and Mayor Pro Tem Hewitt and Council Member Zanolovic all attended the League of California Cities Annual Conference in Sacramento, adding that it was the best she had every attended. She stated that she enjoyed the keynote speaker and his comments in regards to rural components in urban cities. She further reported that she attended the Riverside State of the County event where they spoke about electric vehicles. She announced the RTA Bus Rodeo on Saturday November 2nd at the RTA Hemet facility from 7:00 a.m. – 1:00 p.m.

Mayor Pro Tem Hewitt reported that he attended the League of California Cities Annual Conference in Sacramento and a meeting of the San Geronio Pass Regional Water Task Force. He thanked City Attorney Ennis for the nice dinner at the League of California Cities Conference.

Council Member Zanolovic reported that she attended a meeting of the RTA Administration & Operations committee and a Transportation Now meeting. She stated that RTA was a winner for their new buses of the Annual Clean Air Awards given by AQMD. She reported that she attended the State of the City and thanked the Chamber for their work. She further reported that she attended the League of California Cities Annual Conference, adding that bills on redevelopment have been given to the Governor for consideration.

Mayor Davis thanked the Chamber for their work on the Calimesa State of the City Event.

RECESS TO CLOSED SESSION

Mayor Davis recessed the meeting at 6:25 p.m. to Closed Session. City Attorney Ennis announced the Closed Session Item.

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Title: City Manager

Mayor Davis reconvened the meeting from Closed Session at 6:55 p.m.

CLOSED SESSION ANNOUNCEMENT

A. Direction was given with no reportable action

BUSINESS ITEMS

8. COUNCIL DIRECTION ON NEXT STEPS IN MEDIATION PROCESS RELATED TO COMMUNITY SERVICES COMMISSION AND SENIOR ADVISORY COMMITTEE ISSUES AND DIRECTION ON WHETHER TO REACTIVATE THE COMMUNITY SERVICES COMMISSION

RECOMMENDATION: *That the City Council* provide direction on the following two issues relating to the next steps in the mediation process over issues between the Community Services Commission and the Senior Advisory Committee:

(1) Staff seeks direction on whether the Council wants to consider and adopt proposed revisions to the City's Municipal Code and Commission Rules prior to or after the reactivation of the Community Services Commission, as explained in item 2 below.

(2) If the Council would like to proceed with reactivation of the Commission prior to the preparation and adoption of revisions to the Municipal Code and Commission Rules, then, it is recommended that the City Council reactivate the Community Services Commission for the initial purpose of: (a) having the Commission appoint two of its members to meet with a two-member ad hoc committee of the City Council to continue with mediation efforts as directed by the City Council, and (b) permitting the Commission to discuss and later act upon other mediation related solutions as determined and directed by the City Council and when specified by City staff. Subsequently, the Commission would be permitted to work on and discuss other matters of business at the conclusion of the mediation discussion and upon reaching an understanding and acceptance by the Commission members of the scope and parameters of the Commission's authority.

Mayor Davis stated that Council would be pulling Item No. 8 and asked Mike Simon if he would still like to speak on the item. Mike Simon stated that he would not speak at this time.

MOTION BY MAYOR PRO TEM HEWITT, SECONDED BY COUNCIL MEMBER HYATT, CARRIED 5-0 TO PULL ITEM NO. 8 FROM THE AGENDA AND CONTINUE TO A FUTURE MEETING.

COUNCIL MEMBERS' COMMENTS & REPORTS

This is the time for additional general comments, announcements, reports on meetings attended at public expense as required by AB 1234, requests of staff, and other issues of concern to Council Members may be presented briefly at this time. The Council may not legally take action on any item presented at this time other than to direct staff to investigate a complaint or place an item on a future agenda unless (1) by a majority vote, the Council determines that an emergency situation exists, as defined by Government Code § 54956.5 or (2) by a four-fifths vote, the Council determines that there is a need for immediate action and the need for action arose subsequent to the agenda being posted as required by Government Code § 54954.2(b).

Mayor Pro Tem Hewitt spoke regarding a tree that was down in the street that was in need of being cut with a chain saw to remove it. He thanked Mike McCabe, Lead Maintenance Worker for his efforts in removing the tree from the street.

Council Member Zanowic reported that she attended a dinner sponsored by the Childhood Cancer Foundation and a dinner and golf tournament fundraiser for the San Geronio Pass Memorial Hospital. She announced that the street fair would be held on Saturday, October 12th from 9:00 am to 3:00 pm and that the League of California Cities Riverside Division Golf Tournament and Dinner would be held on October 14th.

Council Member McIntire announced that she attended the Calimesa State of the City, adding that it was a nice event, in a nice place with nice guests and good food.

Council Member Hyatt announced that he would be attending the League of California Cities dinner, but not the golf tournament. He announced the annual Festival of Baskets fundraiser for the Sr. Center to be held on October 18th, and the Friends of the Library Book and Bake Sale on October 26th.

CITY MANAGER COMMENTS & REPORTS

City Manager Anstine announced that the City has received a \$50,000 grant from SCAG for the Calimesa Creek Project.

RECESS TO CLOSED SESSION

Mayor Davis recessed the meeting at 7:08 p.m. to Closed Session. City Attorney Ennis announced the Closed Session Item.

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Title: City Manager

CLOSED SESSION ANNOUNCEMENT

B. Direction was given with no reportable action

ADJOURNMENT

Meeting adjourned at 7:22 p.m. to the Regular meeting of the City Council on Monday October 21, 2013, at 6:00 p.m.

Respectfully Submitted,

Darlene Gerdes, City Clerk

Agenda Item No. 2

APPROVAL OF CITY COMMISSION MINUTES

There are no minutes ready for approval at this time



STAFF REPORT

CITY OF CALIMESA CITY COUNCIL MEETING

SUBJECT: Approval of Warrant Register

MEETING DATE: October 21, 2013

PRESENTED BY: Teresa Simmons, Accounting Coordinator

RECOMMENDATION: Staff requests that the City Council move to approve the Check Register Report.

SUMMARY: The attached Check Register Report for City Council's approval is as follows:

- a. Check Register Report with a total of \$319,547.00 (Check Nos. 27469 to 27505)
- b. October 10, 2013 Payroll of \$29,575.24 (Ck Nos. 6501 thru 6513)

Council Date - October 21, 2013

Accounts Payable - Checks # 27469 thru 27505

Fund Distribution Breakdown

General - Fund #01	\$	314,209.58
Supplemental Law Enforcement - Fund #14	\$	-
CDBG - Fund #15	\$	-
Park & Rec Grants - Fund #17	\$	-
Library - Fund #19	\$	-
AQMD - Fund #21	\$	-
Gas Tax - Fund #24	\$	1,804.57
Measure A - Fund #25	\$	-
LLMD - Fund #28	\$	3,532.85
Flood Control/Drainage - Fund 32	\$	-
Admin Facility Fees - Fund 33	\$	-
Traffic Improvement Fees - Fund 36	\$	-
TUMF - Fund 41	\$	-
MSHCP - Fund 42	\$	-
Successor Agency - Fund #67	\$	-
Payroll Clearing - Fund #99	\$	-
Grand Total	\$	319,547.00

Check Register Report

Check Number	Check Date	Vendor Name	Check Description	Amount	01	14	15	17	19	21	24	25	28	32	33	36	38	42	43	67	99	
27469	10/03/2013	ABSOLUTE CONTRACTORS, INC	Recycle Refund	1,153.80	X																	
27470	10/03/2013	ALLSTAR FIRE EQUIPMENT, INC	Thermal Imaging Camera	9,825.00	X																	
27471	10/03/2013	BANK OF AMERICA	Visa AUG-SEPT 13	936.11	X																	
27472	10/03/2013	BILL DAVIS	Cell Phone Reimb OCT 13	40.00	X																	
27473	10/03/2013	BURGESSON'S HEATING & AIR, INC.	Annual Maint	657.00	X																	
27474	10/03/2013	CALIMESA TIRES	4 Tires F350	580.00							X											
27475	10/03/2013	CALPERS	Health Premium OCT 13	116.07	X																	
27476	10/03/2013	COBB'S PRINTING, LLC	Business Cards	113.40	X																	
27477	10/03/2013	CR&R, INC.	Power Sweeping Svcs SEPT 13	805.00							X											
27478	10/03/2013	CSC-CONSULTANTS	IT Support	400.00	X																	
27479	10/03/2013	DANIELLE WREN	Scholarship	850.00	X																	
27480	10/03/2013	DAVID TURCH AND ASSOCIATES	Prof Consulting JUL-AUG 13	5,000.00	X																	
27481	10/03/2013	EASYPERMIT POSTAGE	Postage	600.00	X																	
27482	10/03/2013	ELLA ZANOWIC	Cell Phone Reimb OCT 13	40.00	X																	
27483	10/03/2013	JAYS QUALITY PEST CONTROL	Monthly Pest Control SEPT 13	90.00	X																	
27484	10/03/2013	JEFF HEWITT	Cell Phone Reimb OCT 13	40.00	X																	
27485	10/03/2013	JIM HYATT	Cell Phone Reimb OCT 13	40.00	X																	
27486	10/03/2013	JOYCE MCINTIRE	Medical Reimbursement	21.99	X																	
27487	10/03/2013	LOWES BUSINESS ACCOUNT	Supplies	112.59	X																	
27488	10/03/2013	MEGAN TOBIN-PETTY CASH	Petty Cash Receipts 636-641	235.62	X						X											
27489	10/03/2013	OFFICE DEPOT	Office Supplies	126.91	X																	
27490	10/03/2013	P & R PAPER SUPPLY CO., INC	Janitorial Supplies	219.20	X																	
27491	10/03/2013	PARSAC	Add'l Prem Liability & Wk Comp	2,701.00	X																	
27492	10/03/2013	PMC	Planning Dev Proj AUG 13	13,937.50	X																	
27493	10/03/2013	RANCHO PASEO MEDICAL GROUP	COP Physial-Acevedo & Fredrick	60.00	X																	
27494	10/03/2013	RICHARDS, WATSON & GERSHON	Legal Services AUG 13	23,454.19	X																	
27495	10/03/2013	RIVERSIDE COUNTY FIRE DEPT	Fire Protection APR-JUN 13	219,866.38	X																	
27496	10/03/2013	SIEMENS INDUSTRY INC	Traffic Signal Maint AUG 13	345.20							X											
27497	10/03/2013	SOUTH MESA WATER	Water Service AUG-SEPT 13	50.00									X									
27498	10/03/2013	SOUTHERN CALIFORNIA EDISON	Electric Svc SEPT 13	6,383.14	X								X									
27499	10/03/2013	TKE ENGINEERING, INC.	Inspections JUL-AUG 13	24,819.58	X																	
27500	10/03/2013	VERIZON CALIFORNIA	Phone Service SEPT 13	487.78	X																	
27501	10/03/2013	VERIZON WIRELESS	Wireless Service SEPT 13	220.13	X																	
27502	10/03/2013	YUCAIPA VALLEY WATER DISTRICT	Water Service SEPT 13	231.66	X								X									
27503	10/10/2013	CITY OF BANNING	State of the City	39.00	X																	
27504	10/10/2013	SOCAL CODE SERVICES, INC	Code Enforcement	2,400.00	X																	
27505	10/10/2013	THE HOLLIMAN COMPANY	Finance Svcs	2,548.75	X																	
Total Checks - 37				319,547.00																		

See Fund Distribution Report for funding source description.

Payroll Net Pay / Net Liability / Benefit Breakdown**Pay Period 30 - Pd October 10, 2013**

September 21 - October 10, 2013

Checks 6501- 6513

	Employee	Employer	Total
FWT	\$ 3,069.59		\$ 3,069.59
FICA	\$ -	\$ -	\$ -
Medicare	\$ 339.80	\$ 339.80	\$ 679.60
SWT	\$ 978.61		\$ 978.61
SDI	\$ 177.24		\$ 177.24
Deferred Compensation	\$ 768.79		\$ 768.79
Loan Deduction	\$ 742.37		\$ 742.37
Benefit Deduction	\$ 1,162.50		\$ 1,162.50
Misc Deduction	\$ 28.34		\$ 28.34
VEBA	\$ 400.00		\$ 400.00
PERS Retirement		\$ 4,297.83	\$ 4,297.83
Subtotal	\$ 7,667.24	\$ 4,637.63	\$ 12,304.87
Net Payroll	\$ 17,270.37		\$ 17,270.37
Gross Payroll	\$ 24,937.61	\$ 4,637.63	\$ 29,575.24
Benefit Expenditures			
Salary Expense		\$ 24,937.61	
Employer Payroll Cost		\$ 4,637.63	
Total Payroll Cost			\$ 29,575.24

Agenda Item No. 4

**WAIVE FULL READING OF ANY PROPOSED
ORDINANCES ON THE AGENDA**

This permits reading the title only in lieu of reciting the entire text of the Ordinances. This does not take policy action on the Ordinances or approve or disapprove any Ordinances on the agenda.

Agenda Item No. 5



STAFF REPORT

**CITY OF CALIMESA
CITY COUNCIL MEETING**

SUBJECT: Travel Expenses
MEETING DATE: October 21, 2013
PRESENTED BY: Teresa Simmons, Accounting Coordinator

RECOMMENDATION: That the City Council move to approve the Travel Expenses Report.

SUMMARY: The attached Travel Expenses Report for City Council's approval is as follows:

- a. Thru September 2013 Council Member Travel Expenses

COUNCIL TRAVEL EXPENSES

JOYCE MCINTIRE - TRAVEL EXPENSES						
	TRAVEL/TRAINING - 01-1100-7585					
DATE	DESCRIPTION	AMOUNT				
3-Oct	LoCC Airfare	\$227.40				
	TOTAL TRAVEL/TRAINING EXPENSES				\$227	
	REMAINING BALANCE				\$1,173	

BILL DAVIS - TRAVEL EXPENSES						
	TRAVEL/TRAINING - 01-1100-7585					
DATE	DESCRIPTION	AMOUNT				
	TOTAL TRAVEL/TRAINING EXPENSES				\$0.00	
	REMAINING BALANCE				\$1,650.00	

JIM HYATT - TRAVEL EXPENSES						
	TRAVEL/TRAINING - 01-1100-7585					
DATE	DESCRIPTION	AMOUNT				
3-Oct	WRCOG Expo	\$25.00				
	TOTAL TRAVEL/TRAINING EXPENSES				\$25.00	
	REMAINING BALANCE				\$1,375	

JEFF HEWITT - TRAVEL EXPENSES						
	TRAVEL/TRAINING - 01-1100-7585					
DATE	DESCRIPTION	AMOUNT				
10-Oct	State of the City-Banning	\$13.00				
	TOTAL TRAVEL/TRAINING EXPENSES				\$13.00	
	REMAINING BALANCE				\$1,387.00	

COUNCIL TRAVEL EXPENSES

ELLA ZANOWIC - TRAVEL EXPENSES							
TRAVEL/TRAINING - 01-1100-7585							
DATE	DESCRIPTION	AMOUNT	DATE				
8-Jul	LoCC General Meeting	\$35.00					
5-Aug	LoCC Conference	\$475.00					
22-Aug	Travel Reimb.	\$260.30					
10-Oct	State of City - Banning	\$13.00					
TOTAL TRAVEL/TRAINING EXPENSES						\$783.30	
REMAINING BALANCE						\$616.70	



Agenda Item No. 6

STAFF REPORT

CITY OF CALIMESA CITY COUNCIL MEETING

SUBJECT: Award of Contract for a Subcontractor for Lead-Based Paint and Asbestos Testing & Consulting Services

MEETING DATE: October 21, 2013

PRESENTED BY: Randy Anstine, City Manager

PREPARED BY: Shannon Andrews, Management Analyst

RECOMMENDATION: That the Council award the contract and enter into an agreement with Lead Tech Environmental to provide Lead-Based Paint and Asbestos Testing & Consulting Services for the City's HOME Program.

DISCUSSION AND SUMMARY: On April 10, 2013, the California Department of Housing & Community Development (HCD) awarded a fully-executed standard agreement for the HOME program to the City of Calimesa in the amount of \$508,000 for its Housing Rehabilitation Program. The Calimesa Housing Rehabilitation Program provides financial assistance for the rehabilitation of owner-occupied single family residences in the City. Deferred payment loans are offered at interest rates of 0% to 2% and terms up to 30 years. The loan proceeds can be used for improvements such as re-roofing, electrical, plumbing, and structural repairs needed to correct health and safety code violations and thereby eliminate substandard housing conditions. The program is operated Citywide and is limited to income qualified homeowners (i.e. low- to moderate-income homeowners).

Staff solicited a Request for Proposal on September 16, 2013 seeking complete proposals from qualified environmental firms to provide Lead-Based Paint and Asbestos Testing & Consulting Services. Proposals were received by October 3, 2013 from five firms: A-Tech Consulting, Inc.; HomeSafe Environmental, Inc.; Lead Tech Environmental; Patriot Environmental Laboratory Services, Inc.; and Pacific Environmental.

After reviewing the proposals, staff unanimously agreed that Lead Tech Environmental would best serve the City's needs for this particular task.

The Request for Proposal is attached to the Draft Lead Tech Environmental Consultant Agreement (Attachment A) as Exhibit A, along with the Lead Tech Environmental proposal as Exhibit B.

FISCAL IMPACT: Any costs charged from Lead Tech Environmental will be reimbursed from Calimesa's 24% activity delivery services for each project. There is no adverse impact to the General Fund or other City-operating funds as a result of adopting the recommended actions relative to the HOME program.

ATTACHMENTS:

Attachment A: Draft Lead Tech Environmental Consultant Agreement

**AGREEMENT FOR LEAD-BASED PAINT AND ASBESTOS
TESTING AND CONSULTING SERVICES BETWEEN THE CITY
OF CALIMESA AND LEAD TECH ENVIRONMENTAL**

THIS AGREEMENT is made and effective as of November 1, 2013, between the City of Calimesa, a California municipal corporation (“City”), a body corporate and politic, and Lead Tech Environmental (“Consultants”), a California corporation.

RECITALS

A. The City of Calimesa (“City”) has determined that it requires the services of Consultant to provide for Lead-Based Paint and Asbestos Testing and Consulting Services as outlined in a Request for Proposal, dated September 16, 2013 (Exhibit A).

B. On October 1, 2013, the Consultants submitted a proposal for services to provide Lead-Based Paint and Asbestos Testing and Consulting Services for the City’s owner-occupied housing rehabilitation program, attached as (Exhibit B).

C. Consultant represents that it has the experience, staff and capability to provide the type of outreach services necessary to assist the City in the accomplishment of the program.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. TERM.

This Agreement shall commence on November 1, 2013 and shall remain and continue in effect until tasks described herein are completed, but in no event later than January 31, 2016, unless sooner terminated pursuant to the provisions of this Agreement.

2. SERVICES.

Consultant shall perform the services and tasks described and set forth in the Request for Proposal in Exhibit A, attached hereto and incorporated herein as though set forth in full. Consultant shall complete the tasks according to their proposal, dated October 1, 2013, which is set forth in Exhibit B.

3. PERFORMANCE.

Consultant shall at all time faithfully, competently and to the best of its ability, experience, and talent perform all tasks described herein. Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing similar services as are required of Consultant hereunder in meeting its obligations under this Agreement.

4. PAYMENT.

A. The City agrees to pay Consultant after the completion of each job, in accordance with the Request for Proposal and the submitted Proposals as set forth in both Exhibits A and B attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. Costs shall not exceed the single family unit pricing as outlined in the Consultant's Proposal as Appendix 3.

B. Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement which are in addition to those set forth herein, unless such additional services are authorized in advance by the City and approved in writing by the City Manager.

C. Consultant will submit an invoice after the completion of each job for actual services performed. Payment shall be made within thirty (30) days of receipt of each invoice as to all non-disputed fees. If the City disputes any of Consultant fees, it shall give written notice to Consultant within 30 days of receipt of an invoice of any disputed fees set forth on the invoice.

5. SUSPENSION OR TERMINATION OF AGREEMENT WITHOUT CAUSE.

A. Either party may at any time, for any reason, with or without cause, suspend or terminate this Agreement, or any portion hereof, by serving upon the other party at least thirty (30) days prior written notice. Upon receipt of said notice from City, Consultant shall immediately cease all work under this Agreement, unless the notice provides otherwise. If the City suspends or terminates a portion of this Agreement such suspension or termination shall not make void or invalidate the remainder of this Agreement.

B. In the event this Agreement is terminated pursuant to this Section, the City shall pay to Consultant the actual value of the work performed up to the time of termination, provided that the work is performed in accordance with this Agreement. Upon termination of the Agreement pursuant to this Section, Consultant will submit an invoice to the City pursuant to Section 4.

6. DEFAULT OF CONSULTANT.

A. Consultant's failure to comply with the provisions of this Agreement shall constitute a default. In the event that Consultant is in default for cause under the terms of this Agreement, the City shall have no obligation or duty to continue compensating Consultant for any work performed after the date of default and can terminate this Agreement immediately by written notice to Consultant. If such failure by Consultant to make progress in the performance of work hereunder arises out of causes beyond Consultant's control, and without fault or negligence of Consultant, it shall not be considered a default.

B. If the City Manager or his delegate determines that Consultant is in default in the performance of any of the terms or conditions of this Agreement, it shall serve Consultant with written notice of the default. Consultant shall have (10) days after service upon it of said notice in which to cure

the default by rendering a satisfactory performance, approval of which shall not be unreasonably withheld. In the event that Consultant fails to cure its default within such period of time, the City shall have the right, notwithstanding any other provision of this Agreement, to terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement.

7. OWNERSHIP OF DOCUMENTS.

A. Consultant shall maintain complete and accurate records with respect to sales, costs, expenses, receipts and other such information required by the City that relate to the performance of services under this Agreement. Consultant shall maintain adequate records of services provided in sufficient detail to permit an evaluation of services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible. Consultant shall provide free access to the representatives of the City or its designees at reasonable times to such books and records, shall give the City the right to examine and audit said books and records, shall permit the City to make transcripts therefrom as necessary, and shall allow inspection of all work, data, documents, proceedings and activities related to this Agreement. Such records, together with supporting documents, shall be maintained for a period of three (3) years after receipt of final payment.

B. Upon completion of, or in the event of termination or suspension of this Agreement, all original documents, designs, drawings, maps, models, computer files containing data generated for the work, surveys, notes, and other documents prepared in the course of providing the services to be performed pursuant to this Agreement shall become the sole property of the City and may be used, reused or otherwise disposed of by the City without the permission of Consultant. With respect to computer files containing data generated for the work, Consultant shall make available to the City, upon reasonable written request by the City, the necessary computer software and hardware for purposes of accessing, compiling, transferring and printing computer files.

C. Consultant shall not be held liable for any modification or re-use of the City-owned materials for purposes outside of this Agreement.

8. INDEMNIFICATION.

A. Indemnity for Professional Services. In connection with its professional services, Consultant shall defend, hold harmless and indemnify the City and City, and their elected officials, officers, employees, servants, designated volunteers, and agents serving as independent contractors in the role of City or City officials, (collectively, "Indemnitees"), from any claim, demand, damage, liability, loss, cost or expense (collectively, "claims"), including but not limited to death or injury to any person and injury to any property, to the extent caused by the negligence, recklessness, or willful misconduct of Consultant or any of its officers, employees, subcontractors, or agents in the performance of its professional services under this Agreement. Consultant shall defend the Indemnitees in any action or actions filed in connection with such claims with counsel mutually acceptable to the parties, and shall pay all costs and expenses, including reasonable attorney's fees, incurred in connection with such defense.

B. Other Indemnities. In connection with all claims not covered by Paragraph A, Consultant shall defend, hold harmless and indemnify the City and City, and their elected officials, officers, employees, servants, designated volunteers, and agents serving as independent contractors in the role of the City or City officials, (collectively, "Indemnitees"), from any claim, demand, damage, liability, loss, cost or expense (collectively, "claims"), including but not limited to death or injury to any person and injury to any property, caused by Consultant's performance of this Agreement. Consultant shall defend Indemnitees in any action or actions filed in connection with such claims with counsel mutually acceptable to the parties, and shall pay all costs and expenses, including reasonable attorney's fees, incurred in connection with such defense.

9. INSURANCE REQUIREMENTS.

Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the work hereunder by Consultant, its agents, representatives, or employees.

A. Minimum Scope of Insurance. Coverage shall be at least as broad as:

- 1) Insurance Services Office Commercial General Liability Form No. CG 00 01 11 85 or 88.
- 2) Insurance Services Office Business Auto Coverage form CA 00 01 06 92 covering Automobile Liability, code 1 (any auto). If Consultant owns no automobiles, a non-owned auto endorsement to the General Liability policy described above is acceptable.
- 3) Worker's Compensation insurance as required by the State of California and Employer's Liability Insurance. If Consultant has no employees while performing under this Agreement, worker's compensation insurance is not required, but Consultant shall execute a declaration that it has no employees.
- 4) Professional Liability Insurance shall be written on a policy form providing professional liability for Consultant's profession.

B. Minimum Limits of Insurance. Consultant shall maintain limits no less than:

- 1) General Liability: One million dollars (\$1,000,000) per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
- 2) Automobile Liability: One million dollars (\$1,000,000) per accident for bodily injury and property damage.

- 3) Worker's Compensation as required by the State of California; Employer's Liability: One million dollars (\$1,000,000) per accident for bodily injury or disease.
- 4) Professional Liability coverage: One million dollars (\$1,000,000) per claim and in aggregate.

C. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions, beyond the Fifty-thousand dollar (\$50,000) deductible on the professional liability insurance already disclosed by Consultant, must be declared to and approved by the City Manager. At the option of the City Manager, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials, employees and designated volunteers; or Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

D. Other Insurance Provisions. The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

- 1) The City, its officers, officials, employees and designated volunteers are to be covered as insured's as respects: liability arising out of activities performed by or on behalf of Consultant; products and completed operations of Consultant; premises owned, occupied or used by Consultant; or automobiles owned, leased, hired or borrowed by Consultant. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, employees or designated volunteers.
- 2) For any claims related to this project, Consultant's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and designated volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or designated volunteers shall be in excess of Consultant's insurance and shall not contribute to it.
- 3) Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the City, its officers, officials, employees or designated volunteers.
- 4) Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
- 5) The Consultant's insurance policies required by this Agreement shall contain 30-day notice provisions to Consultant for non-renewal and cancellation except for cancellation due to nonpayment of premium in which a 10-day notice to Consultant shall apply. Consultant shall provide advance written notice to City for any change in insurance specified in this section which would not be provided directly to the City by the insurance carrier.

E. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City. Self insurance shall not be considered to comply with these insurance requirements.

F. Verification of Coverage. Consultant shall furnish the City with certificates of insurance effecting coverage required by this clause. The certificates are to be signed by a person authorized by that insurer to bind coverage on its behalf. Upon the City's request, Consultant shall provide complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by this Section.

10. INDEPENDENT CONTRACTOR.

A. Consultant is and shall at all times remain as to the City and City a wholly independent contractor. The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither the City or City nor any of their officers, employees, agents, or volunteers shall have control over the conduct of Consultant or any of Consultant's officers, employees, or agents except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that it or any of its officers, employees or agents are in any manner officers, employees or agents of the City or City. Consultant shall not incur or have the power to incur any debt, obligation or liability whatever against the City or City, or bind the City or City in any manner.

B. No employee benefits shall be available to Consultant in connection with the performance of this Agreement. Except for the fees paid to Consultant as provided in the Agreement, the City shall not pay salaries, wages, or other compensation to Consultant for performing services hereunder for the City. The City shall not be liable for compensation or indemnification to Consultant for injury or sickness arising out of performing services hereunder.

C. City agrees that City shall not, during the term of this Agreement, nor for a period of one year after termination, solicit for employment, hire or retain, whether as an employee or independent contractor, any person who is or has been employed by Consultant. Should City desire to hire Consultant's employee, City agrees to pay Consultant equitable compensation for the loss of said employee.

11. LEGAL RESPONSIBILITIES.

Consultant shall use the standard of care of its profession to keep itself informed of all applicable local, State and Federal ordinances, laws and regulations which in any manner may affect those employed by it or in any way affect the performance of its service pursuant to this Agreement. Consultant shall observe and comply with all such ordinances, laws and regulations. The City and its officers and employees, shall not be liable at law or in equity occasioned by failure of Consultant to comply with this section. If a conflict between such ordinances, laws and regulations arises, thereby causing Consultant to not comply with the terms of this section, Consultant will immediately advise City of the situation in writing at which time both parties shall work together to seek resolution and City will not interpret such conflict as a breach of this Agreement by Consultant.

12. RELEASE OF INFORMATION.

A. All information gained by Consultant in performance of this Agreement shall be considered confidential and shall not be released by Consultant without the City's prior written authorization. Consultant, its officers, employees, agents or subcontractors, shall not without written authorization from the City Manager or unless requested by the City Council, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement or relating to any project or property located within the City. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives the City notice of such court order or subpoena.

B. Consultant shall promptly notify the City should Consultant, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed there under or with respect to any project or property located within the City. The City retains the right, but has no obligation, to represent Consultant and/or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with the City and to provide the City with the opportunity to review any response to discovery requests provided by Consultant. However, the City's right to review any such response does not imply or mean the right by the City to control, direct, or rewrite said response.

13. NOTICES.

Any notices which either party may desire to give to the other party under this Agreement must be in writing and may be given either by (i) personal service, (ii) delivery by a reputable document delivery service, such as but not limited to Federal Express, that provides a receipt showing date and time of delivery, or (iii) mailing in the United States Mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below or at any other address as that party may later designate by Notice. Notice shall be effective upon delivery to the addresses specified below or on the third business day following deposit with the document delivery service or United States Mail as provided above.

To City: City of Calimesa
908 Park Avenue
Calimesa, California 92320
Attention: Randy Anstine, City Manager

To Consultant: Lead Tech Environmental
2348 Camino Robledo
Carlsbad, California 92209
Attention: Steven Denzler, Principle

14. ASSIGNMENT.

Consultant shall not assign the performance of this Agreement, nor any part thereof, nor any monies due hereunder, without prior written consent of the City. Upon termination of this Agreement, Consultant's sole compensation shall be payment for actual services performed up to, and including, the date of termination or as may be otherwise agreed to in writing between the City and Consultant.

15. LICENSES.

At all times during the term of this Agreement, Consultant shall have in full force and effect, all licenses required of it by law for the performance of the services described in this Agreement.

16. GOVERNING LAW.

The City and Consultant understand and agree that the laws of the State of California shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and also govern the interpretation of this Agreement. Any litigation concerning this Agreement shall take place in the municipal, superior, or federal district court with geographic jurisdiction over the City of Calimesa. In the event such litigation is filed by one party against the other to enforce its rights under this Agreement, the prevailing party, as determined by the Court's judgment, shall be entitled to reasonable attorney fees and litigation expenses for the relief granted.

17. PROHIBITED INTEREST.

No officer, or employee of the City or City shall have any financial interest, direct or indirect, in this Agreement, the proceeds thereof, Consultant, or Consultant's sub-contractors for this project, during his/her tenure or for one year thereafter. Consultant hereby warrants and represents to the City that no officer or employee of the City or City has any interest, whether contractual, non-contractual, financial or otherwise, in this transaction, or in the business of Consultant or Consultant's sub-contractors on this project. Consultant further agrees to notify the City in the event any such interest is discovered whether or not such interest is prohibited by law or this Agreement.

18. ENTIRE AGREEMENT.

This Agreement contains the entire understanding between the parties relating to the obligations of the parties described in this Agreement. All prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged into this Agreement and shall be of no further force or effect. Each party is entering into this Agreement based solely upon the representations set forth herein and upon each party's own independent investigation of any and all facts such party deems material. In the event of a conflict between the provisions of this Agreement and the exhibits hereto, the text of this Agreement shall prevail.

19. AUTHORITY TO EXECUTE THIS AGREEMENT.

The person or persons executing this Agreement on behalf of Consultant warrants and represents that he or she has the authority to execute this Agreement on behalf of Consultant and has the authority to bind Consultant to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF CALIMESA

Randy Anstine
City Manager

ATTEST:

Darlene Gerdes,
City Clerk

Lead Tech Environmental

By: _____
Name:
Title: President

By: _____
Name:
Title:

**EXHIBIT A & EXHIBIT B
OF THIS AGREEMENT ARE AVAILABLE IN THE
CITY CLERK'S OFFICE FOR YOUR CONVENIENCE**



STAFF REPORT

CITY OF CALIMESA CITY COUNCIL MEETING

SUBJECT: 4th Street Community Park - Authorization to Award Contract

MEETING DATE: October 21, 2013

PREPARED BY: Michael Thornton, City Engineer

RECOMMENDATION:

1. Authorize the City Manager to execute contract with Hamel Contracting in the amount of \$1,911,689.28 for construction of the 4th Street Community Park Improvements.
2. Authorize the City Manager to execute minor contract change orders within a ten percent contingency of the contract in the amount of \$191,168.93.
3. Authorize staff to transfer an additional \$50,000 from Park Improvement Development Impact Fee (Fund # 39) to the project.

BACKGROUND: On November 7, 2006, California voters passed Proposition 84. The \$5.4 billion "Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006" (Proposition 84) is detailed in the Public Resources code §§75001 through 75090. Funding for this \$368 million grant program was made available through the Sustainable Communities and Climate Change Reduction chapter in Proposition 84 (Public Resources Code Division 43, Chapter 9, §75065 (b) (1-5). The enabling legislation for this grant program is set forth in Public Resources Code §§5640 through 5653. This program will award grants on a competitive basis for the creation of new parks and new recreation opportunities in proximity to the most critically underserved communities across California.

The City was awarded a grant of \$2.8 million by the State of California Department of Parks and Recreation through the Sustainable Communities and Climate Change Reduction Program outlined by Proposition 84. Design of the park improvement project is complete.

On February 23, 2011, Council awarded JDC Landscape Architects in the amount of \$145,540.00 to prepare a park study needs assessment and to prepare designs for construction of the community park. Several amendments to the contract were approved adjusting the final total contract amount to \$220,915.00.

On May 20, 2013, the Council authorized the circulation of the Notice Inviting Bids for the park project. On October 3, 2013, the City received the following bids:

<u>Contractor</u>	<u>Base Bid</u>
1. Hamel Contracting Inc., Murrieta	\$1,911,689.28
2. Avi-Con, Inc., Riverside	\$2,137,000.00
3. Young Contractors, Inc., Riverside	\$2,205,572.95
4. Environmental Construction, Inc., Woodland Hills,	\$2,535,740.95
5. Kasa Construction, Ontario	\$2,227,536.40
6. PUB Construction, Inc., Diamond Bar	\$2,592,026.35
7. Horizons Construction Company International, Anaheim	\$2,242,101.78

Engineer's Estimate of construction cost is \$2,000,000. Staff has reviewed the bidding documents and determined that Hamel Contracting's bid is in order. In addition, staff has reviewed Hamel Contracting previous performance with provided references and received satisfactory responses. Construction is scheduled for completion 100 working days after the Notice to Proceed with construction.

On October 8, 2013, the City received a bid protest from KASA Construction, one of the bidders. They claimed that the City failed to include required Davis Bacon Federal prevailing wage determination creating "an unfair playing field". The contract documents include reference to both Federal and State wage determinations and indicate that the higher of the rates shall prevail. Staff further reviewed both wage determinations and found that all project wage rates for the State are greater than the federal rates and therefore have not impacted bid amounts.

FISCAL IMPACT: As indicated above, the City received a Proposition 84 grant in the amount of \$2.8 million and on June 19, 2013, Council Approved the '13-'14 CIP that included \$50,000 budget from Fund # 39 to the project. Staff is requesting an additional \$50,000 from Fund # 39 to complete the project.

ATTACHMENTS:

Attachment A: Contract Agreement

**CITY OF CALIMESA
CONTRACT AGREEMENT**

**FOR
4TH STREET COMMUNITY PARK
IN THE CITY OF CALIMESA**

This Contract Agreement is made and entered into for the above-stated project this _____ day of _____, 20____, BY AND BETWEEN the City of Calimesa, as CITY, and _____, as CONTRACTOR, Inc., as known herein as CONTRACTOR.

WITNESSETH that CITY and CONTRACTOR have mutually agreed as follows:

ARTICLE I

The contract documents for the aforesaid project shall consist of the Notice Inviting Sealed Bids, Instructions to Bidders, Proposal, General Specifications, Standard Specifications, Special Provisions, Plans, and all referenced specifications, details, standard drawings, and appendices; together with this Contract Agreement and all required bonds, insurance certificates, permits, notices, and affidavits; and also including any and all addenda or supplemental agreements clarifying, or extending the work contemplated as may be required to ensure its completion in an acceptable manner. All of the provisions of said contract documents are made a part hereof as though fully set forth herein.

ARTICLE II

For and in consideration of the payments and agreements to be made and performed by CITY, CONTRACTOR agrees to furnish all materials and perform all work required for the above-stated project, and to fulfill all other obligations as set forth in the aforesaid contract documents.

ARTICLE III

CONTRACTOR agrees to receive and accept the prices set forth in the Proposal as full compensation for furnishing all materials, performing all work, and fulfilling all obligations hereunder. Said compensation shall cover all expenses, losses, damages, and consequences arising out of the nature of the work during its progress or prior to its acceptance, including those for well and faithfully completing the work and the whole thereof in the manner and time specified in the aforesaid contract documents; and also including those arising from actions of the elements, unforeseen difficulties or obstructions encountered in the prosecution of the work, suspension or discontinuance of the work, and all other unknowns or risks of any description connected with the work.

ARTICLE IV

CITY hereby promises and agrees to employ, and does hereby employ, CONTRACTOR to provide the materials, do the work and fulfill the obligations according to the terms and conditions herein contained and referred to, for the prices aforesaid, and hereby contracts to pay the same at the time, in the manner, and upon the conditions set forth in the contract documents.

ARTICLE V

CONTRACTOR acknowledges the provisions of the California State Labor Code requiring every employer to be insured against liability for worker's compensation, or to undertake self-insurance in accordance with the provisions of that Code and certifies compliance with such provisions. Contractor further acknowledges the provisions of the California State Labor Code requiring every employer to pay at least the minimum prevailing rate of per diem wages for each craft classification or type of workman needed to execute this contract as determined by the Director of Labor Relations of the State of California.

ARTICLE VI

CONTRACTOR agrees to indemnify, defend, and hold harmless CITY and all of its officers and agents from any claims, demand or causes of action, including related expenses, attorney's fees, and costs, based on, arising out of, or in any way related to the work undertaken by CONTRACTOR hereunder.

ARTICLE VII

CONTRACTOR affirms that the signatures, titles, and seals set forth hereinafter in execution of this Contract Agreement represent all individuals, firm members, partners, joint venturers, and/or corporate officers having principal interest herein.

IN WITNESS WHEREOF the parties hereto for themselves, their heirs, executors, administrators, successors, and assigns do hereby agree to the full performance of the covenants herein contained and have caused this Contract Agreement to be executed in triplicate by setting hereunto their names, titles, hands, and seals this _____ day of _____, 20__.

CONTRACTOR: _____

(Title)

Contractor's License No. _____ Class _____

CITY Business License No. _____

Federal Tax Identification No. _____

Subscribed and sworn to this _____ day of _____, 20__.

NOTARY PUBLIC _____

CITY: _____, Date: _____
Mayor of the City of Calimesa

Attested _____, Date: _____
City Clerk of the City of Calimesa

Approved as to form _____, Date: _____
City Attorney of the City of Calimesa

FAITHFUL PERFORMANCE BOND

**FOR
4TH STREET COMMUNITY PARK
IN THE CITY OF CALIMESA**

KNOW ALL MEN BY THESE PRESENTS that _____, as CONTRACTOR and _____, as SURETY, are held and firmly bound unto the City of Calimesa, as CITY, in the penal sum of _____ Dollars (\$ _____), which is 100 percent of the total contract amount for the above-stated project, for the payment of which sum, CONTRACTOR and SURETY agree to be bound, jointly and severally, and firmly by these presents.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH that, whereas CONTRACTOR has been awarded and is about to enter into the annexed Contract Agreement with CITY for the above-stated project, if CONTRACTOR faithfully performs and fulfills all obligations under the contract documents in the manner and time specified therein, then this obligation shall be null and void, otherwise it shall remain in full force and effect in favor of CITY; provided that any alterations in the obligations or time for completion made pursuant to the terms of the contract documents shall not in any way release either CONTRACTOR or SURETY, and notice of such alterations is hereby waived by SURETY.

IN WITNESS WHEREOF the parties hereto have set their names, titles, hands, and seals this _____ day of _____, 20____.

CONTRACTOR* _____

SURETY* _____

Subscribed and sworn to this ____ day of _____, 20_____.

NOTARY PUBLIC _____

* Provide CONTRACTOR/SURETY name, address, and telephone number and the name, title, address, and telephone number of authorized representative.

MATERIAL AND LABOR BOND

**FOR
4TH STREET COMMUNITY PARK
IN THE CITY OF CALIMESA**

KNOW ALL MEN BY THESE PRESENTS that _____, as
CONTRACTOR, and _____, as
SURETY, are held firmly bound unto the City of Calimesa, as CITY, in the penal sum of _____ Dollars (\$ _____),

which is 100 percent of the total contract amount for the above-stated project, for payment of which sum, CONTRACTOR and SURETY agree to be bound, jointly and severally, and firmly by these presents.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH that, whereas CONTRACTOR has been awarded and is about to enter into the annexed Contract Agreement with CITY for the above-stated project, if CONTRACTOR or any subcontractor fails to pay for any labor or material of any kind used in the performance of the work to be done under said contract, or fails to submit amounts due under the California State Unemployment Insurance Act with respect to said labor, SURETY will pay for the same in an amount not exceeding the sum set forth above, which amount shall inure to the benefit of all persons entitled to file claims under the California State Code of Civil Procedures; provided that any alterations in the work to be done, materials to be furnished, or time for completion made pursuant to the terms of the contract documents shall not in any way release either CONTRACTOR or SURETY, and notice of said alterations is hereby waived by SURETY.

IN WITNESS WHEREOF the parties have set their names, titles, hands, and seals this day of _____, 20__.

CONTRACTOR* _____

SURETY* _____

Subscribed and sworn to this ___ day of _____, 20__.

NOTARY PUBLIC _____

* Provide CONTRACTOR/SURETY name, address, and telephone number and the name, title, address, and telephone number for authorized representative.

COMPENSATION INSURANCE CERTIFICATE

Pursuant to Section 1861 of the State Labor Code, each Contractor to whom a public works contract has been awarded shall sign the following certificate and shall submit same to the City of Calimesa prior to performing any work on this contract:

I am aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for worker's compensation or to undertake self-insurance in accordance with the provisions of that code, and I shall comply with such provisions before commencing the performance of the work of this contract.

Contractor

By _____

Title

Date



Agenda Item No. 8

STAFF REPORT

CITY OF CALIMESA CITY COUNCIL MEETING

SUBJECT: AMENDMENTS TO THE POWERS AND DUTIES OF THE COMMUNITY SERVICES COMMISSION; and

ORDINANCE NO. 327 AN ORDINANCE OF THE CITY OF CALIMESA AMENDING THE POWERS AND DUTIES OF THE COMMUNITY SERVICES COMMISSION, AND AMENDING THE CALIMESA MUNICIPAL CODE; and

REACTIVATION OF THE COMMUNITY SERVICES COMMISSION; and

OVERSIGHT OF SENIOR CENTER OPERATIONS

MEETING DATE: October 21, 2013

PREPARED BY: Randy Anstine, City Manager
Kevin G. Ennis, City Attorney
Darlene Gerdes, City Clerk

RECOMMENDATION: It is recommended that the City Council:

- (1) Introduce first reading by title only, Ordinance No. 327 - An Ordinance of the City of Calimesa Amending the Powers and Duties of the Community Services Commission, and Amending the Calimesa Municipal Code; and
- (2) Reactivate the Community Services Commission for the purposes of: (a) having the Commission appoint two of its members to meet with a two-member ad hoc committee of the City Council to continue with mediation efforts as directed by the City Council, and (b) permitting the Commission to later act upon other mediation related solutions as determined and directed by the City Council and when specified by City staff; and (c) subsequently, the Commission would be permitted to work on and discuss other matters of business at the conclusion of the mediation discussion and upon reaching an understanding and acceptance by the Commission members of the scope and parameters of the Commission's authority.

DISCUSSION: At the July 1, 2013 meeting of the City Council, an item was placed on the City Council agenda for discussion at the request of several Councilmembers so as to allow the City Council to consider options for addressing volunteer oversight of Senior Center operations.

Several options were provided at that meeting for consideration by the City Council. The final action taken by the City Council at that meeting was to temporarily suspend the operations of both the Community Services Commission and the Senior Advisory Committee until an outside mediator has reviewed the situation and the City Council decides on the next steps to take.

City Manager Anstine entered into an agreement with a mediator to conduct a review of the various disputes involving the operations of the Commission, the Committee, the Senior Center and other matters. Individual interviews were held between the mediator and each member of the City Council, each member of the Community Services Commission and members of staff.

1. Amendments to Powers and Duties of Community Services Commission

Upon conclusion of the initial investigative and mediation procedures, the mediator has informed the City Manager that he recommends that two initial steps be taken. First, for the City Council to clarify and amend the powers and duties of the Community Services Commission through the adoption of an Ordinance to amend the Calimesa Municipal Code.

The recommendation is for the oversight of the Senior Center and its operation should be addressed by staff and through an amendment of the City's Agreement with FSA rather than through the Community Services Commission. The proposed Code amendment would follow-through on this recommendation by eliminating the Community Services Commission's role in the operation of the Norton Younglove Senior Center and in programs for Seniors. It would also clarify that new or reactivated ad hoc, standing or other Committees cannot be formed by the Community Services Commission without the prior and express approval of the City Council.

2. Reactivation of the Community Services Commission

The mediator's second initial recommended action is for the City Council to reactivate the Community Services Commission for the purpose of: (a) having the Commission appoint two of its members to meet with a two-member ad hoc committee of the City Council to continue with mediation efforts as directed by the City Council, (b) permitting the Commission to later act upon other mediation related solutions as determined and directed by the City Council and when specified by City staff; and (c) subsequently, the Commission would be permitted to work on and discuss other matters of business at the conclusion of the mediation discussion and upon reaching an understanding and acceptance by the Commission members of the scope and parameters of the Commission's authority. Once that process has run its course, and the Council's implementation of its direction has occurred, the Commission may commence establishing agendas to address regular items of business.

3. Future Steps regarding Senior Center Oversight

The mediator has also suggested that revisions to the FSA Agreement be proposed to address the coordination of Senior Center volunteers and for FSA to make quarterly financial reporting to the City of income and expenses from fundraising activities at the Senior Center. The consideration of proposed amendments to the FSA Agreement and the negotiation of those amendments would occur as a separate action in the near future.

4. Other Changes to Commissions' Powers and Duties

In addition, a companion agenda item on this agenda is for the Council to review the duties and powers of all Commissions and to provide direction as to other potential changes to other Commission powers and duties. As part of that companion agenda item, the Council may want to consider providing new and additional categories of duties for the Community Services Commission that would be part of a separate and subsequent ordinance.

ATTACHMENTS

Attachment A: Draft Ordinance No. 327

ORDINANCE NO. 327

AN ORDINANCE OF THE CITY OF CALIMESA AMENDING THE POWERS AND DUTIES OF THE COMMUNITY SERVICES COMMISSION, AND AMENDING THE CALIMESA MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF CALIMESA DOES ORDAIN AS FOLLOWS:

SECTION 1. Purpose and Intent. The purposes of this Ordinance are to:

A. Update and revise the duties and powers of the Community Services Commission to re-focus the efforts of the Commission to parks and recreation programs and matters of historic preservation; and

B. To acknowledge and further implement the reorganization of the City's approach to providing services to seniors and the operation of the Norton Younglove Senior Center; and

C To revise the duties and powers of the Community Services Commission to exclude from those powers and duties, matters, issues, activities and contracts involving seniors and Norton Younglove Senior Center.

SECTION 2. Section 2.25.020 (Powers and Duties of the Community Services Commission) of Chapter 2.25 (Community Services Commission) of Title 2 (Administration and Personnel) of the Calimesa Municipal Code is hereby amended to read as follows:

“Section 2.25.020 Powers and Duties of the Community Services Commission.

A. Definitions.

1. For purposes of this Section, the term “community facilities” shall mean and include all types of park and recreation facilities but shall not include the Norton Younglove Senior Center.

2. For purposes of this Section, the term “park and recreation programs” shall mean and include all types of park and recreation programs except for programs specifically designed and provided for senior citizens.

B. The community services commission shall have the following powers and duties related to community facilities and park and recreational programs:

1. Recommend policies and procedures to the city council for the administration, operation, development, improvement and maintenance of community facilities, including parks, recreation facilities, and park and recreation programs within the city.

2. Recommend policies and procedures to the city council for the acquisition, development and improvement of community facilities, including parks and recreational facilities.

3. Review and, from time to time, make recommendations to the city council regarding fees and charges for community facilities, including park and recreational services and the use of community facilities.

4. Assist staff in drafting and submitting an annual budget for community facilities, including park and recreation activities, and including a long-range capital improvement program, methods of financing operations and acquisitions. Staff shall provide the commission information on available funds, committed funds, and projected income.

5. Review all joint use agreements for community facilities, including parks and recreational facilities, with school districts and other governmental agencies and report the results of such reviews with recommendations to the city council.

6. Review and recommend to the planning commission the development of open space and public facilities elements of the city's general plan and any amendments thereto.

7. Review and recommend to the planning commission, as requested by the City Council, the Planning Commission or City staff, the approval, conditional approval or disapproval of community facilities, including park and recreation facilities, or mitigations for proposed land divisions within the city.

C. Act as the historic and cultural preservation review authority for the city, as provided in California Government Code Section 37361, to promote the general and economic welfare of the city by providing oversight to the preservation and protection of those places, sites, buildings, structures, works of art and other objects having a special historical, cultural, aesthetic, paleontological, or archaeological character or interest for the use, education and view of the general public, and to remind all citizens of the city and visitors from elsewhere of the historical background of the city, as follows:

1. To act in an advisory capacity to the city council, the planning commission, city staff and other groups which the city council may designate in all matters pertaining to the culture, heritage and history of the city.

2. To receive and act upon applications from any interested persons to investigate and recommend to the city council

the designation of places, sites, buildings, structures, works of art and other objects within the city as having historical, cultural, aesthetic, paleontological, archaeological or special character or interest, and being worthy of consideration for protection, enhancement or perpetuation as such.

3. To promote awareness of and appreciation for the city's cultural and historical significance through the preservation and promotion of the cultural arts. The commission shall encourage the sponsorship of community events and activities which promote the history and culture of the city and shall assist community organizations and other city boards and commissions in undertaking such tasks.

4. To compile, keep and maintain a list of all sites, structures, persons, events, and landmarks which have cultural or historical significance or importance. Such list shall be submitted to the city council for its review. The commission shall notify the owner of any item on the list of any special requirements applicable to his or her property.

5. To implement and administer studies and plans relating to matters of historical, cultural, paleontological or archaeological significance and to make recommendations to the city council on the designation and creation of historical, cultural, paleontological, or archaeological sites and districts.

6. To include within the annual budget for commission activities a provision for financing cultural and historic preservation activities and capital projects designed to protect the cultural heritage of the city.

7. To review the city's general plan, and all proposed amendments thereto, and make recommendations to the planning commission regarding all matters within the purview of the commission's cultural and historic preservation functions.

8. To review the cultural impact of all proposed land divisions within the city and recommend approval, conditional approval or disapproval to the planning commission.

9. Investigate and report to the city council on the availability of federal, state, county, local and private funding sources and programs for the rehabilitation and preservation of cultural and historic resources.

D. Appoint one of its members as an ex officio member of the trails, open space and beautification commission.

E Perform such other duties and undertake such studies as may be directed by the city council.

F. The Community Services Commission shall not have the power to create any ad hoc or standing committee without the express prior approval of the city council. The Community Services Commission shall not establish, re-establish or otherwise form or reconstitute a Senior Advisory Committee or any other committee or group charged with providing services to senior citizens or making recommendations with respect to the operation of the Norton Yonglove Senior Center.”

SECTION 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance for any reason is held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity or the remaining portions of this ordinance. The City Council of the City of Calimesa hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions were to be declared invalid or unconstitutional.

SECTION 4. Effective Date; Publication.

This ordinance shall take effect thirty (30) days after its final passage, and within fifteen (15) days after its passage, the City Clerk shall cause this ordinance or a summary hereof to be published and/or posted as required by law and by the City's ordinances and resolutions.

INTRODUCED AND PASSED UPON FIRST READING by title only, upon the following vote, this 21st day of October:

AYES:

NOES:

ABSENT:

ABSTAIN:

PASSED, APPROVED AND ADOPTED this _____ day of _____ upon the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

WILLIAM DAVIS, MAYOR

ATTEST:

DARLENE GERDES, CITY CLERK

APPROVED AS TO FORM:

KEVIN G. ENNIS, CITY ATTORNEY



STAFF REPORT

CITY OF CALIMESA CITY COUNCIL MEETING

SUBJECT: REVIEW OF THE CURRENT CITY COMMISSIONS AND THEIR PURPOSE AND DUTIES AS ESTABLISHED IN THE CALIMESA MUNICIPAL CODE

MEETING DATE: October 21, 2013

PREPARED BY: Darlene Gerdes, City Clerk

RECOMMENDATION: That the City Council review the purpose and duties of the established City Commissions and provide direction to staff as appropriate.

BACKGROUND/DISCUSSION: The City of Calimesa currently has seven (7) established Commissions. A periodic review of the established Commissions is beneficial in determining whether their current purpose and duties are accomplishing the goals of the City and the City Council.

Staff has compiled the following history of each of the established commissions for your review:

Community Services Commission

Ordinance No. 93-4 established the "Parks and Recreation Commission", which originally consisted of seven (7) members. In 1999 the number of commissioners was reduced to five (5) members. In 2001 the "Parks and Recreation Commission" was changed to the Community Services Commission. The Historic Preservation Commission was disbanded and the Community Services Commission assumed their duties. The following duties of the Commission were approved by the City Council and have remained their duties since 2001:

- A. Recommend policies and procedures to the city council for the administration, operation, development, improvement and maintenance of community facilities, including parks, recreation facilities, and park and recreation programs within the city.
- B. Recommend policies and procedures to the city council for the acquisition, development and improvement of community facilities, including parks and recreational facilities.
- C. Review and, from time to time, make recommendations to the city council regarding fees and charges for community facilities, including park and recreational services and the use of community facilities.
- D. Assist staff in drafting and submitting an annual budget for community facilities, including park and recreation activities, and including a long-range capital improvement program, methods of financing operations and acquisitions. Staff shall provide the commission information on available funds, committed funds, and projected income.

E. Review all joint use agreements for community facilities, including parks and recreational facilities, with school districts and other governmental agencies and report the results of such reviews with recommendations to the city council.

F. Review and recommend to the planning commission the development of open space and public facilities elements of the city's general plan and any amendments thereto.

G. Review and recommend to the planning commission approval, conditional approval or disapproval of community facilities, including park and recreation facilities, or mitigations for proposed land divisions within the city.

H. Act as the historic and cultural preservation review authority for the city, as provided in California Government Code Section 37361, to promote the general and economic welfare of the city by providing oversight to the preservation and protection of those places, sites, buildings, structures, works of art and other objects having a special historical, cultural, aesthetic, paleontological, or archaeological character or interest for the use, education and view of the general public, and to remind all citizens of the city and visitors from elsewhere of the historical background of the city, as follows:

1. To act in an advisory capacity to the city council, the planning commission, city staff and other groups which the city council may designate in all matters pertaining to the culture, heritage and history of the city.

2. To receive and act upon applications from any interested persons to investigate and recommend to the city council the designation of places, sites, buildings, structures, works of art and other objects within the city as having historical, cultural, aesthetic, paleontological, archaeological or special character or interest, and being worthy of consideration for protection, enhancement or perpetuation as such.

3. To promote awareness of and appreciation for the city's cultural and historical significance through the preservation and promotion of the cultural arts. The commission shall encourage the sponsorship of community events and activities which promote the history and culture of the city and shall assist community organizations and other city boards and commissions in undertaking such tasks.

4. To compile, keep and maintain a list of all sites, structures, persons, events, and landmarks which have cultural or historical significance or importance. Such list shall be submitted to the city council for its review. The commission shall notify the owner of any item on the list of any special requirements applicable to his or her property.

5. To implement and administer studies and plans relating to matters of historical, cultural, paleontological or archaeological significance and to make recommendations to the city council on the designation and creation of historical, cultural, paleontological, or archaeological sites and districts.

6. To include within the annual budget for commission activities a provision for financing cultural and historic preservation activities and capital projects designed to protect the cultural heritage of the city.

7. To review the city's general plan, and all proposed amendments thereto, and make recommendations to the planning commission regarding all matters within the purview of the commission's cultural and historic preservation functions.

8. To review the cultural impact of all proposed land divisions within the city and recommend approval, conditional approval or disapproval to the planning commission.

9. Investigate and report to the city council on the availability of federal, state, county, local and private funding sources and programs for the rehabilitation and preservation of cultural and historic resources.

I. Appoint one of its members as an ex officio member of the trails, open space and beautification commission.

J. Perform such other duties and undertake such studies as may be directed by the city council.

The Community Services Commission meets on the 1st Wednesday of each month at 5:30 pm. The Commission met and held nine (9) meetings in the year 2012 and six (6) meetings in the year 2013.

Pursuant to a companion agenda item on this agenda, the Council will consider a revision to the duties of the Community Services Commission. The Council may want to consider further revising the Community Services Commission's duties in a second set of amendments if the duties of some other Commission are to be subsumed into the Community Services Commission.

Housing Advisory Appeals Board

The Housing Advisory Appeals Board was established in 1995 for the purpose of hearing and determining appeals of decisions and determinations made by the City's Building Official. This Board has been inactive since 2003. Staff will explore the possibility of eliminating this Commission and having appeals, if any, go to the Planning Commission or to the City Council.

Library Commission

The Library Commission was established in 1999 and consists of 5 members. The Commission's duties are as follows:

A. Recommend policies and procedures to the city council for the administration, operation, development and improvement of library facilities and programs within the city.

B. Recommend policies and procedures to the city council for the acquisition, location and function of libraries within the city.

C. Assist staff in drafting and submitting an annual budget for library activities and supplies, including a long-range capital improvement program, methods of financing operations and acquisitions.

D. Review all joint use agreements for library facilities with school districts and other governmental agencies and report the results of such reviews with recommendations to the city council.

E. Review and recommend to the city council the development of open space and public facilities elements of the city's general plan and any amendments thereto.

F. Review and recommend to the city council policies for library facilities or mitigations for proposed land divisions within the city.

G. Perform such other duties and undertake such studies as may be directed by the city council.

The Library Commission meets the 1st Tuesday of each month at 4:30 p.m. The Commission has met and held nine (9) meetings in the year 2012 and nine (9) meetings in the year 2013. There will be a need in the near future to review of the purpose and duties of the Library Commission, as the Friends of the Library have made the decision to disband and have requested that the Library Commission commence with the fundraising opportunities for the future library. The Friends of the Library remaining members have

expressed a desire to continue volunteering their time to assist the Library Commission with any fundraising activities.

Mobilehome Rent Stabilization Board

The Mobilehome Rent Stabilization Board was established in 1991 for the purpose of hearing applications submitted under the Mobile Home Rent Stabilization Ordinance for rent increases in Mobile Home Parks within the City of Calimesa. A review of this ordinance was completed in 2011 and staff is therefore recommending that this Board be left as is at this time. The Board has not met nor held a meeting since 2011.

Planning Commission

The Planning Commission was established in 1992 and consists of 5 members. The Planning Commission duties are adopted as follows:

- A. Prepare, periodically review, and revise as necessary the general plan.
- B. Implement the general plan through actions including, but not limited to, the administration of specific plans, zoning and subdivision ordinances.
- C. Annually review the capital improvement plan of the city and the local public works projects of other local agencies for their consistency with the general plan, pursuant to Title 7, Division 1, Chapter 3, Article 7 (commencing with Section 65400) of the Government Code.
- D. Endeavor to promote public interest in, comment on, and understanding of the general plan, and regulations relating to it.
- E. Consult and advise with public officials and agencies; public utility companies; civic, educational, professional, and other organizations; and citizens generally concerning implementation of the general plan.
- F. Promote the coordination of local plans and programs with the plans and programs of other public agencies.
- G. Perform such other functions as are required by the planning and zoning law and as may be provided by the city council, including conducting studies and preparing plans other than those required or authorized by the planning and zoning law. (Government Code Section 65103.)

The City is required, pursuant to State law, to have a Planning Agency with the powers necessary to carry out the purposes of the planning and zoning law. The Planning Commission functions to comply with this state law. Staff is therefore recommending that the Planning Commission be left as is at this time. The Planning Commission met and held six (6) meetings in 2012 and three (3) meetings in 2013.

Public Works & Safety

A Public Safety Commission was established in 1993 and a Waste Management Commission was established in 1994. In 2001 the Waste Management Commission was renamed to the Public Works Commission. In 2004 the Public Safety Commission and the Public Works Commission were combined and established as the Public Works and Safety Commission. The duties of the Commission are adopted as follows:

A. Recommend policies and procedures to the city council for the administration, operation, development, improvement and maintenance of all matters affecting public health, safety and welfare.

B. Recommend policies to the city council for the acquisition, development and improvement of facilities that will benefit the public health, safety and welfare of the residents of the city.

C. Review and, from time to time, make recommendations to the city council regarding fees and charges that may be imposed pursuant to Chapters 8.20 and 9.15 CMC, commencing with CMC 8.20.010 and 9.15.010.

D. Assist staff in drafting and submitting an annual budget for public health, safety and welfare activities, including a long-range capital improvement plan, methods of financing operations and acquisitions.

E. At the request of the city manager, review all joint powers agreements and contracts affecting public health, safety and welfare activities, including a long-range capital improvement plan, methods of financing operations and acquisitions.

F. At the request of the community development director, review the city's general plan, and all proposed amendments thereto, and make recommendations to the planning commission regarding matters affecting the public health, safety and welfare.

G. At the request of the community development director, review the public health, safety and welfare aspects of all proposed land divisions within the city and recommend approval, conditional approval or disapproval to the planning commission.

H. Recommend policies and procedures to the city council for the administration, operation, development and improvement of all waste management activities undertaken by the city, and for the implementation of AB 939 and subsequent related legislation, including, but not limited to, the following:

1. Review and, from time to time, make recommendations to the city council regarding fees and charges for the collection of solid waste and recyclable products from residential, commercial and industrial sources.

2. Assist staff in drafting and submitting an annual budget for waste management activities, including a long-range capital improvement program, methods of financing operations and acquisitions.

3. Monitor performance of the city's contracted or franchised waste hauler and make recommendations to the city council as required.

I. Review and, from time to time, make recommendations to the city council regarding public works and public works facilities, including a long-range capital improvement program, and methods of financing operations and acquisitions.

J. Perform such other duties and undertake such studies as may be directed by the city council.

The Public Works and Safety Commission meet the 1st Thursday of each month at 5:00 p.m. The Commission met and held five (5) meeting in 2012 and six (6) meetings in 2013. The general statement of powers and duties of this Commission is worded broadly to refer to the administration, operation, development, improvement and maintenance of all matters affecting the public health, safety and welfare. This statement is extremely broad and ambiguous and it may be helpful to revise this statement to be more precise and limited so as to provide better clarity and direction to the Commission.

Trails, Open Space and Beautification

The Trails, Open Space and Beautification Commission was established in 1999 and consists of five (5) members. The Trails, Open Space and Beautification Commission duties were approved as follows:

- A. Recommend policies and procedures to the city council for the administration, operation, development and improvement of trails, open space and beautification facilities and programs within the city.
- B. Recommend policies and procedures to the city council for trails and open space within the city.
- C. Review all joint use agreements with other governmental agencies and report the results of such reviews with recommendations to the city council.
- D. Review and recommend to the city council the development of open space in the city's general plan and any amendments thereto.
- E. Perform such other duties and undertake such studies as may be directed by the city council.

The Trails, Open Space and Beautification Commission meets the 2nd Tuesday of each month at 5:00 p.m. The Commission met and held two (2) meetings in 2012 and two (2) meetings in 2013.

The Rules of Procedure for City Commissions were adopted in 1998 by Resolution No. 98-26. A copy of those Rules is attached as Attachment B. Staff suggests that a review of these Rules of Procedure be considered by the City Council. It's staff desire to make the Rules of Procedure for the Commissions consistent with those of the City Council. City Council's rules were reviewed and adopted in 2008. Staff is currently working on an amended set of Commission rules of procedure for Council consideration at a future meeting. Any particular suggestions or comments from the Council regarding those Rules that the Council would like to make at this time will assist staff in completing its draft of the updated Rules.

ATTACHMENTS:

- Attachment A: Calimesa Municipal Code Sections 2.25 – 2.45 & 2.55
- Attachment B Rules of Procedure for City Commissions (Resolution No. 98-26)

Chapter 2.25 COMMUNITY SERVICES COMMISSION

Sections:

- 2.25.010 Community services commission created.
- 2.25.020 Powers and duties of the community services commission.
- 2.25.030 Community services commission staff.
- 2.25.040 Historic resource designation criteria and procedures.
- 2.25.050 Meetings of the community services commission.

2.25.010 Community services commission created.

A. There is hereby created and established a community services commission for the city, which shall consist of five members.

B. Each city council member shall appoint one person to the community services commission, which appointment shall not become effective until ratified by a majority vote of the city council. The person appointed shall be a resident of the city, shall act solely in the public interest, and shall serve for the term (or remainder thereof) of the city council member who appointed the commissioner or for the unexpired term of the former incumbent commissioner. The person appointed shall serve at the pleasure of the city council and may be removed without cause either: (1) at the request of the appointing city council member and with the majority vote of the city council; or (2) at the request of a city council member other than the appointing city council member and with a four-fifths vote of the city council. In the event the appointing council member does not complete his or her term of office, his or her replacement may remove any commissioner appointed by his or her predecessor without cause and without the approval of the city council. Appointments to fill the seat of a commissioner who has been removed from the commission shall not become effective until ratified by the majority vote of the city council.

C. The commission shall be subject to and follow all rules, procedures and standards established by the city council, state and federal law. Except where such rules are in direct conflict herewith, the commission shall be subject to the regulations and standards of conduct for city commissioners, committee members and board members as established and amended from time to time by resolution of the city council. [Ord. 324 § 3, 2012; Ord. 187 §§ 4, 5, 2001; Ord. 99-6 § 1; Ord. 98-7 § 2; Ord. 97-4 § 1; Ord. 96-12 § 1; Ord. 93-4 § 1; Code 1990 § 1.8.01.]

2.25.020 Powers and duties of the community services commission.

The community services commission shall have the following powers and duties:

A. Recommend policies and procedures to the city council for the administration, operation, development, improvement and maintenance of community facilities, including parks, recreation facilities, and park and recreation programs within the city.

B. Recommend policies and procedures to the city council for the acquisition, development and improvement of community facilities, including parks and recreational facilities.

C. Review and, from time to time, make recommendations to the city council regarding fees and charges for community facilities, including park and recreational services and the use of community facilities.

D. Assist staff in drafting and submitting an annual budget for community facilities, including park and recreation activities, and including a long-range capital improvement program, methods of financing operations and acquisitions. Staff shall provide the commission information on available funds, committed funds, and projected income.

E. Review all joint use agreements for community facilities, including parks and recreational facilities, with school districts and other governmental agencies and report the results of such reviews with recommendations to the city council.

F. Review and recommend to the planning commission the development of open space and public facilities elements of the city's general plan and any amendments thereto.

G. Review and recommend to the planning commission approval, conditional approval or disapproval of community facilities, including park and recreation facilities, or mitigations for proposed land divisions within the city.

H. Act as the historic and cultural preservation review authority for the city, as provided in California Government Code Section 37361, to promote the general and economic welfare of the city by providing oversight to the preservation and protection of those places, sites, buildings, structures, works of art and other objects having a special historical, cultural, aesthetic, paleontological, or archaeological character or interest for the use, education and view of the general public, and to remind all citizens of the city and visitors from elsewhere of the historical background of the city, as follows:

1. To act in an advisory capacity to the city council, the planning commission, city staff and other groups which the city council may designate in all matters pertaining to the culture, heritage and history of the city.
2. To receive and act upon applications from any interested persons to investigate and recommend to the city council the designation of places, sites, buildings, structures, works of art and other objects within the city as having historical, cultural, aesthetic, paleontological, archaeological or special character or interest, and being worthy of consideration for protection, enhancement or perpetuation as such.
3. To promote awareness of and appreciation for the city's cultural and historical significance through the preservation and promotion of the cultural arts. The commission shall encourage the sponsorship of community events and activities which promote the history and culture of the city and shall assist community organizations and other city boards and commissions in undertaking such tasks.
4. To compile, keep and maintain a list of all sites, structures, persons, events, and landmarks which have cultural or historical significance or importance. Such list shall be submitted to the

city council for its review. The commission shall notify the owner of any item on the list of any special requirements applicable to his or her property.

5. To implement and administer studies and plans relating to matters of historical, cultural, paleontological or archaeological significance and to make recommendations to the city council on the designation and creation of historical, cultural, paleontological, or archaeological sites and districts.

6. To include within the annual budget for commission activities a provision for financing cultural and historic preservation activities and capital projects designed to protect the cultural heritage of the city.

7. To review the city's general plan, and all proposed amendments thereto, and make recommendations to the planning commission regarding all matters within the purview of the commission's cultural and historic preservation functions.

8. To review the cultural impact of all proposed land divisions within the city and recommend approval, conditional approval or disapproval to the planning commission.

9. Investigate and report to the city council on the availability of federal, state, county, local and private funding sources and programs for the rehabilitation and preservation of cultural and historic resources.

I. Appoint one of its members as an ex officio member of the trails, open space and beautification commission.

J. Perform such other duties and undertake such studies as may be directed by the city council. [Ord. 187 §§ 4, 6, 2001; Ord. 99-1 § 1; Ord. 97-4 § 1; Ord. 96-12 § 2; Ord. 93-4 § 1; Code 1990 § 1.8.02.]

2.25.030 Community services commission staff.

A. The city manager, or his designated representative, shall act as the secretary of the community services commission, shall conduct official correspondence, and shall coordinate the clerical and technical work of the commission in administering the provisions of this chapter.

B. The city clerk shall be the custodian of the records of the community services commission. [Ord. 187 § 4, 2001; Ord. 93-4 § 1; Code 1990 § 1.8.03.]

2.25.040 Historic resource designation criteria and procedures.

A. Historic Resource Designation Criteria. For the purposes of this section, an improvement, site or area may be recommended by the commission for designation as an historic resource or district by the city council if it meets the following criteria:

1. It exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering, architectural, paleontological, or archaeological history;
2. It is identified with persons or events significant in local, state or national history;

3. It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;
4. It is representative of the notable work of a builder, designer or architect;
5. It is a unique location or has singular physical characteristics representing an established and familiar visual feature of the city;
6. It has the potential of yielding significant information of archeological interest; or
7. Its integrity as a natural environment strongly contributes to the well-being of the people of the city.

B. Historic Resource Designation Procedures. Historic resources and districts shall be established in the following manner:

1. The commission shall hold public hearings for the purpose of determining whether a proposed historic resource is worthy of consideration for protection, enhancement or perpetuation, and such hearings shall be held no less than 15 days and no more than 45 days after the property owner(s) have been notified of the public hearing by registered mail, return receipt requested. Upon receipt of the notice, the property owner(s) shall be prohibited from defacing, demolishing, adding to, altering or removing the proposed historic resource.
2. If, after hearing, the commission concludes the proposed historic resource is worthy of protection, enhancement or perpetuation, it shall make its recommendations to the city council and notify the property owner(s) by registered mail, return receipt requested, within 15 days. Each such recommendation shall include the source of funding for acquisition and maintenance.
3. The property owner(s) shall file any objections to the commission's recommendation with the city clerk within 15 days after receipt of notice of the recommendation.
4. The city clerk shall set the matter for public hearing before the city council no later than 30 days after receipt of the objections, or the commission's recommendation, whichever last occurs.
5. If the commission's recommendation is for an expenditure of public funds and after the public hearing the city council finds that the proposed historic resource is significant and the expenditure of public funds for protection, enhancement or perpetuation is justified, it may initiate acquisition proceedings. If the council finds that the expenditure of public funds is not justified, the proposed historic resource shall not be designated as such. [Ord. 187 § 8, 2001; Code 1990 § 1.8.04.]

2.25.050 Meetings of the community services commission.

A. Regular meetings of the community services commission shall be at a date and time to be established by resolution of the commission.

B. All regular and special meetings of the community services commission, and any committees created and established pursuant to this chapter, shall be noticed and conducted pursuant to the

provisions of Chapter 9 (commencing with Section 54590), Part 1, Division 2, Title 5 of the California Government Code (the Brown Act).

C. Minutes of all commission meetings and all committee meetings shall filed with the city clerk and provided to the city council. [Ord. 187 §§ 4, 7, 2001; Ord. 97-4 § 1; Ord. 94-1 § 1; Ord. 93-4 § 1; Code 1990 § 1.8.05.]

The Calimesa Municipal Code is current through Ordinance 325, passed November 19, 2012.

Disclaimer: The City Clerk's Office has the official version of the Calimesa Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

**Chapter 2.30
LIBRARY COMMISSION**

Sections:

- 2.30.010 Library commission created.
- 2.30.020 Powers and duties of the library commission.
- 2.30.030 Meetings of the library commission.

2.30.010 Library commission created.

A. There is hereby created and established a library commission for the city, which shall consist of five members.

B. Each city council member shall appoint one person to the library commission, which appointment shall not become effective until ratified by a majority vote of the city council. The person appointed shall be a resident of the city, shall serve solely in the public interest, and shall serve for the term (or remainder thereof) of the city council member who appointed the commissioner or for the unexpired term of a former incumbent commissioner. The person appointed shall serve at the pleasure of the city council and may be removed without cause either: (1) at the request of the appointing city council member and with the majority vote of the city council; or (2) at the request of a city council member other than the appointing city council member and with a four-fifths vote of the city council. In the event the appointing council member does not complete his or her term of office, his or her replacement may remove any commissioner appointed by his or her predecessor without cause and without the approval of the city council. Appointments to fill the seat of a commissioner who has been removed from the commission shall not become effective until ratified by the majority vote of the city council.

C. The library commission shall follow all rules, procedures and standards established by the city council, state and federal law. Except where such rules are in direct conflict herewith, the commission shall be subject to the regulations and standards of conduct for city commissioners, committee members and board members as established and amended from time to time by resolution of the city council. [Ord. 324 § 4, 2012; Ord. 245 § 1, 2006; Ord. 187 § 10, 2001; Ord. 99-7 § 1; Ord. 99-1 § 2; Code 1990 § 1.10.01.]

2.30.020 Powers and duties of the library commission.

The library commission shall have the following powers and duties:

- A. Recommend policies and procedures to the city council for the administration, operation, development and improvement of library facilities and programs within the city.
- B. Recommend policies and procedures to the city council for the acquisition, location and function of libraries within the city.
- C. Assist staff in drafting and submitting an annual budget for library activities and supplies, including a long-range capital improvement program, methods of financing operations and acquisitions.

D. Review all joint use agreements for library facilities with school districts and other governmental agencies and report the results of such reviews with recommendations to the city council.

E. Review and recommend to the city council the development of open space and public facilities elements of the city's general plan and any amendments thereto.

F. Review and recommend to the city council policies for library facilities or mitigations for proposed land divisions within the city.

G. Perform such other duties and undertake such studies as may be directed by the city council. [Ord. 99-1 § 2; Code 1990 § 1.10.02.]

2.30.030 Meetings of the library commission.

Regular meetings of the library commission shall be at a date and time to be established by resolution of the commission. [Ord. 187 § 12, 2001; Code 1990 § 1.10.05.]

The Calimesa Municipal Code is current through Ordinance 325, passed November 19, 2012.

Disclaimer: The City Clerk's Office has the official version of the Calimesa Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Chapter 2.35
TRAILS, OPEN SPACE AND BEAUTIFICATION COMMISSION

Sections:

2.35.010 Trails, open space and beautification commission created.

2.35.020 Powers and duties of the trails, open space and beautification commission.

2.35.010 Trails, open space and beautification commission created.

A. There is hereby created and established a trails, open space and beautification commission for the city, which shall consist of five members.

B. Each city council member shall appoint one person to the trails, open space and beautification commission, which appointment shall not become effective until ratified by a majority vote of the city council. The person appointed shall be a resident of the city, shall serve solely in the public interest, and shall serve for the term (or remainder thereof) of the city council member who appointed the commissioner or for the unexpired term of a former incumbent commissioner. The person appointed shall serve at the pleasure of the city council and may be removed without cause either: (1) at the request of the appointing city council member and with the majority vote of the city council; or (2) at the request of a city council member other than the appointing city council member and with a four-fifths vote of the city council. In the event the appointing council member does not complete his or her term of office, his or her replacement may remove any commissioner appointed by his or her predecessor without cause and without the approval of the city council. Appointments to fill the seat of a commissioner who has been removed from the commission shall not become effective until ratified by the majority vote of the city council.

C. The trails, open space and beautification commission shall follow all rules, procedures and standards established by the city council, state and federal law. Except where such rules are in direct conflict herewith, the commission shall be subject to the regulations and standards of conduct for city commissioners, committee members and board members as established and amended from time to time by resolution of the city council. [Ord. 324 § 5, 2012; Ord. 187 § 13, 2001; Ord. 99-3 § 1; Code 1990 § 1.11.01.]

2.35.020 Powers and duties of the trails, open space and beautification commission.

The trails, open space and beautification commission shall have the following powers and duties:

A. Recommend policies and procedures to the city council for the administration, operation, development and improvement of trails, open space and beautification facilities and programs within the city.

B. Recommend policies and procedures to the city council for trails and open space within the city.

C. Review all joint use agreements with other governmental agencies and report the results of such reviews with recommendations to the city council.

D. Review and recommend to the city council the development of open space in the city's general plan and any amendments thereto.

E. Perform such other duties and undertake such studies as may be directed by the city council. [Ord. 99-3 § 1; Code 1990 § 1.11.02.]

The Calimesa Municipal Code is current through Ordinance 325, passed November 19, 2012.

Disclaimer: The City Clerk's Office has the official version of the Calimesa Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

**Chapter 2.40
PUBLIC WORKS AND SAFETY COMMISSION**

Sections:

2.40.010 Intent and purpose.

2.40.020 Created.

2.40.030 Powers and duties.

2.40.010 Intent and purpose.

Article XI, Section 7 of the California Constitution provides that a city may make and enforce within its limits all general state and federal regulations, as well as all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. The city council hereby creates the public works and safety commission, to advise the city council in the use of these broad constitutional powers to benefit the public health, safety and welfare of all residents of the city, and to assist the city council in matters related to compliance with the city's solid waste disposal obligations and regulations. [Ord. 216 § 1, 2004; Code 1990 § 1.12.01.]

2.40.020 Created.

A. There is hereby created and established a public works and safety commission for the city, which shall consist of five members.

B. Each city council member shall appoint one person to the public works and safety commission, which appointment shall not become effective until ratified by a majority vote of the city council. The person appointed shall be a resident of the city, shall serve solely in the public interest, and shall serve for the term (or remainder thereof) of the city council member who appointed the commissioner or for the unexpired term of a former incumbent commissioner. The person appointed shall serve at the pleasure of the city council and may be removed without cause either: (1) at the request of the appointing city council member and with the majority vote of the city council; or (2) at the request of a city council member other than the appointing city council member and with a four-fifths vote of the city council. In the event the appointing council member does not complete his or her term of office, his or her replacement may remove any commissioner appointed by his or her predecessor without cause and without the approval of the city council. Appointments to fill the seat of a commissioner who has been removed from the commission shall not become effective until ratified by the majority vote of the city council.

C. The public works and safety commission shall follow all rules, procedures and standards established by the city council, state and federal law. Except where such rules are in direct conflict herewith, the commission shall be subject to the regulations and standards of conduct for city commissioners, committee members and board members as established and amended from time to time by ordinance or resolution of the city council. [Ord. 324 § 6, 2012; Ord. 216 § 1, 2004; Code 1990 § 1.12.02.]

2.40.030 Powers and duties.

The public works and safety commission shall have the following powers and duties:

A. Recommend policies and procedures to the city council for the administration, operation, development, improvement and maintenance of all matters affecting public health, safety and welfare.

B. Recommend policies to the city council for the acquisition, development and improvement of facilities that will benefit the public health, safety and welfare of the residents of the city.

C. Review and, from time to time, make recommendations to the city council regarding fees and charges that may be imposed pursuant to Chapters 8.20 and 9.15 CMC, commencing with CMC 8.20.010 and 9.15.010.

D. Assist staff in drafting and submitting an annual budget for public health, safety and welfare activities, including a long-range capital improvement plan, methods of financing operations and acquisitions.

E. At the request of the city manager, review all joint powers agreements and contracts affecting public health, safety and welfare activities, including a long-range capital improvement plan, methods of financing operations and acquisitions.

F. At the request of the community development director, review the city's general plan, and all proposed amendments thereto, and make recommendations to the planning commission regarding matters affecting the public health, safety and welfare.

G. At the request of the community development director, review the public health, safety and welfare aspects of all proposed land divisions within the city and recommend approval, conditional approval or disapproval to the planning commission.

H. Recommend policies and procedures to the city council for the administration, operation, development and improvement of all waste management activities undertaken by the city, and for the implementation of AB 939 and subsequent related legislation, including, but not limited to, the following:

1. Review and, from time to time, make recommendations to the city council regarding fees and charges for the collection of solid waste and recyclable products from residential, commercial and industrial sources.

2. Assist staff in drafting and submitting an annual budget for waste management activities, including a long-range capital improvement program, methods of financing operations and acquisitions.

3. Monitor performance of the city's contracted or franchised waste hauler and make recommendations to the city council as required.

I. Review and, from time to time, make recommendations to the city council regarding public works and public works facilities, including a long-range capital improvement program, and methods of financing operations and acquisitions.

J. Perform such other duties and undertake such studies as may be directed by the city council. [Ord. 216 § 1, 2004; Code 1990 § 1.12.03.]

The Calimesa Municipal Code is current through Ordinance 325, passed November 19, 2012.

Disclaimer: The City Clerk's Office has the official version of the Calimesa Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

**Chapter 2.45
PLANNING COMMISSION**

Sections:

- 2.45.010 Declaration of purpose.
- 2.45.020 Planning commission created.
- 2.45.030 Functions of planning commission.
- 2.45.040 Funds, equipment and accommodations.

2.45.010 Declaration of purpose.

Each city in the state of California is required to have a planning agency with the powers necessary to carry out the purposes of the planning and zoning law (Government Code Section 65000 et seq.). The functions of the planning agency for the city of Calimesa are hereby assigned to a planning commission and planning department. (Government Code Section 65100.) [Ord. 92-11 § 1; Ord. 90-4; Code 1990 § 9.1.01.]

2.45.020 Planning commission created.

- A. There is hereby created and established a planning commission, which shall consist of five members.
- B. Each city council member shall appoint one person to the planning commission, which appointment shall not become effective until ratified by a majority vote of the city council. The person appointed shall be a resident of the city, shall serve solely in the public interest, and shall serve for the term (or remainder thereof) of the city council member who appointed the commissioner or for the unexpired term of a former incumbent commissioner. The person appointed shall serve at the pleasure of the city council and may be removed without cause either: (1) at the request of the appointing city council member and with the majority vote of the city council; or (2) at the request of a city council member other than the appointing city council member and with a four-fifths vote of the city council. In the event the appointing council member does not complete his or her term of office, his or her replacement may remove any commissioner appointed by his or her predecessor without cause and without the approval of the city council. Appointments to fill the seat of a commissioner who has been removed from the commission shall not become effective until ratified by the majority vote of the city council.
- C. The planning commission shall follow all rules, procedures and standards established by the city council and state and federal law. (Government Code Section 65102.)
- D. Effective December 1, 2006, planning commissioners shall not be appointed to serve as members on any other city of Calimesa advisory commissions while serving as a planning commissioner. [Ord. 324 § 7, 2012; Ord. 243 § 1, 2006; Ord. 187 § 21, 2001; Ord. 98-7 § 3; Ord. 95-2 § 1; Ord. 92-11 § 2; Ord. 90-4; Code 1990 § 9.1.02.]

2.45.030 Functions of planning commission.

The planning commission shall perform the following functions:

- A. Prepare, periodically review, and revise as necessary the general plan.
- B. Implement the general plan through actions including, but not limited to, the administration of specific plans, zoning and subdivision ordinances.
- C. Annually review the capital improvement plan of the city and the local public works projects of other local agencies for their consistency with the general plan, pursuant to Title 7, Division 1, Chapter 3, Article 7 (commencing with Section 65400) of the Government Code.
- D. Endeavor to promote public interest in, comment on, and understanding of the general plan, and regulations relating to it.
- E. Consult and advise with public officials and agencies; public utility companies; civic, educational, professional, and other organizations; and citizens generally concerning implementation of the general plan.
- F. Promote the coordination of local plans and programs with the plans and programs of other public agencies.
- G. Perform such other functions as are required by the planning and zoning law and as may be provided by the city council, including conducting studies and preparing plans other than those required or authorized by the planning and zoning law. (Government Code Section 65103.) [Ord. 92-11 § 3; Ord. 90-4; Code 1990 § 9.1.03.]

2.45.040 Funds, equipment and accommodations.

The city council shall, by a resolution adopted pursuant to Section 66016 of the Government Code, impose fees to provide the funds, equipment, and accommodations necessary or appropriate for the work of the planning commission and the planning department. The fees provided for in this section shall not exceed the reasonable cost of providing the service for which the fee is charged. (Government Code Section 65104.) [Ord. 187 § 22, 2001; Ord. 92-11 § 4; Code 1990 § 9.1.04.]

The Calimesa Municipal Code is current through Ordinance 325, passed November 19, 2012.

Disclaimer: The City Clerk's Office has the official version of the Calimesa Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Chapter 2.55
HOUSING ADVISORY AND APPEALS BOARD

Sections:

- 2.55.010 Board of appeals – Established.
- 2.55.020 Membership – Number, term and qualification.
- 2.55.030 Building official as ex officio member and secretary.
- 2.55.040 Powers and duties.
- 2.55.050 Limitations of authority.

2.55.010 Board of appeals – Established.

There is created and established in the city of Calimesa a housing advisory and appeals board (hereinafter referred to as the “board”). [Ord. 95-21 § 2; Code 1990 § 8.10.01.]

2.55.020 Membership – Number, term and qualification.

A. The board shall consist of three members and two alternates, appointed by the city council and serving at the pleasure of the city council. Each member and alternate shall serve a four-year term of office, except for the initial appointment in which two members shall hold a term of office expiring two years from date of appointment, and one member shall hold a term of office expiring four years from date of appointment. Initial terms of office shall be determined by the board members by lot at their organizational meeting.

B. Each member shall be qualified by experience and training to pass judgment on matters pertaining to building construction and shall not be employed by the city of Calimesa.

C. Alternates shall be called to fill a vacancy of a regular board member who is absent, either excused or unexcused, resigns or, because of a conflict of interest, cannot vote. [Ord. 97-6 § 1; Ord. 95-21 § 2; Code 1990 § 8.10.02.]

2.55.030 Building official as ex officio member and secretary.

The building official of the city shall be an ex officio member of the board, and shall act as secretary to the board. The building official shall have no vote upon any matter before the board. [Ord. 95-21 § 2; Code 1990 § 8.10.03.]

2.55.040 Powers and duties.

A. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. Copies of all rules and regulations adopted by the board shall be delivered to the building official, who shall make them freely available to the public.

B. The board shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of CMC Title 15 and particularly regarding substandard buildings and substandard properties, in accordance with the requirements of the

Uniform Housing Code and the Uniform Code for the Abatement of Dangerous Buildings. [Ord. 95-21 § 2; Code 1990 § 8.10.04.]

2.55.050 Limitations of authority.

The board shall have no authority relative to the interpretation of the administrative provisions of CMC Title 15 or of the Uniform Housing Code or the Uniform Code for the Abatement of Dangerous Buildings, nor shall the board be empowered to waive the requirements of those codes. [Ord. 95-21 § 2; Code 1990 § 8.10.05.]

The Calimesa Municipal Code is current through Ordinance 325, passed November 19, 2012.

Disclaimer: The City Clerk's Office has the official version of the Calimesa Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.



Res. 98-26

RESOLUTION NO. 98-26

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIMESA,
CALIFORNIA, PROVIDING REGULATIONS AND STANDARDS OF
CONDUCT FOR CITY COMMISSIONERS, COMMITTEE MEMBERS AND
BOARD MEMBERS, AND REPEALING RESOLUTION NO. 98-19 IN ITS
ENTIRETY**

THE CITY COUNCIL OF THE CITY OF CALIMESA DOES RESOLVE AS FOLLOWS:

Section 1. Purpose and Intent. The City Council, by Ordinance, has established s number of commissions, committees and boards (collectively referred to herein as "commissions") which receive information, investigate, review and make decisions and recommendations regarding many areas of the City's business. In creating these commissions, the City Council has further obligated itself to the establishment of procedural regulations and standards of conduct for commissioners in carrying out their duties on behalf of the City. The purpose of this Resolution is to set forth those procedural regulations and standards of conduct, with the intent that these regulations and standards will apply to all City commissioners, committee members and board members (collectively referred to herein as "commissioners").

It is specifically not the intent of this Resolution that the regulations and standards set forth herein should preempt or supersede conflicting regulations and standards, or State or Federal law. Where a conflicting provision appears in State law or City ordinances relating to a particular commission, the specific law or ordinance shall apply rather than the general provisions set forth herein.

Section 2. Procedural Rules and Standards of Conduct.

A. **Terms of Office.** Members of each commission shall be appointed and shall serve for the period of time set forth in the ordinance creating the commission. Where there is no ordinance establishing a term, members of the commission shall be appointed and shall serve terms concurrent with the appointing Council member.

B. **Commission Appointment and Removal.** Commissioners shall be appointed by their appointing Councilmember, and shall serve at the pleasure of the City Council. Commissioners may removed by the City Council, without cause, as follows:

1. At the request of the appointing Councilmember, a Commissioner may be removed from office by a majority vote of the City Council.

2. At the request of a Councilmember other than the appointing Councilmember (with the appointing Councilmember dissenting), a Commissioner may be removed from office by a 4/5 vote of the City Council.

Vacancies must be reported to the City Clerk and shall be filled in accordance with law.

C. **Commission Attendance.** Commissioners are strongly encouraged to attend all regularly scheduled meetings. Any member of a commission who misses more than three consecutive regularly scheduled meetings within a twelve-month period, without an excuse accepted by the majority of the members of the commission, shall be deemed to have vacated his or her position on the commission. The chair of the commission shall report to the Mayor or other person charged with appointing members of the commission, to the City Clerk and to the member whose position has been declared vacated, that a vacancy exists.

D. **Terms of Office.** Any commissioner may be appointed and reappointed to a unlimited number of repeated terms of office.

Res. No. 98-26

E. Residency Requirements. No person who is not a resident of the City shall serve on any commission having authority to make binding decisions, except as expressly allowed by City ordinance.

F. Meetings. Each commission shall hold regular meetings at such times and dates as are established by a majority vote of the commission. Each commission shall meet as needed, but every commission shall meet at least once a year, for the purpose of reorganization. The meetings of every regular and special meeting of every commission established by the City Council shall be noticed and agendized as required by the Brown Act (Government Code Sections 54950 et seq.).

G. Members to Serve Without Pay. Except where otherwise specifically provided by ordinance, commissioners shall serve without pay. Commissioners shall not be reimbursed for time lost from work on City business. Commissioners may be reimbursed for actual costs expended while on City business, with the prior approval of the City Manager. Commissioners may be reimbursed for the use of their personal vehicles for City business at the rate allowed per mile for City employees and officers using personal vehicles on City business, with the prior approval of the City Manager.

H. Commission Demeanor, Decorum and Conduct of Meetings.

1. Any commissioner desiring to speak shall address the chair and, upon recognition by the chair, shall confine himself/herself to the question under debate.

2. A commissioner desiring to question the staff shall address his/her question to the City Manager or City Attorney, in appropriate cases, who shall be entitled either to answer the inquiry himself/herself or to designate some member of his/her staff for that purpose.

3. A commissioner, once recognized, shall not be interrupted while speaking unless called to order by the chair; unless a point of order is raised by another commissioner; or unless the speaker chooses to yield to questions from another commissioner.

4. Any commissioner called to order while he/she is speaking shall cease speaking immediately until the question of order is determined. If ruled to be in order, he/she shall be permitted to proceed. If the point or issue is ruled to be not in order, he/she shall remain silent or shall alter his/her remarks so as to comply with these rules.

5. Commissioners shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the commission and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.

6. Any commissioner may move to require the chair to enforce the rules and the affirmative vote of a majority of the commission shall require him/her to so act.

I. Action by Resolution or Minute Action. Actions of commissions shall be taken by resolution or minute action.

J. Code of Ethics. The public judges its government by the way public officials and employees conduct themselves in the posts to which they are elected or appointed. The people have a right to expect that every public official will conduct himself/herself in a manner that will tend to preserve public confidence in and respect for the government represented. Such confidence and respect can best be promoted if every public official and employee, whether paid or unpaid, and whether elected or appointed, will uniformly: (a) treat all citizens with courtesy, impartiality, fairness and equality under the law; and (b) avoid both actual and potential conflicts between their private self-interests and the public interest.

This code of ethics should apply equally to all commissioners.

K. Conflicts of Interest. The City's conflict of interest applies to all commissioners. Generally, no commissioner should have any financial or personal interest in any business or transaction with the City unless the commissioner first makes full public disclosures of the nature and extent of such interest. Whenever the performance of official duties shall require any commissioner to deliberate and vote on any matter involving financial or personal interest, the commissioner shall publicly disclose the nature and extent of such interest and be disqualified from participating in the deliberation as well as in the voting. A former commissioner shall not, within one year after the date of termination from office, represent any person or business with a matter in which the former commissioner has performed an official act.

L. Representation of Private Persons. No commissioner shall appear on behalf of any private person, other than himself or herself, before any commission or the City Council on a matter which is within the jurisdiction of his or her commission except with permission of commission, where the commissioner does not otherwise have a financial interest in the representation and where the commissioner refrains from official participation in the matter.

M. Incompatible Employment. No commissioner shall engage in private employment with or render services for, any private person who has business transactions with the City which may come before the commission for recommendation or decision, unless the commissioner has first made full public disclosure of the nature and extent of such employment services.

N. Gifts and Favors. No commissioner shall accept any gift whether in the form of money, thing, favor, loan, or promise, that would not be offered or given if the commissioner were not in such a position.

O. Confidential Information. No commissioner shall, without prior formal authorization of the City Council, disclose any confidential information concerning any other official or employee, or any other person, or any property or governmental affairs of the City. Whether or not it shall involve disclosure, no commissioner shall use or permit the use of any such confidential information to advance the financial or personal interests of himself/herself or any other person.

P. Fair and Equal Treatment. No commissioner shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large. No official or employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment, labor or service for the personal convenience or the private advantage of the official or employee or any other person.

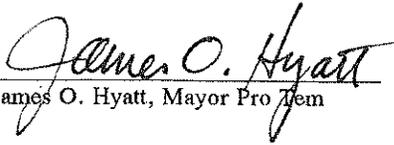
Q. Political Activities. No commissioner shall participate in any political activity which would be in conflict or incompatible with the performance of his or her official functions and duties for the City. No commissioner may use his or her official authority or position for the purpose of influencing or interfering with or affecting the results of any election, nor shall he or she solicit funds or contributions or accept or receive funds or contributions from City employees for political purposes. No commissioner may distribute pamphlets, petitions or handbills while he or she is performing his or her official functions and duties with the City. Nothing herein shall be construed to prohibit any commissioner from participating in the political process in his or her capacity as a private citizen.

R. Violations of Ethical Rules or Standards of Conduct. Any violation of an ethical rule or standard of conduct may result in removal from the commission.

S. Channels of Communication. Commissioners should communicate with City staff through the City Manager or the City employee who has been designated by the City Manager as staff to the commission.

Section 3. Repealing Resolution No. 98-19 Resolution No. 98-19 is hereby repealed in its entirety.

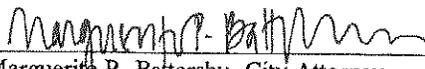
APPROVED AND ADOPTED, this 19th day of October, 1998.


James O. Hyatt, Mayor Pro Tem

ATTEST:


Wanda Steadman, City Clerk

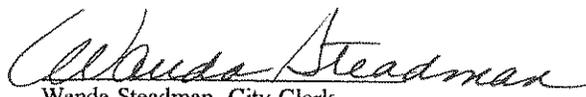
APPROVED AS TO FORM:


Marguerite P. Battersby, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF CALIMESA)

I, Wanda Steadman, City Clerk of the City of Calimesa, do hereby certify that the foregoing Resolution No. 98-26 was duly adopted at a regular meeting of the City Council of the City of Calimesa on the 19th day of October, 1998, by the following roll call vote:

AYES: Council Members Chlebnik, Draeger, Schook, Taylor and Mayor Hyatt
NOES: None
ABSENT: None
ABSTAIN: None


Wanda Steadman, City Clerk