CITY OF REDLANDS

CITY COUNCIL
FINANCING AUTHORITY
A G E N D A S
SEPTEMBER 19, 2023

EDDIE TEJEDA
Mayor
PAUL T. BARICH
Mayor Pro Tempore

DENISE DAVIS
Council Member

JENNA GUZMAN-LOWERY
Council Member

MARIO SAUCEDO
Council Member
***
JEANNE DONALDSON
City Clerk

PHILLIP DOOLITTLE
City Treasurer

CHARLES M. DUGGAN JR.
City Manager

YVETTE M. ABICH GARCIA
City Attorney

5:00 p.m. Open Public Meeting, Public Comment (Closed Session)
6:00 p.m. Open Session (Public Meeting)
* * *
City Council Chambers
Civic Center, 35 Cajon Street, Redlands, California

A G E N D A

The following information comprises the agenda for the regular meetings of the City Council of the City of Redlands and the Redlands Financing Authority of the City of Redlands at the times noted below in the City Council Chambers, Civic Center, 35 Cajon Street, Redlands, California, on:

TUESDAY, SEPTEMBER 19, 2023

To join via Zoom on a computer, laptop, or smart device
Please visit www.zoom.us, click on Join a Meeting
Enter the **Meeting ID 824 4618 0187**, then run the Zoom launcher
To join via Zoom with audio only (cell phone or landline):
Dial **1-877-853-5247**
Enter the **Meeting ID 824 4618 0187**

Should the City lose connectivity on Zoom, we will halt the meeting until it can be restored. To check on the status of remote connectivity in the event of an outage, go to the City's website at www.cityofredlands.org or to the City's Facebook page at @CityofRedlands or the Instagram page at @CityofRedlands_CityHall.

In the event the City cannot reestablish Zoom connectivity in a reasonable amount of time, the mayor will adjourn the meeting to a future date.

***PLEASE NOTE**:* Anyone desiring to speak on an agendized item at this meeting may do so during the consideration of that item. Due to time constraints and the number of persons who may wish to give oral testimony, public comments will be limited to three (3) minutes.

- **To provide comment while participating from Council Chambers:**
  - Although it is not required, speakers are encouraged to submit a "Speaker Sign Up Sheet" before the meeting is convened. Forms are available in the Office of the City Clerk or in Council Chambers.
  - After the meeting has convened, you may place the speaker form in the basket at the table along the north wall of the Chambers. Please do not disturb the City Clerk while the meeting is in progress.

- **To provide comment through Zoom (on a computer, laptop, or smart device)**:
  - Click the "Raise Hand" button and the moderator will unmute you when it is your turn to speak

- **To provide comment via audio only (cell phone or landline)**:
  - Dial *9 to "Raise Hand". The moderator will identify you by your area code and last 3 numbers of your telephone number when it is your turn to speak.

PLEASE SILENCE CELL PHONES, PAGERS AND OTHER ELECTRONIC COMMUNICATION DEVICES UPON ENTERING THE CHAMBERS

5:00 P.M.

A. **Call City Council Meeting to Order**

B. **Public Comment**
(Any person wishing to provide public comment on a closed session matter may do so at this time.)

C. **Recess City Council Meeting to a Closed Session**

1. Conference with legal counsel: Existing Litigation - Government Code §54956.9(d)(1)
(City Attorney Garcia)
Four Cases:

   a. Harper v. City of Redlands, et al., U.S. District Court, Central District, Case No. 5:23-cv-00695-SSS-KKx

   b. Sedlick, et al. v. City of Redlands, et al., U.S. District Court, Central District, Case No. 5:23-cv-00457-JGB-KKx

   c. Scates v. City of Redlands, San Bernardino Superior Court, Case No. CIVSB2127794

   d. City of Redlands v. Coyote Aviation, Inc., San Bernardino Superior Court, Case No. LLTVA2200544

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6:00 P.M.

D. **Reconvene City Council Meeting**

E. ***Invocation by Council Member Davis***
Pledge of Allegiance by Mariposa Friendly Helpers of Mariposa Elementary School
(In keeping with long-standing traditions of legislative invocations, this City Council meeting may include a brief invocation. Such invocations are not intended to proselytize or advance any one, or to disparage any other, faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.)

F. **Closed Session Report**
(No reportable action taken in closed session unless otherwise announced by the City Attorney at this time.)

G. **Presentations**

1. Presentation of Proclamation declaring September 24, 2023 as Adult Literacy Day in the City of Redlands to Nathan Gonzales, Smiley Public Library Director;Diane Shimota, Adult Literacy Coordinator; Raul Becerra, Program Participant; Susan Hodges, Volunteer (Mayor Tejeda)

2. Presentation of Proclamation celebrating The Unforgettables 25 Year Anniversary, Tim Evans (Mayor Pro Tem Barich)

H. **Public Comment - City Council**
(At this time, the City Council will provide an opportunity for the public to address them on any subject, within the jurisdiction of the City Council, which is not already scheduled on this agenda. However, any matter that requires action will be referred to staff for a report and possible action at a subsequent meeting. Comments will be limited to three {3} minutes.)

I. **Consent Calendar**
(The following routine items have been recommended for approval and will be acted upon simultaneously unless separate discussion and/or action is requested by a Councilmember or a member of the audience.)

1. Approve the regular meeting minutes of September 5, 2023 (City Clerk Donaldson)

Recycled Paper

2. Authorize issuance of a Proclamation declaring September 24, 2023 as Adult Literacy Day in the City of Redlands (Mayor Tejeda)

3. Authorize proclamation celebrating the The Unforgettables 25 Year Anniversary (Mayor Pro Tem Barich)

4. Adopt Resolution No. 8515 authorizing City staff to vote on behalf of the City at water company meetings and determination that this action is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act (Municipal Utilities and Engineering Director Harris)

5. Approve the non-competitive purchase of Joint Utilities Laboratory equipment and related services directly from IDEXX Distribution, Inc. for an amount not-to-exceed $41,161.02 (Municipal Utilities and Engineering Director Harris)

6. Approve a request for in-kind support in the amount of $14,061 for the Redlands Oktoberfest event hosted by the Redlands Optimist Club from October 7, 2023 through October 8, 2023, within Sylvan Park; authorize the sale and consumption of alcoholic beverages at the event; and determine that the event is categorically exempt from environmental review pursuant to Section 15061 (b)(3) of the State’s guidelines implementing the California Environmental Quality Act (Facilities and Community Services Director Crocker)

7. Approve a Third Amendment to the Public Works Contract with Armstrong Cal Builders, Inc. for the Joslyn Senior Center Renovation Project to extend the time for completion by ninety-two (92) calendar days and determine that the project is categorically exempt from environmental review pursuant to Section 15061 of the State's guidelines implementing the California Environmental Quality Act (Facilities and Community Services Director Crocker)

8. Approve the request for in-kind support in the amount of $38,861 related to the Stater Bros. Charities Believe Walk, and approve the temporary street closures related to the event (Facilities and Community Services Director Crocker)

9. Disclosure of Settlement Agreement and Release of All Claims – Stanley Claiborne; U.S. District Court, Central District of California Case No. 5:22-cv-01287-DMG-SK (City Attorney Garcia)

J. **Communications**

1. Presentation by Accelerate Neighborhood Climate Action (ANCA) on their first year accomplishments and future directions (Mayor Tejeda)

Recycled Paper

2. Discussion and possible action relating to a policy for council members to add items to future City Council meeting agendas (Council Member Davis)

K. **Public Hearings**

1. Appeal of a decision by the Historic and Scenic Preservation Commission that denied Certificate of Appropriateness Permit No. 665 by appellants Beverly and Kenneth Winchester
(Mayor to declare the meeting open as a public hearing)

   a. PUBLIC HEARING to consider Resolution No. 8514 denying the Appeal and upholding the decision by the Historic & Scenic Preservation Commission to deny Minor Certificate of Appropriateness No. 665, a request to legalize/approve an existing 6-foot-high vinyl fence and a rolling gate within the street-side setback for the property located at 232 West Olive Avenue (APN: 0171-244-40-0000) in the Multiple-Family Residential (R-3) District and the Smiley Park Neighborhood Historic and Scenic District (Historic District No. 8) (Development Services Director Desatnik)

2. Public Hearing to consider adopting Resolution No. 8513 and approving Amendment No. 1 to the Transit Villages Specific Plan (Specific Plan No. 65) consisting of the following items:

   (Mayor to declare meeting open as a public hearing)

   a. Amend Section 4.9 (Sign Standards) to permit internally-illuminated wall signs and canopy signs within all TVSP districts except for designated historic properties;

   b. Amend Section 4.9 (Sign Standards) to add regulations pertaining to sign illumination brightness;

   c. Amend Section 4.2 (Zones Established) to state that signs on properties within Special District 1 shall be subject to the sign regulations contained in Redlands Municipal Code Chapter 15.36 for the C-3, General Commercial zone;

   d. Amend Section 4.8 (Emergency Shelter Standards) to update the development and operating standards pertaining to emergency shelters to comply with the requirements of current State law.

   (Development Services Director Desatnik)

Recycled Paper

L. **New Business**

1. Consideration of an agreement with Reliance Safety Consultants for occupational training to City employees for the period August 1, 2023 through August 1, 2026, with two optional one-year extensions for a total not to exceed amount of $425,000 (Assistant City Manager McConnell)

2. Consideration of a Professional Services Agreement with Miller Architectural Corporation for design and construction management services of the City's new City Hall Facility for an amount not to exceed $1,368,579, approval of an additional appropriation of the same; and determination that approval of the agreement is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines (Assistant City Manager Boatman)

3. Consideration of Resolution No.8512 adopting a Five-Year Capital Project Needs Analysis for FY 24/25 through FY 28/29 and determining this action is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act (Municipal Utilities and Engineering Director Harris)

4. Consideration of a $381,799 additional appropriation from the General Fund unassigned fund balance for the Mission Zanja Channel Improvements Project (Municipal Utilities and Engineering Director Harris)

M. **Individual Council Member Announcements and/or Reports on Activities**
(No collective discussion or action.)

N. **Adjournment**
The next regular meeting of the City Council will be held on October 3, 2023

O. **Redlands Financing Authority**

1. Call regular meeting of the Board of Directors of the Redlands Financing Authority to order

2. **Public Comment - Redlands Financing Authority**
(At this time, the Redlands Financing Authority will provide an opportunity for the public to address them on any subject, within its jurisdiction, which is not already scheduled on this agenda. However, any matter that requires action will be referred to staff for a report and possible action at a subsequent meeting. Comments will be limited to three {3} minutes.)

3. Approve the regular meeting minutes of May 16, 2023 (Secretary Donaldson)

Recycled Paper

4. Adjourn Redlands Financing Authority meeting
The next Redlands Financing Authority meeting will be held on January 16, 2024.

If you challenge any proposed development entitlement listed on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to this public hearing.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Goutam Dobey, of the Municipal Utilities and Engineering Department at (909) 798-7584 ext 2. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

(28 CFR 35.102-35.104 ADA Title II)

Any writings or documents distributed to a majority of the City Council regarding an open session agenda item less than 72 hours before this meeting are available for public inspection at the City Clerk's Office or at the dais of the City Clerk once the open session meeting begins.

Staff reports or other written documentation relating to items referred to on the agenda are available at the A. K. Smiley Public Library, 125 West Vine Street, Redlands, California, and on the City's website referenced below.

Regular meetings are televised live on Redlands TV Channel 3 (Spectrum) and Channel 35 (Frontier) and re-broadcast at 7:00 P.M. the following Wednesday, Friday and Sunday; and at 9:00 A.M. Thursday, Saturday and Monday. Meetings are also streamed live and archived for later viewing on demand on the City's website at www.cityofredlands.org. Agendas, staff reports and minutes of the City Council of the City of Redlands are available online at: www.cityofredlands.org.

City Council/Financing Authority Meeting **I. 1.**

DATE: 09/19/2023

TO: Honorable Mayor and City Council Members

SUBJECT: Approve the regular meeting minutes of September 5, 2023 (City Clerk Donaldson)

MOTION:

I move to approve the regular meeting minutes of September 5, 2023.

Attachments

Regular meeting minutes of September 5, 2023

MINUTES

Regular meetings of the City Council and the Board of Directors of the Successor Agency of the former Redevelopment Agency of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, on September 5, 2023 at 5:00 P.M.

Present: Eddie Tejeda, Mayor
Paul Barich, Mayor Pro Tempore
Denise Davis, Council Member
Jenna Guzman-Lowery, Council Member
Mario Saucedo, Council Member

Staff: Charles M. Duggan, Jr., City Manager; Yvette M. Abich Garcia, City Attorney; Jeanne Donaldson, City Clerk; Phillip Doolittle, City Treasurer; Janice McConnell, Assistant City Manager; Chris Boatman, Assistant City Manager; Carl Baker, Public Information Officer; Danielle Garcia, Management Services/Finance Director; Brian Desatnik, Development Services Director; Rich Sessler, Fire Chief; Rachel Tolber, Police Chief

Mayor Tejeda called the meeting to order and explained that comments could be presented in-person, via Zoom, via cell phone or landline. He offered the public an opportunity to provide comment on any item on the agenda for the closed session.

PUBLIC COMMENT

Coyote Aviation - Dr. Pamela Miller and Joe Rothschild were disappointed with the City's treatment of Coyote Aviation and the termination of their lease at the Municipal Airport. They were concerned that the City's actions appeared to be petty, unreasonable and unsupportive of a small business, and they claimed that Coyote had been a good neighbor. They thought it was not right for the City to acquire the assets from the facility that Coyote had built.

CLOSED SESSION

Conference with legal counsel: Initiation of Litigation – Government Code §54956.9(d)(4) - One (1) Case
(City Attorney Garcia)

Conference with legal counsel: Existing Litigation - Government Code §54956.9(d)(1)
(City Attorney Garcia)
One Case:

1. Rogers, et al. v. City of Redlands, San Bernardino Superior Court, Case No. CIVSB2126031
2. City of Redlands v. Coyote Aviation, Inc., San Bernardino Superior Court, Case No. LLTVA2200544

Conference with real property negotiators - Government Code §54956.8
(Assistant City Manager Boatman)

Property:	APN 0292-166-08-0000
Agency Negotiators:	Charles M. Duggan, Jr.; Chris Boatman
Negotiating Party:	Andrew Christopherson, The Grove School
Under Negotiation:	Terms of payment and price of possible lease amendment or purchase of City property

RECONVENE CITY COUNCIL MEETING

The meeting reconvened at 6:00 P.M. with an invocation by Council Member Saucedo followed by the pledge of allegiance to the American flag.

CLOSED SESSION REPORT

City Attorney Garcia announced the following actions were taken during the closed session:
C-1: No reportable action was taken
C-2: Rogers - On motion of Mayor Pro Tem Barich, seconded by Council Member Guzman-Lowery, the City Council unanimously authorized an appeal in the case of Rogers, et al. v. City of Redlands
C-2: Coyote Aviation - No reportable action was taken
C-3: Real Property Negotiation The Grove School - No reportable action was taken, with Council Member Davis recusing herself based on property ownership located within 500 feet of the Grove School

PRESENTATIONS

Redlands Pet Adoption - Animal Services Supervisor Jodi Kroeger and Animal Services Officer Trevor Houser introduced "Sedan", a six-year-old male German Shepherd mix, who is available for adoption, along with thirty other dogs and five cats at the Redlands Animal Shelter. Ms. Kroeger informed the Council there had been fifty dogs and forty-six cats adopted in July and August 2023.

California Native American Day Proclamation - Council Member Saucedo presented the California Native American Day Proclamation to Vanessa Brierty.

Water Savings Incentive Check - San Bernardino Valley Director, T. Milford Harrison and Kelly Malloy, Strategic Communications Manager, presented an incentive check in the amount of $164,935.49 to Mayor Tejeda for the water savings achieved by the City through conservation efforts for the Demand Management Incentive Program.

Redlands 14U Softball All Star Team - Mayor Tejeda, Mayor Pro Tem Barich and Council Member Saucedo participated in presenting a Recognition Certificate to the Redlands 14U Softball All Star Team members Addie Goff, Bailey Burgess, Cali Leverette, Dani Larsen, Emma Akimoto, Jayla Bowens, Marissa Valentin, Macki Larsen, Mele Wilson, Ryleigh Flanigan, and Vanessa James, and coaching staff Manager Wil Goff and Assistant Coaches Richie Burgess, Donnie Leverette, and Thomas Wilson.

Finance Department Certificates of Appreciation - Mayor Tejeda, along with Management Services/Finance Director Garcia, presented Certificates of Appreciation to Assistant Director of Finance James Garland; Finance Manager Marie Datuin; Senior Accountant Denise Camarillo, Senior Accountant Jannette Mendoza, Management Analyst Miriam Valtierra, and recognition of the Government Finance Officers Association Award for the Annual Comprehensive Financial Report FY 2022.

PUBLIC COMMENT

Ban on Gas Blowers - Dennis Bell voiced concerns regarding the proposal at the last Council meeting to consider banning gas blowers, and he was skeptical about the City's ability to enforce such an ordinance, if approved.

Pro-Life Proclamation - Sam Wong reminded everyone of the September 4, 1977 Golden Dragon Restaurant massacre and its impact on San Francisco, and he condemned all acts of violence, including the senseless shooting of Lauri Carleton. He encouraged people to learn from these tragic events, move on with their lives, and he hoped the Council would consider a proclamation honoring pro-life principles.

Live Music at Hangar 24 - Daniel Aadland urged the Council to allow Hangar 24 Craft Brewery to continue hosting live music events at the facility.

RHS Girls Volleyball Games - Michael Reiter, President of the RHS Girls Volleyball Booster Club, invited everyone to attend the upcoming games to show their support for the reigning Citrus Belt League Champions, who are currently 9 and 0 for the season.

District 2 Representation - Jennifer Maravillas complained about the way in which Eddie Tejeda had represented District 2 and she encouraged him to reach out to others, be more collaborative and build consensus

CONSENT CALENDAR

Minutes

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, the minutes of the regular meeting of July 18, 2023, the adjourned meeting of July 25, 2023, and the Special Meeting of August 22, 2023.

Vote: 5 - 0 Passed

Proclamation Gurudev Sri Sri Ravi Shankar and Mental Health Day

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, the issuance of a proclamation declaring August 10, 2023 as Gurudev Sri Sri Ravi Shankar and Mental Health Day.

Vote: 5 - 0 Passed

Proclamation California Native American Day

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, the issuance of a proclamation recognizing California Native American Day.

Vote: 5 - 0 Passed

Citizens' Measure T Oversight Committee Appointment

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously appointed, by roll call vote, Scott Welsh (District 5) to serve a four-year term on the Measure T Oversight Committee ending April 20, 2027.

Vote: 5 - 0 Passed

Employee Assistance Program Services Agreement

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, a three-year agreement with The Counseling Team International to provide employee assistance program services to safety employees for the period beginning September 6, 2023, and continuing through September 5, 2026, with annual amounts not to exceed $34,800-in year 1, $36,540-in year 2, $38,400-in year 3 and a 5% increase if services are sustained for year 4 and 5.

Vote: 5 - 0 Passed

Student Intern Program

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, a Memorandum of Understanding between the City of Redlands and San Bernardino Community College District to provide student interns.

Vote: 5 - 0 Passed

Accept FEMA Emergency Management Performance Grant Award

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, to accept the Department of Homeland Security, Federal Emergency Management Agency 2022 Emergency Management Performance Grant award in the amount of $22,159; and authorized an additional appropriation of the same amount to the Emergency Preparedness fund.

Vote: 5 - 0 Passed

Resolution No. 8510 Appropriations Limit for FY 2023-2024

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, Resolution No. 8510 amending the appropriations limit for Fiscal Year 2023-2024 from $158,949,814 to $158,925,169 and rescinding Resolution No. 8494.

Vote: 5 - 0 Passed

Office of Traffic Safety Grant Award

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, the agreement with the Office of Traffic Safety relating to the distribution of a grant award in an amount not-to-exceed $130,000; authorized the Chief of Police to sign and execute agreements implementing the grant; and approved an additional appropriation of the same.

Vote: 5 - 0 Passed

Resolution No. 8511 Intent to Vacate Excess Street Right-of-Way

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously adopted, by roll call vote, Resolution No. 8511, declaring the City Council's intention to vacate excess street right-of-way (Street Vacation No. 193) that is one foot in width and approximately 965 feet in length, and totaling approximately 965 square feet in area, located on the east side of Texas Street, approximately 400 feet north of Domestic Avenue, and along the property frontage of proposed Tentative Tract Map No. 20520 (APN: 0167-041-01-0000); and determined this proposal is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines.

Vote: 5 - 0 Passed

Amending Downtown Parking Study Professional Services Agreement

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, the First Amendment to the Professional Services Agreement with Walker Consultants Inc., to increase the original agreement from $121,560 by $13,000 for a total aggregate amount not-to-exceed $134,560 for professional consulting services related to preparation of the Downtown Parking Study. The need for additional professional consulting services for the completion of the Study includes attending additional meetings, providing written responses, and preparing revisions to the Study.

Vote: 5 - 0 Passed

Receive and File PARIS Program Annual Report

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, to receive and file the Pavement Accelerated Repair Implementation Strategy (PARIS) Program Annual Report.

Vote: 5 - 0 Passed

Labor Compliance Review Software Purchase

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, a sole source purchase and Software and Support Agreement with LCPtracker, Inc. to furnish labor compliance review software and related services for an amount not-to-exceed $36,412.

Vote: 5 - 0 Passed

Resolution No. 8509 - 2023 Sewer System Management Plan

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously determined, by roll call vote, that adoption of Resolution No. 8509 for the 2023 Sewer System Management Plan is exempt from environmental review in accordance with Sections 15061(b)(3), 21000, 15301 and 15302 of the State guidelines implementing the California Environmental Quality Act; and adopted Resolution No. 8509 for the 2023 Sewer System Management Plan.

Vote: 5 - 0 Passed

Construction Management Software Purchase & Agreement

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, a sole source purchase and Professional Services Agreement with Virtual Project Manager, LLC to furnish and provide construction management software and software training for an amount not-to-exceed $36,000 for an initial period of three (3) years with two (2) additional one-year renewal options for $12,000 annually for a total agreement amount not to exceed $60,000.

Vote: 5 - 0 Passed

In-Kind Support Request The Artlands Walk

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously determined, by roll call vote, that approval of the event is exempt from environmental review pursuant to Section 15311(c) of the state's guidelines implementing the California Environmental Quality Act; authorized and approved a request for in-kind support in the amount of $2,625 related to this event; authorized the temporary street closure of East Vine Street from Cajon Street to 6th Street and Civic Center parking lot; and approved the request for the sale and consumption of alcoholic beverages for

The Artlands Walk event to be held on September 30, 2023.

Vote: 5 - 0 Passed

Art-On-State-Street Event Temporary Closures & Request for Vendors

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously determined, by roll call vote, that approval of the event is exempt from environmental review pursuant to Section 15311(c) of the State's guidelines implementing the California Environmental Quality Act; approved the special event and authorized the temporary closure of East State Street from 6th Street to 7th Street on September 24, 2023 for the Art-On-State-Street event hosted by the Redlands Art Association.

Vote: 5 - 0 Passed

Boys and Girls Club Day for Kids Event Temporary Closure

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously determined, by roll call vote, that approval of the event is exempt from environmental review pursuant to Section 15311(c) of the State's guidelines implementing the California Environmental Quality Act; and authorized the temporary closure of Clay Street, between Lugonia Avenue to Western Avenue, on September 16, 2023 for the Day for Kids event hosted by the Boys and Girls Club of Greater Redlands-Riverside.

Vote: 5 - 0 Passed

Gas Extraction Wells Installation Project Agreement for Quality Assurance

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, the agreement with Geo-Logic Associates, Inc. to provide construction quality assurance, observation, regulatory compliance and documentation for Gas Extraction Wells Installation Phase 2 & 3 at the California Street Landfill in a total agreement amount not-to-exceed $194,138.16.

Vote: 5 - 0 Passed

Reject Bids Runway and Apron Pavement Treatment Project

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, to reject all bids for the Runway and Apron Pavement Treatment Project at the Redlands Municipal Airport, Project No. FCS662023JN. The bids received for this project exceeded the estimated cost and Federal Aviation Administration (FAA) Airport Capital Improvement Plan (ACIP) entitlement funds allocated to Redlands Municipal Airport.

Vote: 5 - 0 Passed

COMMUNICATIONS

Sister Cities Hino, Japan Travel Expenditure

Mayor Tejeda reviewed his request regarding the authorization of an expenditure of funds for travel to Sister Cities Hino, Japan, for the Mayor to attend the 60-year celebration of Hino's establishment, and the anniversary of the Sister Cities relationship. He offered background on the Sister Cities program and the ongoing relationship Redlands has with Hino, that dates back to the early 1960s. The firmly established relationship between the two cities has provided the opportunity not only for officials to travel to and experience the sister cities, but also for Hino students to visit and tour the City of Redlands. The itinerary included visitations to the following municipal locations: Hino City Hall, Hino Municipal Clean Center Plastic Recycling Facility, Hino Community Center and Sports Facility, Tokyo Metropolitan Fire Station, Hino Shinsengumi Historical Museum, and Takahata Fudo Shrine and Museum.

As public comment, Joshua Hall and Dennis Bell stated it was important for the Mayor to accept the invitation and visit Hino to celebrate the Sister Cities relationship, but they were against the City funding the trip. Council Member Davis thought the trip's itinerary and agenda were not substantive and she was not in support of using City funds. Council Member Guzman-Lowery was hoping to see more direct benefit to the City and, she suggested the Mayor employ a fund-raising campaign for his travel expenses. Mayor Pro Tem Barich highlighted his experiences as Mayor when he hosted Hino delegates and he found it to be enlightening.

On motion of Council Member Mario Saucedo, seconded by Mayor Pro Tempore Paul Barich, the City Council approved and authorized, by roll call vote, the expenditure of funds for travel to Hino, Japan by Mayor Tejeda.

Vote: 3 - 2 Passed

NAY: Council Member Denise Davis
Council Member Jenna Guzman-Lowery

Flying Pride Flag In Honor of Laura Ann Carleton

Council Member Davis opened the discussion to consider her request to fly the Pride flag at City Hall for one week, Sept. 6-12, 2023, in honor of Laura Ann "Lauri" Carleton, an ally of the LGBTQ+ community, who was recently shot during a dispute over a pride flag hanging outside her clothing store in Cedar Glen. She added this item aligns with Priority C. Equity and Inclusion of the City's Strategic Plan.

As public comment, thirteen people, including Josephine Swanson, Tracy Wise, Michael Paisner, Bruce Laycook, Dominique Swanson, Andy Hoder, Trisha Keeling, Sam Trad, Jennifer Maravillas, Rudi Whitmore, Graham Smith, Traci Lowenthal and Dr. Kathy Feeley supported flying the pride flag in honor of Lauri Carleton, and said that flying the flag would make a statement and show that Redlands will not remain silent but will stand against hatred and discrimination. They warned that with hate crimes on the rise, it was imperative for the Council to promote a safer environment for all people. They added the flag should not be politicized because it was more about equity than politics, and it represented inclusivity.

Eight speakers including, Miss Ashley, Joshua David Hall, Sam Wong, Dale Broome, Dennis Bell, Valerie Zavis, Rachel, and John James were opposed to flying the pride flag because they said the flag did not represent all citizens of Redlands and it would give the appearance of honoring one group over another. They stated that flag raising should unify society's goals and not be a sign of division. The current flag policy, allowing for the American, state and local flags to fly at City Hall, meets the intent of the City's Strategic Plan of diversity and inclusion, as the American flag represents all 73,000 residents. It was also pointed out that while the shooting death of Lauri Carleton was tragic, she was not from Redlands.

Council Member Davis said she knew what it was like to feel unsafe, adding that symbols were important. Symbols can represent resiliency and a sign of encouragement within a community. She urged her colleagues to take this opportunity and honor Lauri Carleton's bravery by flying the pride flag. Council Member Guzman-Lowery stated there was no place for silence when hateful and violent acts occur. Council Member Saucedo and Mayor Tejeda condemned the horrific act of violence against Lauri Carleton but thought there were other ways in which to honor her life. They both agreed that the City should stay within the current flag policy.

On motion of Council Member Denise Davis, seconded by Council Member Jenna Guzman-Lowery, the City Council failed to approve, by roll call vote, the flying of the Pride flag at City Hall at City Hall for one week, Sept. 6-12, 2023, in honor of Laura Ann Carleton.

Vote: 2 - 3 Failed

NAY: Mayor Eddie Tejeda
Mayor Pro Tempore Paul Barich
Council Member Mario Saucedo

NEW BUSINESS

Mayor Tejeda called for a brief recess at 8:05 P.M. The meeting reconvened at 8:10 P.M.

Resolution No. 8491 Pension Management Policy

Management Services/Finance Director Garcia summarized Resolution No. 8491, to establish a Pension Management Policy. The City currently has a contract with the California Public Employees Retirement System (CalPERS) to provide retirement benefits for all full-time miscellaneous and safety employees. As part of the Contract, the City is obligated to pay any unfunded accrued liability (UAL) under each of the Pension Plans. Resolution No. 8491 would allow the staff to better manage the City's pension plans. For more details of the proposal, she introduced Managing Director Andrew Flynn, of California Municipal Advisors, LLC, who provided a presentation of the importance of developing strategies to manage funds properly.

Goals and objectives of a pension management policy include the following: Establish, attain, and maintain targeted pension plan funding levels; Provide sufficient assets to permit the payment of all benefits under the Pension Plans; Seek to manage and control future contribution volatility to the extent reasonably possible; Set forth all possible cost mitigation measures ("Mitigation Measures") available to the City; Strive to make Annual Discretionary

Payments to accelerate UAL pay-down, reduce interest costs, and stabilize future payments; Maintain the City's sound financial position and creditworthiness; Provide guidance in making annual budget decisions; Create sustainable and fiscally sound future budgets; Demonstrate prudent financial management practices; and Ensure that pension funding decisions protect both current and future stakeholders.

Mr. Flynn offered options for the Council to consider and discussed establishing and operating a Pension Rate Stabilization Fund, either self-managed or a Section 115 trust fund managed by a third-party investment manager. The Pension Management Policy would require that any new increase or decrease in the liability resulting from the annual CalPERS actuarial valuation be explicitly identified each year during the budget cycle, and that the City consider making discretionary contributions with City resources (or other legally available resources), with the objectives of increasing each of the Pension Plan's funded status, by reducing the unfunded actuarially accrued liability, and reducing ongoing pension costs. As public comment, Dennis Bell said this proposal was long overdue and he thought CalPERS was inept.

On motion of Council Member Mario Saucedo, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, Resolution No. 8491, establishing the City's Pension Management Policy.

Vote: 5 - 0 Passed

University of Redlands Standby Paramedic Services MOU

Fire Chief Sessler introduced the Memorandum of Understanding between the City of Redlands and the University of Redlands for standby paramedic services at university football games for the 2023-2024 school year. At the request of the University, the Fire Department has agreed to provide a Medic Squad or All Risk Vehicle, staffed with two personnel, to provide Advanced Life Support paramedic services at five football games during the 2023-2024 school year, at a cost of $505 per game. The University will compensate the City for these services. Should there be any playoff games, Fire Department emergency personnel will be available for any additional games, as well.

On motion of Council Member Mario Saucedo, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, the Memorandum of Understanding between the City of Redlands and the University of Redlands for standby paramedic services at university football games for the 2023-2024 school year.

Vote: 5 - 0 Passed

Construction Management Services Agreement Police Department Facility

Assistant City Manager Boatman explained the benefits of a Construction Management Multi-Prime approach, which allows for more financial control over a project and enables the City to hire the builder based on best value. In December 2021, the City Council approved a Purchase and Sale Agreement for the acquisition of the property located at 1625 W. Redlands Blvd for the future development of a public safety facility to be utilized by the Redlands Police Department. He introduced the Professional Services Agreement with Tilden-Coil Constructors, Inc., for Master Construction Management Services of the City's

new Police Department Safety Hall Facility. This action includes approval of a professional services agreement and payment is based on time and materials expended, not to exceed $3,000,000. The actual cost will be largely dependent on the project scope which is currently under design. The architect will provide progress updates through staff to the City Council throughout the design process.

On motion of Council Member Mario Saucedo, seconded by Mayor Eddie Tejeda, the City Council unanimously determined, by roll call vote, that approval of a Professional Services Agreement with Tilden-Coil Constructors, Inc., for Master Construction Management Services of the City's new Police Department Safety Hall Facility is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines; approved the Professional Services Agreement with Tilden-Coil Constructors, Inc., for Master Construction Management Services of the City's new Police Department Safety Hall Facility in an amount not to exceed $3,000,000; and approved an additional appropriation in the amount of $3,000,000. This expense will be offset with a release of the Future Facilities Reserve from the General Fund. The current balance of that reserve is $22,111,486.

Vote: 5 - 0 Passed

Contract Award California Street Landfill Gas Extraction Wells Phase 2 & 3

Facilities and Community Services Director Crocker presented an award of construction contract for the California Street Landfill Gas Extraction Wells Phase 2 & 3 to BSE General Engineering Inc. Phase 2 & 3 in the amount of $423,726.47. The landfill expansion areas have reached maximum waste placement, which means higher concentration gas levels are expected to quickly increase and to remain within compliance, additional wellheads must be installed to mitigate gas control. Sufficient funding for this project is included in the Solid Waste Division's project budget for fiscal year 2023-2024 as approved by City Council.

On motion of Council Member Mario Saucedo, seconded by Mayor Pro Tempore Paul Barich, the City Council unanimously determined, by roll call vote, that the award of a construction contract to BSE General Engineering, Inc., for the California Street Landfill Gas Extraction Wells Installation for Phase 2 & 3, is not subject to further environmental review pursuant to Section 15162 of the State's guidelines implementing the California Environmental Act; and approved a construction contract with BSE General Engineering, Inc. for the California Street Landfill Gas Extraction Wells Installation for Phase 2 &3 for an amount of $423,726.47.

Vote: 5 - 0 Passed

Contract Award Mission Zanja Channel Improvements Project

City Engineer Goutam Dobey summarized a Public Works Construction Contract with Harbor Coating and Restoration for the Mission Zanja Channel Improvements Project, Project No. 405003 for an amount not-to-exceed $381,799. This maintenance project, which includes cleaning and preparing the interior channel surface, removing material and debris as necessary to complete the work, spot repairing concrete, and applying the sealant to the channel walls and ceiling.

On motion of Council Member Mario Saucedo, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously determined, by roll call vote, that approval of the Construction Contract and construction of the Mission Zanja Channel Improvements Project is categorically exempt from environmental review in accordance with Section 15301 of the State's guidelines implementing the California Environmental Quality Act; approved the Mission Zanja Channel Improvements Project Plans and Specifications, and awarded a Construction Contract to Harbor Coating and Restoration for an amount not-to-exceed $381,799. There is no fiscal impact associated with this action. The construction cost for this project is included in the FY 23/24 MUED budget.

Vote: 5 - 0 Passed

Water Meter Replacement Project Agreement

City Manager Duggan explained the need for an additional appropriation of $4,932,257.96 from the Water Fund and the approval of a Non-Professional Services Agreement with Ferguson Enterprises, LLC for an amount not-to-exceed $6,747,257.96 for the third and final phase of the Water Meter Replacement Project.

On motion of Council Member Mario Saucedo, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, an additional appropriation of $4,932,257.96 from the Water Fund for the third and final phase of the Water Meter Replacement Project; and approved a Non-Professional Services Agreement with Ferguson Enterprises, LLC for an amount not-to-exceed $6,747,257.96 for the third and final phase of the Water Meter Replacement Project.

Vote: 5 - 0 Passed

Grant Acceptance HSIP Cycle 9 Orange Blossom Trail Phase 3 Crossings Project

City Engineer Goutam Dobey detailed the Highway Safety Improvement Program (HSIP) Cycle 9 Grant in the amount of $298,000 and the request to approve a Construction Contract with California Professional Engineering, Inc. for the HSIP Cycle 9 Orange Blossom Trail Phase 3 Crossings Project for an amount not-to-exceed $259,245.

On motion of Council Member Mario Saucedo, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously determined, by roll call vote, that acceptance of a grant and approval of a Construction Contract and construction of the Highway Safety Improvement Program (HSIP) Cycle 9 Orange Blossom Trail Phase 3 Crossings Project is exempt from environmental review pursuant to Section 15301(c) of the State's guidelines implementing the California Environmental Quality Act; accepted the California Department of Transportation HSIP Cycle 9 grant award of $298,000; approved the HSIP Cycle 9 Orange Blossom Trail Phase 3 Crossings Project plans and specifications; approved the Construction Contract with California Professional Engineering, Inc. for an amount not-to-exceed $259,245; and approved an additional appropriation in an amount not-to-exceed $48,000 for this project.

Vote: 5 - 0 Passed

COUNCIL MEMBER ANNOUNCEMENTS AND ACTIVITIES

There were no Council Member announcements presented

ADJOURNMENT

The meeting adjourned at 9:02 P.M. in memory of former Mayor Bill Cunningham who served the City selflessly in so many ways, as a teacher, coach, RUSD Board Member, as well as serving 12 years on the City Council with one term as mayor. He was a tireless advocate for slow growth in Redlands and was passionate about protecting orange groves. Mayor Pro Tem Barich said he was always dedicated to making Redlands a better place and he will be greatly missed. The next regular meeting of the City of Redlands City Council will be held on September 19, 2023.

SUCCESSOR AGENCY OF THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF REDLANDS

Chairperson Tejeda called the meeting to order and offered anyone present the opportunity to address the Board on any subject not already on the agenda, within the jurisdiction of the Successor Agency.

PUBLIC COMMENT

None forthcoming

Minutes

On motion of Vice Chair Barich, seconded by Board Member Saucedo, the minutes of the regular meeting of July 5, 2023 were unanimously approved, by roll call vote.

Vote: 5 - 0 Passed

ADJOURNMENT

There being no further business, the Successor Agency Board of Directors' meeting was adjourned at 9:03 P.M. The next regular meeting of the Agency will be held on October 3, 2023.

City Council/Financing Authority Meeting **I. 2.**

DATE: 09/19/2023

TO: Honorable Mayor and City Council Members

SUBJECT: Authorize issuance of a Proclamation declaring September 24, 2023 as Adult Literacy Day in the City of Redlands (Mayor Tejeda)

MOTION:

I move to authorize the issuance of a Proclamation declaring September 24, 2023, as Adult Literacy Day in the City of Redlands.

SUBMITTED BY:
Jennifer Macias, Management Analyst

REVIEWED BY:
Charles M. Duggan, Jr., City Manager
Janice McConnell, Assistant City Manager

Attachments

Adult Literacy Day Proclamation 2023

PROCLAMATION

Adult Literacy Day

WHEREAS, the U.S. mean literacy score is below the international average according to the Program for the International Assessment of Adult Competencies (PIAAC); and

WHEREAS, the most recent studies available indicate that nearly 23 percent of California's adults lack basic literacy skills; and

WHEREAS, the California State Legislature has declared in State Education Code Sec. 18010 that the public library is "a resource for continuing education and re-education beyond the years of formal education."; and

WHEREAS, adults in Redlands seek to improve their literacy skills through the Redlands Adult Literacy Program so that they may get a job or advance in their employment, build or improve a small business, help their children in school, and work towards their own higher education; and

WHEREAS, the Adult Literacy Program works collaboratively with community partners including the YMCA of the East Valley, Redlands Adult School and Micah House to advance adult literacy in Redlands; and

WHEREAS, the Adult Literacy Program utilizes a statewide literacy partnership which funds AmeriCorps volunteers to enhance local adult literacy efforts; and

WHEREAS, the Adult Literacy Program recently published its sixth volume of Our Stories, A Collection of Writings, an anthology that gives voice to adult learners through their writing; and

WHEREAS, we commend the efforts of the Redlands Adult Literacy Program and all its volunteers and community partners for assisting adult learners who work to improve their reading and writing so that they can provide a better future for themselves, their families, and their community;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Redlands does hereby proclaim September 24, 2023 as ***Adult Literacy Day*** in the City of Redlands and calls upon our residents to promote literacy efforts and education programs throughout our community.

IN WITNESS THEREOF, we hereunto affix our signatures and Official Seal of the City of Redlands on this 19th day of September, 2023.

Eddie Tejeda, Mayor

Attest:

Jeanne Donaldson, City Clerk

City Council/Financing Authority Meeting **I. 3.**

DATE: 09/19/2023

TO: Honorable Mayor and City Council Members

SUBJECT: Authorize proclamation celebrating the The Unforgettables 25 Year Anniversary (Mayor Pro Tem Barich)

MOTION:

I move to authorize the issuance of a proclamation celebrating the The Unforgettables 25 Year Anniversary.

Attachments

Proclamation - The Unforgettables

PROCLAMATION

25th Anniversary of The Unforgettables Foundation

WHEREAS, The Unforgettables Foundation is a nonprofit organization founded by Tim Evans in 1999 whose mission is to assist low income families provide a dignified, appropriate burial for their children who have passed away; and

WHEREAS, the Foundation is aided by Inland Empire educators, medical professionals, social workers, certified public accountants, attorneys, bankers, morticians, and others, all of whom share the Foundation's paramount mission to assist families with the many crises surrounding the death of a child; and

WHEREAS, the Foundation educates parents and children's caregivers to confront, control and conquer the primary risks to our children's health and wholeness; and

WHEREAS, for many families, the anguish and heartbreak of a child's death is accompanied by the additional burden of financial incapacity. The simple truth is that many families are unable to afford a dignified, respectful burial for their beloved child; and

WHEREAS, since its creation, the Unforgettables Foundation has assisted over 10,000 families in more than 80 cities in Southern California; and

WHEREAS, the contributions the Unforgettables Foundation has made to the families it serves are invaluable and reflect an organization devoted to the highest ideals of community service due to its conviction that every child is unforgettable;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Redlands does hereby congratulate The Unforgettables Foundation on its 25th anniversary and commends them for playing a vital role in improving the quality of life in the local community.

IN WITNESS WHEREOF, we hereunto affix our signatures and Official Seal of the City of Redlands on this 19th day of September 2023.

_____

Eddie Tejeda, Mayor

_____

Paul Barich, Mayor Pro Tem

Attest:

_____

Jeanne Donaldson, City Clerk

City Council/Financing Authority Meeting **I. 4.**

DATE: 09/19/2023

TO: Honorable Mayor and City Council Members

SUBJECT: Adopt Resolution No. 8515 authorizing City staff to vote on behalf of the City at water company meetings and determination that this action is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act (Municipal Utilities and Engineering Director Harris)

MOTION(S):

If City Council determines the staff recommendation is appropriate, the following motion is provided:

I move that City Council determine adoption of Resolution No. 8515 is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act and adopt Resolution No. 8515.

RECOMMENDATION:

Staff recommends City Council determine adoption of Resolution No. 8515 is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act and adopt Resolution No. 8515.

DISCUSSION:

The City produces, treats, and disinfects water from three (3) sources to distribute to customers within the Redlands water service area: 1) Santa Ana River, 2) Mill Creek, 3) Groundwater. Santa Ana River water is treated at the Hinckley Water Treatment Plant and Mill Creek water is treated at the Tate Water Treatment Plant. Water entitlements from these surface water sources are

obtained primarily through City-owned shares in several mutual water companies: Lugonia Water Company, Redlands Water Company, West Redlands Water Company, Lugonia Park Water Company, Bear Valley Mutual Water Company, Crafton Water Company, and Redlands Heights Water Company. Each water company holds annual Shareholders Meetings, Board of Directors Meetings, and specially called meetings from time-to-time. The City is able to participate in these companies by voting on various issues at these meetings. Historically, City staff has voted on behalf of the City at these meetings. Adoption of Resolution No. 8515 ratifies that practice.

Adoption of Resolution No. 8515 is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act, as it can be seen with certainty that this action will have no impact on the physical environment.

ALTERNATIVES:

City Council may deny the staff recommendation and provide alternate direction.

STRATEGIC PLAN:
N/A

SUBMITTED BY:
John R. Harris, Municipal Utilities and Engineering Director

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Yvette M. Abich Garcia, City Attorney
Janice McConnell, Assistant City Manager

PREPARED BY:
John R. Harris, Municipal Utilities and Engineering Director

Fiscal Impact

Discussion:
There is no fiscal impact associated with this action.

Attachments

Resolution No. 8515

RESOLUTION NO. 8515

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS AUTHORIZING CITY STAFF TO VOTE CITY-OWNED SHARES OF WATER COMPANY STOCK

WHEREAS, the City of Redlands owns shares of various water company stock that allow the City to receive water at its Horace Hinckley and Henry Tate surface water treatments plants; and

WHEREAS, every year, each of the water companies for which the City owns shares has an annual shareholder meeting and from time to time other specially-called meetings of its shareholders, (collectively, the "Shareholder Meetings"); and

WHEREAS, at such Shareholder Meetings, topics are discussed and voted upon that may impact operations and management of each water company and the City; and

WHEREAS, for decades, City staff has voted such shares on behalf of the City at such Shareholder Meetings; and

WHEREAS, often information on the topics to be voted on is not available to City staff prior to such Shareholder Meetings; and

WHEREAS, it is the desire of the City Council of the City of Redlands to formally authorize City staff to vote on behalf of the City at any such Shareholder Meetings, and bring to the City Council, when practicable, water company topics proposed for discussion and direction at such meetings; and

WHEREAS, by this Resolution, the City Council's intends to formally adopt a policy that ratifies existing practice.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Redlands as follows:

Section 1. The City Council of the City of Redlands authorizes City staff to vote on behalf of the City at any annual or other specially-called water company shareholder meetings, bring to City Council when practicable water company topics proposed for discussion and direction at such meetings, and provide a report on the actions that are voted on.

Section 2. This Resolution shall take effect from and after the date of its passage and adoption.

ADOPTED, SIGNED AND APPROVED this 19th day of September, 2023.

_____
Eddie Tejeda, Mayor

ATTEST:

_____
Jeanne Donaldson, City Clerk

I, Jeanne Donaldson, City Clerk of the City of Redlands, hereby certify that the foregoing resolution was duly adopted by the City Council at regular meeting thereof held on the 19th day of September, 2023, by the following vote:

_____

Jeanne Donaldson, City Clerk

City Council/Financing Authority Meeting **I. 5.**

DATE: 09/19/2023

TO: Honorable Mayor and City Council Members

SUBJECT: Approve the non-competitive purchase of Joint Utilities Laboratory equipment and related services directly from IDEXX Distribution, Inc. for an amount not-to-exceed $41,161.02 (Municipal Utilities and Engineering Director Harris)

MOTION(S):

If City Council determines the staff recommendation is appropriate, the following motion is provided:

I move City Council approve the non-competitive purchase of Joint Utilities Laboratory equipment and related services directly from IDEXX Distribution, Inc. for an amount not-to-exceed $41,161.02

RECOMMENDATION:

Staff recommends City Council approve the non-competitive purchase of Joint Utilities Laboratory equipment and related services directly from IDEXX Distribution, Inc. for an amount not-to-exceed $41,161.02.

DISCUSSION:

The City's Joint Utilities Laboratory (Laboratory) protects public health by ensuring that the water production, treatment, and distribution and wastewater collection, treatment, and discharge processes meet regulatory agency requirements. A primary responsibility of the laboratory is to monitor the concentration of microorganisms in samples collected throughout the water distribution system to ensure the City's drinking water is safe for consumption. Standard testing procedures take eighteen (18) to twenty-four (24) hours to produce results, which delays water service restoration after emergency waterline failures and repairs. In these situations, customers are required to boil

water before consumption until test results are available to confirm the water supply is safe to drink.

IDEXX Distribution, Inc. (IDEXX)markets various Tecta Instrument Products (Tecta) and is the sole preventive maintenance and service provider for laboratory equipment. The Tecta B-16 expedites microorganism testing and analysis, and provides automated test results notifications. The Tecta B-16 is able to provide accurate positive test results within two (2) hours and can be configured to distribute test results notifications to designated City staff automatically. Incorporating the Tecta B-16 into the Laboratory's testing protocols improves efficiency by quickly validating the effectiveness of the waterline repair disinfection process.

Staff recommends purchasing the Tecta B-16 non-competitively from IDEXX to expedite microorganism testing and analysis and because of its unique automated notification feature. Also, IDEXX is the sole provider of current microorganism test supplies for the Laboratory. The $41,161.02 purchase price includes the Tecta B-16 and ancillary equipment, installation and staff training, and a two (2) year warranty.

ALTERNATIVES:

City Council may deny the staff recommendation and provide alternate direction.

STRATEGIC PLAN:

N/A

SUBMITTED BY:
John R. Harris, Municipal Utilities and Engineering Director

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Janice McConnell, Assistant City Manager
Yvette M. Abich Garcia, City Attorney
Danielle Garcia, Management Services/Finance Director
Dana Abramovitz-Daniel, Procurement Manager

PREPARED BY:
Jungjoon Park, Laboratory Manager

Fiscal Impact

Fiscal Year:	FY 23/24
Revenue Generating:	No
Appropriation Required Y/N:	No
Amount:	$41,162
Budgeted Y/N:	Yes
Account No.:	501900

Discussion:

There is no fiscal impact associated with this action. Funding for this purchase is included in the Fiscal Year 23/24 MUED Water Service Budget (501900).

Attachments

Tecta Quote

Service Agreement - Tecta 2 Years

IDEXX Sole source PKT

TECTA QUOTE

Number / Date
20255451 / 04/27/2023

Ship to Address
CITY OF REDLANDS
1950 NEVADA STREET
REDLANDS CA 92373
UNITED STATES
UNITED STATES

Sold to Address
CITY OF REDLANDS
PO Box 3005
REDLANDS CA 92373
UNITED STATES
UNITED STATES

Bill-to Customer 176280

Net weight : 30.670

Quote Valid through September 30, 2023. Two-Year Service Plan included in quote.

Material ID / *Commodity/COO*	*Description* / *Batch* / *Exp.Date* / *Backorder item*	*Quantity*	*UnitPrice*	*Total Value*
98-0018010-00 9027898090/CA	TECTA B16, 115V, TECTAB16A-115-02	1	22,500.00	22,500.00
98-0018012-00 3822190080/CA	TECTA-CCA-48, TECTALERT ECTC 48PK	1	605.00	605.00
98-0018242-00 9027905695/CA	TECTA-SPAR-PDS-ENCL40569	1	220.00	220.00
95-0018304-00	Tecta Installation and training	1	4,500.00	4,500.00
95-0018307-00	Tecta Service PLUS Agreement	1	9,775.00	9,775.00

Items Total		**37,600.00**
Freight Value		**271.02**
Tax total		**3,290.00**
Total Amount	**USD**	**41,161.02**

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All local taxes at customer charge

Agreement on Services for IDEXX Tecta Instrument Products

This Agreement on Services for IDEXX Tecta Instrument Products ("Agreement") incorporates IDEXX's General Terms and Conditions of Sale ("General Terms", available at https://www.idexx.com/en/about-idexx/terms-of-sale/) and applies to the various service plans offered by IDEXX Laboratories, Inc. or one of its affiliates, referred to as IDEXX, we, us and our, for IDEXX Tecta B4 and/or IDEXX Tecta B16 instrument. By signing an order form, placing an order, or accepting the services identified below, you agree to the General Terms and the terms of this Agreement.

Covered Products; Modifications: This Agreement covers the IDEXX Tecta instrument identified by the serial number(s) specified on your order form and/or invoice. We reserve the right to modify our service terms in this Agreement from time to time upon not less than 30 days' notice to you.

A. Service Plans

Described below are the various service plans that you may purchase under this Agreement. Not all service plans may be available in your region. Please refer to your order form or invoice for the service plan(s) that you have elected.

1.Tecta Start-up Service:

- Description: If you purchase this service, a trained professional will travel to your location for up to two days to install the instrument(s) you purchased from us and provide new-user training.
- This service plan will include installing (if applicable) and commissioning the Tecta instrument, installing any required software updates, performing initial quality testing, and training people who will use the instrument. Other services may be performed as we deem appropriate. This is not intended to be a preventative maintenance or repair visit.
- Schedule and duration of service: This service event is limited to two consecutive days of on-site service. It will be performed during Monday to Friday, excluding holidays. Scheduling will be arranged by our account manager. An additional fee would apply for any extra days.
- Twelve-month term: This service must be used within twelve months of the purchase date of the covered instrument under this Agreement.

2. Tecta Basic Service Plan (1-year term):

- Description: For each Tecta instrument, if you purchase this service, you will receive a one-year basic warranty service as described herein, beginning upon the expiration date

of the manufacturer's standard warranty period (twelve months).

- Under this service, we will pay for the cost of replacement parts and provide remote (virtual) support to you while you repair the instrument. We will pay for the shipping charges of these replacement parts.
- We will ship these parts to you in an expedient manner, using reasonable efforts to make sure you have timely access to the replacement parts.
- No on-site service; no loaner instrument: This service plan does not include an on-site visit from a trained professional or access to a loaner instrument(s).
- Eligibility period: This service plan is available for purchase any time during the twelve-month period following the purchase of the instrument.
- IDEXX may, in its sole discretion, elect to offer this service option to you after the expiration of the manufacturer's warranty, but is not obligated to do so. In this circumstance, the coverage period would begin on the date of your payment for the service.

3. Tecta Service Plus Plan (1-year term)

- Description: For each Tecta instrument, if you purchase this service, you will receive the one-year basic service plan (as specified in Sub-Section 2 above) for such instrument, as well as access to a loaner instrument if the original instrument needs to be sent to IDEXX for repair, and one optional on-site service visit (two day maximum). Each of these are described in further detail below:
    - Loaner instrument:
        - Description: For any instrument failure that cannot be diagnosed and/or repaired remotely, we will supply a loaner instrument to be used while the original instrument is returned to us for repair. You will be responsible for shipping the original instrument to an address to be provided by us after you receive the loaner. We will pay all shipping costs and make reasonable efforts to deliver the loaner instrument in an expedient manner.
        - A loaner instrument will not be supplied until it is determined by us that the original instrument cannot be diagnosed and/or repaired remotely. This may include IDEXX sending replacement parts to you so you can attempt a remote-guided repair. We will make reasonable efforts to reach this conclusion as quickly as possible, but this may mean that you have a period of time without a loaner instrument while the situation is assessed. IDEXX may, in its sole discretion, elect to send a loaner instrument before a remote repair is attempted, but is not obligated to do so.
        - Single swaps and double swaps: If your original instrument can be repaired, IDEXX will offer to return that original instrument to you after the repair is completed. After receiving the original instrument, you would be required to return the loaner instrument to IDEXX. If the original instrument cannot be

repaired, you will be offered a new instrument (or you will be offered to keep the loaner, if the loaner was a new instrument when you received it). All shipping costs will be paid by IDEXX.

- On-site service visit ("Visit"):
  - Description: This Visit will typically include cleaning, preventative maintenance, system validation and quality control, installation of software updates, and user training. Other services may be performed as we deem appropriate.
  - Scheduling and duration of Visit: The Visit is limited to two consecutive days of on-site service. It will be performed during Monday to Friday, excluding holidays. Scheduling will be arranged by our account manager. An additional fee would apply for any extra days.
  - The Visit should be scheduled with reasonable advance notice. This Visit is intended to be for routine preventative maintenance and training for already-installed instruments, and is not intended to be for emergency repair or instrument installation. If circumstances allow, IDEXX may, in its sole discretion, elect to perform this Visit as an emergency visit, but is not obligated to do so. If you have already used your Visit under this Agreement and require a subsequent emergency repair, an additional charge would apply.
  - This is an optional visit at your discretion. This means that you are ultimately responsible for notifying IDEXX of the request to have the Visit. If IDEXX does not perform the Visit during the 1-year term of the Tecta Service Plus Plan, you will not be entitled to a full or partial refund. IDEXX will make reasonable accommodations for Visits that are scheduled but later canceled due to events beyond your control, such as illness or weather.

- Term, eligibility period, and effective date:
  - This is a one-year-term service, which shall be purchased any time during the twelve-month period following the purchase of the covered instrument.
  - All services covered by this service plan shall be effective on the date of the purchase of the service. As such, the basic service plan included in this service option will not be delayed to begin upon the expiration of the manufacturer's standard warranty period (which will be 12 months starting from your purchase of the covered instrument).

- Tecta Service Plus Plan with a 2-year Term. You may choose to purchase the Tecta Service Plus plan for a 2-year term. In that case, all the terms specified above will apply except that the term for the service will be two years effective as of the date of your purchase of the service and two on-site service Visits at your option will be provided.

- Add instrument(s) to current Tecta Service Plus Plan:
    - Description: If you have an existing Tecta Service Plus plan purchased under this Agreement, you may choose to add additional instrument(s) ("Added Instrument") to such Service Plus plan, provided that such Added Instrument is located at the same site where the instrument(s) already covered under the current Tecta Service Plus plan is located and that an additional fee (as specified in the order form or invoice) is paid on a per-instrument basis. You can only choose to add instrument(s) to the current Tecta Service Plus plan within 12 months of the purchase date of such instrument(s).
    - The current Tecta Service Plus plan (including the starting and end date of the plan) will apply to the Added Instrument, except that there will be no separate and additional on-site service visit for the Added Instrument. So, if you choose to add an instrument after the on-site service visit has already occurred under the current Tecta Service Plus plan, you will not be entitled to an additional on-site service visit for the Added Instrument. However, in such case, IDEXX may, in its sole discretion, elect to adjust the service price for the Added Instrument (but is not obligated to do so).

4. On-site Service Visit:

- Description: This is a stand-alone service in addition to what you may have under any other service plan(s). With this stand-alone on-site service visit plan, you will receive one on-site service visit of up to two days to service or repair such instrument. The cost of replacement parts is not included and will be invoiced to you separately. This service does not cover any services beyond the single two-day visit.
- Scheduling and duration of service: This service event is limited to two consecutive days of on-site service. It will be performed during Monday to Friday, excluding holidays. Scheduling will be arranged by our account manager. We will make reasonable efforts to perform this service in a timely manner, understanding that delays may cause disruption to your testing. An additional fee would apply for any extra days beyond the second day.

B. General Terms (for all service plans)

1. Hours of Service; Service Returns: We will provide service in accordance with our normal procedures and during our normal business hours, except holidays. In case of malfunction, you must first contact IDEXX Customer Support by telephone at our telephone number provided in your product documentation.

Our telephone support is available during our normal business hours, Monday through Friday, except holidays. Our support personnel will guide you to attempt to correct reported problems

yourself. If telephone support is not successful, we will give you further instructions. Unless specifically indicated in this Agreement, we have no obligation to provide on-site service. If it is necessary to return the product, you must do so to our designated facility for examination. If we authorize a return, we will pay shipping costs to and from our repair facility except in cases of improper use or mistreatment, etc. as provided below in "Your Obligations, Exclusions for Improper Use, Etc." All exchanged parts and products become our property. Delayed returns are subject to daily rental charges at our then-current rate.

2. Your Obligations; Exclusions for Improper Use, Etc.: You must take reasonable care of the product, maintain it in a clean and appropriate environment and carry out the routine maintenance recommended by us in the applicable user guide, instructions or other documentation or otherwise communicated to you from time to time. You must provide reasonable supporting data to help identify reported problems.

We cannot assure you of the performance of our products if you use them other than in strict accordance with our product instructions or if you use them on or in conjunction with products or services not provided and configured by us. FAILURE TO USE ONLY OUR AUTHORIZED PRODUCTS OR SERVICES IN OR ON OUR PRODUCTS VOIDS THIS AGREEMENT AND OUR OBLIGATIONS TO YOU. In addition, if your equipment is not under warranty and is not currently covered by our service agreement, we may at our option inspect your equipment before we agree to provide coverage. We may charge you our then-standard rates for such inspection, and if repairs are required, we may either charge you for such repairs and replacement parts at our then-standard rates, exclude repairs to parts that have exceeded their reasonable life from service coverage, or vary your service fee accordingly. If for any period you are not covered by our service agreement and wish to start or resume such coverage, resumption will be at our discretion, and we may charge you the service fee for any period you were not covered.

Our service plan coverage does not cover damage resulting from any causes external to our products (which if repairable will be repaired at your expense), such as negligence or improper use or handling; casualty; external electrical fault; failure to follow packing or shipping instructions; use of unauthorized products in conjunction with our products; or repairs or modifications made by anyone other than us or our authorized service providers. We will repair normal wear-and-tear damage only to the extent required for proper functioning of equipment; cosmetic damage to equipment is not covered. If we determine that the reported problem is not covered by this Agreement, you must reimburse us for the costs of equipment shipping, and we will attempt to repair / replace the product at your cost, at our then-standard rates for such work, or return it as you instruct and at your cost; in such case you will also return any loaner or replacement equipment to us at your cost.

3. All-inclusive Fee: The fee you pay for the service plan in this Agreement is an all-inclusive price. Travel costs for the IDEXX team member are included in such fee and thus will not be invoiced separately. Cost of the service will not be itemized by component (e.g., installation vs. training cost).

4. Renewal; Renewal Fees: For Tecta Basic Service and Service Plus plans, you may renew the service plan by notifying us prior to the expiration of your current service plan ("Renewal Term"). The service fee for any Renewal Term will be IDEXX's then-current fee. IDEXX may invoice you for Renewal Term(s) before the current Term expires. If IDEXX does not receive payment of the service fee in accordance with IDEXX's invoices to you, or before the beginning of the Initial Term or any Renewal Term, then IDEXX reserves the right to terminate the service plan(s) immediately, including any IDEXX warranty or support obligations to you. If for any period of time you are not covered by our service plan and wish to start or resume such coverage, we may charge you the service fee for any period you were not covered.

5. Termination: The service plan may be terminated by either party upon 60 days written notice to the other. If it is terminated by you without cause or by us due to your breach of the Agreement, you shall not be entitled to any refund of any fee paid by you. If the service plan is terminated by us without cause, IDEXX shall refund to you a pro rata portion of any fee paid with respect to the initial service period or current renewal, as the case may be. We reserve the right to refuse to provide service to you if you are in breach of this Agreement or if your account with any IDEXX company for any product or service is delinquent.

Revised April 2023.

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"A City That Works"

Sole Source/ Single Source/ Standardization Form

For procurement of supplies, equipment and services valued at $5,000 and over

NOTE: Every question must be answered with appropriate documentation attached; incomplete forms will be immediately rejected by Purchasing.

Date: 8/14/23

TO: Purchasing Division

FROM: MUED

Purchase Requisition # _____

Estimated Total Cost: $ 41,161.02

Proposed Vendor: IDEXX Distribution Inc.

Request Term: FY 2023-24

This form must accompany the purchase document whenever an exception to the competitive process is requested. Requests for goods and/or services from a specific vendor or limited to a specific brand, where substitutes to the recommended vendor or brand are unacceptable, must be accompanied by a written justification explaining the circumstances that make alternatives unacceptable.

The City Manager will determine whether the justification is appropriate. Requests for exception must be supported by factual statements that will pass an audit.

INSTRUCTIONS

1. Please check all applicable categories (a. through i.) below and provide additional information where indicated.

☐ a. The requested product is an integral repair part or accessory compatible with existing equipment.

Existing Equipment: _____

Manufacturer/Model Number: _____

Age: _____

Current Estimated Value: _____

☒ b. The requested product has unique design/performance specifications or quality requirements that are not available in comparable products.

☐ c. I have standardized the requested product and the use of another brand/model would require considerable time and funding to evaluate.

☐ d. The requested product is one in which I (and/or my staff) have specialized training and/or extensive expertise. Retraining would incur substantial cost in time and/or funding.

☐ e. The requested product is used or demonstration equipment available at a lower-than-new cost.

☐ f. Repair/Maintenance service is available only from manufacturer or designated service representative.

☐ g. Upgrade to or enhancement of existing software is available only from manufacturer.

☐ h. Service proposed by vendor is unique; therefore, competitive bids are not available or applicable.

☐ i. Other factors (provide detailed explanation in #2 below).

2. Provide a detailed explanation and pertinent documentation *for each category* checked in item 1 above. Attach additional sheets if necessary:

IDEXX Inc. serves as both the manufacturer and exclusive distributor of the Tecta 16 equipment and its associated items. This equipment is equipped with the capacity to proficiently meet the demands of the water division, attributable to its expedited analysis time. Consequently, the water division is empowered to expedite the restoration of water services in the aftermath of emergency waterline failures and repairs. The method employing this equipment is currently the fastest one approved by both the Federal EPA and the California State Water Resources Board for generating bacti results.

3. Was an evaluation of other equipment, products, or services performed?

☐ Yes ☒ No

If yes, please explain the type of evaluation performed and provide all supporting documentation:

4. List below the name of each individual who was involved in the evaluation, if conducted, and in making the recommendation to procure this product or service. Attach additional information, if necessary.

5. **Explain what action(s) the department would take if the sole/single source services were no longer available**

6. I certify that the above information is accurate to the best of my knowledge, and a signed copy of this document will be kept on file and available for audit in my department

jungjoon Park — 08/15/2023

Prepared by — Date

8/15/2023

Department Director — Date

Purchasing Approvals

Purchasing Agent Approval — Date

City Manager Approval — Date

Rev 1.31.19

Dear Sir or Madam, August 14, 2023

Please accept this letter as confirmation that IDEXX Distribution, Inc. (FEIN # 35-2186625) is a wholly owned subsidiary of IDEXX Laboratories, Inc. and is the ***sole supplier*** of the following products to the Water Market:

Product	**Sole Manufacturer**	**Sole Supplier in U.S. and Canadian Water Testing Markets****
Colilert* reagent	Yes	Yes
Colilert Comparator	Yes	Yes
Colilert*-18 reagent	Yes	Yes
Colisure* reagent	Yes	Yes
Enterolert* reagent	Yes	Yes
Pseudalert* reagent	Yes	Yes
Legiolert* reagent	Yes	Yes
IDEXX Vessels	Yes	Yes
Quanti-Tray* Sealer PLUS	Yes	Yes
Quanti-Tray*	Yes	Yes
All Colilert Starter Kits	Yes	Yes
All 20-pack, 100-pack, and 200-pack Combo Packs	Yes	Yes
IDEXX-QC kits[1]	Yes	Yes
Quanti-Cult™ QC kit	Yes	Yes
SimPlate* for HPC test kit	Yes	Yes
HPC for Quanti-Tray* reagent	Yes	Yes
EasyDisc* HPC tests	Yes	Yes
IDEXX Water SARS-CoV-2 RT-PCR Test	Yes	Yes
IDEXX Water DNA/RNA Magnetic Bead Kit	Yes	Yes
IDEXX Water Matrix and Fecal Control Kit	Yes	Yes
IDEXX Water Internal Control	Yes	Yes
Filta-Max* *xpress* Filter modules	Yes	Yes
Filta-Max *xpress* pressure Elution station	Yes	Yes
Filta-Max manual wash station	Yes	Yes
Filta-Max filter modules	Yes	Yes
Tecta* B4	Yes	Yes
Tecta B16	Yes	Yes
Tectalert tests (EC/TC, EC, FC, ENT)	Yes	Yes

** Utility, Public Health and Private labs performing environmental testing

Please note that IDEXX Distribution, Inc. was formed as a wholly owned subsidiary of IDEXX Laboratories, Inc.

I hope this information is of assistance. If you have any questions, please contact me at 1-800-321-0207 ext. 68846.

Sincerely,

Nicole Parkinson

1) IDEXX-QC kits: 98-29000-01, 98-29001-01, 98-29002-01, 98-29003-01, 98-29004-01, 98-29006-01, 98-29007-01, 98-0009287-01

*IDEXX, Colilert, Colilert-18, Colisure, Enterolert, Pseudalert, Legiolert, Quanti-Tray, SimPlate, EasyDisc, Filta-Max, Tecta and Tectalert are trademarks or registered trademarks of IDEXX Laboratories, Inc. or its affiliates in the United States and/or other countries. 102600-00

Introducing IDEXX Tecta

The first fully automated, on-site total coliform and *E. coli* detection system. The Tecta* instruments incubate samples and continuously monitor for positive results. Test results are transmitted via email in real time.

Effortless detection and quantification of *E. coli*, coliforms, and more

- **EPA approved.** The Tectalert EC/TC Test is approved by the U.S. EPA for detection of *E. coli* and total coliforms in drinking water.†
- **Every second counts.** Tecta tests deliver results fast, to anyone, anywhere, anytime. The Tecta EC/TC Test offers results in 2–18 hours, depending on contamination levels.
- **Weekend testing solved.** Automated incubation, sample interpretation, and results notification save your staff from weekend trips to the lab.
- **Automation unlocked.** The Tecta instruments interpret results automatically, eliminating the need for visual reading of results at a specific time.

IDEXX

Select the best Tectalert tests for your laboratory

	Tectalert *E. coli* and Total Coliforms (EC/TC)	Tectalert *E. coli*	Tectalert Fecal Coliforms	Tectalert *Enterococcus*
Product number	98-0018012-00	98-0018013-00	98-0018014-00	98-0018015-00
Catalog number	TECTA-CCA-48	TECTA-ECA-48	TECTA-FCA-48	TECTA-ENA-48
Analyte	*E. coli* and total coliforms	*E. coli*	Fecal coliforms	*Enterococcus*
Detection limit	<1 CFU/100 mL	<1 CFU/100 mL	<1 CFU/100 mL	<1 CFU/100 mL
Incubation temperature	35 ± 0.5 °C	41.5 ± 0.5 °C	44.5 ± 0.2 °C	41.5 ± 0.5 °C
Sample size	100 mL	100 mL	100 mL	100 mL
Time to results[‡]	18hr00 for <1 CFU EC/TC <10hr30 for 100 CFU *E. coli* <12hr15 for 100 CFU TC	16hr00 for <1 CFU <9hr00 for 100 CFU <8hr00 for 1,000 CFU	18hr00 for <1 CFU <10hr15 for 100 CFU <9hr00 for 1,000 CFU	24hr00 for <1 CFU <9hr45 for 100 CFU <8hr30 for 1,000 CFU

The Tectalert EC/TC Test is approved by the U.S. EPA for detection of *E. coli* and total coliforms in drinking water.[†]

For more information, visit **idexx.com/tecta**, or call 1-800-321-0207.

[†]The Tectalert EC/TC Test cartridge contains the EPA-approved TECTA EC/TC media, which is approved in various sections at 40 CFR 141 and described in the document *TECTA EC/TC Medium and the TECTA Instrument: a Presence/Absence Method for the Simultaneous Detection of Total Coliforms and Escherichia coli (E. coli) in Drinking Water*, May 22, 2014, Version 1.0.

[‡]All time to results are based on fresh surface water testing. Other matrices may vary.

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*Tecta is a trademark or registered trademark of IDEXX Laboratories, Inc. or its affiliates in the United States and/or other countries.

IDEXX

City Council/Financing Authority Meeting **I. 6.**

DATE: 09/19/2023

TO: Honorable Mayor and City Council Members

SUBJECT: Approve a request for in-kind support in the amount of $14,061 for the Redlands Oktoberfest event hosted by the Redlands Optimist Club from October 7, 2023 through October 8, 2023, within Sylvan Park; authorize the sale and consumption of alcoholic beverages at the event; and determine that the event is categorically exempt from environmental review pursuant to Section 15061 (b)(3) of the State's guidelines implementing the California Environmental Quality Act (Facilities and Community Services Director Crocker)

MOTION(S):

If the City Council determines that staff's recommendation is appropriate, the following motions are provided:

1. I move that City Council determine the Redlands Oktoberfest event is categorically exempt from environmental review pursuant to Section 15061 (b)(3) of the State's guidelines implementing the California Environmental Quality Act; and
2. I move to authorize and approve a request for in-kind support in the amount of $14,061 related to this event; and
3. I move to authorize the sale and consumption of alcoholic beverages for the Redlands Optimist Club to be held on October 7, 2023, and October 8, 2023, at Sylvan Park.

RECOMMENDATION:

Staff recommends that the City Council determine that the event is categorically exempt from environmental review pursuant to Section 15061 (b)(3) of the State's guidelines implementing the California Environmental Quality Act, that the City Council direct staff accordingly concerning the request for in-kind support, and authorize the sale and consumption of alcoholic beverages during

the Redlands Optimist Club's Oktoberfest event.

DISCUSSION:

The Facilities and Community Services Department manages the administration and issuance of permits for special events held in public areas of the City. Upon the issuance of a special event permit, the event may take place contingent on the event organizer paying the required fees. The City recognizes the value of partnering with non-profit agencies and organizations to provide services beneficial to the community. Therefore, in an effort to provide support for programs that provide a community benefit, the City Council will, from time to time, consider the authorization of the expenditure of city resources related to a specific special event without reimbursement from non-profit agencies and organizations.

The Redlands Optimist Club (Optimist Club) has reserved Sylvan Park on Saturday, October 7th and Sunday, October 8th of 2023 for the Redlands Oktoberfest event. The Optimist Club is requesting permission to serve alcohol at the event that will end no later than 7:00 p.m. on Saturday and Sunday. The Optimist Club is requesting in-kind support and departmental resources, including personnel and equipment from the Police and Facilities and Community Services Departments. The Optimist Club is a registered non-profit organization operating out of the City of Redlands. The City Council has waived fees for this event in the past as it serves as a public benefit to the community by promoting economic development and tourism within the community. The Optimist Club will be responsible for operating and obtaining the daily license to serve alcohol from the Office of Alcohol Beverage Control. City Council approval is also necessary to authorize the consumption of alcohol for this event due to its location. Staff's approval authority is limited to only enclosed public areas in public parks as defined by Resolution No. 7559, and therefore the approval of this request is outside of the staff's purview. Should the City Council approve the consumption of alcohol, staff will coordinate the distribution of receptacles to collect all recyclable material generated from the event.

The event is categorically exempt from the requirements of the California Environmental Quality Act’s guidelines pursuant to Section 15061 (b)(3). This section includes the permitting of existing public facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The request is consistent with this exemption as it includes permitting within an existing public park for a temporary event.

ALTERNATIVES:

The City Council may deny the request to hold the event, the request for in-kind support or provide alternative direction to staff.

STRATEGIC PLAN:

Supports Strategic Plan Priority A: Quality of Life - Strategic Objective 1: Beautification, Arts and Culture.

SUBMITTED BY:
Tabitha Crocker, Facilities and Community Services Director

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Janice McConnell, Assistant City Manager
Christopher Boatman, Assistant City Manager

PREPARED BY:
Michelle Groenke, Administrative Assistant

Fiscal Impact

Fiscal Year: 2023/24

Discussion:

In anticipation of the City Council's consideration of this request, staff has compiled the following table outlining costs related to fees established by Resolution of the City Council and departmental charges pertaining to personnel and equipment resources necessary for the support of the event; totaling $14,061. The departmental charges are costs outside of normal City operations that would not be incurred by the City if the special event was not taking place.

Departmental Charges (Personnel & Equipment)	2023 Amount	Type	2022 Amount
Police Personnel[1]	$10,080.00	Hard Cost	$8,496.00
FCS Personnel[1]	$2,250.00	Hard Cost	$2,400.00

Fire Personnel[1]	$0.00	Hard Cost	$0.00
Personnel & Equipment Subtotal	**$12,330.00**		**$10,896.00**
Fees Established by City Council Resolution			
Sylvan Park Reservation Permit	$422.00	Soft Cost	$422.00
FCS equipment	$1,309.00	Soft Cost	$0.00
Fees Subtotal	**$1,731.00**		**$422.00**
Total Departmental Charges and Fees			
	$13,639.00 (hard) **$422.00** (soft) **$14,061.00 (Total)**		**$11,318.00**

1Personnel costs are calculated conservatively assuming the highest staff cost scenario. Actual costs may vary on the day of the event based on the actual staff present. Actual costs will be confirmed following the event and will be included in a reconciliation report presented to the City Council.

The following table summarizes the total estimated costs associated with the use of City resources and in-kind support approved for events scheduled during Fiscal Year 2023-24 to date:

TABLE 2: FY 2023-24 Fee Waivers to date

Hard Costs	Soft Costs	Deposits Refunded	In-kind support Amount	Net Amount
$85,702.00	$6,018.00	$0	$91,720.00	$91,720.00

Attachments

In-kind Request
Authorization to Serve Alcohol
Verification of Non-Profit

City of Redlands *In-Kind Support Request*

Event Name: Redlands Optimist Club

Event Date(s): 10/7 - 10/8 **Location(s):** Sylvan Park

Rain Out Date: n/a **Beginning Time:** 11 am **End Time:** 8 pm

Describe Your Request:

This completed form with all supporting documentation shall be submitted a minimum of 60 days prior to the scheduled event. Additional information may be attached to this application form, as needed.

12th annual Redlands Optimist Club Oktoberfest to raise funds for the Youth of our community

Select and Describe All City Provided Services That May Apply to Your Request :

- [ ] Traffic (*Personnel, equipment, cones, barricades, no-parking*
- [x] Police (*Public Safety Personnel)*
- [ ] Fire (*Paramedics, Inspectors)*
- [x] Parks *(Cleanup Personnel, Ball Field Lights)* Sylvan
- [ ] Facility

Refuse/Recycling *(Event Receptacles, Roll-Off Service)* acquired by Event Organizers through Redlands Customer Service

Section 13.65 of the Redlands Municipal Code requires that events that serve more than 2,000 individuals per day will be required to submit for review and approval a Large Venue Recycling Plan. The Quality of Life Department may require smaller events to comply with City recycling practices as a condition of waiving fees.

- [ ] Other

Group/Organization Name: Redlands Optimist Club

Is your Group/Organization a Registered Non-Profit: [x] Yes [ ] No **Non-Profit Federal Tax ID Number:** 33-0704935

Does your Group/Organization Presently Have Liability Insurance? [ ] Yes [ ] No

Please be advised that depending upon your request, you may be required to provide proof of insurance coverage in an amount determined by the City and naming the City as an additional insured.

Has your Group/Organization received fee waivers from the City in the past? Yes

Primary Contact Name & Title: Tim Huston

Mailing Address: PO Box 1611, Redlands, Ca 92373

Phone Number: 909-528-0700 **E-Mail Address:** thuston@pimg.net

Updated 6/2021

As a part of our commitment to fiscal responsibility, the City of Redlands gathers data associated with the economic and social benefits associated with in-kind support. Please provide estimates, as applicable, for your event.

Positive outcomes for your organization from this

to raise funds for the youth in our community

Describe what economic benefit and impact this event will bring to the City:

In April 2002, the City Council adopted Resolution No. 6038, which encourages groups or organizations requesting in-kind support from the City to use local businesses when procuring goods and services associated with the event. Receipts will need to be submitted through a follow up form. Failure to submit post event documentation (within 15 days) may affect future requests.

	Proposed Event	Previous Event Actuals	Vendors
Attendance: Redlands Residents	4000	3500	12
Attendance: Non-Residents	1500	1200	n/a
Food & Beverage Sales	40,000	35,000	6
Merchandise Sales	n/a	n/a	6
Ticket/Entrance Fees	25000	7000	n/a
Other	n/a	n/a	n/a
Total Revenue	50,000	45000	4500

I certify that all statements on this application are true and complete to the best of my knowledge.

Signature: [signature] **Title:** Board Member

Please Print Your Name: Tim Huston **Date:** 5/25/23

To Be Completed by the City of Redlands

Date Received: 5/25/2023 **Received By:** Michelle Greenke

Notes:

City Manager Approval: City Council Approval:

CITY OF REDLANDS
APPLICATION REQUESTING AUTHORIZATION TO SERVE ALCOHOL

TYPE/NAME OF EVENT: Redlands Oktoberfest

DATE OF EVENT: 10/7 - 10/8/23 HOURS: 10a to 8p

LOCATION: Sylvan Park

APPLICANT'S INFORMATION:

INDIVIDUAL/ORGANIZATION NAME: Redlands Optimist Club Foundation, Inc

CONTACT PERSON: Tim Huston PHONE: 909-528-0700

EMAIL: thuston@prmg.net ADDRESS: PO Box 1611, Redlands, 92373

EVENT INFORMATION:

ARE FEES BEING CHARGED FOR EVENT? YES ☒ NO ☐ PRICE: 10.00 admission

ARE FEES BEING CHARGED FOR ALCOHOL? YES ☒ NO ☐ PRICE: 7.00 per drink

TYPE OF ALCOHOL BEING SERVED: BEER ☒ WINE ☒ DISTILLED SPIRITS ☐

RELEASE, HOLD HARMLESS AND AGREEMENT NOT TO SUE

I, the undersigned, representing Redlands Optimist Club and in consideration of being permitted to conduct the Event, agree that the members/participants of Redlands Optimist Club shall defend, indemnify and hold harmless the City of Redlands, its elected officials, officers, boards, commissions, agents and employees from and against any and all claims, demands, actions, suits, damages, liabilities and judgments of every kind and nature and regardless of the merit of the same, arising out of the use of City of Redlands' facilities.

The members/participants of Redlands Optimist Club hereby release, discharge and agree not to sue the City of Redlands for any injury, death or damages to or loss of property arising out of or in connection with this event from whatever cause.

I HAVE CAREFULLY READ THIS RELEASE, HOLD HARMLESS AND AGREEMENT NOT TO USE AND FULLY UNDERSTAND ITS CONTENTS. I REPRESENT I HAVE THE FULL AUTHORITY TO EXECUTE THIS FULL RELEASE OF LIABILITY ON BEHALF OF THE MEMBERS/PARTICIPANTS OF Redlands Optimist Club AND THAT I HAVE SIGNED THIS AGREEMENT ON:

Date: 5/25/23 Signature: [signature]

AUTHORIZATION

Pursuant to the use of alcohol within the City property noted above, the City of Redlands grants you permission to do so with the following conditions set forth by the City Council:

ALCOHOL RELATED TO PARKS:

Redlands Municipal; Code, Section 12.44.270 does allow, pursuant to a written permit from the Quality of Life Director, a person or persons to drink or consume alcoholic beverages in public parks, only in enclosed public areas as defined by resolution of the City Council. Any other locations within the City's property requires the City Council approval and designation of the place for the sale and consumption thereof.

Tape or fencing of some kind shall be used for setting off the area for which the alcoholic beverages are served and consumed. Alcohol sales and distribution shall cease one hour prior to end of the event unless otherwise directed by RPD or ABC office.

ALCOHOL RELATED TO AIRPORT:

12.56.090: USE OF INTOXICATING LIQUOR OR DRUGS: No person shall operate or assist in the operation of any aircraft while under the influence of, or using, any intoxicating liquor or habit forming or hallucinatory or narcotic drug. No alcoholic beverage may be consumed or sold on the airport unless the city council shall have approved and designated the place for the sale and consumption thereof.

APPROVED: _____ DATE: _____ DENIED: _____ DATE: _____

CITY COUNCIL DATE (if applicable): _____

Redlands Optimist Club Foundation Inc.

EIN: 33-0704935 | Redlands, California, United States

Other Names

REDLANDS OPTIMIST CLUB FOUNDATION INC

Publication 78 Data

Organizations eligible to receive tax-deductible charitable contributions. Users may rely on this list in determining deductibility of their contributions.

On Publication 78 Data List: Yes

Deductibility Code: PC

Form 990-N (e-Postcard)

Organizations who have filed a 990-N (e-Postcard) annual electronic notice. Most small organizations that receive less than $50,000 fall into this category.

- Tax Year 2018 Form 990-N (e-Postcard)
- Tax Year 2017 Form 990-N (e-Postcard)
- Tax Year 2016 Form 990-N (e-Postcard)
- Tax Year 2015 Form 990-N (e-Postcard)
- Tax Year 2014 Form 990-N (e-Postcard)

City Council/Financing Authority Meeting **I. 7.**

DATE: 09/19/2023

TO: Honorable Mayor and City Council Members

SUBJECT: Approve a Third Amendment to the Public Works Contract with Armstrong Cal Builders, Inc. for the Joslyn Senior Center Renovation Project to extend the time for completion by ninety-two (92) calendar days and determine that the project is categorically exempt from environmental review pursuant to Section 15061 of the State's guidelines implementing the California Environmental Quality Act (Facilities and Community Services Director Crocker)

MOTION(S):

If the City Council determines that staff's recommendation is appropriate, the following motions are provided:

1. I move to determine that the approval of the agreement is exempt from an environmental review pursuant to Section 15061 of the State's CEQA guidelines; and

2. I move to approve the Third Amendment to the Public Works Contract with Armstrong Cal Builders, Inc. for the Joslyn Senior Center Renovation Project to extend the time for completion by ninety-two (92) calendar days.

RECOMMENDATION:

Staff recommends City Council approve the Third Amendment to the Public Works Contract with Armstrong Cal Builders, Inc. for the Joslyn Senior Center Renovation Project No. FCS10252021ER to extend the time for completion by ninety-two (92) calendar days. Staff further recommends that the approval of the agreement is exempt from an environmental review pursuant to Section 15061 of the state's CEQA guidelines, pertaining to the common sense rule.

DISCUSSION:

On October 4, 2022, the City Council approved a Public Works Contract with Armstrong Cal Builders, Inc. to perform all the work and furnish all materials for the Joslyn Senior Center Renovation Project No. FCS10252021ER for an amount not-to-exceed $1,033,800. This project is funded by the County of San Bernardino's Community Development Block Grant Program (REDL-20-1-30A/0184). The scope of the project consists of the construction of a commercial kitchen, renovation of existing restroom facilities, installation of a grease interceptor, minor site improvements, interior, and exterior ADA upgrades.

Armstrong Cal Builders, Inc. recently notified staff that unforeseen design revisions caused project delays and the project cannot be completed as anticipated and exceeds the contract completion deadline. Therefore, staff is recommending a contract amendment to increase the time for completion by ninety-two (92) calendar days, resulting in a revised contract time for project completion of four hundred and two (402) calendar days. This is the third contract revision proposed. Furthermore, the approval of the agreement is exempt from an environmental review pursuant to Section 15061 of the state's CEQA guidelines, pertaining to the common sense exemption.

ALTERNATIVES:

City Council may deny this action. However, denying this action may result in the project not being completed and a loss or reduction of Community Development Block Grant Program (CDBG) funding in the future.

STRATEGIC PLAN:

Not applicable.

SUBMITTED BY:

Tabitha Crocker, Facilities and Community Services Director

RECOMMENDED BY:

Charles M. Duggan Jr., City Manager

REVIEWED BY:

Yvette M. Abich Garcia, City Attorney
Janice McConnell, Assistant City Manager

Christopher Boatman, Assistant City Manager

PREPARED BY:
Jawad Naderi, Associate Engineer

Fiscal Impact

Discussion:

There is no impact on the General Fund with approval of this Third Amendment as it only extends the timeframe. This project is funded by CDBG funds from the County of San Bernardino (REDL-20-1-30A/0184).

Attachments

Third Amendment
Executed Contract (Reference only)
First Amendment (Reference only)
Second Amendment (Reference only)

THIRD AMENDMENT TO PUBLIC WORKS CONSTRUCTION CONTRACT

This third amendment ("Third Amendment") to the Public Works Construction Contract for the Joslyn Senior Center Renovation Project for the ("Contract"), dated [October 4, 2022], by and between the City of Redlands, a municipal corporation and a general law city ("City"), and Armstrong Cal Builders, Inc. ("Contractor"), is made and entered into this 19th day of September 2023**.**

RECITALS

WHEREAS, it is the desire of the City and Contractor to amend their existing Contract, specifically to amend the time for completion from receipt of notice to proceed within (402) calendar days of the contract to December 22, 2023.

NOW, THEREFORE, for good and valuable consideration in the receipt of which is hereby acknowledge City and Contractor agree as follows:

AGREEMENT

Section 1. Section 3 of the contract, entitled "Time for completion," is hereby amended to read as follows:

3. "TIME FOR COMPLETION: The Work shall be completed within four hundred (402) calendar days from and after the date of City's issuance of a Notice to Proceed to Contractor."

Section 2. All other provisions of the Agreement shall remain unchanged by this Third Amendment and in effect.

Section 3. This Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

CITY OF REDLANDS

By: _____
Eddie Tejeda, Mayor

Armstrong Cal Builders, Inc.

By: _____
Shawn Salah, President

ATTEST:

_____
Jeanne Donaldson, City Clerk

PUBLIC WORK CONSTRUCTION CONTRACT

This Public Work Construction contract ("Contract") is made and entered into this 4th day of October, 2022, by and between the City of Redlands, a municipal corporation, organized and existing under the laws of the State of California (hereinafter "City"), and Armstrong Cal Builders, Inc., a California corporation. (hereinafter "Contractor"). City and Contractor are sometimes individually referred to herein as a "Party" and, together, as the "Parties."

In consideration of the mutual promises contained herein, City and Contractor agree as follows:

1. **SCOPE OF WORK:** Contractor shall furnish all materials and will perform all of the work for the following: Joslyn Senior Center Renovation , complete all items as required by the Contract Documents (as herein defined) and Specifications for City's Joslyn Senior Center Renovation , Project No. FCS10252021ER (the "Work").

2. **CONTRACT SUM:** City shall pay Contractor the sum of one million thirty-three thousand eight hundred dollars ($1,033,800.00) as consideration for its performance of the Work in accordance with the terms and conditions set forth in the Contract Documents. Pursuant to Public Contract Code Section 22300, Contractor has the option to deposit securities with an escrow agent as a substitute for retention of earnings required to be withheld by City pursuant to an escrow agreement as set forth in Public Contract Code section 22300.

3. **TIME FOR COMPLETION:** The Work shall be completed within ninety (90) calendar days from and after the date of City's issuance of a Notice to Proceed to Contractor.

4. **LIQUIDATED DAMAGES:** Contractor's failure to complete the Work within the time allowed will result in damages being sustained by City. Such damages are, and will continue to be, impracticable and extremely difficult to determine. Accordingly, Contractor shall pay to City, or have withheld from monies due to Contractor, the sum of five hundred dollars ($500.00) for each consecutive calendar day in excess of the specified time for completion of the Work. Execution of this Contract shall constitute agreement by City and Contractor that five hundred dollars ($500.00) per day is the estimated damage to City caused by the failure of Contractor to complete the work within the allowed time. Such sum is liquidated damages and shall not be construed as a penalty, and may be deducted from payments due Contractor if such delay occurs.

5. **CONTRACT DOCUMENTS:** This Contract incorporates by reference the following: Notice Inviting Bids, Instructions to Bidders, Contractor's Proposal, Bid Bond, Agreement, Performance Bond, Labor and Material Bond, Plans, General Conditions, Special Provisions and Specifications, and any addenda thereto (collectively, the "Contract Documents").

6. **ATTORNEYS' FEES:** In the event any action is commenced to enforce or interpret the terms or conditions of this Contract, or the Contract Documents, the prevailing Party in such action, in addition to any costs and other relief, shall be entitled to recover its reasonable attorneys' fees, including fees for use of in-house counsel by a Party.

7. **RESOLUTION OF CONSTRUCTION CLAIMS:** Claims by Contractor in the amount of three hundred seventy-five thousand dollars ($375,000) or less shall be made by Contractor and processed by the City pursuant to the provisions of Part 3, Chapter 1, Article 1.5 of the Public Contract Code (commencing with Section 20104). All claims shall be in writing and include the documents necessary to substantiate the claim. Nothing in subdivision (a) of Public Contract Code

Section 20104.2 shall extend the time limit or supersede the notice requirements provided in this case from filing claims by Contractor.

8. **ELIGIBILITY OF CONTRACTOR/SUBCONTRACTOR:** Contractor and all of its subcontractors shall abide by California Public Contract Code, Section 6109, and California Labor Code Sections 1777.1 and/or 1777.7, and certify that they are not debarred and are eligible to work on this project.

9. **ASSIGNMENT OF AGREEMENT:** No assignment by a Party of any rights or interests under this Contract shall be binding on another Party without the written consent of the Party sought to be bound.

10. **SUCCESSORS AND ASSIGNS:** City and Contractor each binds itself and their respective successors and assigns in respect to all covenants, agreements, and obligations contained in the Contract Documents.

11. **SEVERABILITY:** Any provision or part of the Contract Documents held to be void or unenforceable under any law or regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon City and Contractor.

IN WITNESS WHEREOF, the Parties hereto have executed this Contract the day and year first written above.

CITY OF REDLANDS

(SEAL)

By: _____
Paul T. Barich, Mayor

ATTEST:

_____
Jeanne Donaldson, City Clerk

(SEAL)

ARMSTRONG CAL BUILDERS INC.
Name of Contractor

By: Shawn Salah
Signature of Authorized Agent

President/CEO
Title

_____
Signature of Authorized Agent (if necessary)

_____
Title

990992
Contractor's License No.

WORKER'S COMPENSATION INSURANCE CERTIFICATION

Description of Contract: City of Redlands
Facilities and Community Services Department
Joslyn Senior Center Renovation Project
Project No. FCS10252021ER

Every employer, except the State, shall secure the payment of compensation in one or more of the following ways:

a. By being insured against liability to pay compensation by one or more insurers duly authorized to write compensation insurance in this State.

b. By securing from the Director of Industrial Relations, a certificate of consent to self-insure, either as an individual employer, or as one employer in a group of employers, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to his or her employees.

CHECK ONE

✓ I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work and activities required or permitted under this Agreement. (Labor Code §1861).

_____ I affirm that at all times, in performing the work and activities required or permitted under this Agreement, I shall not employ any person in any manner such that I become subject to the workers' compensation laws of California. However, at any time, if I employ any person such that I become subject to the workers' compensation laws of California, immediately I shall provide the City with a certificate of consent to self-insure, or a certification of workers' compensation insurance.

I certify under penalty of perjury under the laws of the State of California that the information and representations made in this certificate are true and correct.

Dated this 28th day of Septemeber, 2022.

Armstrong Cal Builders Inc.
(Contractor)

Shawn Salah
(Signature)

President/CEO
(Official Title)

(SEAL)

(Labor Code Section 1861 provides that the above certificate must be signed and filed by the Contractor with the Owner prior to performing the work of the contract.)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange)

On 30 Sept. 2022 before me, Haidy Abosalama, A notary Public
(insert name and title of the officer)

personally appeared Shawn Salah,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ **(Seal)**

HAIDY ABOSALAMA
Notary Public - California
Orange County
Commission # 2270465
My Comm. Expires Dec 10, 2022

Bond Number: GS10100001
Premium: $20,676.00
Premium is for the contract term and subject to adjustment based on the final contract price.
Bonds effective October 4, 2022

FAITHFUL PERFORMANCE BOND

Whereas, the City of Redlands ("City"), State of California, and Armstrong Cal Builders Inc. (hereinafter designated as "Principal") have entered into an agreement dated October 4th, 2022 ("Agreement") whereby Principal agrees to install and complete certain public improvements (the "Work"), which said Agreement is identified as Joslyn Senior Center Renovation Project No. FCS10252021ER and is hereby referred to and made a part hereof; and

Whereas, said Principal is required under the terms of the Agreement to furnish a bond for the faithful performance of the Work, now, therefore, we, the Principal and, The Gray Casualty & Surety Company as Surety, are held and firmly bound unto the City in the penal sum of ~~one million three hundred thirty-three thousand eight hundred dollars~~ ($1,033,800.00) lawful money of the United States, for the payment of which sum we bind ourselves, and our heirs, successors, executors and administrators, jointly and severally, firmly by these presents.

One Million Thirty-three thousand, eight hundred dollars ($1,033,800.00)

The condition of this obligation is such that if the above bounded Principal, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the Agreement and any alteration thereof made as therein provided, on his or its part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall faithfully fulfill the one-year guarantee of all materials and workmanship, and shall defend, indemnify and save harmless the City and its elected officials, officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred by the City in successfully enforcing such obligations, all to be taxed as costs and included in the judgment rendered.

As a condition precedent to the satisfactory completion of the Work, the above obligation shall hold good for a period of one (1) year or longer if required by the Agreement after the acceptance of the work by the City, during which time if the Principal shall fail to make full, complete, and satisfactory repair and replacements and totally protect the City from loss or damage made evident during this period from the date of completion of the Work, and resulting from or caused by defective materials or faulty workmanship, the above obligation in penal sum thereof shall remain in full force and effect. The obligations of Surety hereunder shall continue so long as any obligation of the Principal remains.

Whenever the Principal shall be, and is declared by the City to be, in default under the Agreement, the City having performed the City obligations thereunder, the Surety shall promptly remedy the default, or shall promptly, at the City's option:

1. Complete the Work in accordance with its terms and conditions; or

2. Obtain a bid or bids for completing the Work in accordance with its terms and conditions, and upon determination by Surety of the lowest responsive and responsible bidder, arrange for a contract between such bidder and the City, and make available as work progresses sufficient funds to pay the cost of completion of the Work less the balance of the Agreement price, but not exceeding, including other costs and damages for which Surety may be liable hereunder, the amount set forth above. The term "balance of the Agreement price," as used in this paragraph, shall

mean the total amount payable to the Principal by the City under the Agreement and any modifications thereto, less the amount previously properly paid by the City to the Principal.

Surety expressly agrees that the City may reject any contractor or subcontractor which may be proposed by Surety in fulfillment of its obligations in the event of default by the Principal.

Surety shall not utilize the Principal in completing the Work nor shall Surety accept a bid from the Principal for completion of the Work if the City, when declaring the Principal in default, notifies Surety of the City's objection to the Principal's further participation in the completion of the Work.

No right of action shall accrue on the bond to or for the use of any person or corporation other than the City named herein or the successors or assigns of the City. Any suit under this bond must be instituted within the applicable statute of limitations period.

The said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Agreement or to the work to be performed thereunder or the Specifications accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Agreement or to the work or to the specifications.

No final settlement between the City and the Principal shall abridge the right of any beneficiary hereunder whose claim may be unsatisfied.

The Principal and Surety agree that if the City is required to engage the services of any attorney in connection with the enforcement of this bond, each shall pay the City's reasonable attorneys' fees incurred, with or without suit, in addition to the above sum.

In witness whereof, this instrument has been duly executed by the Principal and Surety above named, on September 29, 2022.

(SEAL)

Armstrong Cal Builders Inc.
(Contractor)

Shawn Salah
(Signature)

(Seal and Notarial Acknowledgment of Surety)

(SEAL)

The Gray Casualty & Surety Company
(Surety)

BY: Cynthia J. Young
Cynthia J. Young (Signature)
Attorney-In-Fact

Address: 1225 West Causeway Approach
Mandeville, LA 70471

Telephone (760) 218-0626

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange)

On Sept. 30. 2022 before me, Haidy Abosalama, A notary Public
(insert name and title of the officer)

personally appeared Shawn Safah,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ **(Seal)**

HAIDY ABOSALAMA
Notary Public - California
Orange County
Commission # 2270465
My Comm. Expires Dec 10, 2022

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Bernardino) ss.

On SEP 2 9 2022 before me, Rebecca Elizabeth Adcock, Notary Public
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Cynthia J. Young
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Rebecca Elizabeth Adcock
COMM # 2327252
NOTARY PUBLIC - CALIFORNIA
SAN BERNARDINO COUNTY
My Comm. Expires: 05/03/24
NCC1

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____
Document Date: _____ Number of Pages: _____
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

❒ Individual
❒ Corporate Officer
Title _____
❒ Partner -- ❒ Limited ❒ General
❒ Attorney-in-Fact
❒ Trustee
❒ Guardian or Conservator
Other: _____

RT THUMBPRINT OF SIGNER
Top of thumb here

Signer is Representing:

_____

_____

No. 09002

STATE OF CALIFORNIA

DEPARTMENT OF INSURANCE

SAN FRANCISCO

Certificate of Authority

THIS IS TO CERTIFY, *That, pursuant to the Insurance Code of the State of California,*

The Gray Casualty & Surety Company

of Louisiana, organized under the laws of Louisiana, subject to its Articles of Incorporation or other fundamental organizational documents, is hereby authorized to transact within this State, subject to all provisions of this Certificate, the following classes of insurance:

Surety

as such classes are now or may hereafter be defined in the Insurance Laws of the State of California.

THIS CERTIFICATE *is expressly conditioned upon the holder hereof now and hereafter being in full compliance with all, and not in violation of any, of the applicable laws and lawful requirements made under authority of the laws of the State of California as long as such laws or requirements are in effect and applicable, and as such laws and requirements now are, or may hereafter be changed or amended.*

IN WITNESS WHEREOF, *effective as of the 14th day of March, 2012, I have hereunto set my hand and caused my official seal to be affixed this 14th day of March, 2012.*

Fee $3180.00

Rec. No.

Filed 8/8/2011

Dave Jones
Insurance Commissioner

By

Susan J. Stapp
for Venie Hoge
Chief Deputy

Certification

I, the undersigned Insurance Commissioner of the State of California, do hereby certify that I have compared the above copy of Certificate of Authority with the duplicate of original now on file in my office, and that the same is a full, true, and correct transcript thereof, and of the whole of said duplicate, and said Certificate of Authority is now in full force and effect.

IN WITNESS WHEREOF, *I have hereunto set my hand and caused my official seal to be affixed this 4th day of June, 2012.*

Dave Jones
Insurance Commissioner

By Pauline D'Andrea

Pauline D'Andrea

THE GRAY INSURANCE COMPANY
THE GRAY CASUALTY & SURETY COMPANY

GENERAL POWER OF ATTORNEY

Bond Number: GS10100001 **Principal:** Armstrong Cal Builders, Inc.

Project: Joslyn Senior Center Renovation Project No. PCS10252021ER

KNOW ALL BY THESE PRESENTS, THAT The Gray Insurance Company and The Gray Casualty & Surety Company, corporations duly organized and existing under the laws of Louisiana, and having their principal offices in Metairie, Louisiana, do hereby make, constitute, and appoint: **Jay Freeman, Christina Mountz, Cynthia J. Young, and Adriana Valenzuela of San Bernardino, California jointly and severally** on behalf of each of the Companies named above its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its deed, bonds, or other writings obligatory in the nature of a bond, as surety, contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed the amount of $15,000,000.00.

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both The Gray Insurance Company and The Gray Casualty & Surety Company at meetings duly called and held on the 26th day of June, 2003.

"RESOLVED, that the President, Executive Vice President, any Vice President, or the Secretary be and each or any of them hereby is authorized to execute a power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings, and all contracts of surety, and that each or any of them is hereby authorized to attest to the execution of such Power of Attorney, and to attach the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be binding upon the Company now and in the future when so affixed with regard to any bond, undertaking or contract of surety to which it is attached.

IN WITNESS WHEREOF, The Gray Insurance Company and The Gray Casualty & Surety Company have caused their official seals to be hereinto affixed, and these presents to be signed by their authorized officers this 28th day of October, 2021.

THE GRAY INSURANCE COMPANY SEAL

By: Michael T. Gray
President
The Gray Insurance Company

Cullen S. Piske
President
The Gray Casualty & Surety Company

THE GRAY CASUALTY & SURETY COMPANY SEAL

State of Louisiana
ss:
Parish of Jefferson

On this 28th day of October, 2021, before me, a Notary Public, personally appeared Michael T. Gray, President of The Gray Insurance Company, and Cullen S. Piske, President of The Gray Casualty & Surety Company, personally known to me, being duly sworn, acknowledged that they signed the above Power of Attorney and affixed the seals of the companies as officers of, and acknowledged said instrument to be the voluntary act and deed, of their companies.

Leigh Anne Henican
Notary Public
Notary ID No. 92653
Orleans Parish, Louisiana

Leigh Anne Henican
Notary Public, Parish of Orleans State of Louisiana
My Commission is for Life

I, Mark S. Manguno, Secretary of The Gray Insurance Company, do hereby certify that the above and forgoing is a true and correct copy of a Power of Attorney given by the companies, which is still in full force and effect. IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Company this 29th day of September, 2022.

I, Leigh Anne Henican, Secretary of The Gray Casualty & Surety Company, do hereby certify that the above and forgoing is a true and correct copy of a Power of Attorney given by the companies, which is still in full force and effect. IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Company this 29th day of September, 2022.

THE GRAY INSURANCE COMPANY SEAL

THE GRAY CASUALTY & SURETY COMPANY SEAL

Bond Number: GS10100001
Premium included in charge for Performance Bond
Bonds effective October 4, 2022

LABOR AND MATERIAL BOND

Whereas, the City Council of the City of Redlands, State of California, and Armstrong Cal Builders Inc. (hereinafter designated as "Principal") have entered into an agreement (the "Agreement") whereby Principal agrees to install and complete certain designated public improvements (the "Work"), which said agreement, dated October 4th, 2022, and identified as Joslyn Senior Center Renovation Project No. FCS10252021ER is hereby referred to and made a part hereof; and

Whereas, under the terms of the Agreement, Principal is required before commending the performance of the Work, to file a good and sufficient Labor and Material bond with the City of Redlands to secure the claims to which reference is made in Title 3 (commencing with Section 9550) of Part 6 of Division 4 of the Civil Code of the State of California.

Now, therefore, said Principal and the undersigned as corporate surety, are held firmly bound unto the City and all contractors, subcontractors, laborers, material men and other persons employed in the performance of the Agreement and referred to in the aforesaid Code of Civil Procedure in the sum of one million three hundred thirty-three thousand eight hundred dollars ($1,033,800.00) for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said surety will pay the same in an amount not exceeding the amount hereinabove set forth, and also in case suit is brought upon this bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred by the City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated and agreed that this bond shall insure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 3 (commencing with Section 9550) of Part 6 of Division 4 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Agreement or the specifications accompanying the same shall in any manner affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition.

In witness whereof, this instrument has been duly executed by the Principal and surety above named, on September 29, 2022.

(SEAL)
Armstrong Cal Builders Inc.
(Contractor)
Shawn Salah
(Signature)

(Seal and Notarial Acknowledgement of Surety)

(SEAL)
The Gray Casualty & Surety Company
(Surety)
BY: Cynthia J. Young
(Signature)
Cynthia J. Young
Attorney-In-Fact
Address: 1225 West Causeway Approach
Mandeville, LA 70471
Telephone: (760) 218-0626

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange)

On 30 Sept. 2022 before me, Haidy Abosalama, A notary Public
(insert name and title of the officer)

personally appeared Shawn Salah,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ **(Seal)**

HAIDY ABOSALAMA
Notary Public - California
Orange County
Commission # 2270465
My Comm. Expires Dec 10, 2022

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Bernardino) ss.

On SEP 2 9 2022 before me, Rebecca Elizabeth Adcock, Notary Public
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Cynthia J. Young
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Rebecca Elizabeth Adcock
COMM # 2327252
NOTARY PUBLIC - CALIFORNIA
SAN BERNARDINO COUNTY
My Comm. Expires: 05/03/24
NCC1

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____
Document Date: _____ Number of Pages: _____
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

❒ Individual
❒ Corporate Officer
Title _____
❒ Partner -- ❒ Limited ❒ General
❒ Attorney-in-Fact
❒ Trustee
❒ Guardian or Conservator
Other: _____

RT THUMBPRINT OF SIGNER
Top of thumb here

Signer is Representing:

_____

_____

No. 09002

STATE OF CALIFORNIA

DEPARTMENT OF INSURANCE

SAN FRANCISCO

Certificate of Authority

THIS IS TO CERTIFY, *That, pursuant to the Insurance Code of the State of California,*

The Gray Casualty & Surety Company

of Louisiana, organized under the laws of Louisiana, subject to its Articles of Incorporation or other fundamental organizational documents, is hereby authorized to transact within this State, subject to all provisions of this Certificate, the following classes of insurance:

Surety

as such classes are now or may hereafter be defined in the Insurance Laws of the State of California.

THIS CERTIFICATE *is expressly conditioned upon the holder hereof now and hereafter being in full compliance with all, and not in violation of any, of the applicable laws and lawful requirements made under authority of the laws of the State of California as long as such laws or requirements are in effect and applicable, and as such laws and requirements now are, or may hereafter be changed or amended.*

IN WITNESS WHEREOF, *effective as of the 14th day of March, 2012, I have hereunto set my hand and caused my official seal to be affixed this 14th day of March, 2012.*

Fee $3180.00

Rec. No.

Filed 8/8/2011

Dave Jones
Insurance Commissioner

By

Susan J. Stapp
for Nettie Hoge
Chief Deputy

Certification

I, the undersigned Insurance Commissioner of the State of California, do hereby certify that I have compared the above copy of Certificate of Authority with the duplicate of original now on file in my office, and that the same is a full, true, and correct transcript thereof, and of the whole of said duplicate, and said Certificate of Authority is now in full force and effect.

IN WITNESS WHEREOF, *I have hereunto set my hand and caused my official seal to be affixed this 4th day of June, 2012.*

Dave Jones
Insurance Commissioner

By Pauline D'Andrea

Pauline D'Andrea

THE GRAY INSURANCE COMPANY
THE GRAY CASUALTY & SURETY COMPANY

GENERAL POWER OF ATTORNEY

Bond Number: GS10100001 **Principal:** Armstrong Cal Builders, Inc.

Project: Joslyn Senior Center Renovation Project No. PCS10252021ER

KNOW ALL BY THESE PRESENTS, THAT The Gray Insurance Company and The Gray Casualty & Surety Company, corporations duly organized and existing under the laws of Louisiana, and having their principal offices in Metairie, Louisiana, do hereby make, constitute, and appoint: **Jay Freeman, Christina Mountz, Cynthia J. Young, and Adriana Valenzuela of San Bernardino, California jointly and severally** on behalf of each of the Companies named above its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its deed, bonds, or other writings obligatory in the nature of a bond, as surety, contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed the amount of $15,000,000.00.

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both The Gray Insurance Company and The Gray Casualty & Surety Company at meetings duly called and held on the 26th day of June, 2003.

"RESOLVED, that the President, Executive Vice President, any Vice President, or the Secretary be and each or any of them hereby is authorized to execute a power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings, and all contracts of surety, and that each or any of them is hereby authorized to attest to the execution of such Power of Attorney, and to attach the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be binding upon the Company now and in the future when so affixed with regard to any bond, undertaking or contract of surety to which it is attached.

IN WITNESS WHEREOF, The Gray Insurance Company and The Gray Casualty & Surety Company have caused their official seals to be hereinto affixed, and these presents to be signed by their authorized officers this 28th day of October, 2021.

THE GRAY INSURANCE COMPANY SEAL

By: Michael T. Gray
President
The Gray Insurance Company

Cullen S. Piske
President
The Gray Casualty & Surety Company

THE GRAY CASUALTY & SURETY COMPANY SEAL

State of Louisiana
ss:
Parish of Jefferson

On this 28th day of October, 2021, before me, a Notary Public, personally appeared Michael T. Gray, President of The Gray Insurance Company, and Cullen S. Piske, President of The Gray Casualty & Surety Company, personally known to me, being duly sworn, acknowledged that they signed the above Power of Attorney and affixed the seals of the companies as officers of, and acknowledged said instrument to be the voluntary act and deed, of their companies.

Leigh Anne Henican
Notary Public
Notary ID No. 92653
Orleans Parish, Louisiana

Leigh Anne Henican
Notary Public, Parish of Orleans State of Louisiana
My Commission is for Life

I, Mark S. Manguno, Secretary of The Gray Insurance Company, do hereby certify that the above and forgoing is a true and correct copy of a Power of Attorney given by the companies, which is still in full force and effect. IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Company this 29th day of September, 2022.

I, Leigh Anne Henican, Secretary of The Gray Casualty & Surety Company, do hereby certify that the above and forgoing is a true and correct copy of a Power of Attorney given by the companies, which is still in full force and effect. IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Company this 29th day of September, 2022.

THE GRAY INSURANCE COMPANY SEAL

THE GRAY CASUALTY & SURETY COMPANY SEAL

Prince Financial and Insurance Services
444 W. Ocean Blvd., Suite 1102
Long Beach, CA 90802

CITY OF REDLANDS
35 CAJON ST. SUITE 15A
REDLANDS, CA 92374

We are providing you with a Certificate of Insurance confirming our client's coverage.

Want to get certificates of insurance faster? Go green by receiving digital copies of certificates via email in the future. Or, do you no longer require a certificate of insurance for our client? Please contact us at certs@princefinancial.net and provide the following information for processing:

1. Confirmation that a certificate of insurance is no longer required; or
2. E-mail address to send future certificates of insurance in lieu of U.S. Mail Delivery
3. Insured code found in the **Insured Section** on the enclosed certificate. An example of this is xxxxxx-01
4. This Certificate Number: **0100196860-0**

PFIS does not share your e-mail as detailed in our privacy policy found on our website at https://www.princefinancial.net

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 09/29/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Prince Financial and Insurance Services
444 W. Ocean Blvd
Suite 1102
Long Beach CA 90802

CONTACT NAME: Fayez Kabour
PHONE (A/C, No, Ext): (562) 473-4444 x 230 FAX (A/C, No): (855) 484-2020
E-MAIL ADDRESS: FKABOUR@PrinceFinancial.net

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: KINSALE INS CO	38920
INSURER B: INFINITY SELECT INS CO	20260
INSURER C: MIDWEST EMPLOYERS CASUALTY CO	0098
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
Armstrong Cal Builders
3130 E. Willow St
Signal Hill CA 90755-2308

COVERAGES **CERTIFICATE NUMBER:** 0100196860-0 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [X] PRO-JECT [ ] LOC [ ] OTHER:	X	X	0100196860-0	06/30/2022	06/30/2023	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 100,000 $ 5,000 $ 1,000,000 $ 2,000,000 $ 2,000,000 $
B	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [X] HIRED AUTOS ONLY [X] NON-OWNED AUTOS ONLY	X	X	504-61017-6267-001	06/28/2022	06/28/2023	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $ $
A	[ ] UMBRELLA LIAB [X] OCCUR [X] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $			0100209238-0	10/03/2022	06/30/2023	EACH OCCURRENCE AGGREGATE	$ 5,000,000 $ 5,000,000 $
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N [ ] (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N / A	X	BNUWC0157339	06/28/2022	06/28/2023	[ ] PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Project ACB-100: Joslyn Senior Center Project

All Certificate Holder privileges apply only if required by written agreement between the Certificate Holder and the Insured, and are subject to policy terms and conditions.

CERTIFICATE HOLDER

City of Redlands
35 Cajon St
Suite 15A
Redlands CA 92374

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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CITY OF REDLANDS

BUSINESS TAX CERTIFICATE

2023

TO BE POSTED IN A CONSPICUOUS PLACE
AND
NOT TRANSFERABLE OR ASSIGNABLE

"For Services Provided in the City of Redlands, California Only"

Business Name	ARMSTRONG CAL BUILDERS INC		
Business Location	3130 E Willow St Signal Hill, Ca 90755-2308	**Business Type**	Contractor- General
Business Owner(s)	ARMSTRONG CAL BUILDERS INC	**Description**	GENERAL CONTRACTOR

ARMSTRONG CAL BUILDERS INC
3130 E WILLOW ST
SIGNAL HILL, CA 90755-2308

Certificate Number:	08132769
Effective Date	October 03, 2022
Expiration Date	June 30, 2023

THIS BUSINESS TAX CERTIFICATE DOES NOT PERMIT A BUSINESS THAT IS OTHERWISE PROHIBITED.

For all inquiries regarding this license, contact HdL Business Tax Support Center at (909) 479-2111.

ARMSTRONG CAL BUILDERS INC:

Thank you for your payment on your City of Redlands Business Tax Certificate. **ALL CERTIFICATES MUST BE AVAILABLE FOR INSPECTION UPON REQUEST.** If you have questions concerning your business tax certificate, contact the Business Tax Support Center via email at: Redlands@hdlgov.com or by telephone at: (909) 479-2111.

Keep this portion for your tax certificate separate in case you need a replacement for any lost, stolen, or destroyed tax certificate. A fee may be charged for a replacement or duplicate tax certificate.

This certificate does not entitle the holder to conduct business before complying with all requirements of Redlands Municipal code and other applicable laws, nor to conduct business in a zone where conducting such business violates law.

If you have a fixed place of business within the city limits of City of Redlands, please display the Business Tax certificate above in a conspicuous place at the premises. Otherwise, every Business Tax Certificate holder not having a fixed place of business in the City shall keep the Business Tax Certificate upon his or her person, or affixed in plain view upon any cart, vehicle, van or other movable structure or device at all times if required by the Collector.

Starting January 1, 2021, Assembly Bill 1607 requires the prevention of gender-based discrimination of business establishments. A full notice is available in English or other languages by going to: https://www.dca.ca.gov/publications/.

BUSINESS SUPPORT CENTER
8839 N CEDAR AVE #212
FRESNO, CA 93720-1832

City of Redlands
BUSINESS TAX CERTIFICATE

ARMSTRONG CAL BUILDERS INC
3130 E WILLOW ST
SIGNAL HILL, CA 90755-2308

Certificate Number:	**08132769**
Date of Issue:	**10/03/2022**

FIRST AMENDMENT TO PUBLIC WORKS CONSTRUCTION CONTRACT

This first amendment ("First Amendment") to the Public Works Construction Contract for the Joslyn Senior Center Renovation (Project No. FCS10252021ER) for the ("Contract"), dated October 4, 2022, by and between the City of Redlands, a municipal corporation and a general law city ("City"), and Armstrong Cal Builders, Inc., a California Corporation ("Contractor"), is made and entered into this 7th day of February 2023.

RECITALS

WHEREAS, it is the desire of the City and Contractor to amend their existing Contract, specifically to amend the time for completion of the contract to July 13, 2023.

NOW, THEREFORE, for good and valuable consideration in the receipt of which is hereby acknowledge City and Contractor agree as follows:

AGREEMENT

Section 1. Section 3 of the contract, entitled "Time for completion," is hereby amended to read as follows:

3 "TIME FOR COMPLETION: The Work shall be completed within two hundred forty (240) calendar days from and after the date of City's issuance of a Notice to Proceed to Contractor."

Section 2. All other provisions of the Agreement shall remain unchanged by this First Amendment and in effect.

Section 3. This Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

CITY OF REDLANDS

By: _____
Eddie Tejeda, Mayor

Armstrong Cal Builders, Inc.

By: _____
Shawn Salah, President

ATTEST:

_____
Jeanne Donaldson, City Clerk

I:\cmo\Agreements\Armstrong Cal Builders Inc._First Amendment FY22-0105.docx-la

SECOND AMENDMENT TO PUBLIC WORKS CONSTRUCTION CONTRACT

This second amendment ("Second Amendment") to the Public Works Construction Contract for the Joslyn Senior Center Renovation Project for the ("Contract"), dated [October 4, 2022], by and between the City of Redlands, a municipal corporation and a general law city ("City"), and Armstrong Cal Builders, Inc. ("Contractor"), is made and entered into this 25th day of July 2023.

RECITALS

WHEREAS, it is the desire of the City and Contractor to amend their existing Contract, specifically to amend the time for completion of the contract to September 26, 2023.

NOW, THEREFORE, for good and valuable consideration in the receipt of which is hereby acknowledge City and Contractor agree as follows:

AGREEMENT

Section 1. Section 3 of the contract, entitled "Time for completion," is hereby amended to read as follows:

3 "TIME FOR COMPLETION: The Work shall be completed within three hundred fifteen (315) calendar days from and after the date of City's issuance of a Notice to Proceed to Contractor."

Section 2. All other provisions of the Agreement shall remain unchanged by this Second Amendment and in effect.

Section 3. This Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

CITY OF REDLANDS

By: Eddie Tejeda
Eddie Tejeda, Mayor

Armstrong Cal Builders, Inc.

By:
Shawn Salah, President

ATTEST:

Jeanne Donaldson
Jeanne Donaldson, City Clerk

City Council/Financing Authority Meeting **I. 8.**

DATE: 09/19/2023

TO: Honorable Mayor and City Council Members

SUBJECT: Approve the request for in-kind support in the amount of $38,861 related to the Stater Bros. Charities Believe Walk, and approve the temporary street closures related to the event (Facilities and Community Services Director Crocker)

MOTION(S):

If the City Council determines that this request is appropriate, the following motions are provided:

1. I move to authorize and approve a request for in-kind support in the amount of $38,861 related to this event; and
2. I move to approve temporary street closures related to the event.

RECOMMENDATION:

Staff recommends that the City Council direct staff accordingly concerning the request for in-kind support and approve the temporary street closures related to the Stater Bros. Charities Believe Walk event to be held on Sunday, October 1, 2023.

DISCUSSION:

The Facilities and Community Services Department manages the administration and issuance of permits for special events held in public areas of the City. Upon the issuance of a special event permit, the event may take place contingent on the event organizer paying the required fees. The City recognizes the value of partnering with non-profit agencies and organizations to provide services beneficial to the community. In an effort to provide support for programs that provide a community benefit, the City Council will, from time to time, consider the authorization of in-kind support including the use of city resources and

facilities in support of a special event.

Stater Bros. Charities reserved the Redlands Bowl (east lawn only), Smiley Park, and Ed Hales Park on Saturday, September 30, 2023, for event set-up in preparation for the festivities and walking event, Believe Walk, on October 1, 2023, between the hours of 8 a.m. and 1 p.m. They are also requesting approval to temporarily close East State Street, 5th Street, 6th Street, 7th Street, 8th Street and 9th Street, Eureka Street, Grant Street, and 4th Street, Myrtle Street, Fern Avenue, Cypress Avenue, Hibiscus Drive, West Palm Avenue, Alvarado Street, Center Street, Clark Street, Michigan Street, and Olive Avenue, for the event.

Additionally, they are requesting in-kind support in the amount of $38,861 for departmental resources including Fire Personnel, Police Personnel, Facilities and Community Services Personnel and equipment, and the reservations of the Redlands Bowl, Smiley Park, and Ed Hales Park. Stater Bros. Charities is a registered non-profit organization operating out of the City of San Bernardino. According to the submitted application, the event will raise critical funds that directly impact cancer care in the Inland Empire. The event this year is expected to draw 10,000 participants and raise over $500,000 for cancer organizations and support services. Furthermore, the application states that the Believe Walk brings economic benefits and impact to the City by attracting 10,000 participants to the downtown area.

ALTERNATIVES:

The City Council may deny the request to hold the event, the request for in-kind support or provide alternative direction to staff.

STRATEGIC PLAN:

Supports Strategic Plan Priority A: Quality of Life - Strategic Objective 1: Beautification, Arts and Culture

SUBMITTED BY:
Tabitha Crocker, Facilities and Community Services Director

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Christopher Boatman, Assistant City Manager
Danielle Garcia, Management Services/Finance Director

Rachel Tolber, Police Chief

PREPARED BY:
Michelle Groenke, Adminstrative Assistant

Fiscal Impact

Fiscal Year:	2023-2024
Revenue Generating:	N
Appropriation Required Y/N:	N
Amount:	$38,861.00
Budgeted Y/N:	N

Discussion:

The following include fees established by resolution of the City Council and departmental charges pertaining to personnel and equipment resources requested for the event. The departmental charges include costs outside of normal city operations that would not be incurred by the City if the special event was not taking place.

Departmental Charges (Personnel & Equipment)	**2023 Amount**	**Type**	**2022 Amount**
Police Personnel1	$28,548.00	Hard Cost	$25,366.00
Fire Personnel1	$6,071.00	Hard Cost	$2,839.00
FCS Personnel1	$2,025.00	Hard Cost	$640.00
Fire Equipment	$400.00	Soft Cost	$600.00
FCS Equipment	$600.00	Soft Cost	$600.00
Personnel & Equipment Subtotal	**$37,644.00**		**$30,045.00**
Fees Established by City Council Resolution			
Redlands Bowl Reservation	$841.00	Soft Cost	$841.00
Smiley Park Reservation	$188.00	Soft Cost	$188.00
Ed Hales Park Reservation	$188.00	Soft Cost	$188.00
Fees Subtotal	**$1,217.00**		**$1,217.00**
Total Departmental Charges and Fees	**$36,644.00** (hard) **$2,217.00** (soft)		**$31,262.00**
	$38,861.00 (Total)		

1Personnel costs are calculated conservatively assuming the highest staff cost scenario. Actual costs may vary on the day of the event based on the actual staff present. Actual costs will be confirmed following the event and will be included in a reconciliation report presented to the City Council.

The following table summarizes the total estimated costs associated with the use of City resources and in-kind support approved for events scheduled during Fiscal Year 2023-24 to date:

TABLE 2: FY 2023-24 Fee Waivers to date

Hard Costs	**Soft Costs**	**Deposits Refunded**	**In-kind support Amount**	**Net Amount**
$83,077.00	$6,018.00	$0	$89,095.00	$89,095.00

Attachments

Believe Walk In-kind Request

Verification of Non-Profit

Believe Walk Map

City of Redlands *In-Kind Support Request*

Event Name: Stater Bros. Charities Believe Walk

Event Date(s): 9-30/10-1-2023 **Location(s):** Redlands Bowl, Lincoln Shrine, Ed Hales Park, Smiley Park annex and Jocelyn Center Parking Lot

Rain Out Date: 9-30/10-1-2023 **Beginning Time:** Attachment "A" **End Time:** Attachment "A"

Describe Your Request:

This completed form with all supporting documentation shall be submitted a minimum of 60 days prior to the scheduled event. Additional information may be attached to this application form, as needed.

Please see atachment "A" for reference

Select and Describe All City Provided Services That May Apply to Your Request :

- [x] Traffic (*Personnel, equipment, cones, barricades, no-parking* — barricades, no parkling, personnel
- [x] Police (*Public Safety Personnel)* — Personnel
- [x] Fire (*Paramedics, Inspectors)* — Personnel
- [x] Parks *(Cleanup Personnel, Ball Field Lights)* — Public restrooms, Redlands Bowl lights
- [x] Facility — Joclyn Center parking lo, public parking , Lincoln Shrine

Refuse/Recycling *(Event Receptacles, Roll-Off Service)* acquired by Event Organizers through Redlands Customer Service

Section 13.65 of the Redlands Municipal Code requires that events that serve more than 2,000 individuals per day will be required to submit for review and approval a Large Venue Recycling Plan. The Quality of Life Department may require smaller events to comply with City recycling practices as a condition of waiving fees.

- [x] Other — The use of the Contemporary Club parking lot

Group/Organization Name: Stater Bros. Charities -Believe Walk

Is your Group/Organization a Registered Non-Profit: [x] Yes [ ] No **Non-Profit Federal Tax ID Number:** 26-1236033

Does your Group/Organization Presently Have Liability Insurance? [x] Yes [ ] No

Please be advised that depending upon your request, you may be required to provide proof of insurance coverage in an amount determined by the City and naming the City as an additional insured.

Has your Group/Organization received fee waivers from the City in the past? yes

Primary Contact Name & Title: Tracy Marquez, Believe Walk Director

Mailing Address: 301 S. Tippecanoe Ave. San Bernardino, CA 92408

Phone Number: 909-202-2486 **E-Mail Address:** tracy.believewalk@gmail.com

Updated 6/2021

As a part of our commitment to fiscal responsibility, the City of Redlands gathers data associated with the economic and social benefits associated with in-kind support. Please provide estimates, as applicable, for your event.

Positive outcomes for your organization from this

The Believe Walk raised critical funds for local cancer centers and cancer support services that directly impact cancer patients and their families. This years event is expected to draw in 10,000 participants and raise over $500,000 for programs and services in the Inland Empire.

Describe what economic benefit and impact this event will bring to the City:

The Believe Walk attract over 10,000 participants to Redlands. Large scale events such as this size bring new money from outside thelocal economy that benefit the host city. The City of Redlands is highlighted in media and print materials for thier contribution to this cause.

In April 2002, the City Council adopted Resolution No. 6038, which encourages groups or organizations requesting in-kind support from the City to use local businesses when procuring goods and services associated with the event. Receipts will need to be submitted through a follow up form. Failure to submit post event documentation (within 15 days) may affect future requests.

	Proposed Event	Previous Event Actuals	Vendors
Attendance: Redlands Residents	1,862	1,725	
Attendance: Non-Residents	8,138	8,001	
Food & Beverage Sales	No Vendor Sales.	No impact to event revenue	No Vendor Sales
Merchandise Sales	1200	1200	
Ticket/Entrance Fees	$190,000	$189,000	
Other	$260,000	$259,700	
Total Revenue	$451,000	$450,000	

I certify that all statements on this application are true and complete to the best of my knowledge.

Signature: Tracy V. Marquez **Title:** Believe Walk Director

Please Print Your Name: Tracy Marquez **Date:** 04/06/2023

To Be Completed by the City of Redlands

Date Received: **Received By:**

Notes:

City Manager Approval: City Council Approval:

Stater Bros Charities

EIN: 26-1236033 | Sn Bernrdno, California, United States

Publication 78 Data

Organizations eligible to receive tax-deductible charitable contributions. Users may rely on this list in determining deductibility of their contributions.

On Publication 78 Data List: Yes

Deductibility Code: PC

Copies of Returns (990, 990-EZ, 990-PF, 990-T)

Electronic copies (images) of Forms 990, 990-EZ, 990-PF or 990-T returns filed with the IRS by charities and non-profits.

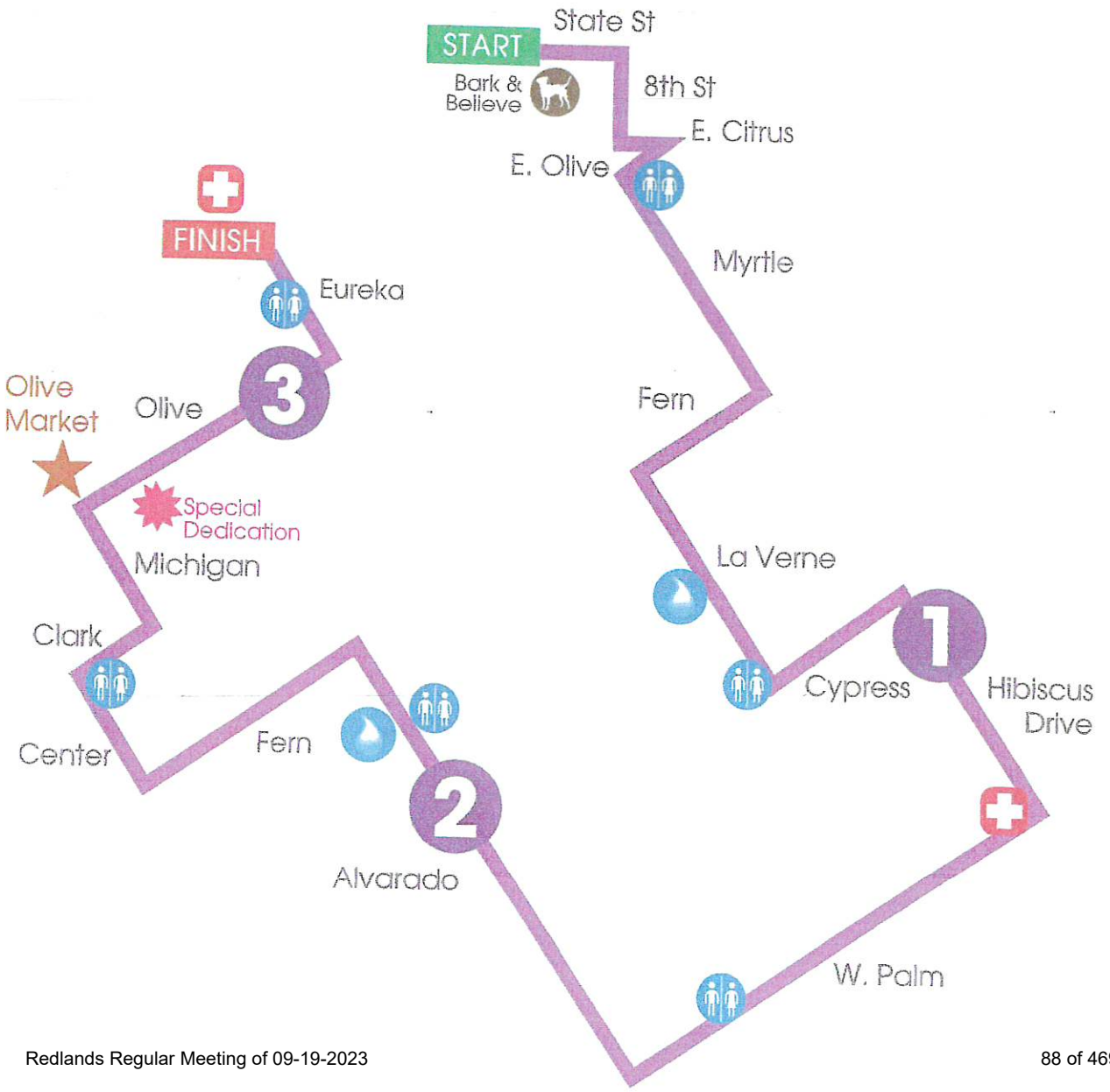
- Tax Year 2019 Form 990
- Tax Year 2018 Form 990
- Tax Year 2017 Form 990
- Tax Year 2016 Form 990
- Tax Year 2015 Form 990

Believe Walk

All things are possible for one who believes

presented by STATER BROS. Charities & Inland Women Fighting Cancer

5K ROUTE



City Council/Financing Authority Meeting **I. 9.**

DATE: 09/19/2023

TO: Honorable Mayor and City Council Members

SUBJECT: Disclosure of Settlement Agreement and Release of All Claims – Stanley Claiborne; U.S. District Court, Central District of California Case No. 5:22-cv-01287-DMG-SK (City Attorney Garcia)

DISCUSSION:

Attached is a copy of the "Settlement Agreement and Release of All Claims," which reflects the terms and conditions for settlement of the above-mentioned litigation as approved by the City Manager and City Attorney. The settlement amount is within the City Manager's settlement authority under the Redlands Municipal Code.

In accordance with the Redland's Municipal Code, and following the spirit of the Brown Act, this matter is on your agenda to approve the settlement, notify the public of the settlement negotiated by the City and to authorize the Mayor to execute the Agreement.

SUBMITTED BY:
Yvette M. Abich Garcia, City Attorney

REVIEWED BY:
Charles M. Duggan, Jr., City Manager
Janice McConnell, Assistant City Manager
Danielle Garcia, Management Services/Finance Director

Attachments

Settlement Agreement

AGREEMENT OF SETTLEMENT AND GENERAL RELEASE

1. *PARTIES*: The parties to this Agreement of Settlement and General Release ("Agreement") are Stanley Claiborne ("Plaintiff"), and City of Redlands and Officer Varnum Macias ("Defendant").

2. *RECITALS*: This Agreement is made with reference to the following facts:

2.1 Certain disputes and controversies have arisen between the parties hereto.

2.2 Such disputes and controversies include, but are not limited to, the claims, demands and case or causes of action set forth by the parties hereto in a civil action pending in the United States District Court and entitled Stanley Claiborne v City of Redlands, et al., Case No. 5:22-cv-01287-DMG-SK.

2.3 It is the intention of the parties hereto to settle and dispose of, fully and completely, any and all claims, demands and cause or causes of action existing as of the effective date of this agreement and arising out of, connected with, or incidental to the dealings between parties hereto to the effective date hereof including, without limitation on the generality of the foregoing, any and all claims, demands and cause or causes of action reflected in the civil action referenced in Paragraph 2.2 above.

3. *DISMISSAL*: Concurrently with the execution of this Agreement, Plaintiff shall dismiss, with prejudice, the civil action referenced in Paragraph 2.2 above, in exchange for the promises, covenants, conditions and payments set forth in Paragraph Four.

4. *PAYMENT*: Concurrently with the execution of this Agreement, Defendants shall pay to Plaintiff, the aggregate sum of TWENTY THOUSAND Dollars ($20,000.00) in a check made payable to Geragos & Geragos IOLTA account for immediate disbursement to Plaintiff Stanley Claiborne and any lien holders.

5. *GENERAL RELEASE*: In consideration of the mutual general releases contained herein, and for other good and valuable consideration, the receipt of which is acknowledged by each party hereto, the parties promise, agree and generally release as follows:

5.1 Except as to such rights or claims as may be created by this Agreement, each party hereto hereby releases, remises and forever discharges each other party hereto from any and all claims, demands and cause or causes of action existing as of the effective date and arising out of, connected with or incidental to the dealings between the parties hereto prior to the effective date hereof including, without limitation on the generality of the foregoing, any and all claims, demands and cause or causes of action reflected in the civil action referenced in Paragraph 2.2 above.

5.2 Each party to this Agreement specifically waives the benefit of provisions of Section

1542 of the Civil Code of the State of California, as follows:

> A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

6. *REPRESENTATIONS AND WARRANTIES*: Each of the parties to this Agreement represents and warrants to, and agrees with, each party hereto, as follows:

6.1 Each party has received independent legal advice from its attorneys with respect to the advisability of making the settlement provided for herein, with respect to the advisability of executing this Agreement, and with respect to the meaning of California Civil Code Section 1542.

6.2 No party (nor any officer, agent, employee, representative, or attorney of or for any party), has made any statement or representation or failed to make any statement or representation to any other party regarding any fact relied upon in entering into this Agreement, and each party does not rely upon any statement, representation, omission or promise of any other party (or of any officer, agent, employee, representative, or attorney of or for any party), in executing this Agreement, or in making the settlement provided for herein, except as expressly stated in this Agreement.

6.3 Each party to this Agreement has made such investigation of the facts pertaining to this settlement and this Agreement, and all the matters pertaining thereto, as it deems necessary.

6.4 Each party or responsible officer thereof has read this Agreement and understands the contents hereof. Each of the officers executing this Agreement on behalf of their respective corporations is empowered to do so and thereby binds such respective corporation.

6.5 In entering into this Agreement and the settlement provided for herein, each party assumes the risk of any misrepresentation, concealment or mistake. If any party should subsequently discover that any fact relied upon by it in entering into this Agreement was untrue, or that any fact was concealed from it, or that its understanding of the facts or of the law was incorrect, such party shall not be entitled to any relief in connection therewith including, without limitation on the generality of the foregoing, any alleged right or claim to set aside or rescind this Agreement. This Agreement is intended to be and is final and binding between the parties hereto, regardless of any claims of misrepresentation, promise made without the intention to perform, concealment of fact, mistake of fact or law, or of any other circumstance whatsoever.

6.6 Each party has not heretofore assigned, transferred, or granted, or purported to assign, transfer, or grant, any of the claims, demands, and cause or causes of action disposed of by this Agreement.

6.7 Each term of this Agreement is contractual and not merely a recital.

6.8 Each party is aware that it may hereafter discover claims or facts in addition to or different from those it now knows or believes to be true with respect to the matters related herein. Nevertheless, it is the intention of the parties to fully, finally and forever to settle and release all such matters, and all claims relative thereto, which do now exist, may exist, or heretofore have existed between them. In furtherance of such intention, the releases given herein shall be and remain in effect as full and complete mutual releases of all such matters, notwithstanding the discovery of existence of any additional or different claims of facts relative thereto.

6.9 The parties will execute all such further and additional documents as shall be reasonable, convenient, necessary or desirable to carry out the provisions of this Agreement.

6.10 Plaintiff agrees to hold Defendants harmless from, and defend and indemnify Defendants from, the claims of any and all medical care providers and/or lienholders, including, but not limited to, Medicare or MediCal, providing medical services to Plaintiff as a result of the subject incident.

7. *SETTLEMENT*: This Agreement effects the settlement of claims which are denied and contested, and nothing contained herein shall be construed as an admission by any party hereto of any liability of any kind to any other party. Each of the parties hereto denies any liability in connection with any claim and intends hereby solely to avoid litigation and buy its peace.

8. *MISCELLANEOUS*:

8.1 This Agreement shall be deemed to have been executed and delivered within the State of California and the rights and obligations of the parties hereto shall be construed and enforced in accordance with, and governed by, the laws of the State of California.

8.2 This Agreement is the entire Agreement between the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous oral and written agreements and discussions. This Agreement may be amended only by an agreement in writing, signed by the parties thereto.

8.3 This Agreement is binding upon and shall inure to the benefit of the parties hereto, their respective agents, employees, representatives, officers, directors, divisions, subsidiaries, affiliates, assigns, heirs, successors in interest and shareholders.

8.4 Each party has cooperated in the drafting and preparation of this Agreement. Hence, in any construction to be made of this Agreement, the same shall not be construed against any party.

8.5 In the event of litigation relating to this Agreement, the prevailing party shall be entitled to attorney's fees and costs.

8.6 This Agreement may be executed in counterparts, and when each party has signed and delivered at least one such counterpart, each counterpart shall be deemed an original, and, when taken together with other signed counterparts, shall constitute one Agreement, which shall be binding upon and effective as to all parties.

8.7 The parties expressly agree that the Court shall retain jurisdiction over the terms of this settlement and shall specifically retain jurisdiction to entertain a motion to enforce the settlement should the need for such a motion arise.

This Agreement, consisting of four pages, is made and entered into on and as of July 25, 2023, in Redlands, California, and is effective as of this date.

STANLEY CLAIBORNE, Plaintiff

CITY OF REDLANDS AND OFFICER VARNUM MACIAS

BY: _____
EDDIE TEJEDA, Mayor

ATTEST

BY: _____
JEANNE DONALDSON, City Clerk

APPROVED AS TO FORM AND CONTENT:

Daniel Tapetillo, Attorney for Plaintiff, Stanley Claiborne

Bruce E. Disenhouse, Attorney for Defendants, City of Redlands and Officer Varnum Macias

City Council/Financing Authority Meeting **J. 1.**

DATE: 09/19/2023

TO: Honorable Mayor and City Council Members

SUBJECT: Presentation by Accelerate Neighborhood Climate Action (ANCA) on their first year accomplishments and future directions (Mayor Tejeda)

DISCUSSION:

For this evening's City Council meeting, Richard Corneille and Linda Hamilton, of Accelerate Neighborhood Climate Action, will be presenting on the organization's first year accomplishments and future directions.

Attachments

ANCA Presentation

Accelerate Neighborhood Climate Action (ANCA)

Building resilient communities neighborhood-by-neighborhood

Update

on First Year Accomplishments & Future Directions

ANCA Accomplishments 2022/23: *Educational Events*

- Monthly Educational Events - 13
- Hands-on Training Events – 3
- A Day of Climate Action & Celebration on Earth Day with 32 projects & 500 participants
- Outreach through tabling at the Saturday Morning Market & many other community events.
- Speakers Bureau - 15

ANCA Accomplishments 2022/23: Established 3 strong programs

Supported by 6 teams and a Coordinating Council.

ANCA Accomplishments 2022/23: *Partnerships Developed*

- University of Redlands: SURF, Environmental Studies Department
- Inland Empire Resource Conservation District
- Esri (Hub)
- Inland Empire Master Gardeners

Thanks to the City for Your Support!

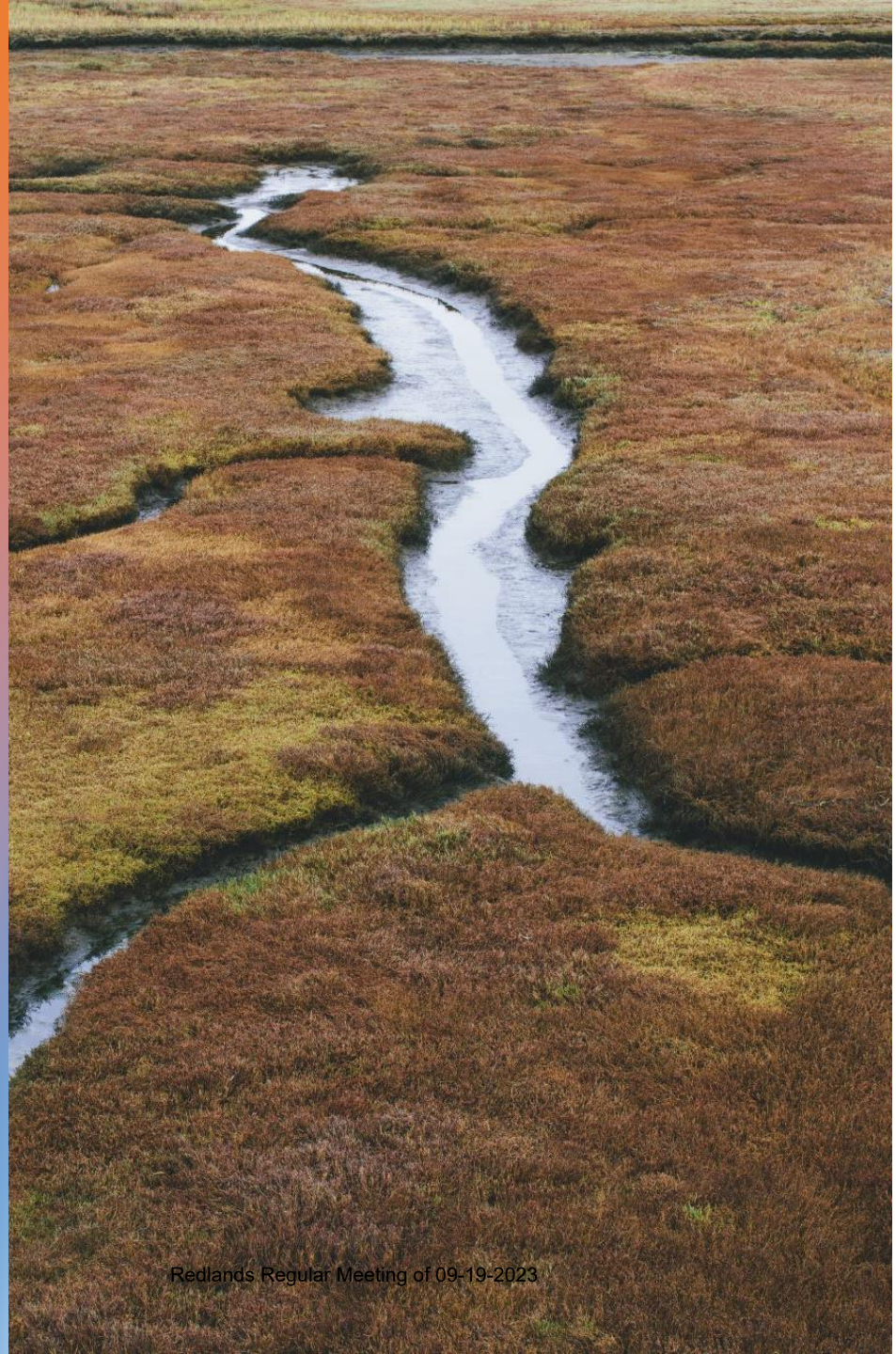
- Briefings at Council Meeting in April-May, 2022
- Use of Community Center for our Education Workshops
- City staff presentations at Workshops.
- Participation in Earth Day Celebration: Day of Climate Action
- Councilperson Denise Davis for Climate Policy Council.

Climate Update

This Photo by Unknown Author is licensed under CC BY-NC-ND

Climate Change is the Most Serious Threat Facing Humanity

- CO2 emissions reach record high in 2023 despite need to reduce emissions by 7.6% each year this decade.
- Ocean temps have suddenly spiked, reaching 100+ degrees in some places.
- Sea ice is melting many times faster than expected.
- Major tipping points are dangerously close, which could accelerate climate change even more.

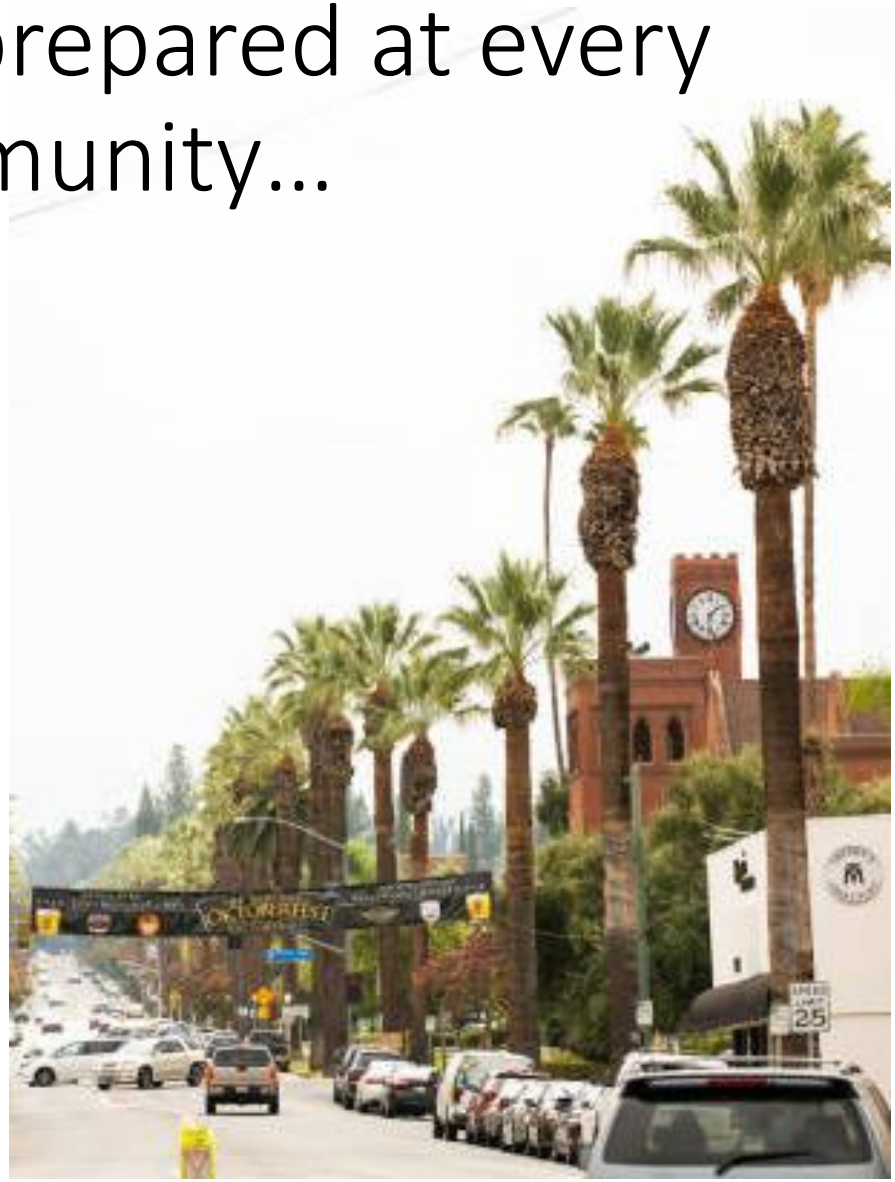


Locally we have experienced in the past year…

- Severe drought throughout the Southwest
- Rivers and reservoirs at an all-time low
- Record rain and snow pack
- Record temperatures
- A tropical storm!

We need to get prepared at every level of our community…

- …our homes, our neighborhoods, our infrastructure, our food system, and much more.
- We need to immediately and drastically lower carbon emissions.
- We need to ensure environmental justice.



This is ANCA’s mission. We invite everyone in the community to join us.

Accelerate Neighborhood Climate Action (ANCA)

Vision for a Climate-Resilient Community

Towards reduced carbon emissions, increased readiness & environmental justice

Local, Sustainable Food System

Sustained Water Conservation

Protection of Biodiversity

Disaster Preparedness at Neighborhood Level

Cooler Homes & Neighborhoods

These are the components of a climate-resilient community that we can start building at the neighborhood level. We invite your interest, feedback, and ideas. If you would like to involve your neighborhood, contact us at info@ancainlandempire.org.

Localized Economy

Low Carbon Transportation System

Zero Waste Community

Localized Accessible Health Care

Energy Efficient Homes & Businesses

Resilient Communities Have . . .

Cooling strategies for all neighborhoods including white roofs, well-insulated homes, cooling centers, and tree canopies

Reduced their carbon footprints by transitioning to renewable energy and eliminating other sources of carbon emissions.

A strong local food system from grower to buyer.

Resilient Communities Have . . .

A sustainable water system where everyone conserves and uses water wisely.

A thriving localized economy that works for everyone.

A low carbon transportation system.

ANCA Goals for Next 12 Months

- Continue monthly educational events
- Launch neighborhood planning in at least 6 neighborhoods.
- Bring together at least 3 community networks to encourage working together on climate challenges.
- Lead coalition to hold second annual Day of Climate Action for Earth Day 2024.

Many thanks again from all of us!

City Council/Financing Authority Meeting **J. 2.**

DATE: 09/19/2023

TO: Honorable Mayor and City Council Members

SUBJECT: Discussion and possible action relating to a policy for council members to add items to future City Council meeting agendas (Council Member Davis)

MOTION:

I move to direct staff to develop a policy for council members to add items to future City Council meeting agendas.

OR

I move to form a City Council subcommittee to develop a policy to add items to future City Council meeting agendas and appoint _____ and _____ to serve on the subcommittee.

DISCUSSION:

This item is being put forth to City Council to allow for discussion and possible action relating to a policy for council members to add items to future City Council meeting agendas. While this has been informally handled through requests made by council members of the City Manager, the City Council has never adopted a policy specific to council member requests for future agenda items. Pursuant to the Redlands Municipal Code 2.04.040, the City Manager is the administrative head of the City government and, as such, prepares the agenda and has the authority to schedule agenda items based on those business items requiring City Council action.

The Brown Act (Government Code section 54954.2(a)(3) provides a specific means for adding agenda items to future meetings. That section provides that a member of a legislative body (such as a Council Member) can, as part of a

regular meeting, request staff to report back to the Council at a subsequent meeting concerning any matter that is not on the current agenda, and to take a vote by which a majority of the Council agrees to direct staff to place a matter of business on a future agenda.

In anticipation of this agenda item, staff conducted a cursory survey of cities in the surrounding area to identify what formal or informal methods are currently being used. A summary of the findings is attached.

If the City Council wishes to proceed with development of such a policy, the Council may direct city staff to return with a policy for the Council's consideration at a future meeting. In the alternative, the City Council may form a Council subcommittee to work with city staff to develop the policy and return to the City Council with a recommendation.

Attachments

Summary of Local Cities
Big Bear Lake Council Manual
Colton Manual of Procedure
Email from Loma Linda
Rialto Reso. 6773
San Bernardino Reso. 2021-68
Yucaipa Code of Conduct
County of San Bernardino
Palm Springs Reso 24992

Summary of Processes by Local Cities

City	Process	Citation
Big Bear Lake General Law City Council/Manager	Any City Councilmember, with the concurrence of one additional Councilmember, may request to place an item on an upcoming City Council meeting agenda, providing the City Manager with at least 30 days' notice in order to provide ample time for staff preparation. Such requests may be made during "Councilmember Board/Committee Reports & Comments" in a City Council meeting, or may be made directly to the City Manager at any other time. The City Manager may also place items on the City Council meeting agenda as necessary in his/her judgement to further ongoing City initiatives, meet Federal/State/other requirements, address perceived community needs and to take advantage of beneficial opportunities.	City of Big Bear Lake Council Manual, "III Agenda Item Submission"
City of Colton General Law City Council/Manager	C-1 An agenda shall be prepared for each regular meeting in accordance with Section 54954 and any other applicable sections of the Brown Act. The agenda shall contain the specific items of business to be transacted and the order thereof. Items of business to be heard in public may be placed on the agenda by any Councilmember, the City Manager, the City Attorney or the City Clerk. The City Clerk prefers that such requests be submitted on or before 4:00 p.m. on the Tuesday one week prior to the regular meeting. Items of business to be heard in closed session may be submitted by any two (2) Councilmembers, the City Manager or the City Clerk to the City Attorney or Risk Manager for review for compliance with the provisions of the Brown Act, and the City Attorney or Risk Manager shall place such items that comply with those provisions on the closed session agenda. Notwithstanding the foregoing, however, items of business relating to personnel matters involving performance review or discipline, dismissal or release of specific City employees shall only be placed on the closed session agenda at the direction of the City Manager or upon the request of three Councilmembers through the City Clerk.	City Council Meetings, Manual of Procedures
City of Corona General Law City Council/Manager	No written policy. If a council member wants an item on the agenda its mentioned in a meeting and added to a list for future meetings, or the council member can fill out a form requesting an item and submit it to the City Manager.	Phone Call.

City of Loma Linda Charter City Council/Manager	"the City does not have any formal written policies or procedures for elected officials to place items on the Agenda. Should a Council member have items they want to place on the agenda, they speak with our City Manager. The City Manager will authorize placing items on the agenda. Depending on the matter, there may be situations he will consult with our City Attorney for approval."	Email from City Clerk
Palm Springs Charter City Council/Manager	F. Placement of Items on Meeting Agendas 1) The City Manager shall be responsible for scheduling items for City Council meetings. 2) A Councilmember may request staff agendize an item for a future City Council meeting during the "*City Council and City Manager Requests and Upcoming Agenda Development*" portion of the agenda by a majority vote of the City Council. 3) Individual members of the City Council must sponsor and seek two co-sponsors to add an item to the agenda if it is demonstrated there is a need to take immediate action sooner than can be accommodated under Section 2.F.2	Resolution No. 24992 Section 2F, Pg7.
City of Rialto General Law City Council/Manager	9. Council Requests: The Council shall receive all requests of individual Councilmember for investigation and reports by the City staff, commissions, boards and committees regarding any proper matter of municipal business. Said requests shall be received without the necessity of the specific item or request appearing on the agenda; provided however, that no action shall be taken other than referring the matter for an investigation and report.	Resolution No. 6773 7.14.2015
City of San Bernardino Charter Council/Manager	3) Each City Council agenda will include a section entitled "items to be Considered for Future Meetings." This section is to list requests for items to be considered at <u>future</u> council meetings. If a majority of Council Members approve the request, then the item with completed staff work, will be brought forward at a <u>future</u> Council Meeting. 6) Requested items will not be placed on a future agenda, and staff work will not commence, without concurrence from the majority of the members of the City Council.	Resolution 2021-68 City of San Bernardino Administrative Policy Manual, "Procedure for Elected Officials to Place Items on the City Council Meeting Agenda"
County of San Bernardino	Rule 6. Preparation of Agenda and Fair Statement. An agenda shall be prepared by the Clerk of the Board of Supervisors for each meeting of the Board and shall contain a brief general description of each item of business to be transacted or discussed at the meeting. The agenda shall specify the time and location of the regular meeting and shall be posted at least 72 hours before the meeting in a location that is freely accessible to members of the public. All proposed agenda items shall be approved for placement on the agenda by the County Administrative Officer, the Chairperson of the Board of Supervisors, or their	Am. Ord 3944, passed 2005

	designees, before being placed on the agenda by the Clerk of the Board. Notwithstanding the foregoing, any member of the Board of Supervisors or his or her designee may place an item on the agenda after presenting that item to the Chairperson and the County Administrative Officer or their designees. The Clerk of the Board shall prepare a fair statement of proceedings of meetings of the Board of Supervisors.	
City of Yucaipa General Law City Council/Manager	AGENDA ITEMS: The Mayor and Mayor Pro Tem, in consultation with the City Manager, shall determine agenda items for City Council Meetings. However, to ensure all Council Member views are represented, study session agendas contain a section titled "Council Member Reports/ Requests". In addition to their reports, this portion of the meeting allows any Council Member to request an agenda item for a future meeting, and allows the City Council to have a short discussion on the request (but not on the substance of the item). Any request must include an explanation of the issue and the goal of the proposed Council discussion. If at least one other Council Member indicates support for the request at that time, then the item shall be placed on a future agenda. Upon support for the request, the Council will provide direction to staff on information that is desired to be presented when the item is placed on a future agenda. Additionally, with the advice of the City Manager and City Attorney, the Council will provide direction to staff on the type of meeting (regular or special) and the type of session (closed, study, or general) at which the item will be considered. The Mayor and Mayor Pro Tem shall schedule the item no later than 45 days following the request, unless the Council Member who requested the item consents to it being placed on the agenda of a later meeting.	Yucaipa Code of Conduct, "Agenda Items Pg. 3"

City of Big Bear Lake

City Council Policy, Procedures, and Rules of Order Manual

Adopted by City Council

Via Resolution No. 2022-21 on March 7, 2022

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CHAPTER 1 – INTRODUCTION AND PURPOSE

I. PURPOSE OF MANUAL

A. Compile, Revise and Adopt Rules and Policies. By adopting this Policy, Procedures and Rules of Order Manual ("Manual"), the City Council of the City of Big Bear Lake (the "City Council" or "Council") hereby establishes updated Rules of Order for the preparation of its agendas, conduct of its meetings, and transaction of other City business. In addition, by adopting this Manual, the City Council further compiles, consolidates, updates and supersedes any prior related Council Policies, Resolutions, rules and administrative procedures that have been formally adopted by the City Council addressing the subject matter and/or the topics discussed herein.

B. Provide Standards and Guidance. The purpose of this Manual is to set a standard of professionalism for the conduct of the City Council's business. Big Bear Lake has a long and proud tradition of open government and civil, intelligent public discourse. This Manual is intended to enhance public participation and Council debate so that the best possible decisions can be made for Big Bear Lake. While attempting not to be overly restrictive; procedures, policies, and codes of ethics and conduct are being established and/or clarified so that expectations and practices are clearly articulated to guide City Councilmembers in their day-to-day conduct and actions.

C. Ease of Reference. Having the majority of the rules, procedures, practices and policies (hereinafter collectivity "Rules") of the Big Bear Lake City Council consolidated and contained in a single, easily-accessible document that will clarify expectations and responsibilities and will streamline the conduct of meetings and other City Council business in the public interest.

II. EFFECTIVE DATE AND PERIODIC REVIEW/UPDATE OF MANUAL

A. Effective Date. The rules contained in this manual shall be in effect immediately upon their adoption by City Council resolution, and shall remain in effect until such time at this Manual is amended and new Rules are adopted and/or updated by City Council resolution.

B. Periodic Review. This Manual will be reviewed on an as-needed basis, and revised by City Council resolution if and as needed.

CHAPTER 2 – ROLE OF CITY COUNCIL

I. OVERVIEW

A. City Council Acts as a Body. One of the fundamental tenets of city governance is recognizing that the City Council acts as a body. No individual Councilmember has extraordinary powers beyond those of other members. Although the Mayor and the Mayor Pro Tempore ("Pro Tem") have additional ceremonial, parliamentary and administrative responsibilities as described below and elsewhere in this Manual, with respect to the establishment of policies, voting, and in other significant areas, all members are equal.

B. Establishment of City Policy. City Policy is established, and direction is given to City staff by a majority vote of the Council. Neither the Mayor nor the Mayor Pro Tem has veto power or any other policy-making authority beyond that of the other Councilmembers.

C. Decisions of Majority of Body Binding on City Council. While individual Councilmembers may disagree with decisions of the majority, a decision of the majority does bind the City Council to a course of action and provides City staff with clear direction to follow. Similarly, City staff is responsible to ensure that the policy set by the City Council is implemented and upheld consistent with the wished of the majority. Implementation of City Council policy by staff does not reflect a bias against Councilmembers who held a minority opinion on an issue.

II. COUNCIL ELECTION AND GOVERNANCE

The City of Big Bear Lake is governed by a five-member City Council elected by-district to four-year terms on a staggered basis. Councilmembers are elected in the general election in November of even-numbered years. The Mayor and Mayor Pro Tem will be appointed by a majority vote of the entire membership of the City Council. The City Council shall appoint the Mayor and Mayor Pro Tem for one-year terms at the first regular meeting in December of every year or as soon thereafter as feasible and when applicable, following the certification of election results and seating of new City Councilmembers. The newly-appointed Mayor and Mayor Pro Tem assume their positions immediately following the majority vote. Prior to this meeting, the Council and Council-elect (in even numbered years) will be invited to participate in a regularly scheduled or special meeting in November to provide each Councilmember and/or Councilmember-elect the opportunity to express their interest in becoming the Mayor or Mayor Pro Tem and/or in participating in various committees and agencies.

The nomination and appointment procedure for the offices of Mayor and Mayor Pro Tem shall be conducted in successive order and as show below.

1. The City Clerk opens nominations.

2. The City Clerk receives up to one nomination per Councilmember until no further nominations are forthcoming. Seconds are not required.

3. The City Clerk closes nominations.

4. The City Clerk calls on each Councilmember to cast by verbal vote the name of his/her nominee of choice.

5. The City Clerk announces the outcome of the vote and declares the appointment upon a majority vote of the full membership.

6. If an appointment is not confirmed, the City Clerk repeats the foregoing procedure once more on the prospect of the City Council reaching agreement.

The newly-appointed Mayor shall preside over the process for the office of Mayor Pro Tem, unless he/she prefers the City Clerk to facilitate the appointment.

Should the Council be unsuccessful in its appointment efforts, whether it be by insufficiency of votes or failed action pursuant to Chapter 5, Section R, Tie Votes, the item shall be reconsidered during the next regular City Council meeting in expectation of securing the requisite consensus of the full body. If such consensus is not gained after the second consecutive Council meeting during which one or more appointments were considered, the sitting Mayor and/or Mayor Pro Tem, as applicable, shall remain in office until the next annual organizational meeting.

III. ROLE AND DUTIES OF MAYOR

A. Official Ceremonial Head of City. The Mayor is recognized as the official head of the City for all ceremonial purposes and shall perform such other duties consistent with the office as set forth in this Manual and as may be delegated to the Mayor by majority vote of the City Council.

B. Presiding Officer. The Mayor is the Presiding Officer at all meetings of the City Council and acts as the chair. **In this role, the Mayor has authority and discretion:**

1. to preserve order at all Council meetings by facilitating the effective conduct of business during meetings and assisting, when deemed necessary, fellow Councilmembers in understanding their roles and responsibilities in municipal governance;

2. to enforce (or cause to be enforced) the Meeting Rules of Conduct and Decorum as set forth in Chapter 5 of the Manual;

3. to determine the order of business at meetings of the City Council; and

4. to require any person addressing the City Council to be sworn as a witness and to testify under oath when, for example, testifying in judicial or quasi-judicial proceedings. The Mayor or the Presiding Officer shall also require such swearing-in if directed to do so by a majority of the Council.

C. External Communication of Policy. The Mayor is to faithfully communicate the position of the Council majority in matters of policy.

D. Seating Arrangement for City Council. The Mayor assumes the center chair on the dais and oversees the seating location of the other Councilmembers at all meetings of the Council, in council chambers or elsewhere. The Mayor will, following each Council election of officers and at such other times as the Mayor deems it necessary, establish the seating arrangements of the Councilmembers. The Mayor Pro Tem will always be seated immediately next to the Mayor.

E. Signing Documents. The Mayor, whenever available, shall sign all ordinances, resolutions and other documents that have been adopted and authorized by the City Council and require an official signature. However, the City Manager or another City official may sign certain documents when so authorized by Council action and/or the provisions of the Big Bear Lake Municipal Code.

F. Absence of Mayor. In the absence of the Mayor, the Mayor Pro Tem performs the duties of the Mayor, including acting as the Presiding Officer at meetings. When both the Mayor and Mayor Pro Tem are absent from any meeting of the Council, the City Clerk shall call the Council to order, whereupon a temporary Presiding Officer shall be elected by the Councilmembers present to serve until the arrival of the Mayor or Mayor Pro Tem, or until adjournment, whichever comes first.

G. New Councilmember Orientation. The City Manager will lead, with assistance from the City Attorney and City Clerk, new Councilmember orientations to provide a comprehensive overview of City operations, policies, ordinances, applicable State law, current projects, and current initiatives.

IV. ROLE AN DUTIES OF ALL COUNCILMEMBERS

A. Annual Review of Residency. Government Code Section 36052(a) requires Councilmembers of this City to maintain a legal residence or domicile within the City of Big Bear Lake and rules regarding residency are further discussed in Section 243

and 244 of the Government Code. To properly ensure compliance, Councilmembers shall be required to certify with the City Clerk immediately following the adoption of the Manual and again on an annual basis at a Council meeting in December, their residency or domicile within the City of Big Bear Lake.

B. Advance Preparation for Meetings.

1. **Prior Review of Agenda Materials.** Prior to attending Council and committee meetings, study sessions and/or workshops, Councilmembers shall read or otherwise familiarize themselves with each agenda and supporting documentation for the items thereon.

2. **Seek Prior Clarification for Agenda Materials.** In respect for everyone's time and to help ensure that individual Councilmembers may be equipped to make informed decisions, do his/her best work, and move meetings forward in a meaningful way, it is incumbent upon each Councilmember to promptly seek answers to questions he/she may have about the posted agenda items and agenda-package materials for the immediately pending meeting. Toward fulfilling these objectives, Councilmembers should seek the aforementioned assistance from the City Manager, the City Attorney, or City Clerk as soon as possible after receipt of the agenda packet and prior to the meeting to which the agenda packet relates. The City Manager may delegate specific City staff to respond to questions, as may be helpful to the Councilmembers/or City Manager.

3. **Avoid Unfair Surprise.** Councilmembers should advise the City Manager in advance of issues or questions they intend to bring up at a public meeting. This refers to issues and questions that City staff would not normally anticipate or have researched for that particular meeting.

4. **Report Possible Absences.** Each Councilmember shall report immediately to the Mayor, City Manager, and City Clerk any likelihood of absence in order to ensure the most effective facilitation of City Council meetings. Any member of the Council not in attendance at a Council meeting shall be noted as "absent". Such absences shall be considered unexcused , unless the City Council formally excuses an absence by a majority vote, in which case the absent member of the Council shall be noted as "excused".

C. Council Vacancies. Whenever a vacancy occurs in the Office of City Councilmember, the City Council will fill the vacancy by appointment or special election in accordance with the procedures set forth in Government Code Section 36512 or the provisions of Municipal Code Section 2.08.040 adopted by the City Council. If a vacancy is to be filled by appointment, and in order that the Council may select the candidate best suited

to the position, the City shall initiate an application and interview process which shall be robust, uniform, and free form the appearance of impropriety. Except for official communications with the City Manager's office, which includes the City Clerk, all contact between Councilmembers and candidates regarding the appointment process and/or potential appointment is restricted to a formal interview process during a public meeting. Any candidate who violates this protocol may be excluded from appointment.

D. Leadership, Goals and Policy; Ex-Officio Roles of the City Council.

1. **Leadership, Goals and Policy.** City Councilmembers are elected to provide leadership in setting goals and in formulating policies. The City Council is the focal point for identifying and interpreting the wishes of the citizens and translating these into specific programs. Successful goal setting and policy formulation largely depend on a good working relationship amongst the Council and between the Council and the administrative staff. Under the City Manager's direction, staff can provide assistance in analyzing the City's needs, suggesting action programs, and calculating the costs of proposals. However, the Council has the final responsibility for establishing local policies and determining services and budget levels appropriate for the City.

2. **Ex-Officio Roles.** The City Council also serves as the Boards for the City of Big Bear Lake Fire Protection District, Big Bear Lake Fire Authority, and the Successor Agency to the Big Bear Lake Improvement Agency. References made in the Manual to the City Council also include the Council when acting in its roles on the Boards of the aforementioned entities.

E. Engaging in Legislative and Quasi-Judicial Decisions/Acts. Almost all actions or decisions made by the City Council fall into one of two categories: legislative or quasi-judicial.

1. **Legislative.** These actions/decisions formulate rules to be applied to all future cases. Examples, include, but are not limited to: adoption and amendments to municipal codes, general plans, zoning codes, and personnel regulations. These actions are generally taken by ordinance or resolution.

2. **Quasi-Judicial.** While legislative actions establish public policy and rules applicable to groups of property or people, quasi-judicial proceedings affect individual properties or parties. Quasi-judicial proceedings involve the application of established standards to individual facts to determine specific rights or to take specific actions under existing law.

3. **Due Process.** The distinction between these two types of acts/decisions comes into play in the due process afforded to parties (particularly in the public and

appeal hearing context), as explained in more detail in Chapter 3, Section VI of this Manual.

F. Issuing Subpoenas. Pursuant to Government Code Section 37104, the City Council may issue subpoenas to require attendance of witnesses or production of books or other documents for evidence or testimony in any action or proceeding pending before the Council. The form of oaths administered by the City Clerk will be substantially in the following form:

<Name of affiant>
"I hereby declare or affirm under penalty of perjury that the testimony I am about to give before the City Council is the truth."

G. Handling Concerns or Complaints from the Public and Staff. Councilmember shall functions within their established roles when listening to concerns or complaints from the public and staff. While it is important to be available when issues arise, Councilmembers shall abide by uniform procedures to ensure matters are handled expeditiously and everyone is treated respectfully and fairly. Councilmembers shall remain neutral when receiving reports, conveying that they have no individual authority to resolve issues and further recognizing that only one side of the story is being heard. Councilmembers shall adhere to their policy role pursuant to Chapter 2 of this Manual, being certain not to interfere with the administrative functions of the City or the professional duties of City staff. The same level of care must be exercised when responding to emails as is described for personal interactions.

Councilmembers shall use the following procedures when handling concerns or complaints:

1. **Receive** – Listen to what the person has to say without preparing a response.

2. **Repeat** – Paraphrase or ask a question to clarify for understanding. Ask the person to identify those to who she/he has spoken about the matter prior to contacting a Councilmember.

3. **Request** – Ask what the person would like the Councilmember to do with the information and/or what is seen as a solution to the problem.

4. **Review** – Indicate that the information will be shared with the City Manager so that the City Manager or his/her designee may be able to provide a response or additional information as may be necessary.

V. CODE OF ETHICS FOR COUNCILMEMBERS

A. Intent and Purpose. To assure public confidence in the integrity of local government and its effective and fair operation, this Code of Ethics provides a framework for day-to-day actions and decision-making by Councilmembers and represents a commitment to uphold a standard of integrity beyond that required by law. The citizens and businesses of Big Bear Lake are entitled to a fair, ethical, and accountable local

government that has earned the public's full confidence for integrity. To ensure the effective functioning of democratic government, the City Council requires each of the following:

1. Public officials, both elected and appointed, comply with both the letter and spirits of the laws and policies affecting the operations of government.

2. Public officials be independent, impartial, and fair in their judgement and actions.

3. Public office be used for the public good, not for personal gain.

4. Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

B. Principles and Standards. The principles and standards of ethical conduct for Big Bear Lake City Councilmembers are hereby established as set forth below.

1. **Act in the Public Interest.** Recognize that stewardship of the public interest must be their primary concern, Councilmembers will work for the common good of the people of Big Bear Lake and not for any private or personal interest, and they assure fair and equal treatment of all persons, claims and transactions coming before the Big Bear Lake City Council.

2. **Comply with the Law.** Councilmembers shall comply with the laws of the nation, the State of California, and the City of Big Bear Lake in the performance of their public duties. The laws include, but are not limited to: the United State and California Constitutions, the Big Bear Lake City Charter, the Big Bear Lake Municipal Code, laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, open government, and City ordinances and policies.

3. **Councilmember Conduct.** The professional and personal conduct of Councilmembers must be above reproach and avoid the appearance of impropriety. While it is understood that Councilmembers enjoy the First Amendment right, they shall practice civility and decorum in discussions and debate, and refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of the Council, boards, commissions, staff, or the public that is intended to disrupt and not further the City's business.

4. **Respect for Process.** Councilmembers shall perform their duties in accordance with the processes and Rules of Order established by the Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Council by City staff.

5. **Decisions Based on Merit.** Councilmembers shall base their decisions on the merits and substance of the matter at hand, rather on unrelated considerations.

6. **Conflict of Interest.** In order to assure their independence and impartiality in the City's best interest, Councilmembers shall not use their official positions to influence decisions in which they have a conflict of interest.

7. **Gifts and Favors.** Councilmembers shall follow the laws that apply to the acceptance of gifts or favors as a public official.

8. **Use of Title.** Councilmembers may use their title only when conducting official City business, for information purposes, or as an indication of background and expertise. Individual Councilmembers must be careful not to: 1) exceed or appear to exceed his/her authority, 2) use his/her position to influence others unduly or, 3) use his/her title to improperly gain leverage or preferential treatment.

9. **Confidential Information.** Councilmembers shall respect the confidentiality of information concerning the property, personnel, or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.

10. **Use of Public Resources.** Councilmembers shall not use public resources, such as City staff time, equipment, supplies, or facilities for private gain or personal purposes.

11. **Advocacy.** Councilmembers shall represent the official policies or positions of the Council to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, Councilmembers shall explicitly state they do no represent the opinion of the entire Council.

12. **Positive Workplace Environment.** Councilmembers shall support the maintenance of a positive and constructive workplace environment for City employees, private citizens, and businesses dealing with the City. Councilmembers shall recognize their role in individual dealings with City Employees. Councilmembers shall not be immune to potential liability and/or legal proceedings by City employees when the rights of such employees who are acting within the scope of their employment have been infringed upon or violated by Councilmembers.

13. **Policy Role of Councilmembers.** Councilmembers shall respect and adhere to the Council-Manager structure of Big Bear Lake City government. In this structure, the City Council determines the policies of the City with the advice, information, and analysis provided by the public, boards, commissions, and City staff. Councilmembers shall not interfere with the administrative functions of the City or the professional duties of City staff, nor shall they impair the ability of staff to implement Council policy decisions.

14. **Enforcement.** Councilmembers have the primary responsibility to ensure that this Code of Ethics is followed so the public may have full confidence in the integrity of government. Although this Code of Ethics and Conduct is intended to "be self-enforcing" and will be most effective when Councilmembers are thoroughly familiar with and embrace its provisions, City Councilmembers who intentionally and/or repeatedly do not follow proper conduct may be subject to an informal reprimand (a statement of disapproval) or formal censure as set forth in Chapter 10 of this Manual.

C. Norms and Protocols.

1. We conduct ourselves in a professional manner.
2. We respect open government.
3. We value civil, intelligent public discourse.
4. We seek to be efficient in our meetings.
5. We treat all members of the public with respect.
6. We understand our role in contributing to a positive workplace environment.
7. We respect the Council-Manager form of government, and Councilmembers do not interfere with the role of the City Manager or any professional duties of City staff.
8. We keep confidential matters confidential.
9. We know that a good working relationship between Councilmembers and staff fosters good goal setting, policy making and service delivery.
10. We understand that Council acts as a body, all members are equal, and policy direction is only given by a majority vote of the Council.
11. We understand that staff is obligated to implement decisions made by the Council, even if one of us doesn't agree the Council's decision.
12. We are prepared for Council meeting and ask our questions of staff in advance so we can avoid surprising staff at the meetings. We know this is good teamwork.
13. We act with high integrity in all matters and follow our code of ethics.

CHAPTER 3 – COUNCIL MEETINGS

I. REGULAR MEETINGS

A. Regular Meetings of the Council shall be held in accordance with the schedule outlined in the Municipal Code and the adopted regular meeting calendar. All Regular Meetings shall adjourn by 10:00 p.m. unless a majority of the City Council votes to continue the meeting past the fixed time of adjournment. Any motion to extend the meeting beyond 10:00 p.m. and not included in a motion to extend the meeting shall automatically be continued for consideration at the next regularly scheduled City Council meeting.

The annually approved meeting schedule will include regular City Council meetings held on the first and third Monday of each month except when there are City observed holiday conflicts or other holiday related scheduling considerations. When the meeting calendar allows for Council to hold a second regular monthly meeting, that agenda will be tailored specifically for Council to participate in focused discussions related to significant City issues, initiatives, and other important time-sensitive topics, in more of a workshop format.

All Regular Meetings of the City Council will be recorded and broadcast live on a local cable channel and on the City's website, except in rare instances when unforeseen scheduling or technical issues may arise. Recordings of Regular Meetings will be uninterrupted and will begin approximately ten (10) minutes before the start of the meeting, and will continue until all Councilmembers, staff members, and audience members vacate the Council chamber.

B. Compliance with Ralph M. Brown Act. To ensure that the deliberations and actions of the City Council are conducted openly and to ensure meaningful public participation, all meetings of the City Council shall be held in compliance with the provisions of the Ralph M. Brown Act, Government Code Section 54950 *et seq.* (the "Brown Act").

II. SPECIAL, WORKSHOP AND CLOSED SESSION MEETINGS

A. Special/Workshop Meetings. Special meetings and workshops are meetings of the Council held on special or irregular dates and may be called by three or more members of the Council or by the Mayor. The City Clerk shall prepare and mail, personally deliver, or deliver by any other means that ensures receipt, to each member of the City Council, and to each local newspaper and radio that has requested notice in writing at least 24 hours before the time of the meeting, a notice of special meeting starting time, place and business to be transacted. Only matters set forth in the notice of the meeting shall be discussed at such meeting and no ordinance (other than urgency ordinances) may be adopted. In the event of conflict between this paragraph and the provisions of Section 54956 of the Government Code governing special meetings, the latter section shall prevail.

All Special Meetings of the City Council will be broadcast live on a local cable channel and on the City's website, except in rare instances when unforeseen scheduling or

technical issues may arise. Recordings of Special Meetings will be uninterrupted and will begin approximately ten (10) minutes before the start of the meeting, and will continue until all Councilmembers, staff members and audience members vacate the Council Chamber.

B. Closed Session Meetings. The City Council may hold closed sessions during any regular or special meeting, or any time otherwise authorized by law, to consider or hear any matter that is authorized by state law. The City Council shall exclude from any such closed session any person or persons who it is authorized by State law to exclude from such closed sessions. The general subject matter for consideration shall be shown in the agenda posted for such session pursuant to the procedures set forth in the Brown Act. The City Attorney makes reports following Closed Sessions in accordance with the Brown Act.

III. CANCELLATION OF MEETINGS

A. Cancellation of Meetings. Any regular or special meeting of the Council may be cancelled in advance by a majority vote of the Council during a prior meeting of the Council. The Mayor may cancel a meeting in the case of an emergency or when a majority of members have advised the Mayor, City Attorney, City Clerk and/or City Manager of their unavailability to attend a meeting. The City Manager may cancel a meeting when he/she determines there is no business to be conducted at the meeting. Appropriate notices will be provided. Written notice of cancellation shall be given to each Councilmember and further shall be posted and distributed to the same parties and in the same manner as the agenda for regular meetings.

IV. MEETING MINUTES

A. As an Official Record. The official action minutes of the City Council will be kept by the City Clerk in a minute book with a record of each particular type of business transacted set off in paragraphs with proper sub-headings. The City Clerk shall be required to make a record only of such business that was actually passed upon by a vote of City Council and shall not be required to record any remarks of any member of the City Council or of any other person. Names or persons addressing the City Council, the title of the subject matter to which their remarks related, and whether they spoke in support of or in oppositions to such matter shall be entered into the minutes.

B. Recordings. The City Clerk will electronically record all regular City Council meetings, with the exception of closed sessions, and will retain the video recordings per the City's Records Retention Schedule. At his/her discretion, the City Clerk may retain video recordings for a longer period.

C. Distribution of Minutes. As soon as possible after each meeting, the City Clerk shall furnish a copy of the minutes to each Councilmember, the City Manager, each Department Head, and any other individuals designated by the City Clerk or City Manager.

D. Reading of Minutes. Unless the reading of the minutes of a Council meeting is requested by a member of the Council, the minutes may be approved without reading

if the City Clerk has previously furnished each member of the Council with a copy thereof.

E. Approval of Minutes. Minutes may be approved by placement on the Consent Calendar. All Council members may vote on such approval, even if they were absent from the applicable meeting.

V. CONDUCT OF BUSINESS

A. Generally. The order of business for a Council meeting is generally shown on the agenda in the order set forth in Section (B), below, but may be modified (i.e. Mayoral appointment meeting) when necessary on a case-by-case basis by the Mayor on his/her own prerogative or by the City Manager, as the Mayor may deem appropriate.

B. General Order of Agenda Items of Business for Council Meetings.

- Open Session
- Closed Session Public Communications
- Closed Session
- Open Session
- Call to Order
- Pledge of Allegiance
- Invocation
- Roll Call
- Results of Closed Session
- Presentations
- Public Communication
- Consent Calendar
- Items Removed from the Consent Calendar
- Public Hearings
- Discussion/Action Items
- Comments, Announcements & Additional City Business
- Adjournment

VI. DESCRIPTION/EXPLANATION OF PURPOSE OF CERTAIN AGENDA ITEMS

A. Public Comment Periods. Depending on the meeting, these periods are provided at the start of the Closed and Regular Sessions and prior to Council's considerations of agenda items to satisfy the requirements of the Brown Act. These periods provide the ability for members of the public to address the Council on items appear on the agenda or on other matters of interest within the jurisdiction of the City Council that do not appear on the agenda.

1. **Restrictions.** public comment periods should not be utilized by Councilmembers to the extent said use impinges upon and/or diminishes the time allotted for other members of the public to speak, unless a Councilmember has recused himself/herself from participating in a decision of the Council on a

particular agenda item for a financial or other conflict of interest and further is exercising a right to speak as a member of the public regarding an applicable personal interest under the conditions specified in section 18707(a)(3)(c) and 18704(d)(2) of the regulations of the Fair Political Practices Commission ("FPPC").

2. **Reasonable Time, Place and Manner Limitations.** Time and other reasonable limitations may be placed on these comment periods as more particularly described in Chapter 5, Section III of this Manual.

B. Appeal Hearings.

1. **Quasi-Judicial Decisions.** If a quasi-judicial appeal is at issue, the City Council must follow stricter procedural requirements similar to those used in a court. ("Quasi-judicial" means court-like). Fair hearings and impartial decision-makers are required. Quasi-judicial hearings must be conducted in accordance with the principles of due process. When the City Council is acting as the decision-making body in quasi-judicial hearings, Councilmembers must refrain from testifying as members of the public, as such participation absent a recusal from the decision could impair due process and create conflicts of interest.

2. **Other Public Hearings.** Public hearings held prior to adoption of ordinances or other legislative/policy matters can follow less strict standards.

C. Public Hearings. In general, a public hearing is an open consideration within a regular meeting of the City Council, for which special notice has been given and may be required. During a specified portion of the hearing, residents or concerned members of the public are invited to present protests or offer support for the matter under consideration, subject to reasonable time and other limitations.

1. **When Required.** Public hearings may be required on certain items as prescribed by the Big Bear Lake Municipal Code and/or state and federal law. Some examples of when public hearings are generally required include: zoning changes, some annexations, development code amendments, introduction and first reading of ordinances, and increases of City fees and charges for utilities and other services.

2. **Cancellation and Continuances for Hearings Set by Council.** Public hearings set by the City Council may be cancelled by a majority vote of the City Council or at the request of the City Manager or City Attorney for good cause. If needed, cancelled public hearings shall be re-noticed in accordance with applicable law. The City Council may also open a public hearing at a meeting, take testimony, leave such hearing open, and continue it to a date certain without re-noticing, upon a majority vote of the City Council, or by the Mayor at the request of the City Manager or City Attorney for good cause.

3. **Continuances for Proponents of Projects and/or Appellants.** Proponents of Projects for which a public hearing is required and Appellants who have an appeal hearing scheduled before the City Council shall be granted one continuance of that hearing under the following conditions:

   (a) Requests for continuance of public hearings and appeal hearings shall be submitted by the proponent/appellant in writing to the City Clerk by no later than the close of business on the date of the Council meeting at which the matter is scheduled to be heard.

   (b) The written request shall specify: (1) the reasons for the request of continuance, and (2) the Council meeting date on which the proponent/appellant desires the matter to be heard.

   (c) The City Council reserves the right to continue the public hearing or appeal hearing to a date and time that is least likely to impact the conduct of regularly agendized City business.

   (d) If the proponent/appellant is unable to attend the meeting at which the matter will be heard, the proponent/appellant should designate a representative to appear on his/her behalf.

   (e) No further continuances shall be granted unless, in its discretion, the City Council determines by majority vote that it is necessary to do so after considering the testimony and findings presented at the hearing.

4. **General Public Hearing Procedure.** Public hearings shall generally be conducted as follows:

   (a) Staff presents its report, either by way of a written staff report or by an in-person oral presentation.

   (b) Councilmembers may ask questions of staff, subject to the time limitations sets forth in Chapter 5, Section II.D of this Manual.

   (c) The Presiding Officer opens the public hearing.

   (d) Members of the public present their comments, subject to time limits established by the Presiding Officer and/or this Manual.

   (e) The Presiding Officer closes the public heating after everyone wishing to speak has had the opportunity to do so.

   (f) Council deliberates and takes action

5. **General Quasi-Judicial Public Hearing Procedure (Land Use Matters and Appeal Hearings).** If a public hearing involves a quasi-judicial matter, the provision of Section VI.C.1 of this Chapter and other due process procedural safeguards will apply. Although the City Attorney shall advise the Council in this regard, such public hearings shall generally be conducted as follows:

   (a) Councilmembers disclose any ex parte communications or information obtained outside the Council Chamber, such as field trips, views of the premises, and discussions with individuals.

   (b) Staff presents its report, either by way of written staff report or by in-person oral presentation.

   (c) Councilmembers may ask questions of staff, subject to the time limitations set forth in Chapter 5, Section II.D of this Manual.

   (d) The Presiding Officer opens the hearing.

   (e) The applicant and/or appellant have the opportunity to present his/her comments, testimony, or arguments. Each applicant or appellant will be allotted five (5) minutes to present his/her case unless additional time is granted by a majority vote of the Council. In the case of an appeal when the appellant is different from the applicant, the appellant should be called up first to provide comments or testimony. If the applicant and appellant are different persons, the applicant and appellant should each be given equal time to present his/her views.

   (f) Members of the public may present their comments, subject to time limitations established by the Presiding Officer and/or this Manual.

   (g) The applicant and/or appellant have the opportunity to present his/her rebuttal comments, testimony, or arguments. Each applicant or appellant will be allotted five (5) minutes to present his/her rebuttal case unless additional time is granted by a majority vote of the Council. If the applicant and appellant are different persons, the applicant and appellant should each be given equal time to present his/her views.

   (h) The Presiding Officer closes the hearing after everyone wishing to speak has had the opportunity to do so.

   (i) Council deliberates and takes action.

D. Consent Calendar. Items on this portion of the agenda include matters considered to be routine, administrative, procedural, minor and/or non-controversial in nature, such as approval of minutes for a prior meeting(s), approval of the register of demands, second readings of ordinances, and other minor and/or non-controversial items. Any discussion shall be limited in nature, and those items so listed shall be approved and adopted by one motion of the Council and a roll call vote.

1. **Clarification or Comment.** Councilmembers may comment on Consent Calendar items or ask for minor clarifications without the need for pulling the item for separate consideration. To do so, Councilmembers must gain the Presiding Officer's recognition immediately after the Consent Calendar is announced and before a vote is invited.

2. **Pulling Consent Calendar Items.** Only those items that require detailed deliberation should be pulled for separate consideration by Councilmembers. This must be done by making a request immediately after the Consent Calendar is announced by the Presiding Officer. If a request is made, it shall serve as a motion to remove an item or items and must be seconded before a vote of the Council may be taken. If the motion to remove receives a majority vote, said items is not seconded, the motion to remove shall fail and the Council may proceed with voting on the Consent Calendar in the manner set forth in Section VI.E, below.

3. **"No" Vote without Pulling Item**. It is acceptable to register a "no" vote on an item on the Consent Calendar without pulling the item for separate consideration. The Councilmember would state that he/she wishes to vote "no" on the item before the Presiding Officer or City Clerk calls for the vote. After the vote, the City Clerk will announce the outcome as: "Motion carries unanimously with the exception of Councilmember A voting "no" on Item x."

E. Discussion/Action Items. Items on this portion of the agenda are each discussed/debated and voted on separately.

F. City Clerk, City Attorney and City Manager Comments. The City Clerk, City Attorney, and City Manager provide brief announcements regarding current events, projects, initiatives, and other matters of interest to Council and the public. In accordance with the Brown Act, no substantive discussion of specific matters is permitted.

G. Councilmember Board/Committee Reports and Comments. This portion of the agenda provides Councilmembers the opportunity to give a brief report on respective City-appointed committee, agency and/or board meetings attended since the last City Council meeting (i.e. Mountain Transit, BBARWA, etc.) in addition the Council can make brief general announcements on City events or projects germane to the business of the City. Comments shall pertain to items not on the posted agenda. Councilmembers

may also request that future agenda items be scheduled, provided at least one other member concurs with the request for a future agenda item. In accordance with the Brown Act, no substantive discussion of specific matters is permitted. Reports from Councilmembers are limited to three (3) minutes per Councilmember, and that time cannot be used to reargue failed motions. The City Clerk has the responsibility to assist Councilmembers with time limits by signaling when the Councilmember is nearing his/her three-minute speaking limit.

H. Resolutions. As a rule of thumb, it can be said that legislative acts of the City Council (usually a rule of public conduct for long-term application) are taken by ordinance, whereas more routine business and administrative matters (usually more transitory in nature or a singular act like approving a budget amendment) are accomplished by resolutions. The adoption of a resolution will be referenced in the meeting minutes and will be recorded in a separate document, numbered in sequence and preserved in a separate set of books. Such resolutions are used in this City for various reasons, such as when specifically required by law, when needed as a separate evidentiary documents to be transmitted to another governmental agency, or when the frequency of future reference back to its contents warrants a separate document with the additional "whereas" explanatory material if often recites to facilitate such future reference and research.

I. Ordinances. An ordinance shall not be passed within five (5) days of its introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction at either a regular or special meeting. Except when after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Councilmembers present, all ordinances shall be read in full either at the time of introduction or passing. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular meeting or at an adjourned regular meeting held at least five days after introduction of the altered ordinance.

Corrections of typographical or clerical errors are not alterations within the meaning of this section.

Effective date: all ordinances, except as provided in Section 36937 of the Government Code, shall take effect 30 days after adoption, but may be made operative at such later date as may be designated in the ordinance.

Publishing: it shall be the duty of the City Clerk to post or publish all ordinances in accordance with Section 36933 of the Government Code.

Urgency Ordinance: All urgency ordinances must receive four (4) affirmative votes to be adopted and to become effective immediately. If such an ordinance fails to receive a 4/5 majority, it may thereafter be considered and passed in the same manner as regular ordinances.

J. Invocation. All regular City Council Meetings will include an invocation after the open session meeting is officially called to order and the Pledge of Allegiance is recited. The brief invocation is intended to reflect upon the community's shared ideals and common ends before the City Council embarks on the business of governing. To ensure objectivity in the selection of the speaker of the invocation, on an annual basis the City will compile a list of all known local individuals who are wiling to volunteer to provide an invocation. The invocation speakers will be selected without preference to any specific religion, belief, faith or ideology. No guidelines or limitations shall be issued by the City regarding invocation context, except that the invocation may not proselytize or advance any faith, or disparage the religious faith or non-religious views of others.

Staff will make every effort to schedule a local religious or other leave to give the invocation, but in the event a religious leader or other leader cannot be scheduled, there is a last minute cancellation or the scheduled speakers fails to appear, a moment of silence will be observed in lieu of the invocation.

Related to the City Council's inclusion of invocations into their public meetings, the City Council will also ensure that America's national motto, "In God We Trust", and America's de facto motto "E Pluribus Unum" will be displayed under the City seal in the Council's meeting chambers as a symbol of the City of Big Bear Lake's national patriotism.

CHAPTER 4 – AGENDA

I. GENERAL PURPOSE OF THE AGENDA RULES.

A. General. The following rules relating to the agenda for City Council meetings are based on the premise that it is in the interest of good government that the City Council be fully informed on all matters upon which it is called to act. The City Council relies upon City staff to perform research, review potential courses of action, furnish technical information, and recommend solutions to various problems of City Government and recognizes that proper, thorough research and investigation requires time to ensure that the City Council has sound background information before it takes action.

B. Council Preparation. To foster the orderly, effective and efficient conduct of meetings and ensure the necessary business of the City is transacted, each Councilmember has a duty to review and be familiar with the agenda materials in advance of each meeting. (See Chapter 2, Section IV.B of this Manual).

II. AGENDA PREPARATION

A. In General. Agendas for regular and special meetings are prepared and posted by the City Clerk in accordance with provisions of the Brown Act, this Chapter, and all other applicable rules and laws. The content of each agenda is overseen by the City Manager in consultation with the City Clerk (and the City Attorney as necessary) concerning the sequence of agenda items and other procedural matters.

B. City Manager Review. The City Manager reviews and approves all items for each Council agenda. The final agenda items, including staff reports and attachments, are then submitted to the City Clerk, compiled into the final Agenda packet, and are typically made available to the Council on Thursday preceding each regularly-scheduled meeting. The agenda packet is simultaneously made available to the public and posted on the City's website by the City Clerk in accordance with the Brown Act. Once the agenda packet has been sent to the City Council, items may be added to that agenda by the City Manager or the City Attorney when necessary, provided a supplemental or revised agenda is prepared and posted by the City Clerk in compliance with the Brown Act. In addition, the City Council may take action on items not appearing on the agenda, which are commonly referred to as emergency or urgency items, provided doing so complies with the provisions of Government Code Section 54957.2(b).

C. Minimum requirements. The agenda specifies the time and location of the meeting and a brief description of each item of business to be transacted or discussed, including items to be discussed in Closed Session, if any.

III. AGENDA ITEM SUBMISSION

A. Placing items on the Agenda. As provided in sections B, C, and D, below, persons who may place matters on the agenda are City Councilmembers; the City Manager, City Clerk or his/her designated staff; and the City Attorney. The City Council may also consider a request from a member of the public to place an item on a future agenda.

B. Councilmember Agenda Requests. Any City Councilmember, with the concurrence of one additional Councilmember, may request to place an item on an upcoming City Council meeting agenda, providing the City Manager with at least 30 days' notice in order to provide ample time for staff preparation. Such requests may be made during "Councilmember Board/Committee Reports & Comments" in a City Council meeting, or may be made directly to the City Manager at any other time. The City Manager may also place items on the City Council meeting agenda as necessary in his/her judgement to further ongoing City initiatives, meet Federal/State/other requirements, address perceived community needs and to take advantage of beneficial opportunities.

1. **Alterations of General Order of Agenda Items of Business.** Certain categories of items of business are required by statute to be on every agenda or are necessary to appropriately conduct the business of the City Council in accordance with its adopted Rules of Discussion and Debate and parliamentary procedure (See Chapter 5).

2. **Requests for Recurring Agenda Items.** Requests by Councilmembers to add the same agenda item to every subsequent agenda are not permitted unless approved by a majority vote of the Council.

C. Agenda Requests by Members of the Public. Upon agreement by at least two members of the City Council, the City Council will determine whether to place on a future agenda an item requested by the public. A member of the public may request placement of an item on the agenda for Council consideration in the following ways:

1. A member of the public may write a letter to the City Council.

2. A member of the public may speak during the Public Comment period at a City Council meeting.

CHAPTER 5 – MEETING RULES OF CONDUCT AND DECORUM

I. AGENDA ITEM SUBMISSION

A. Rosenberg's Rules. Except as otherwise provided in this Manual, the proceedings of the Council at meetings shall be generally guided by the latest revised edition of Rosenberg's Rules of Order ("Rosenberg's Rules"). However, no ordinance, resolution, proceeding, or other action of the City Council shall be invalidated, or the legality thereof otherwise affected, by the failure or omission to observe or follow said rules. In the event of a conflict of ambiguity between Rosenberg's Rules and the rules set forth in the Chapter, the rules in this Chapter shall prevail over Rosenberg's rules.

B. Parliamentary. The City Attorney shall act as the Parliamentarian and shall decide all questions of order. In the absence of the City Attorney, the City Manager shall act as the Parliamentarian.

C. General Process for Handling Agenda Items. The following process is the normal order of business for agenda items, except for public hearings, which are discussed in more detail in Section VI of Chapter 3.

1. The Presiding Officer announces the current agenda item. Note: to the extent members of the public wish to provide comments on an agenda item, such comments may be taken into consideration by Councilmembers when discussing the particular agenda item.

2. The City Manager, City staff, or submitter of the agenda item briefly discusses the item.

3. Staff presents its report (as needed), either by way of a written staff report or by an in-person oral presentation.

4. Councilmembers may ask questions of the City Manager and/or such City staff as the City Manager may designate, although Councilmembers are encouraged to seek clarification by asking or providing such questions prior to the meeting. Councilmember questions on an item may not exceed two (2) minutes unless an extension of time is granted by the Presiding Officer. Extensions granted may be appealed or overruled by a majority vote of the Council.

5. The Presiding Officer invites a motion.

6. Following a valid motion and second, the Council discusses, deliberates, and takes action as described in this Chapter.

7. An affirmative vote of the Council carries the motion, as described herein.

II. RULES OF DISCUSSION AND DEBATE FOR REGULAR MEETINGS

A. Discussion Procedure. While discussing any question under consideration by the Council, it shall be the duty of the members thereof to remain seated and address their remarks to the Presiding Officer and their fellow members. Any remarks or order to the audience shall be addressed by the Presiding Officer, or with his/her permission, by members of the Council.

B. Presiding Officer. The Presiding Officer shall have the authority to prevent the misuse of the legitimate form of motions, the abuse of privilege of renewing certain motions, or the obstruction of the business of the City Council. The Presiding Officer may preserve orderly business by ruling such motions out of order. In so ruling, the Presiding Officer shall be courteous and fair and shall presume that the moving party is making the motion in good faith. The Presiding Officer may move, second, debate, and vote from the Chair. The Presiding Officer may also adjourn a meeting by a simple declaration thereof in the absence of a protest by any Councilmember.

C. Councilmembers to Address Presiding Officer. Every Councilmember desiring to speak shall first address the chair, gain recognition by the Presiding Officer, and confine himself/herself to the subject matter, item, or motion being currently considered by the Council, avoiding personalities and crude language.

D. Questions to Staff. Every Councilmember desiring to ask questions of City staff shall, after recognition by the Presiding Officer, address his/her question to the City Attorney or the City Manager, who shall be entitled either to answer the inquiry himself/herself or designate a member of the staff for that purpose. On the assumption that Councilmembers have already sought clarification of agenda materials in advance of the meeting pursuant to Chapter 2, Section IV.A of this Manual, Councilmember questions to City staff shall be subject to a two (2) minute time limit per agenda item, not including the time taken for staff response(s). Statements masquerading as questions may be ruled out of order by the Presiding Officer.

E. Germane Comments/Time Limit for Council. Councilmembers shall limit their comments to the subject matter, item or motion being currently considered by the Council. A determination of relevance shall be made by the Presiding Officer but may be appealed to the full Council. Councilmembers shall govern themselves as to the length of their comments but generally shall not exceed a total of five (5) minutes per agenda item (not including the two (2) minute period for Questions to Staff referenced in Section D, above), unless additional time is approved by a majority vote of the Council. The Presiding Officer or the City Clerk, as may be designated by the Presiding Officer, has the responsibility to assist Councilmembers by signaling when the Councilmember has spoken for five (5) minutes. The five (5) minute time limit may be extended by a majority vote of City Council. No Councilmember shall be allowed to

speak more than once on any particular item until every other Councilmember desiring to do so shall have spoken.

F. Interruptions. A Councilmember, once recognized, shall not be interrupted when speaking unless: (1) called to order by the Presiding Officer, (2) a point of order or point of privilege is raised by another Councilmember, (3) the speaker chooses to yield to a question by another Councilmember, or (4) for such other reasons as set forth in Rosenberg's Rules or this Manual, including, but not limited to, a Councilmember's right to call the question in order to terminate debate. If a Councilmember while speaking is called to order, he/she shall cease speaking until the question of order is determined; and if interpreted to be in order, may proceed. Members of the City staff, after recognition by the Presiding Officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

G. Point of Order. When a Councilmember believes a breach of the Council's parliamentary procedure rules is occurring, he/she may raise a Point of Order to call upon the Presiding Officer to make a determination and enforce the rules of the Council. The Point of Order shall be ruled upon by the Presiding Officer, subject to the right of any Councilmember to appeal the ruling to the City Council through a valid motion. If a motion to speak the ruling is seconded, the question shall be "Shall the decision of the Presiding Officer be sustained?" A majority vote shall conclusively determine the question of order. The motion is debatable, and the Presiding Officer may participate in the debate.

H. Point of Privilege. Any Councilmember can raise a Point of General or Personal Privilege.

1. **Point of General Privilege.** Appropriate points of general privilege relate to anything that would interfere with the normal comfort of the meeting, such as the temperature of the room or a malfunctioning microphone. If raised, the Presiding Officer would then ask the interrupter to "state your point."

2. **Point of Personal Privilege.** The right of a Councilmember to address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character, or motives are questioned or where the welfare of the Council is concerned. A councilmember raising a point of personal privilege may interrupt another Councilmember who has the floor only if the Presiding Officer recognizes the privilege.

I. Move or Call the Question. Any councilmember may move to immediately bring the motion/question being debated to a vote, suspending any further debate. Such motion shall not be made in a manner that prevents a Councilmember from voicing an opinion or providing brief, concise, and relevant information with respect to the item being considered. To close off debate pursuant to a Motion or Move or Call the Question, said

motion must be seconded and passed by a two-thirds (2/3) vote of those present and voting. The motion is not debatable. If the motion to Move or Call the Question passes, a vote on the motion/question on the floor is taken. If the motion to Move or Call the Question fails, discussion on the motion/question on the floor continues.

J. Motion to Reconsider. A motion to reconsider may be made only by a member who voted in the majority on the original motion. Such a motion may only be made at the same meeting as the original item, and then only to correct inadvertent errors or to consider new information not available at the time of the vote. If the motion to reconsider passes, then the original matter is back before the Council, and the matter may be discussed and debated as if it were on the floor for the first time. After the reconsideration of the item has been acted upon, no other motion for reconsideration thereof will be made without the unanimous consent of the Councilmembers present. Matters that are quasi-judicial in nature or matters that require a noticed public hearing cannot be considered.

K. Failed Motions. Failed motions shall not be brought up at a subsequent meeting unless the Council suspends the rules as provided for in Section II.M, below. However, the effect of such action will not operate to adversely affect individual rights that may have been vested in the interim without notice and an opportunity to be heard having been given to the affected party or parties.

L. Remarks of Councilmembers and Synopsis of Debate. A councilmember may request through the Presiding Officer the privilege of having an abstract of his/her statements on any subject under consideration by the Council entered into the minutes. If the Council consents thereto, such statements shall be entered into the minutes.

M. Suspend the Rules. Any of the rules related to parliamentary procedures in this Manual (to the extent not governed by State Law, such as Government Code Section 36936, the provisions of the Political Reform Act, or the FPPC Conflicts of Interests regulations) may be suspended by a two-thirds (2/3) majority vote. Such suspension may be moved at any time by a Councilmember.

N. Protest Against Council Action. Any Councilmember dissenting from or stating his/her protest against any action of the Council may request to have such dissent or protest entered into the minutes. Such dissent or protest to be entered into the minutes shall be in the following manner: “I would like the minutes to show that I am opposed to this action for the following reasons…”

O. Seconding of Motions Required. A motion by any Councilmember, including the Presiding Officer, may not be considered by the Council without receiving a second.

P. Other Time Limitations. A time limit of three (3) minutes shall be imposed on Councilmembers when speaking during the "Reports from Councilmembers" portion of the agenda.

Q. Reading of Ordinances. Except when the title of an ordinance has been read and further reading is waived by a regular motion adopted by a majority vote of the Council, all ordinances shall be read in full either at the time of introduction or passage.

R. Voting Rules.

1. **Vote Unless Disqualified.** All Councilmembers present at a meeting when a question comes up for a vote should vote either for or against the question unless he/she is disqualified from voting by reason of a conflict of interest and abstains because of such disqualification.

   (a) A Councilmember stating disqualification will not be counted as a part of a quorum and will be considered absent for the purpose of determining the outcome of a vote on the matter. See Section S, below, for other rules relating to Conflicts of Interest.

   (b) Any Councilmember who abstains for reasons other than disqualification, in effect consents that a majority of the quorum may decide the question being voted upon. Any Councilmember so abstaining will be counted as present for purposes of establishing a quorum. Such an abstention will be counted (1) as neither an affirmative vote nor a dissenting vote and (2) as if it did not exist. The "present and voting" rule as described in Rosenberg's Rules applies.

2. **Silence During the Vote.** Unless a Councilmember states that he/she is abstaining, silence shall be recorded as an affirmative vote.

3. **Call for the Vote.** The Presiding Officer or the City Clerk shall call for the vote. All votes of the City Council shall be by roll call. The City Clerk shall randomly call the names of each member of the Council, except that the name of the Presiding Officer shall be called last. According to Government Code Section 36936, a recorded majority vote of the total membership of the City Council is required for resolutions, orders for the payment of money, and all ordinances. In addition, some types of resolutions and ordinances may require a supermajority vote. Absent other specific law requirements, a motion carries with a majority vote of a quorum of the City Council.

4. **Quorum.** Three members of the City Council shall constitute a quorum for the transaction of business. When there is no quorum, the Mayor, Mayor Pro Tem, or any member of the Council shall adjourn such meeting, or if no member of the Council is present, the City Clerk shall adjourn the meeting. For the purpose

of considering any item subject to vote of the Council, when a member of the Council disqualifies him/herself to a conflict of interest, his/her presence shall not be counted toward a quorum and that person shall not be permitted to vote unless required pursuant to the rule of necessity. The rule of necessity shall not be applied where any member of the Council is absent. If the Council loses a quorum due to a disqualification and the rule of necessity does not apply, the remaining Councilmembers may continue to discuss the item as a committee of the whole, but they shall not take action on the item.

Unless otherwise provided for in the Municipal Code, a majority of the Council shall be sufficient to do business and motions may be passed 2 to 1, if only 3 members of the Council attend. The following matters, however, require three (3) affirmative votes: adoption of ordinances, resolutions granting franchises, order for payment of money, and selection of presiding officers.

If a majority of the Council shall be disqualified to vote on a matter by reason of actual or apparent conflict of interest, the Council shall select by lot or other means of random selection that number of its disqualified members which, when added to the members eligible to vote shall constitute a quorum.

5. **Tie Votes.** Tie votes are failed motions but may be reconsidered at a subsequent meeting upon a motion passed by the Council to reconsider the item at a future meeting. If the matter involves an appeal and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.

6. **Changing a Vote.** A councilmember may change his/her vote only if he/she makes a timely request to do so immediately following the announcement of the vote by the City Clerk and prior to the time that the next item in the order of business is taken up. Prior to the time that the next item in the order of business is taken up, a Councilmember who publicly announced that he/she will abstain from voting on a particular matter shall not be subsequently allowed to withdraw his/her abstention.

S. Conflict of Interest. Any Councilmember who has a conflict of interest regarding any matter being considered by the Council shall, in compliance with the provisions of the Political Reform Act and other applicable laws, declare the conflict, state the reason for the conflict, and leave the room during the discussion of and vote upon that particular agenda item, unless it is a Consent Calendar item (or the Councilmember is exercising a right to speak as a member of the public regarding an applicable personal interest under the conditions specified in Sections 18707(a)(3)(C) and 18704 (d)(2) of the FPPC regulations). If the conflict involves a matter on the Consent Calendar, the Councilmember must announce the nature of the conflict and refrain from participating in the item, but he/she may remain at the dais.

T. Leaving the Dais. To the extend a Councilmember decides to speak on an item by leaving the dais and speaking from the public podium, such Councilmember such relinquish his/her ability to speak on the same item upon his/her return to the dais.

U. Rules Not Exclusive. The rules set forth in this Chapter are not exclusive and so not limit the inherent power and general legal authority of the Council, or of its Presiding Officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time or in particular circumstances for purposes of orderly and effective conduct of the affairs of the City.

III. PUBLIC PARTICIPATION AND RULES OF DECORUM FOR COUNCIL, PUBLIC, AND STAFF

A. Public Participation.

1. **Manner of Addressing the Council.** To facilitate the orderly conduct of meetings, persons wishing to speak during the Public Comment period and at public hearings are requested, but not required, to fill out speaker cards and provide them to the City Clerk prior to the start of the meeting or before a public hearing item is announced.

   (a) During Public Comment periods, each person receiving permission from the Presiding Officer to address the Council shall step up to the microphone at the podium and state his/her name and the city of residence for the record. The speaker shall then specify the agenda item(s) on which he/she wishes to comment; state whether his/her comments pertain to a non-agenda item within the City Council's subject matter jurisdiction; state whom he/she is representing; and whether he/she is representing an organization or other persons. All remarks shall be addressed to the City Council as a body only. No person other than a member of the Council and the person having the floor shall into any discussion without permission of the Presiding Officer. Public comment is permitted on items not on the agenda that are within the subject matter jurisdiction of the City, and on agenda items. Subject to reduction in the maximum time limit in the discretion of the Presiding Officer, there is a three (3) minute maximum time limit when addressing a respective board (City Council, Fire Protection District or Successor Agency). Any qualified and interested person following this procedure shall have the right to be heard.

   (b) Members of the public may also submit written or email communications to the City Council at any time prior to or during the City Council meeting, and all Councilmembers will make every effort to read and consider such communications prior to consideration of the specific agenda item. However, in order to ensure receipt by Councilmembers and allow for thoughtful consideration of the comments, members of the public are encouraged to submit written or

email communications no later than 10 hours prior to the start of the meeting.

(c) During Public Hearing items, each person desiring to address the Council shall step up to the microphone at the podium, state his/her name (and address if desired) for the record, state whom he/she is representing, and whether he/she is representing an organization or other persons. Each speaker shall be allotted three (3) minutes in which to comment, unless the Presiding Officer determines that based on the significant nature of a public hearing item, that additional public comment time shall be allowed. In such event, the Presiding Officer may grant an extension of public comment time, not to exceed two (2) minutes per speaker. Extensions granted may be appealed through a valid motion and overruled by a majority vote of the Council.

(d) During both Public Comment period and during Public Hearing Items, speakers should not approach the dais unless authorized to do so by the Presiding Officer. All remarks shall be address to the Council as a whole and not to any member thereof. No questions shall be asked be asked of a Councilmember, a member of the City staff, or member of the audience without permission of the Presiding Officer. No person shall address the Council without first being recognized by the Presiding Officer.

(e) During Public Comment periods members of the public may ask questions related to agenda items. However, in order to ensure compliance with the Brown Act the City Council is not required to answer such questions since depending on the nature of the questions, the issues raised may be beyond the scope of the subject matter of the agenda items. Nevertheless, in accordance with Government Code Section 54954.2(a)3, the Presiding Officer may briefly respond or have staff respond to statements made or questions asked or may request that staff report back to the Council at a subsequent meeting concerning any matter raised by the public, or arrange to discuss the request individually with the member of the public at an alternate time.

(f) During public comment periods and irrespective of the subject of viewpoint to be expressed, no speaker shall be permitted to show a video, make a PowerPoint presentation, or otherwise utilize any form of electronic visual display technology requiring advanced set up and/or the use of projectors or other specialized equipment. Such controls are intended to help all speakers maximize their time when addressing the City Council, instead of dealing with potentially time-consuming setup or technical difficulties.

2. **Spokesperson for Group of Persons.** To expedite matters and avoid repetitious presentations, whenever any group of persons wishes to address the Council on the same subject matter or item, it shall be proper for the Presiding Officer to request that a spokesperson be chosen by the group to address the Council; and in case additional matters are to be presented by any other member of said group, to limit the number of such persons addressing the Council. In situations where more than ten (10) people wish to speak on an item, the Presiding Officer may place reasonable limits on the Public Comment period, including reducing the time allotted to speak to one (1) or two (2) minutes and/or a specific time limit for the total presentation (typically not to exceed twenty (20) minutes). Such time limits shall allow for full discussion of the item by interested parties or their representative(s). The purpose for any limitation described in this section is to ensure that Council can address its agenda, avoid repetitive comments and presentations, and conduct business in an orderly and efficient fashion.

3. **After a Motion.** After a motion has been made or a public hearing has been closed, no member of the public shall address the Council from the audience on the matter under consideration without first getting permission to do so by a majority vote of the City Council.

B. Rules of Decorum for Council, Public, and Staff. Meetings of the City Council shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process of the Council is preserved at all times. The Presiding Officer of the Council shall be responsible for maintaining the order and decorum of meetings. While any meeting of the City Council is in session, the following rules of order and decorum shall be observed:

1. **Councilmembers.** While the Council is in session, Councilmembers must lend themselves to order and decorum. They shall neither by conversation or otherwise (1) delay or interrupt the proceedings or the peace of the Council, (2) disturb any Councilmember while he/she is speaking, or (3) refuse to obey the orders of the Presiding Officer. The Presiding Officer and Council as a whole shall address disruptions in a consistent, transparent, and viewpoint-neutral manner.

(a) *English Language.* The business of the City Council shall be conducted in English except to the extent such that a Councilmember wishes to speak as a member of the public, either in the Public Comment period or an item listed in the Appeal and/or Public Hearings sections of the agenda.

(b) *E-Communication Prohibited.* Except as specified in subdivision (b), below, Councilmembers shall not use E-Communication at any time during a meeting, including, but not limited to, Open and Closed Sessions of the City Council. The use of E-Communication is prohibited during Council meetings so that Councilmembers may remain attentive

to members of the public, staff, or others as they are speaking to the City Council, should take care to prevent the perception of a Brown Act violation, ensure the integrity of quasi-judicial proceedings and to prevent the perception that other unknown parties are influencing Council decisions during the meeting. E-Communication, which includes blogging, is defined as "electronic text, audio or visual communication, and attachments distributed via e-mail, telephonic service, website, instant messaging, text messaging, Twitter, Facebook, Snapchat, Instagram, or comparable services". Outside of City Council meetings, Councilmembers should not communicate via E-Communications with more than one other member of the City Council on any issue regarding City business.

(c) *Exceptions for Emergencies.* The limitation specified in subdivision (a), above, shall not apply to the receipt of telephone calls or text messages from family members in the event of an urgent family matter. Councilmembers wishing to respond to such a message during the meeting shall do so in a manner that does not disrupt the meeting. Responses to urgent matters may occur during a recess or after having been excused from the meeting by the Presiding Officer.

(d) *Recording or Live Streaming.* Councilmembers shall not video record or live stream meetings while sitting at or standing behind the dais in such a manner that obstructs the view or results in a persistent disruption of other Councilmembers' ability to participate in the meeting. To the extent a Councilmember wishes to record or live stream a meeting while sitting at or standing behind the dais, such Councilmember shall further ensure that he/she is not recording in a manner that intrudes into the personal space of other Councilmembers or City staff (within twenty-four inches of the person); in a manner that records notes made by Councilmembers during meetings (which necessarily invades the Mental Processes and/or Legislative Privileges protecting legislators' uncommunicated motivations for making a policy or decision); or in a manner that displays the protected work product of the City Attorney.

(e) *Leaving Seats.* Councilmembers shall not leave their seats during a meeting without first obtaining the permission of the Presiding Officer.

(f) *Packing of Audience.* It is inappropriate for a Councilmember to pack the audience for a specific agenda item.

2. **City Staff Members.** City staff members and employees shall observe the same rules order and decorum as are applicable to the City Council, with the exception that City staff members and employees may leave their seats during a meeting without first obtaining the permission of the Presiding Officer.

3. **Persons Addressing the Council.** The primary purpose of Public Comment periods at City Council meetings is to allow citizens the opportunity to formally communicate with the City Council as a whole, but these comment periods should not be utilized as a substitute for handling any matter during the normal working hours of the City government. Each person who addresses the Council shall do so in an orderly manner and shall not make personal, impertinent, slanderous, or profane remarks to any member of the Council, City staff, or the general public. Any person who makes such remarks or who utters loud, threatening, personal or abusive language, or who engages in any other disorderly conduct that disturbs, disrupts, or otherwise impedes the orderly conduct of any Council meeting hall, at the discretion of the Presiding Officer or a majority of the Council, be barred from further audience before the Council during that meeting. The Presiding Officer and Council as a whole shall address disruptions in a consistent, transparent, and viewpoint-neutral manner.

4. **Members of the Audience.** No person in the audience at a Council meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language; whistling; stamping of feet; excessive clapping; or other acts that disturb, disrupt, or otherwise impede the orderly conduct of any Council meeting. Any person who conducts himself/herself in the aforementioned manner shall, at the discretion of the Presiding Officer or a majority of the Council, be barred from further audience before the Council during the meeting. The Presiding Officer and Council as a whole shall address disruptions in a consistent, transparent, and viewpoint-neutral manner.

C. Enforcement of Decorum. The rules of decorum set forth above shall be enforced in the following manner:

1. **Warning.** The Presiding Officer shall request that a person who is breaching the rules of decorum be orderly and silent. If, after receiving a warning from the Presiding Officer, a person persists in disrupting the meeting, the Presiding Officer shall order such person to leave the Council meeting. If such person does not remove himself or herself, the Presiding Officer may order any law enforcement officer who is on duty at the meetings as sergeant-at-arms of the Council to remove that person from the Council chambers.

2. **Removal.** Any law enforcement officer who is serving as sergeant-at-arms of the Council shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Council meeting. Upon instruction of the Presiding Officer, it shall be the duty of the Sergeant-at-arms to remove from the Council meeting any person who is disrupting the proceedings of the Council.

3. **Motion to Enforce.** If the Presiding Officer of the Council fails to enforce the rules set forth above, any member of the Council may move to require him or her to do so, and an affirmative vote of a majority of the Council shall require him or her to do so. If the Presiding Officer of the Council fails to carry out the will of a majority of the Council, the majority may designate another member

of the Council to act as Presiding Officer for the limited purpose of enforcing any rule of this section it wishes to enforce.

4. **Adjournment of Recess.** If a meeting of the Council is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration or order, the meeting may be temporarily recessed, adjourned, or continued by the Presiding Officer or a majority of the Council, and any remaining Council business may be considered after the recess or at the adjourned or next meeting.

CHAPTER 6 – ADMINISTRATIVE MATTERS

I. ADMINISTRATIVE SUPPORT

General staff and administrative support to members of the City Council is provided through the City Manager's Office. Administrative services, including the scheduling of appointments, receipt of telephone messages, and word processing, are available as needed. Sensitivity to the workload of support staff members in the City Manager's Office is appreciated. Please note that individuals may have other work assigned with high priority. Councilmembers shall not make demands of the City Manager, City Attorney, or City employees that communicate a desire for or an expectation of special treatment. In no event shall Councilmembers request administrative support to further personal or campaign/political purposes.

II. MAIL, DELIVERIES, AND E-MAIL

A. Correspondence from the Public. The City encourages the public to send correspondence to the entire City Council, either by traditional post or by e-mail. Correspondence addressed to the City Council that is received by the City Clerk or by any other officer or employee of the City shall be deemed a public record upon receipt, except as set forth in the Public Records Act (California Government Code Section 6250 *et seq.)* or another applicable law.

1. **Authority of City Clerk.** The City Clerk is authorized to open and examine all mail or other written communications addressed to the City Council and give it immediate attention to the end that all administrative business referred to in said communication not necessarily requiring Council action may be acted upon between Council meetings.

   (a) Members of the City Council receive mail and other materials from the public and staff. Ther City Clerk maintains a mailbox for each member into which written correspondence shall be placed. Councilmembers should check their mailbox frequently.

   (b) The City Clerk may provide for a city courier to deliver materials to the homes of Councilmembers when materials are time sensitive.

2. **Councilmember Responsibilities.** If correspondence is received directly by a Councilmember without the City Clerk having opened and examine same, the Councilmember shall be responsible for providing to the City Clerk the correspondence that is required to be included with agenda materials, as set forth in the Brown Act. All such communications shall be deemed a public record upon receipt, except as set forth in the Public Records Act or other applicable law.

B. City-Issued E-mail Address. Each Councilmember will be issued a City email address (i.e. @citybigbearlake.com), and this email shall be used for all City Council related email correspondence. The City email account will include an official email signature that identifies City Councilmembers in their official designations (i.e. Mayor, Councilmember) and includes an importance public disclaimer informing all recipients that their email correspondence with the elected official may be subject to a Public Records Act request.

1. **Status as Public Record.** Pursuant to the Public Records Act, any e-mail sent or received by Councilmembers using the City-issued domain email address may constitute a public record and be disclosable upon the City's receipt of a Public Records Act request.

2. **Privacy Limited.** Councilmembers have no reasonable expectation of privacy in any e-mail correspondence received by them at their City of Big Bear Lake domain e-mail address.

C. Communications Using Non-City Accounts/Devices. Messages or communications received by Councilmembers on their personal electronic devices or personal e-mail accounts concerning City business may also be subject to disclosure under the Public Records Act. Additional rules are set forth in Section III, below.

D. Other Rules Relating to Correspondence. Any written correspondence or other materials, when distributed to all, or a majority of all of the members of the City Council by any person in connection with a matter subject to discussion or consideration at a public meeting, are disclosable public records under the California Public Records Act and shall be made available upon request without delay. Writings that are public records and that are distributed during a public meeting shall be made available for public inspection at the time of the meeting if prepared by City staff or a members of the City Council, or after the meeting if prepared by some other person. All writings referenced herein shall be provided to and documented with a received/filed date by the City Clerk. In addition, Councilmembers need to be aware that their email correspondence is subject to the requirements of the Brown Act. While the Brown Act does not prohibit the use of email to make individual contacts between members of the Council, public or staff, great care should be taken to avoid the use of email to contact a majority of the Council which may unintentionally result in conducting a serial meeting.

III. USE OF PERSONAL ACCOUNTS AND PERSONAL ELECTRONIC DEVICES FOR CITY BUSINESS

A. Status as Public Records. Text messages, emails, and other electronic communications that deal in some substantive manner with the conduct of City business created on, stored on, and/or transmitted by personal accounts or personal electronic devices may be subject to disclosure under the Public Records Act. In complying with any Public Records Act request, a Councilmember shall be required to sign a statement that he/she is providing all communications from personal accounts or personal electronic devices, in the following form:

"I hereby declare or affirm under penalty of perjury that I am providing all requested communications from personal accounts or personal electronic devices."

B. Limitations and Rules on Use. To the extent feasible, City-issued email accounts and electronic devices shall be used to conduct City business. Limited use of a private device or account for public business by Councilmembers is permissible, but discouraged. The following rules must be observed:

1. **Urge Use of City Electronic Devices/Accounts.** Councilmembers shall request persons sending electronic communications regarding City business to a personal account or device to instead utilize the City of Big Bear Lake domain e-mail address or other official City electronic messaging account provided to the Councilmember.

2. **When Communications Received on Personal Accounts/Devices.** If Councilmembers receive electronic messages regarding City business on their personal electronic messaging account or device, or circumstances require them to conduct City business on a personal account or device, Councilmembers should either:

   (a) Copy ("cc") any communication on his/her personal electronic messaging account or device to his/her City electronic messaging account, or

   (b) Forward the electronic communication to his/her City account as soon as feasible after the original creation or transmission of the electronic communication

C. Use of Social Media. Although social media has become an effective communication tool used by local government to provide direct communications with the community, elected officials need to be mindful to not use social media in a manner that could harm the City's interest. In addition, Councilmembers should be cautious with their social media postings in an effort to avoid inadvertently conducting serial meetings that would violate the notice and public meeting requirements. When Councilmembers are making decisions about how to engage on social media, they should take a number of legal considerations into account such as; the Brown Act, the Public Records Act, due process, and First Amendment considerations. If a City Councilmember is unsure about how their particular uses of social media may or may not conflict with the current governmental regulations, it is advisable that they consult with the City Attorney.

D. Compliance and Additional Policies. The City Council shall comply with the above provisions and any additional administrative policies the Council adopts for City-wide application regarding procedures to be followed with respect to communications received on personal accounts and devices when Public Records Act requests are made.

CHAPTER 7 – RELATIONSHIP AND CONDUCT

I. RELATIONSHIP AND CONDUCT WITH CITY MANAGER

A. Council-Manager Form of Government. The Caity has adopted a Council-Manager form of government. This structure reflects the City Council's role to establish City policy and priorities. The Council appoints a City Manager to implement this policy and undertake the administration of the organization. The City Council must work through the City Manager in making any requests requiring City staff's involvement (with the exclusion of the City Attorney and City Clerk).

B. The City Council and City Manager Work as a Team. The City Council establishes policies for the overall operation of the City. The City Manager is appointed by the City Council to enforce its laws, to direct the daily operations of City government, to prepare and monitor the municipal budget, and to implement the policies and programs initiated by the City Council. The City Manager is expected to adhere to the International City/County Management Association (ICMA) Code of Ethics, and the City Council must recognize said Code of Ethics when dealing with the City Manager. The City Manager is responsible to the City Council rather than to individual Councilmembers and directs and coordinates the various departments.

C. Productive Relationship Requirements. The employment relationship between the City Council and the City Manager honors the fact that the City Manager is the Chief Executive Officer of the City. To facilitate a productive work relationship with the City Manager, the City Council and/or individual members shall do each of the following:

1. Neither the City Council nor any member shall give orders to, command the services of, or assign work to any subordinates of the City Manager, either publicly or privately.

2. Direct the City Manager to implement the Council's policy decisions through the administrative functions of the City.

3. Treat City staff professionally, and refrain from publicly criticizing or belittling individual employees. Personnel issues are managed through established channels and procedures.

4. Avoid involvement in personnel issues related to City-Council-appointed staff, i.e., the City Manager, City Attorney and City Clerk, except during City Council Closed Sessions, when issues of hiring, firing, promoting, disciplining, etc., may be addressed appropriately.

5. Discuss directly with the City Manager any displeasure with a department or staff member.

6. Refer complaints to the City Manager for further processing. Staff shall be given adequate time to investigate and respond to such complaints.

7. Receive from the City Manager timely information regarding unusual events that the public would be concerned about; e.g., an emergency situation, significant road closure, an area cordoned off by police of fire, a significant event, etc.

8. Avoid communicating with persons or parties in litigation with the City (or any entities for which the City Council sits ex-officio as the governing board as noted in Chapter 2, Section IV.D.2 of this Manual) in a manner that compromises the City's or other entity's position in such litigation.

9. Include the City Manager in follow-up meetings where a Councilmember has first met with an individual or company representative regarding official business of the City.

II. RELATIONSHIP AND CONDUCT WITH CITY ATTORNEY

A. Legal Advisor to the City. In all matters, the City Attorney represents the City and is the legal advisor to the City Council, the City Manager, the City Clerk, and department directors. The general legal responsibilities of the City Attorney are to provide legal assistance necessary for formulation and implementation of legislative policies and projects; to represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations, and similar proceeding to prepare and/or review and approve ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes for which they are prepared; and to keep the City Council and staff apprised of court rulings and legislation affecting the legal interest of the City.

B. Does Not Represent Individual Councilmembers or Staff. It is of the upmost importance to understand that the City Attorney does not represent individual members of Council, but the City and the City Council as a whole.

III. RELATIONSHIP AND CONDUCT WITH CITY CLERK

A. The City Clerk performs statutorily mandates duties and such tasks as may be assigned by the City Council and/or the City Manager. The general responsibilities of the City Clerk are:

1. to serve as the Elections Official of the City;

2. to protect and preserve the legislative record of the City Council and other various records;
3. to facilitate delivery of records consistent with the provisions of the Public Records Act;
4. to receive filings on behalf of the City;
5. to facilitate the preparation, duplication, preservation, and delivery of Council agenda materials;
6. to advise City departments about best practices for records management.

IV. RELATIONSHIP AND CONDUCT WITH STAFF

A. General Considerations. Governance of City relies on the cooperative efforts of elected officials, who set policy and priorities, and City staff, who analyze problems and issues; make recommendations; and implement and administer the City Council's policies. To ensure the proper functioning of these cooperative efforts, Councilmembers must avoid intrusion into those areas that are the responsibility of staff. This is necessary to protect staff from undue influence and pressure from individual Councilmembers and to allow staff to execute priorities given by management and the Council as a whole.

Any concerns by a member of Council over the behavior or work of a City employee should be directed to the City Manager privately to ensure that the concern is resolved.

B. Issues of Pressure or Influence. Individual City Councilmembers shall not make attempts to pressure or influence staff decisions, recommendations, workloads, schedules, and department priorities without the prior knowledge and approval of the Council as a whole.

1. If a councilmember wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon a majority of the Council at an open meeting to do so as a matter of Council policy.

2. The City Council recognizes the primary functions of staff are in executing Council policy and actions taken by the Council as a body and in keeping the Council informed.

3. Staff is directed to reject any attempt by individual members of the Council to unduly direct or otherwise pressure them into making, changing, or influencing recommendations or business decisions in any manner.

V. REQUESTS FOR RESEARCH OR INFORMATION

A. General Considerations. Individual Councilmembers shall not direct staff to initiate any action or prepare any report, project or study. All such requests shall be made to the City Manager and/or the City Council. Councilmembers may ask the City Manager directly for information requiring limited resources and information, without first

seeking concurrence from the majority of City Council. This information will be distributed to all City Councilmembers.

B. Responses to Requests. Requests made by individual Councilmembers for information or assistance shall be for the sole purpose of fulfilling his/her responsibilities as delineated throughout this Manual and not for any private or personal interest. Requests will be addressed as quickly as possible under the circumstances at the time, providing that in the judgment of the City Manager (or the City Attorney depending on the nature of the request) the request is not of magnitude, either in terms of workload or policy, that would require more than twenty (20) minutes of time in which to respond or is of such a nature that is would be more appropriately assigned to staff through the collective direction of the City Council. If the individual Councilmember request goes beyond these parameters, or in the judgment of the City Manager, is not within the scope of City policies or business, the City Manager will bring the request to the full Council for consideration. The method by which responses are delivered to Councilmembers shall comport with the City's routine business practice.

C. Policy-Related Requests. All Council requests dealing with policy and such other requests that may be construed as direction shall be directed to the City Manager. Councilmembers may also contact the City Attorney or City Clerk.

D. Funding Requests. Any request from City Council requiring funding must be addressed with the City Manager. The City Manager shall respond in a timely manner.

E. Written Requests Preferable. To assist the City Manager, requests for information are best tracked if submitted in writing, either in memorandum form or through email to ensure proper responsiveness.

F. Access to Certain Information Restricted. There are certain restrictions when information cannot be provided. Draft documents (e.g., staff reports in progress, administrative draft EIRS) under review are not available for release until complete and after review by City management. In addition, there are legal restrictions on the City's ability to release certain personnel information even to members of the City Council.

G. Dissemination of Information. In cases when a staff response to an individual Councilmember request involves written materials that may be of interest to other Councilmembers, the City Manager will provide copies of the material to all other Councilmembers. In making this judgment, the City Manager will consider whether the information is significant, new, otherwise not available to the Council, or of interest to the Council.

H. Disclosure of Information. No Councilmember may, 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 such information is allowed to be disclosed, no Councilmember may use or permit the use of any such confidential information to advance the financial or personal interest of himself/herself or any other person. For the purposes hereof, "confidential information" shall mean information that is not generally known in the public and/or is not subject to disclosure under the California Public Records Act or other applicable law. Some examples of confidential information include attorney-client privileged communication, attorney-client work product, personnel, medical, or similar information – the disclosure of which would constitute an unwarranted invasion of privacy. (Govt. Code Section 6250 *et seq.)*

CHAPTER 8 – COMMUNICATION AND REPRESENTATION

I. REPRESENTING MAJORITY VS. INDIVIDUAL OPINION

A. Dual Roles of Councilmembers. A person elected to the City Council plays two roles: a member of a body elected to represent the City in its entirety and a private resident of the City. The second role is not relinquished when the first role is assumed. It is important to distinguish between the two roles at all times and to conduct business in one role separately from the other. The elected Councilmember retains the right to speak as an individual, not as a member of the City Council, as a member of the City Council. This is because when the Council acts, it acts as a whole, not as a group of individuals.

B. General Policy Considerations. An important role of a Councilmember is communication-communication with the public to assess community opinions and needs, communication with staff to provide policy direction, and communication to gain an understanding of the implications of various policy alternatives. Because the City Council acts as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking for the Council. Equally important, when members express personal views and not those of the Council, the public must be so advised.

II. CORRESPONDENCE FOM COUNCILMEMBERS/USE OF CITY FACILITIES

A. Stationary Use and Related Guidelines

1. **Use of City Letterhead.** Individual City Councilmembers will be provided with official City stationary. City letterhead shall be used by the Mayor, Mayor Pro Team, and City Council only for official City business, communication of adopted City policies and positions, and any related communications. All Councilmembers should be copied on correspondence signed by the Mayor or another Councilmember. Use of City letterhead and/or title on personal matters (those not related to official City business) is not permitted.

   The City will also maintain official City stationary that will include all five current Council members' names within the letterhead. Staff will use this stationary when preparing official City Council correspondence that will be signed by the Mayor in his/her official capacity as the Council representative.

2. **Personal Stationary.** Personal stationary without a City Logo shall be used by any member of the City Council to communicate individual positions, conduct personal correspondence, or communicate positions that may be in opposition to established City Council positions or decisions. Personal stationary shall be printed at the expense of the individual Councilmember, and the aforementioned types of communications shall be mailed at the individual Councilmember's expense.

3. **Correspondence Public Record.** All Councilmember correspondence created using City resources, including, but not limited to, City letterhead are public records and shall be copied to the full Council, the City Manager, the City Attorney, and the City Clerk. The City Clerk's Office shall retain this correspondence in accordance with applicable records retention regulations.

4. **Permission Required.** Whenever a Councilmember other than the Mayor wishes to write a letter on City letterhead, he/she should inform the Council (in writing or verbally at an open meeting) what the letter is about and seek Council approval that the letter may be written on City letterhead. Such letters shall only pertain to Official City business.

B. Regulations Related to Use of Public Resources for Official City Business/Personal or/Campaign Purposes

1. **Letterhead and Staff.** City letterhead and staff support cannot be utilized for personal or political purposes. Any use of the City's official seal and logo shall be subject to the provisions of Chapter 1.06.040 of the Big Bear Lake Municipal Code and applicable State laws. The use of City seal, logo, or other insignia on personal matters and correspondence is not permitted.

2. **Council Chambers and Staff Photos.** The City Council Chamber cannot be used as a location for taking campaign photos or engaging in any form of campaign activity. Any violations of this prohibition may be reported to the Fair Political Practices Commission and any other enforcement agencies, and may further result in reprimand or censure, as provided in Chapter 10. The use of photos with current City staff and City Council candidates in election materials is prohibited.

3. **Use of Titling, Labeling or Branding of Individual Councilmember Events.** When an individual Councilmember is hosting a special meeting or event that is widely advertised and open to the general public, they are required to include a standard disclaimer message on all promotional materials associated with the event to ensure the participants are aware it is not an official City of Big Bear Lake meeting or event. In addition, all Councilmembers will be required to follow the City's Ordinance related to the use of the official City seal and logo.

4. **Use of City Office & Conference Rooms.** The City Council will be provided with the use of one office to be shared by all five members of the Council. This office will be equipped with a shared computer and each individual Councilmember will be provided with their own secure login. In addition, all Councilmembers can use any available conference rooms located at City Hall. To ensure availability of the Council's shared office and/or meeting rooms, please contact the City Clerk Department's staff to schedule the use of these City facilities during normal City Hall business hours. Then the City's staff will ensure these rooms are unlocked and set up appropriately per the requested

needs (i.e. the heater is turned on, ensure the presentation computer is logged into, set up the appropriate number of tables and chairs, etc.) of the meeting.

5. **Use of City Facilities by Individual Councilmembers.** Individual Councilmembers are permitted to utilize available offices, conference rooms, and/or meeting spaces at City Hall and other City facilities as necessary or desired to meet with small groups of constituents and/or other parties for the purpose of conducting individual Councilmember business, and should reserve appropriate meeting space with City staff. Individual Councilmembers hosting a special meeting or event that is widely advertised and open to the general public, with the exception of campaign or election/re-election events which shall not be allowed, may host such events, at City facilities, so long any required permits are first obtained and all of the applicable fees are paid by the City Councilmember, as would be required of any other member of the community of organization.

III. SPEAKING FOR "THE CITY"

A. Issue Position Statements. When members are requested to speak to groups or are asked the Council's position on an issue, the response should reflect the position of the Council as a whole taken in open session. It is permissible, however, for a Councilmember to clarify his/her vote on a matter by stating: "While I voted against 'X', the City Council voted in support of it." When representing the City at meetings or other venues, it is essential that those in attendance gain an understanding of the City Council's position rather than that of an individual member.

B. Communication of Council Policy. The Mayor and individual Councilmembers are not authorized to speak on behalf of the City or the City Council with regard to City or City Council policy or positions, except when such policy or position has been clearly established or when the Mayor or Councilmember has been designated by the City Council as a spokesperson on a given subject.

C. Supporting State or Federal Legislation. The City Council and/or City staff may receive requests to adopt supporting resolutions and/or to provide letters of support relating to issues that have a potential to impact our community. Many of these requests are of an urgent nature and require a prompt response. When a request isn't time sensitive, the City Manager will include these items on the next City Council meeting agenda to seek approval from the entire City Council. When time is of the essence, the City Council provides authority to the Mayor and/or City Manager to use their judgment to determine if the City should offer their formal support to the requestor.

D. Representation at Ceremonial Functions.

1. **City Sponsored Events.** The Mayor, or Maor Pro Tem in his/her absence, shall represent the Council at ceremonial functions organized by the City. The Mayor

or Mayor Pro Tem may, at his/her own discretion, ask another Councilmember to represent the Council at that function when neither is available. Staff shall also include any Councilmember who has promoted a project or event in any program or event in any program or agenda in such a function.

2. **Non-City Sponsored Events.** As a general rule, the Mayor, or the Mayor Pro Tem in his/her absence, shall represent the Council at ceremonial functions not organized by the City upon receipt of an invitation from the sponsor of such event. If neither the Mayor nor the Mayor Pro Tem is available to attend a non-City sponsored event, he/she may designate a replacement. Nothing in this provision is meant to preclude a Councilmember from representing the Council at a ceremonial function where the event organizer has requested that a specific Councilmember attend the function.

E. Appearances before Agencies and Organizations. If a member of the City Council appears before another governmental agency or organization to give a statement on an issue affecting the City, the Councilmember should first indicate the majority position and opinion of the Council. Personal opinions and comments may be expressed only if the Councilmember clarifies that these statements do not represent the position of the City Council.

F. Participation in Community Activities. From time to time, Councilmembers may choose to participate in community activities, committees, events and tasks forces. When a Councilmember participates in these types of activities, the Councilmember is acting as an interesting party rather than acting on behalf of the City Council. Acting or participating on behalf Of the City Council is limited to those instances when the Council has formally designated the Councilmember as its representative for the matter.

G. Business Cards. City Councilmembers will be provided with City Manager approved business cards in increments of 500. No more than one order will be processed within a 12-month period unless approved in advance by the City Manager. City business cards may not be used for personal or financial gain, for obtaining privileges not otherwise available to a Councilmember, or for soliciting political contributions. Councilmembers are prohibited from using any other form of non-approved business cards that contain the City logo or the City seal.

H. City Council Mileage Reimbursement. Councilmembers are not provided access to operate a City owned vehicle. Instead, the City provides each Councilmember with a monthly "Vehicle Allowance" per an adopted resolution. The current resolution (Resolution No. 88-09), provides a $50 monthly stipend be paid to each Councilmember and a $100 monthly stipend be paid to the Mayor. This resolution indicates the monthly stipend is intended to reimburse a Councilmember for their personal vehicle expenses incurred while engaging in official City business. In addition, the City will reimburse Councilmembers for their personal travel expenses (including mileage) incurred while attending City related conferenced and training

events. The Elected and Appointed Officials Expense Reimbursement Policy (Resolution No. 2006-10) should be reference to determine all allowable travel reimbursements.

In the event a Councilmember is using their personal vehicle to attend various meetings/trainings related to their individual Agency/Board/Committee (i.e. BBARWA, SCAG, MARTA) assignments, they should seek mileage/travel reimbursement from those organizations.

IV. GUIDELINES AND PROCEDURES FOR CEREMONIAL RECOGNITION ITEMS

A. The City Council has a practice of recognizing people, organizations, events and dignitaries that are related to our local community. The City Council will issue proclamations and other recognition items to honor an individual, an organization, recognize a special event or a special day, month or year. City Councilmembers, citizens, or bonafide organizations may request a proclamation and other recognition item. All recognition requests relevant to the City of Big Bear Lake will be considered except those related to political, religious, or lifestyle ideology. The City Manager shall determine if the recognition item will be issued by presentation during a City council meeting, at an event, or mailed to the requestor.

CHAPTER 9 – COMMISSIONS, COMMITTEES, AND BOARDS

I. PURPOSE AND GENERAL CONSIDERATIONS

A. Establishment of Ad Hoc Committees. The City Council and/or the Mayor can establish an ad hoc committee. The Mayo shall be responsible for appointing all members of any City ad hoc committee.

B. Role of City Commissions, Committees, Subcommittees, and Boards. Most commissions, committees, subcommittees, and boards established by the City Council are advisory to the City Council. The role of all such commission, committee, subcommittee, or board is to make recommendations to the City Council on matters affecting the City of Big Bear Lake. Except as otherwise provided in State law, the City Charter, or City ordinances, commissions, committees, subcommittees, and boards have no authority to appropriate funds or make policy except as otherwise approved by the City Council.

C. Instruction and Training. The Council shall ensure that all members of City committees and commissions are properly instructed on their responsibilities, direction, and performance expectations.

D. Planning Commission. The membership, powers, and responsibilities of the Planning Commission are set forth in the Big Bear Lake Municipal Code and various provisions of State law. In accordance there with, the Planning Commission has adopted rules for transacting Planning Commission business.

E. Conflict of Interest. All members of commissions, committees, and boards shall abide by provisions of the Political Reform Act, FPPC regulations, and provisions of the common law relating to conflicts of interest.

II. CITY COUNCIL SUBCOMMITTEES

A. Purpose. The City Council from time to time forms committees composed solely of a portion of its own membership. These committees, often referred to as subcommittees, are formed to study, investigate, and make recommendations to the full Council regarding specific topics may be designated as either Standing or Ad Hoc.

1. **Standing Subcommittees.** These subcommittees have a continuing subject matter jurisdiction or meeting scheduled that are fixed by the Council. Regardless of the number of members, standing subcommittees are required to comply with the Brown Act.

2. **Ad Hoc Subcommittees.** These subcommittees have a specific purpose and limited duration, no continuing subject matter jurisdiction, and no meeting scheduled fixed by the Council. Ad Hoc Subcommittees composed solely of

less than a quorum of the City Council membership (2 members maximum) are generally exempt from the Brown Act and thus are not required to schedule regular meetings or post meeting dates and agendas.

B. Subcommittee Formation and Appointment.

1. **Standing Subcommittees.** The Council may create or dissolve Standing subcommittees at any time by the affirmative vote of a majority of the Council. The Mayr has the discretion to make appointments to such Standing subcommittees himself/herself or to allow a majority of the Council to vote on such appointments.

2. **Ad Hoc Subcommittees.** The Council or the Mayor may create Ad Hoc subcommittees. The Mayor has the discretion to make appointments to such Ad Hoc subcommittees himself/herself or to allow a majority of the Council to vote on such appointments.

III. ADMINISTRATIVE SUPPORT FOR CITY COMMISSIONS, COMMITTEES, AND SUBCOMMITTEES

A. Staff to Provide Support. City staff will provide assistance and support to City commissions, committees, and subcommittees; however, such commissions, committees, and subcommittees, and boards do not have supervisory authority over City employees. While staff may work closely with these entities (particularly the Planning Commission), City staff members remain responsible to their immediate supervisors and ultimately to the City Manager. The members of City commissions, committees, and subcommittees are responsible to perform the functions (as set forth in Big Bear Lake Municipal Code or other City Council directive) of their respective committees/commissions.

B. Examples. Staff support includes preparation of an agenda and preparation of reports providing a brief background of the issue, a list of alternatives, recommendations, and appropriate back-up materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues.

C. Procedure for Recommendations to Council. Advisory City commissions, committees, and subcommittees wishing to communicate progress, status and/or recommendations to the City Council must do so through approved Council agenda procedures. In addition, if such commissions, committees, and subcommittees wish to correspond with an outside agency, such correspondence will be prepared by staff for review by the City Manager and possible approval by the City Council. Individual members of City commissions, committees, and subcommittees who would like City staff to perform research or review a particular issue must gain the approval for such a request from the City Manager before any work is planned or done.

IV. BOARDS, COMMISISONS, AND COMMITTEES ON WHICH COUNCILMEMBERS AS CITY REPRESENTATIVES

A. Outside Agencies. City Councilmembers are appointed to and serve as City representatives on the boards of commissions and/or committees of outside agencies in the region, such as the San Bernardino County Transportation Authority ("SBCTA"), Big Bear Are Regional Wastewater Authority ("BBARWA"), Mountain Transit, and others.

B. Mayor to Make Appointments. Annually, after the first meeting in December, the newly seated Mayor shall make, and publicly announce, the Councilmember appointments to regional Boards, Commissions, and Committees.

C. Absence. Whenever a member of the City Council is unable to attend a regional board or commission to which he or she is designated as the City's representative, he or she shall notify his/her alternate.

D. Duties. Councilmembers serving as City representatives on such outside agencies shall comply with the rules of procedure adopted by such agencies when participating in meetings of such agencies and shall provide updates or reports to the City Council on the activities of such agencies as required.

CHAPTER 10 – ENFORCEMENT

I. WARNING

Violation(s) of State, Federal, or local laws; or of City policy, including the provisions of this Manual, by an individual Councilmember may result in the issuance of a formal warning to the member. The purpose of the formal warning is to acknowledge the violation(s), educate the member, and promote the desired change in behavior or action in the future.

II. REPRIMAND

Multiple or repeated violations of State, Federal, or local laws; or of City policy, including the provisions of this Manual, may result in the issuance of a formal written reprimand to an individual Councilmember. The purpose of the formal written reprimand is to convey heightened concern regarding the violation(s), and further impress upon the member the need for a change in behavior or action in the future. The formal written reprimand shall be made in the form of a resolution approved by a majority of the City Council.

III. CENSURE

Censure is a formal resolution of the City Council that reprimands one of its own members for specified conduct, generally a violation of State, Federal, or local laws; or of City policy, including the provisions of this Manual (hereinafter collectively "law"). Censure should not follow an occasional error in judgment that occurs in good faith and is unintentional, but it is appropriate when the violation is considered to be a serious offense, or the conduct involves intentional and repeated violations of Law or City policy after other Councilmembers have informed the offending Councilmember of the violation(s). Censure carries with it no fine or suspension of the rights of the members as an elected official, but it nonetheless is a punitive action for wrongdoing.

IV. CENSURE PROCEDURE

A. Request for Censure Hearing. During the open portion of any regular or special meeting of City Council, any Councilmember may make a motion to calendar a censure hearing concerning the volatile conduct of on of its members.

1. **Specific Allegations.** The request must include specific allegations of the conduct that constitutes a violations of the Laws or City policy upon which the proposed censure is based.

2. **Support; Hearing or Investigation.** If a majority of Councilmembers support the request then a) a direction shall be given to the City Manager to calendar the item for a future agenda or b) the Council shall appoint an ad hoc committee to investigate the charges.

3. **When No Investigation is Required.** If the conduct or violation alleged is patent or otherwise clearly apparent, setting of the censure hearing shall proceed in accordance with Subsection C, below.

B. Investigation. If a majority of the Council determines that an investigation is warranted, the Council shall designate an ad hoc committee consisting of two of its members, one of which shall be the Mayor, to conduct the investigation. If the Mayor is the subject of the charges, the Mayor Pro Tem shall be appointed in lieu of the Mayor to serve on the ad hoc committee.

1. **Independent Investigator.** The Council may select an independent investigator to assist in conducting the investigation. The independent investigator would be managed by the ad hoc committee to conduct the investigation.

2. **Process for Taking Statements.** In the course of the investigation, the committee must determine the process by which statements are taken. A witness may choose to provide a signed declaration under penalty of perjury attesting to his or her knowledge of the facts surrounding the allegations. If a witness is unwilling to submit such a declaration, the Council may issue a subpoena to compel the witness' testimony, consistent with its subpoena power granted under the Government Code.

3. **Conclusion of Investigation.** At the conclusion of the investigation, the results shall be presented in writing to the full Council. Based on the results and upon a majority vote of the Council, a censure hearing may be set in accordance with Subsection C, below.

4. **Investigation Guidelines.** The following guidelines apply to ad hoc committee investigations:

(a) The committee may be staffed by administrative and legal staff.
(b) If authorized by City Council, the committee may subpoena witnesses and documents.
(c) In making a determination to hold a censure hearing, the committee should determine if after taking all the facts and evidence into consideration, there are reasonable grounds to believe or not believe that the conduct, violation, or offense occurred.
(d) The committee shall issue a final report and recommendations to the City Council. The final report shall be made available to the public.

C. Censure Hearing. If a censure hearing is set, it must be set far enough in advance to give the Councilmember subject to the charges adequate time to prepare a defense. That member shall be given the opportunity to make an opening and closing statement and to question his or her accusers. The Councilmember subject to the charges may be represented and may have the representative speak or question on his or her behalf. The Mayor, or the Mayor Pro Tem if the Mayor is the subject of the charges, shall preside at the hearing. The rules of evidence shall not apply to the hearing, which is not a formal

adversarial proceeding. The City Attorney or designee shall provide legal advice to the City Council during the hearing.

D. Resolution of Censure. A decision to censure requires the adoption of a resolution making findings with regard to the specific charges, based on substantial evidence, and approved by the affirmative vote of at least three (3) Councilmembers. In accordance with Government Code Section 995, upon request of a Councilmember, the City may reimburse the Councilmember's reasonable attorney fees and costs in defending himself/herself.

V. REMOVAL

A. Disruptive Conduct by Councilmember During Meeting.

1. In addition to the foregoing and as set forth in Section III.C of Chapter 5 of this Manual, the provisions of Government Code Section 36813 shall be applicable to the conduct of Councilmembers during Council meetings. Said section provides:

   The City Council may establish rules for the conduct of its proceedings. It may punish a Councilmember or other person for disorderly behavior at a meeting. In accordance with Section 36813 and Section III.C of Chapter 5 of this Manual, the punishment may include removal from the Council meeting of the disruptive Councilmember upon a majority vote of the City Council. A motion for removal may be made by any Councilmember, including the Mayor, and is not debatable. The Presiding Officer and Council as a whole shall address disruptions in a consistent, transparent, and viewpoint-neutral manner.

VI. ACKNOWLEDGMENT OF RECEIPT AND UNDERSTANDING OF MANUAL

Upon first entering office, upon election to any subsequent term, or whenever this City Council Policy, Procedures, and Rules of Order Manual is updated by City Council Resolution, every Councilmember shall sign a statement affirming that he/she has received, read and understood the provisions set forth in this Manual and furthermore agrees to abide by them.

CITY COUNCIL MEETINGS

MANUAL OF PROCEDURE

CITY OF COLTON

City Council Approved: 11/2/21

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A. OVERVIEW/PRINICIPLES/STANDARDS

A-1 CITY COUNCIL ACTS AS A BODY

One of the fundamental tenets of city governance is recognizing that the City Council acts as a body. No individual Councilmember has extraordinary powers beyond those of other members. Although the Mayor and the Mayor Pro Tempore ("Pro Tem") have additional ceremonial, parliamentary and administrative responsibilities, with respect to voting and the establishment of policy, all members are equal.

A-2 POLICY ROLE OF CITY COUNCIL & COUNCILMEMBERS

Councilmembers should respect and adhere to the Council-Manager structure of the Colton City government. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Councilmembers shall not interfere with the administrative functions of the City or the professional duties of City staff, nor shall they impair the ability of staff to implement Council policy decisions.

B. MEETINGS

B-1 REGULAR MEETINGS

The City Council shall hold regular meetings on the first and third Tuesday of each month. The closed session portion of the meeting shall begin at five p.m. in the Council Chambers of City Hall (650 North La Cadena Drive, Colton) or at such other place within the City limits to which said meeting may be adjourned, and then recess to a secure location. The open session portion of the meeting shall begin at six p.m. in the Council Chambers or at such other place within the City limits to which said meeting may be adjourned. If by reason of fire, flood, or other emergency, it is unsafe to meet in the City Hall, the meetings may be held for the duration of the emergency at such other place designated by the Mayor or, in the absence of the Mayor, by the Mayor Pro Tempore, or in the absence of the Mayor Pro Tempore, by a majority of the entire City Council. When the day for any regular meeting falls on a legal holiday, no meeting shall be held, but a regular meeting shall be held at the same hour on the following business day.

B-2 ADJOURNED MEETINGS

Any meetings may be adjourned to a certain time, place and date in accordance with Section 54955 and any other applicable sections of the Ralph M. Brown Act (Government Code Section 54950 et seq.) ("Brown Act"), but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened.

B-3 SPECIAL MEETINGS

Special meetings may be called at any time by the Mayor, or by a majority of the entire City Council, in accordance with Section 54956 and any other applicable sections of the Brown Act.

B-4 EMERGENCY MEETINGS

Emergency meetings may be called only in those rare instances authorized in accordance with Section 54956.5 and any other applicable sections of the Brown Act.

B-5 MEETINGS TO BE PUBLIC

All regular, adjourned, special, emergency and any other meetings of the City Council shall be held in public, except as provided for in accordance with the Brown Act.

B-6 CLOSED SESSIONS

The City Council may hold closed sessions from which the public may be excluded for the consideration of certain subjects in accordance with any applicable sections of the Brown Act and any other applicable state or federal laws, rules or regulations. For instance, see Sections 54956.7, 54956.8, 54956.9, 54956.95, 54957, 54957.6, 54957.8, 54956.86, 54956.96 and 54956.75 of the Brown Act, as well as Government Code Sections 37606 and 37624.3 and Health and Safety Code Sections 1461, 32106 and 32155. The City Council and its legal counsel shall comply with all procedural requirements prior to holding any closed session, as prescribed in Sections 54954.5, 54957.7 and any other applicable sections of the Brown Act. The City Council shall comply with all requirements relating to the public report of any action taken in closed session, as provided in Section 54957.1 and any other applicable sections of the Brown Act. For applicable Closed Session agenda items, confidential staff reports will be made available electronically to Councilmembers for review prior to the meeting, and hard copies of such reports will be made available at the meeting. Hard copy staff reports, and any supporting material, will be collected at the conclusion of consideration of the applicable agenda item. Electronic versions of Closed Session staff reports should not be printed in hard copy by Councilmembers.

B-7 ATTENDANCE

Councilmembers are expected to attend all meetings of the City Council. In accordance with Government Code Section 36513, if a Councilmember is absent without notice from all regular City Council meetings for sixty (60) consecutive days from the last regular meeting they attend, their office becomes vacant and shall be filled as any other vacancy. Councilmembers shall notify the Mayor, City Manager and/or City Clerk if they are going to be absent from a regular meeting, and the Presiding Officer shall note such excused absence for the record.

B-8 QUORUM

Four members of the Council shall constitute a quorum and shall be sufficient to transact regular business. If less than four Councilmembers appear at a meeting, the meeting shall be adjourned as provided in Section 54955 and any other applicable sections of the Brown Act. If all members are absent, the City Clerk may adjourn the meeting in such situation.

B-9 TIME LIMITS FOR CITY COUNCIL MEETINGS; MANDATORY TIME OF ADJOURNMENT

No City Council meeting shall extend beyond 10:30 p.m. unless the City Council, by a two-thirds vote of all Councilmembers present, elects to extend the meeting to complete a matter under discussion at the mandatory time for adjournment. No new matter shall begin after 10:30 p.m. without the unanimous consent of the Councilmembers present. Any matter on the agenda not addressed prior to the mandatory time of adjournment shall be carried over to the next regular, adjourned or special meeting of the City Council. As discussed in Section B-3 below, the City Council may establish similar time limits for special and emergency meetings, even if they begin earlier in the day than regular meetings.

C. AGENDA

C-1 AGENDA PREPARATION – AUTHORITY TO PLACE ITEMS ON AGENDA

An agenda shall be prepared for each regular meeting in accordance with Section 54954 and any other applicable sections of the Brown Act. The agenda shall contain the specific items of business to be transacted and the order thereof. Items of business to be heard in public may be placed on the agenda by any Councilmember, the City Manager, the City Attorney or the City Clerk. The City Clerk prefers that such requests be submitted on or before 4:00 p.m. on the Tuesday one week prior to the regular meeting. Items of business to be heard in closed session may be submitted by any two (2) Councilmembers, the City Manager or the City Clerk to the City Attorney or Risk Manager for review for compliance with the provisions of the Brown Act, and the City Attorney or Risk Manager shall place such items that comply with those provisions on the closed session agenda. Notwithstanding the foregoing, however, items of business relating to personnel matters involving performance review or discipline, dismissal or release of specific City employees shall only be placed on the closed session agenda at the direction of the City Manager or upon the request of three Councilmembers through the City Clerk.

C-2 AGENDA PREPARATION – PROCESS AND DISTRIBUTION TO CITY COUNCIL

Agenda items shall be delivered to the City Clerk pursuant to Administrative Policy 1.01.010. The Clerk shall thereafter prepare the agenda under the direction of the City Manager. Each item of business to be transacted or discussed on the agenda shall be adequately described in accordance with the Brown Act, and shall contain the specific action requested to be taken by the Council. The agenda, together with all reports pertaining thereto, shall be delivered to the Councilmembers at 4:00 p.m., or soon thereafter, on the Thursday preceding the regular meeting. Each Councilmember may direct the method by which the agenda packet shall be delivered to them. The agenda shall be made available to the public as soon as practicable, but no later than the time provided for in Section 54954.2 and any other applicable sections of the Brown Act (currently, 72 hours before the regular meeting). No matters other than those listed on the posted agenda shall be acted upon by the Council, except as provided for in Section B-5 below and applicable sections of the Brown Act.

C-3 AGENDAS FOR SPECIAL OR EMERGENCY MEETINGS

An agenda or notice shall be prepared for each special or emergency meeting in accordance with Sections 54956, 54956.5 and any other applicable sections of the Brown Act. Each agenda shall contain a discussion item allowing the City Council to establish a time after which time limits similar to those provided for in Section A-9 above shall apply.

C-4 AGENDA POSTING AND MAILING TO PUBLIC

Meeting agendas and/or notices shall be posted in the glass enclosed Bulletin Board at City Hall, 650 North La Cadena Drive, Colton, as well as any other location designated by the City Council, City Manager or City Clerk. The City Clerk, or his/her designee, shall accomplish the City Council agenda posting requirements. The City Clerk shall maintain a file of certificates certifying to the agenda posting. Upon payment of the applicable fee, any person may make a written request for and receive a copy of the agenda or a copy of the agenda packet by mail in accordance with Section 54954.1 and any other applicable sections of the Brown Act.

C-5 AGENDA ITEMS AND ACTIONS

(A) CALL TO ORDER; ROLL; ORDER OF ACTION. At the time set for each regular meeting, the Council, City Clerk, City Manager, City Attorney and such department heads as have been requested by the City Manager to be present, shall take their regular places in the meeting room. The Presiding Officer shall call the meeting to order, note for the City Clerk those Councilmembers who are present and absent, and the business of the Council shall be taken up for consideration and disposition in the order set forth in Section B-8. However, items may be taken out of order with the consent of the majority of the Council.

(B) ITEMS ON AGENDA. No matters other than those listed on the posted agenda shall be discussed or acted upon by the Council, except as provided for in Sections 54954.2, 54956.5 and any other applicable sections of the Brown Act.

(C) CERTAIN BRIEF COMMENTS & DIRECTIONS ALLOWED. Councilmembers and/or staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Sections 54954.2, 54954.3 and other applicable sections of the Brown Act. In addition, on their own initiative, or in response to questions posed by members of the public, Councilmembers and/or staff may ask a question for clarification, provide a reference to Staff or other resources for factual information, or request Staff to report back to the Council at a subsequent meeting concerning any matter, in accordance with Sections 54954.2, 54954.3 and other applicable sections of the Brown Act. Furthermore, a Councilmember, or the entire Council, may take action to direct staff to place a matter of business on a future agenda.

C-6 AGENDA CONTENTS

(A) BRIEF GENERAL DESCRIPTIONS. The agenda must contain a brief general description of business to be transacted or discussed at the meeting, as well as the time and location of the meeting, in accordance with Section 54954.2 and any other applicable sections of the Brown Act.

(B) CLOSED SESSION DESCRIPTIONS. Closed Session Agenda Items must be described in accordance with Section 54954.5 and any other applicable sections of the Brown Act.

(C) AVAILABILITY OF STAFF REPORTS. The agenda shall contain a statement that copies of staff reports or other written documents relating to each item referred to on the Agenda are on file in the office of the City Clerk and are available for public inspection (including via the City's website).

(D) QUESTIONS FOR CITY CLERK. The agenda shall also contain a notation that any person having questions concerning any item on the agenda may call the City Clerk to inquire about the nature of the items described on the agenda. The City Clerk shall direct inquiries to the appropriate office.

C-7 PUBLIC COMMENT OPPORTUNITY ON AGENDA

Every agenda for regular meetings must provide an opportunity for members of the public to directly address the Council on any item of interest to the public, before or during the time the Council takes up the item for consideration (if it is on the agenda), as provided for in Section 54954.3 and any other applicable section of the Brown Act. For items on closed session, members of the public must be present to address the Council before the Council recesses into closed session. (See also Section D (Addressing the Council) below.)

C-8 ORDER OF BUSINESS

The Agenda shall be conducted in the order and manner set forth below:

(A) CLOSED SESSION. If needed, the Council will discuss items in closed session as provided for in the Brown Act.

(B) INVOCATION AND FLAG SALUTE. The Presiding Officer shall provide for an invocation whenever practicable. Following the invocation, if any, the Presiding Officer shall also provide someone to lead the group in the Pledge of Allegiance.

(C) ROLL CALL. The city clerk shall call the roll of the councilmembers or note those who are present, and the names of those present shall be entered in the minutes.

(D) CEREMONIAL MATTERS. Presentations, Awards and Proclamations, which cannot be given as part of the Consent Calendar, are given under this item. No more than three (3) such items shall be included on an agenda, and all items shall be submitted to the City Clerk's Office not less than two (2) weeks prior to the meeting date. Exceptions must be approved by three (3) Council Members. Business recognition, to be presented by a Council Member, shall occur not more than once per month. All Ceremonial Matters shall be limited to five (5) minutes in duration. All presentations which require audio/visual equipment should be submitted to the City Manager's Office at least 24 hours prior to the meeting.

(E) MAYOR AND CITY COUNCIL ITEMS. The Council shall consider all items of individual Councilmembers regarding any proper matter of municipal business appearing on the posted Agenda, including, but not limited to: gift disclosures pursuant to CMC Section 2.04.030, oral reports required by AB 1234 (GC Section 53232.3) and appointments to City, regional or other boards, committees and commissions. Any such actions shall be subject to the provisions of Sections B-1 through B-3 above.

(F) CITY TREASURER'S REPORTS. The City Treasurer shall present any reports he may have, which shall be considered for receipt and filing by the City Council. At the discretion of the City Council and/or City Treasurer, this report may be included as part of the Consent Calendar.

(G) PUBLIC HEARINGS. The Council shall conduct all public hearings in accordance with Section K below.

(H) BUSINESS ITEMS. The Council shall consider business items or items continued from prior meetings which are not subject to a public hearing.

(I) PUBLIC COMMENT. The Presiding Officer shall announce commencement of the Public Comment period. Public Comment shall be subject to Sections E-1 through E-5.

(J) CONSENT CALENDAR. All matters listed under the Consent Calendar are considered by the Council to be routine and will all be enacted by one motion. There will be no separate discussion of these items prior to the time the Council votes on the motion, unless councilmembers, staff or the public request specific items be discussed and/or removed for separate discussions or action. Approval of Minutes and Warrants will routinely appear on the Consent Calendar.

(K) MAYOR AND COUNCIL ORAL REPORTS AND COMMENTS. A time of three (3) minutes for each Councilmember to give brief oral reports on items of interest to him or her, including events he or she attended or items he or she wishes to have addressed in the future. No discussion or action shall be taken on any such item, unless they are specifically listed for such purpose.

(L) ADJOURNMENT. The meeting shall be adjourned after a motion to adjourn has been made and carried.

C-9 REVIEW OF AGENDA MATERIALS

(A) REVIEW PRIOR TO MEETINGS. City Councilmembers shall read and/or otherwise familiarize themselves with each agenda and supporting documentation prior to the meeting.

(B) PRIOR CLARIFICATION OF AGENDA MATERIALS. City Councilmembers should request answers to questions on agenda items from the City Manager, City Attorney, City Clerk, or Department Directors prior to the meeting at which they are to be discussed. This allows the presiding officer to move the agenda forward in a timely and efficient manner.

(C) AVOID UNFAIR SURPRISE. City Councilmembers should advise the City Manager prior to the meeting of issues or questions that they intend to bring up during the meeting. This refers to issues or questions that City staff would not normally anticipate or have researched prior to the meeting.

D. PRESIDING OFFICER

D-1 MAYOR TO PRESIDE

The Mayor shall be the Presiding Officer at all meetings of the City Council. In the absence of the Mayor, the Mayor Pro-Tempore shall preside. In the absence of both the Mayor and Mayor Pro Tempore, the City Clerk shall call the Council to order, whereupon a temporary Presiding Officer shall be elected by the Councilmembers present to serve until the arrival of the Mayor or Mayor Pro Tempore or until adjournment.

D-2 POWERS & DUTIES OF PRESIDING OFFICER

(A) PARTICIPATION. The Presiding Officer may move, second, debate, and vote. The Presiding Officer shall not be deprived of any of the rights and privileges of a Council member by reason of acting as Presiding Officer.

(B) RESTATING OF THE QUESTION. The Presiding Officer, or such member of the City Staff as he or she may designate, may verbally restate each motion immediately prior to calling for the vote. Following the vote, the City Clerk shall announce whether the question carried or was defeated. The Presiding Officer, in his or her discretion, may publicly explain the effect of a vote for the audience, or may direct a member of the City staff to do so, before proceeding to the next item of business.

(C) MAINTAINING ORDER AND DECORUM. The Presiding Officer shall be responsible for maintaining order and decorum at all meetings. The Presiding Officer shall also decide all questions of order subject, however, to an appeal to the Council.

(D) SIGNING OF DOCUMENTS. The Presiding Officer shall sign all ordinances, resolutions, and other documents requiring the Presiding Officer's signature adopted in his or her presence, unless he or she is unavailable. If the Presiding Officer is unavailable, the alternate Presiding Officer may sign such documents.

(E) APPOINTMENTS OF COMMITTEES. The City Council may appoint such ad-hoc committees of Councilmembers, City staff and private citizens, or a combination thereof, as the City Council deems necessary and expedient to assist and advise the Council in its work.

E. ADDRESSING THE COUNCIL

E-1 WRITTEN CORRESPONDENCE

(A) CITY MANAGER ATTENTION. The City Manager is authorized to receive and open all mail addressed to the City Council, and he shall give it immediate attention in order that all administrative business not necessarily requiring Council action may be addressed between Council meetings. All communications and any action taken pursuant thereto shall be reported to the City Council.

(B) REQUIRED COUNCIL ACTION. Any communications requiring Council action shall be placed upon the agenda for the next regular meeting, together with a report and recommendation by the City Staff. All correspondence shall be answered or acknowledged as soon as possible.

E-2 RIGHT TO ADDRESS COUNCIL AT MEETING

(A) AGENDA & NON-AGENDA ITEMS. Subject to the provisions of Sections D-3, D-4 and D-5, any interested member of the public shall have the right to address the Council on items within the subject matter jurisdiction of the Council, in accordance with Section 54954.3 and any other applicable sections of the Brown Act. If an item is on the agenda, the person shall have the right to address the Council before the Council's consideration of that item. For items on closed session, members of the public must be present to address the Council before the Council recesses into closed session. For items not on the agenda, the person shall have the right to address the Council only during the "Public Comment" portion of the agenda.

(B) SPEAKER CARDS. Persons wishing to address the Council are requested to fill out a speaker card and submit it to the City Clerk. The City Clerk shall make speaker cards available to the public in the meeting room. For agenda items, the speaker cards may include a request to indicate whether the speaker is in favor, opposition or neither. The City Clerk shall assure that there is a sufficient amount of speaker cards available in the Council Chambers and that all of them are the same color for uniformity.

E-3 MANNER OF ADDRESSING COUNCIL,

Any person desiring to address the Council shall stand and wait to be recognized by the Presiding Officer. The Presiding Officer may determine any fair and reasonable manner in which to recognize speakers. After being recognized by the Presiding Officer, the person should state his or her name and address for the record, and proceed to address the Council. All remarks and questions shall be addressed to the Council as a whole and not to any particular member. No individual Councilmember or member of the City staff shall be questioned without first obtaining permission from the Presiding Officer.

E-4 TIME LIMITATION

(A) PUBLIC COMMENT PERIOD. Every person addressing the Council on an item not on the agenda ("Public Comment" period) shall limit his or her address to three (3) minutes, unless further time is granted by the Presiding Officer. If the Presiding Officer determines it to be necessary in the interests of time and the ability of the Council to consider all items on its agenda, the Presiding Officer may do any one or more of the following: (1) require that one or more – in the discretion of the Presiding Officer - spokespersons be chosen to represent the group so as to avoid repetitive comments; (2) choose to limit the overall time for the "Public Comment" period; or (3) reduce the five (5) minutes given to each individual. Speakers shall not be allowed to yield or give their allotted time to other speakers.

(B) AGENDA ITEMS (INCLUDING PUBLIC HEARINGS). Every person addressing the Council on an item on the agenda shall limit his or her address to three (3) minutes, unless further time is granted by the Presiding Officer; provided, however, that for public hearing agenda items, the applicant shall be provided with at least five (5) minutes and may, in the determination of the Presiding Officer, be asked to respond to or address comments made by members of the public. If the Presiding Officer determines it to be necessary in the interests of time and the ability of the Council to consider all items on its agenda, the Presiding Officer may do any one or more of the following: (1) require that one or more – in the discretion of the Presiding Officer - spokespersons be chosen to represent the group so as to avoid repetitive comments; (2) choose to limit the overall time for public comments or the overall time given to those persons speaking in support and in opposition to the item,; or (3) reduce the three (3) minutes given to each individual. Speakers shall not be allowed to yield or give their allotted time to other speakers.

E-5 IMPROPER REMARKS

Any person making impertinent, slanderous, or profane remarks, or who becomes unruly while addressing the Council, shall be called to order by the Presiding Officer. If such conduct continues and willfully disrupts the meeting, the Presiding Officer may, in accordance with Section 54957.9 and any other applicable sections of the Brown Act or other federal or state laws, rules or regulations, order him or her removed from the meeting room or order the room cleared. Public criticism of City policies, procedures, programs or services or acts or omission of the Council shall not be deemed improper.

E-6 CHALLENGING UNLAWFUL ACTIONS; LITIGATION

Pursuant to Sections 54960 and 54960.1 of the Brown Act and any other applicable law, any interested person may file litigation to obtain a determination as to whether an action taken by the City Council is null and void as having been taken in violation of the Brown Act.

F. DEBATE AND DECORUM

Roberts Rules of Order is used by the City Council for guidance only, and shall not be strictly applied.

F-1 GETTING THE FLOOR

Councilmembers wishing to speak shall first address the Presiding Officer and gain recognition by him or her before getting the floor. Councilmembers shall confine themselves to the question under debate.

F-2 QUESTIONS TO STAFF

Councilmembers wishing to question the City Staff may, after recognition by the Presiding Officer, address questions to the City Manager, the City Clerk, or the City Attorney. The City Manager is entitled either to answer the inquiry or direct the question to the appropriate staff member for an answer.

F-3 INTERRUPTIONS

A Councilmember, once recognized, shall not be interrupted when speaking unless called to order by the Presiding Officer, a point of order or personal privilege is raised by another Councilmember, or the speaker chooses to yield to a question by another Councilmember. If a Councilmember, while speaking, is called to order, the member shall cease speaking until the question of order is determined. If the question is determined to be in order, the Councilmember may continue speaking on the question. After recognition by the Presiding Officer, City Staff shall hold the floor until completion of their remarks, unless recognition is withdrawn by the Presiding Officer.

F-4 POINTS OF ORDER

The Presiding Officer shall determine all points of order subject to the right of any Councilmember to appeal such determination to the Council. The Presiding Officer may request the opinion of the City Attorney in making such determination. If an appeal is taken, the question shall be: "Shall the decision of the Presiding Officer be sustained?"" The Council's decision on this matter shall conclusively determine such question of order.

F-5 POINT OF PERSONAL PRIVILEGE

The right of a Councilmember to address the Council on a question of personal privilege shall be limited to cases in which their integrity, character or motives are questioned or where the welfare of the Council is concerned. A Councilmember raising a point of personal privilege may interrupt another Councilmember who has the floor. The Presiding Officer has the power to call the Council-member out of order.

F-6 REMARKS OF COUNCILMEMBERS AND SYNOPSIS OF DEBATE

Any Councilmember shall have the right of having an abstract of their statement and/or synopsis of the debate on any subject under consideration by the Council entered in the minutes. Such right shall be exercised by specific direction to the City Clerk at the Council meeting.

F-7 DECORUM AND ORDER - COUNCIL AND CITY STAFF

(A) GENERAL RULES OF DECORUM. While the Council is in session, the Councilmembers and City Staff shall preserve order and decorum. A Councilmember or Staff shall not interrupt, otherwise delay the proceedings or the peace of the Council, or disturb any member while speaking. A Councilmember or City Staff shall not refuse to obey the directives of the Presiding Officer. If any Councilmember or City Staff violate these rules of decorum in a manner which willfully disrupts the meeting, the Presiding Officer may, in accordance with Section 54957.9 and any other applicable sections of the Brown Act or other federal or state laws, rules or regulations, direct the Sergeant-at-Arms to clear the room or remove such offenders from the room.

F-8 DECORUM AND ORDER - MEMBERS OF THE PUBLIC

(A) GENERAL RULES OF DECORUM. Public members attending Council meetings shall observe the same rules of order and decorum applicable to the Council and Staff. The Presiding Officer may, in accordance with Section 54957.9 and any other applicable sections of the Brown Act or other federal or state laws, rules or regulations, direct the Sergeant-at-Arms to clear the room or remove any person making impertinent and slanderous remarks that willfully disrupt the meeting or any person who becomes unruly while addressing the Council in such a manner that willfully disrupts the meeting. Such person may be barred from the remainder of the Council meeting.

(B) EXAMPLES OF POTENTIALLY DISRUPTIVE ACTIONS. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations that willfully disrupt the meeting shall not be permitted. The Presiding Officer may, in accordance with Section 54957.9 and any other applicable sections of the Brown Act or other federal or state laws, rules or regulations, direct the Sergeant-at-Arms to clear the room or remove such offenders from the room. Aggravated cases may be prosecuted by appropriate complaint signed by the Presiding Officer or a Councilmember.

F-9 ENFORCEMENT OF DECORUM

The Chief of Police, or such member of the Police Department as he may designate, shall be the Sergeant-at-Arms of the City Council and shall attend meetings at the request of the Presiding Officer, City Manager or City Council. He shall be available to attend all meetings immediately upon call. He shall carry out all orders given by the Presiding Officer or Council to maintain order and decorum at the Council meetings. Any Councilmember may move to require the Sergeant-at-Arms to enforce the rules and the affirmative vote of a majority of the Councilmembers present shall require him to do so.

F-10 FAILURE TO OBSERVE RULES OF ORDER

Rules adopted to expedite the transaction of the business of the Council in an orderly fashion are deemed to be procedural only and the failure to strictly observe such rules shall not affect the authority of the Council or invalidate any action taken at a meeting that otherwise conforms with the law.

G. MOTIONS

G-1 PRESENTATION OF MOTIONS

(A) DEFINITION. A motion is the formal statement of a proposal or question to the Council for consideration and action.

(B) RIGHT TO MAKE A MOTION. Every Councilmember has the right to present a motion, provided they have first been formally recognized by the Presiding Officer.

G-2 PROCESSING OF MOTIONS

When a motion is made and seconded, it shall be restated by the Presiding Officer before debate. A motion may not be withdrawn by the mover without the consent of the member seconding it and the approval of the Council.

G-3 PRECEDENCE OF MOTIONS

(A) GENERAL ORDER OF PRIORITY. When a main motion is before the Council, no motion shall be entertained except the following, which shall have priority in the order listed below:

(1) Adjourn

(2) Recess

(3) Postpone temporarily or definitely (table)

(4) Previous question

(5) Limit or extend debate

(6) Refer to committee or staff

(7) Amend

(8) Postpone indefinitely

(B) RESTRICTIONS. The above order of priority is subject to the following restrictions:

(1) A motion shall not be repeated without intervening business or discussion.

(2) A motion shall not be in order when the previous question has been ordered.

(3) A motion shall not be in order while a vote is being taken.

(4) The Presiding Officer may allow informal recognition of any Councilmember or staff at anytime, and such shall not be considered to be out-of-order.

G-4 PARTICULAR MOTIONS, PURPOSE AND CRITERIA

The purpose and relevant criteria of the motions listed above are as follows:

(A) MOTION TO ADJOURN

(1) Purpose. To close a meeting.

(2) Debatable or Amendable. Generally, No. However, a motion to adjourn to another time is debatable and amendable as to the time to which the meeting is to be adjourned.

(B) MOTION TO RECESS

(1) Purpose. To permit an interlude in the meeting and to set a definite time for continuing the meeting.

(2) Debatable or Amendable. Yes. However, duration of recess may be restricted.

(C) MOTION TO POSTPONE TEMPORARILY

(1) Purpose. To temporarily set aside a pending main motion provided that it may be taken up again for consideration during the current meeting or at the next regular meeting. It is also referred to as a motion to lay on the table.

(2) Debatable or Amendable. It is debatable, but not amendable.

(D) MOTION FOR PREVIOUS QUESTION ("CALL FOR THE QUESTION")

(1) Purpose. To prevent or stop discussion on the pending question and to bring such question to vote immediately. The motion must be seconded and approved by a majority of the City Council present. If the motion fails, discussion shall continue. If the motion passes, a vote shall be taken on the pending motion.

(2) Procedure. The maker of the motion shall state "Motion to call for the previous question." The presiding officer shall then immediately seek a second for the motion. If no second is obtained, discussion may continue. If a second is obtained, a vote is taken immediately.

(3) Debatable or Amendable. No.

(E) MOTION TO LIMIT OR EXTEND DEBATE

(1) Purpose. To limit or determine the time that will be devoted to discussion of a pending motion or to extend or remove limitations already imposed on its discussion.

(2) Debatable or Amendable. This motion is not debatable. Amendments are restricted to period of time of the proposed limit or extension.

(F) MOTION TO REFER TO COMMISSION OR STAFF

(1) Purpose. To refer the question before the Council to a commission or to the City Staff for the purpose of investigating or studying the proposal and to make a report back to the Council. If the motion fails, discussion or vote on the question resumes.

(2) Debatable or Amendable. Yes.

(G) AMEND

(1) Purpose. To modify or change a motion that is being considered by the Council so that it will express more satisfactorily the will of the members. If the motion fails, discussion or vote on the main motion resumes. If the motion passes, then the main motion should be voted on as amended.

(2) Debatable or Amendable. It is debatable unless applied to a main motion that is not debatable. It is amendable.

(H) POSTPONE INDEFINITELY

(1) Purpose. To prevent further discussion and voting on the main motion. If the motion fails, discussion and voting on the main motion resumes. If it passes, the subject of main motion resumes. If it passes, the subject of main motion shall not be brought up again for the remainder of the meeting or the next regular meeting.

(2) Debatable or Amendable. It is debatable but not amendable.

(I) MAIN MOTION

(1) Purpose. The primary proposal or question before the Council for discussion and decision.

(2) Debatable or Amendable. Yes.

H. VOTING

H-1 VOTING PROCEDURE

(A) VOICE OR ROLL CALL VOTE. When any motion is in order for the question, a vote thereon shall be taken by electronic vote, voice or roll call and entered into the record. Motions may be passed by a simple majority of the members present at a properly called meeting (3 votes sufficient if only 4 members present), except those motions on actions required by law to be adopted by a higher number of Councilmembers.

(B) ROLL CALL VOTE. A roll call vote shall be used for the enactments listed above. All other motions shall not require a roll call vote unless demanded by a Councilmember. It shall not be in order for members to explain their vote during the roll call.

H-2 CHANGE OF VOTE

A member may change his vote only if he makes a timely request to do so immediately following the announcement of the vote by the City Clerk and prior to the time that the next item in the order of business is taken up.

H-3 FAILURE TO VOTE

Every member should vote unless disqualified for cause accepted either by vote of the Council or by opinion of the City Attorney. Self-disqualification, without approval, which results in a tie vote shall be viewed as thwarting Council action. However, no Councilmember shall be forced to vote. A Councilmember who abstains shall in effect consent that a majority of the quorum may act for him. Tie votes shall be lost motions and matters may be reconsidered upon the making of a motion to reconsider.

H-4 CONFLICT OF INTEREST

Any Councilmember who has a financial interest which requires disqualification under applicable law, including Government Code Section 1090 et seq. or the Political Reform Act, shall disclose said interest and disqualify himself or herself in accordance with applicable law. Where it is not clear whether such interest is of a disqualifying nature, the Councilmember shall confer with the City Attorney in advance of the meeting. The Councilmember shall confer with the City Attorney in sufficient time to seek research and guidance from the City Attorney, Attorney General or Fair Political Practices Commission, as necessary under the law.

H-5 RECONSIDERATION AND RESCISSION OF PRIOR ACTION

After motion and vote by the Council, such action may be reconsidered or rescinded in the following manners:

(A) RECONSIDERATION. A motion to set aside a vote or reconsider a main motion shall always be in order at the same meeting. The motion to reconsider is amendable and debatable. Such motion can be made by a Councilmember regardless of how he previously voted on the matter. If the motion to reconsider passes, the prior action is overruled and canceled.

(B) RESCISSION. A motion to rescind repeal, cancel, or nullify prior Council action on a main motion shall be in order at any meeting of the Council. The effect of rescinding prior Council action shall operate prospectively only and not retroactively to the date of the original action. That is, it shall not operate to adversely affect intervening legal rights which create an estoppel situation.

(C) LOST MOTIONS. A lost motion is one that fails to receive the necessary number of votes to carry the motion. Tie votes result in a lost motion. Lost motions may be renewed at any subsequent Council meeting. To revive a lost motion at the same meeting, the proper action is a motion to reconsider, discussed above.

I. MINUTES

I-1 PREPARATION OF MINUTES

The minutes shall consist of a clear and concise statement of each and every Council action including the motions made and the vote thereon. Reasons for making a motion, or voting, Council debate and audience reaction are generally irrelevant for purposes of the minutes. Such items may be included if considered to be particularly relevant or otherwise necessary by the City Clerk in the first instance and by the Council in the final instance. The City Clerk shall have exclusive responsibility for preparation of the minutes and any directions for changes in the minutes shall be made only by action of the City Council.

I-2 MINUTES OF HEARINGS

Whenever the Council acts in a quasi-judicial proceeding, such as hearings as defined in Section J-1, the minutes shall contain a synopsis of all evidence considered in the hearing, including statements of persons addressing the Council.

I-3 READING OF MINUTES

Unless the reading of the minutes of a Council meeting is ordered by a majority vote of the Council, such minutes may be approved without reading if the City Clerk has previously furnished each Councilmember with a copy.

J. ORDINANCES, RESOLUTIONS AND CONTRACTS

J-1 PREPARATION OF ORDINANCES, RESOLUTIONS AND CONTRACTS

(A) ORDINANCES. All ordinances shall be prepared by the City Attorney and shall be presented to the Council only when ordered by a majority of the Council, requested by the Mayor, City Manager or prepared by the City Attorney on his own initiative.

(B) RESOLUTIONS. It shall be considered best practice to have all resolutions prepared or approved by the City Attorney. However, resolutions may be prepared for submission by an individual, group or organization. In matters of urgency, a resolution may be presented verbally in motion form together with instructions for written preparation for later execution. Urgency resolutions shall be avoided except when absolutely necessary and shall be avoided entirely when such resolutions are not required by law.

(C) CONTRACTS. All contracts shall be prepared or approved by the City Attorney, and shall be presented to Council only when ordered by the Council, or submitted by the Mayor, City Manager or City Attorney.

J-2 PRIOR APPROVAL BY ADMINISTRATIVE STAFF

All ordinances, resolutions and contract documents shall be approved as to form and legality by the City Attorney before presentation to the Council. Where there are substantive administrative matters involved, the City Manager or his authorized representative shall also examine and approve such ordinances, resolutions or contracts.

J-3 ENACTMENT OF ORDINANCES

(A) INTRODUCTION. Ordinances shall be introduced for first reading by motion. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or adjourned regular meeting held at least 5 days after alternation. Corrections or typographical or clerical errors are not considered alterations.

(B) ADOPTION. Ordinances shall be adopted by motion. Ordinances shall not be adopted within five (5) days of their introduction. Ordinances shall only be adopted at a regular or adjourned meeting.

(C) READING. All ordinances shall be read in full either at the time of introduction or passage. However, further reading may be waived, after reading the title, by regular motion adopted by majority vote of the Councilmembers present.

(D) URGENCY ORDINANCE. An urgency ordinance is an ordinance for the immediate preservation of the public peace, health or safety of the city, as provided for in applicable law. It may be passed immediately upon introduction and either at a regular or special meeting. The urgency ordinance must declare the facts constituting the urgency and it shall be passed by the number of affirmative votes required by applicable law.

(E) PUBLICATION. Within 15 days after its adoption, the City Clerk shall cause each ordinance or a summary thereof to be published as required by applicable law.

(F) EFFECTIVE DATE. Most ordinances take effect 30 days after their final passage. However, certain ordinances shall take effect immediately, as allowed by applicable law.

J-4 ADOPTION OF RESOLUTIONS

Resolutions may be adopted by motion on the date they are first presented to the Council. It is not required that resolutions be read, either in full or by title only.

K. HEARINGS

K-1 APPLICATION AND DEFINITION

The following procedural rules shall apply to all hearings before the City Council. As used here, the term "hearing" shall include all public hearings required by state law or city ordinance.

K-2 RIGHTS OF INTERESTED PERSONS

On the date and at the time and place designated in the notice, the Council shall afford any interested person and / or authorized representative, the opportunity to examine and cross examine witnesses, to present documentary evidence, to present statements, arguments, or contentions orally and/or in writing, subject to the rules on ADDRESSING THE COUNCIL, listed in Section D of this manual, and rules stated below.

K-3 PRESENTATION OF EVIDENCE

(A) ORAL EVIDENCE. All oral statements which are relevant to the subject matter of the hearing may be considered by the Council. Oral evidence may be taken, on oath or affirmation, at the request of any interested party or his authorized representative.

(B) EXHIBITS AND DOCUMENTS. Exhibits and documents used by the City Staff and any persons participating in the hearing may be considered as evidence.

(C) COMMUNICATIONS AND PETITIONS. All communications and petitions concerning the subject matter of the hearing shall be read aloud either in full or by synopsis thereof, providing that a reading in full shall be provided at the request of any Councilmember. All such communications and petitions may be considered as evidence by the Council.

(D) STAFF REPORTS. Whenever practicable, a written staff report shall be prepared and read or summarized orally as part of the staff presentation. Said report shall be considered as evidence.

(E) LARGE MAPS AND DISPLAYS. Large size maps and displays presented for use at the hearing shall, whenever practicable, be displayed in full view of the participants and the audience. Said maps or displays, or authentic reductions thereof, may be considered as evidence.

(F) ADMISSIBLE EVIDENCE. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to reply in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in itself to support a decision, unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

K-4 EVIDENCE OUTSIDE THE HEARING

Any evidence taken outside the council chambers such as field trips, views of the premises and discussion with individuals, shall not be considered by the Council in reaching its decision except under either of the following circumstances:

(A) ADJOURNED MEETING. When, during the hearing, the meeting is adjourned to a date, place and time certain for the specific purpose of taking visual or demonstrative evidence such evidence may be considered; or

(B) COUNCILMEMBER OBSERVATIONS & REPORTS. With the consent, either oral or written, of all interested persons, or their authorized representatives, appearing at the hearing, individual members of the Council may take visual or demonstrative evidence outside the council chambers, provided, that the hearing shall be continued to a date and time certain and, upon reconvening in chambers, each Councilmember shall orally report his observations of such outside evidence taken and shall be subject to examination thereon by any interested person or authorized representative.

K-5 CONTINUANCES

Any hearing being held, or noticed or ordered to be held by the Council may, by minute action, be continued to any subsequent regular or adjourned meeting of the Council, provided that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance shall be posted outside the council chambers immediately following the meeting at which the order of continuance was made

K-6 DECISION

The Council shall consider all evidence properly presented in accordance with the rules stated in this manual. Unless otherwise provided by law, the Council shall render a decision or determination on the matter within forty (40) days of the close of the hearing. Said decision or determination shall be by motion made and action taken thereon at a regular or adjourned meeting of the Council. Any Councilmember who was not present during the entire hearing or who, in the opinion of the City Attorney should not discuss or vote on the matter, shall disqualify himself from discussion or voting on said matter.

K-7 RECORD OF HEARING

A verbatim mechanical (DVD) recording shall be made of the oral evidence presented at the hearing. Said recording, together with all documents, maps, exhibits and displays admitted into evidence, shall be retained by the City Clerk for a period of two (2) years from the date of the close of the hearing. In lieu of retaining said recording, the City Clerk may prepare a typewritten transcript thereof which shall also be retained for two (2) years. Said recording or transcript and evidentiary documents shall be made available for public inspection and use at reasonable times and under such reasonable conditions as may be prescribed by the City Clerk.

L. GENERAL GUIDELINES

L-1 CITY COUNCIL OFFICE – ADMINISTRATIVE SUPPORT

Staffing of the City Council Office and administrative support to City Councilmembers is provided through the City Manager's Office. Administrative services include scheduling of appointments, receipt of telephone messages, and word processing as needed. Sensitivity to the workload of support staff members is appreciated, and work is assigned based on priority.

L-2 SERVICE REQUESTS

Service requests should be submitted through administrative staff in the City Council and/or City Manager's Offices. These service requests include, but are not limited to requests dealing with graffiti abatement, potholes & other street issues, street lighting, parks issues, tree trimming, and code enforcement. Requests are handled in the order received, with the exception of those which are emergency in-nature, such as those which could jeopardize public safety.

L-3 REQUESTS FOR STAFF ASSISTANCE

City Councilmembers should direct all staff inquiries to the City Manager, or Department Directors. Councilmembers should refrain from initiating contact with staff members below the Department Director level. All City Councilmember emails to Department Directors should include the City Manager.

L-4 INFLUENCE ON STAFF

City Councilmembers shall not make attempts to pressure or influence staff decisions, recommendations, workloads, schedules, or department priorities without the prior knowledge and approval of the City Council as a whole. Councilmembers should refrain from direct involvement in the day-to-day duties of staff members, and should refer all complaints to the City Manager's Office for handling. City Councilmembers should not further involve themselves with complaints, unless all staff resources have been exhausted, including appeal to the Department Director and/or City Manager.

L-5 IMPOSITION ON STAFF RESOURCES

Requests for staff resources which require more than two (2) hours of staff time shall require approval by the City Manager. City Councilmembers should refrain from greater imposition on staff resources, pending approval by the entire City Council. This includes requests for unbudgeted special events, neighborhood meetings, individual Councilmember projects, etc.

From: Lynette Arreola
To: Jennifer Macias
Subject: Re: Procedures for Elected Officials to Place Items on Future City Council Agendas
Date: Tuesday, August 29, 2023 2:33:18 PM

[**NOTICE:** This message originated outside of City of Redlands -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]
Hello Jennifer,

Thank you for your email. In response to your question, the City does not have any formal written policies or procedures for elected officials to place items on the Agenda. Should a Council member have items they want to place on the agenda, they speak with our City Manager. The City Manager will authorize placing items on the agenda. Depending on the matter, there may be situations he will consult with our City Attorney for approval.

I hope I was able to answer your question.

Sincerley,

Lynette Arreola
City Clerk
City of Loma Linda
25541 Barton Road, Loma Linda, CA 92354
T: 909-799-2819 | F: 909-799-2891
larreola@lomalinda-ca.gov | www.lomalinda-ca.gov

From: Jennifer Macias <jmacias@cityofredlands.org>
Sent: Monday, August 28, 2023 2:53 PM
To: Lynette Arreola <LArreola@lomalinda-ca.gov>
Subject: Procedures for Elected Officials to Place Items on Future City Council Agendas

Hello,

Do you have a policy or section in your policy manual that speaks to the procedure for elected officials to place items on the City Council agenda?

Thank you,

Jennifer Macias
Management Analyst
City Manager's Office
City of Redlands
300 East State Street Suite 690

Redlands, CA 92373
(909) 798-7637 / Fax (909) 798-7503
jmacias@cityofredlands.org

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RESOLUTION NO. 6773

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RI ALTO, STATE OF CALIFORNIA, AMENDING AND RESTATING THE RULES AND PROCEDURES FOR THE CONDUCTING OF MEETINGS OF THE CITY COUNCIL.

WHEREAS, the City Council established rules and procedures for the conducting of meetings of the City Council, which were adopted by Resolution No. 3383 on March 21, 1989; and

WHEREAS, the City Council adopted Resolution No. 3949 on June 1, 1993, amending subsection D [Time Limitation] of section IV [Addressing the Council] of Resolution No. 3383 by revising the time limitation for public comments; and

WHEREAS, the City Council adopted Resolution No. 4202 on May 7, 1996, amending paragraph 5 [Legislative Matters] of subsection C [Agenda Contents] of section II [Agenda] of Resolution No. 3383 by clarifying the order of the pledge of allegiance and invocation on the agenda; and

WHEREAS, the City Council adopted Resolution No. 5791 on January 26, 2010, amending paragraph 5 [Legislative Matters] of subsection C [Agenda Contents] of section II [Agenda] of Resolution No. 3383 by allowing the adoption of ordinances on the consent calendar portion of the agenda; and

WHEREAS, the City Council adopted Resolution No. 6301 on July 9, 2013, clarifying that oral communications shall occur prior to the consent calendar on the agenda, as provided in Resolution No. 3383; and

WHEREAS, several provisions of the rules and procedures established in Resolution No. 3383, as amended by Resolution Nos. 3949, 4202, 5791, and 6301, are outdated and need to be updated; and

WHEREAS, the City Council desires to update and restate the rules and procedures of Resolution No. 3383, as amended by Resolution Nos. 3949, 4202, 5791, and 6301, through this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Rialto does hereby resolve as follows:

Section 1. The City Council hereby rescinds Resolution Nos. 3383, 3949, 4202, 5791, and 6301, and replaces them with this Resolution amending and restating the rules and procedures for the conducting of meetings of the City Council.

Section 2. The rules and procedures for the conducting of meetings of the City Council shall be as follows:

I. MEETINGS

A. REGULAR MEETINGS

The City Council shall hold regular meetings on the dates and at the time and place set forth in Chapter 2,02 of the Rialto Municipal Code. If by reason of fire, flood, or other emergency, it is unsafe to meet in the designated location stated in Chapter 2.02 of the Rialto Municipal Code, the meetings may be held for the duration of the emergency at such other place as is designated by the Mayor or, if he or she fails to act, by four members of the City Council.

B. ADJOURNED MEETINGS

Any meetings may be adjourned to a time, place, and date certain, but not beyond the next regular meeting, Once adjourned, the meeting.may not be reconvened.

C. SPECIAL MEETINGS

Special meetings may be called at any time by the Mayor, or by three members of the City Council by delivering personally or by mail written notice to each Councilmember and to each local newspaper of general circulation, radio, or television station requesting notice in writing. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall be considered at such meetings. Such written notice may be dispensed with as to any Councilmember who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any Councilmember who is actually present at the meeting at the time it convenes.

D. MEETINGS TO BE PUBLIC; EXCEPTION FOR CLOSED SESSIONS

All regular, adjourned, and special meetings of the City Council shall be open and public, provided however, the City Council may hold closed sessions from which the public may be excluded for the consideration of the subjects set forth in California Government Code, Sections 54950 *et seq.* -- commonly known as the Ralph M. Brown Act.

Unless excused by the City Council, the City Administrator and the City Attorney shall be present during closed sessions.

No member of the City Council, employee of the City, or any other person present during a closed session of the Council shall disclose to any person the content or substance of any discussion that took place during the closed session, unless the City Council authorizes the disclosure of the information by majority vote.

E. ATTENDANCE

Councilmembers are expected to attend all meetings of the City Council, If a Councilmember is absent without permission from all regular City Council meetings for 60 days consecutively from the last regular meeting attended, the office of said Councilmember becomes vacant and shall be filled as any other vacancy.

F. QUORUM

Three members of the Council shall constitute a quorum and shall be sufficient to transact regular business. If less than three Councilmembers appear at a regular meeting, any member, or if all members are absent, the City Clerk, shall adjourn the meeting to a stated day and hour. The Clerk shall cause a written notice of the adjournment to be delivered personally to each Councilmember at least three hours before the adjourned meeting,

II. AGENDA

A. PREPARATION OF THE AGENDA

An agenda shall be prepared for each regular meeting containing the specific items of business to be transacted and the order thereof. Items of business may be placed on the agenda by any Councilmember, the City Administrator, or the City Attorney. Agenda items

shall be delivered to the City Administrator not later than 5:00 P.M. on the Wednesday preceding the regular meeting. After reviewing and approving all agenda items prepared by staff, the City Administrator shall deliver the items to the City Clerk The Clerk shall thereafter prepare the agenda under the direction of the City Administrator. Whenever feasible each item on the agenda shall contain a staff recommendation and the specific action requested to be taken by the Council. The agenda, together with all reports pertaining thereto, shall be delivered to the Councilmembers on the Thursday evening preceding the regular meeting. The agenda shall be made available to the public as soon as practicable and shall be posted no later than 72 hours prior to the time set for the regular meeting in accordance with California Government Code, Section 54954.2. Except as otherwise provided in said Section, no matters other than those listed on the agenda shall be finally acted upon by the Council,

B. ORDER OF BUSINESS

At the time set for each regular meeting, the Councilmembers, City Clerk, City Administrator, City Attorney and such department heads as have been requested to be present, shall take their regular places in the Council Chamber. The Mayor shall call the meeting to order and the business of the Council shall be taken up for consideration and disposition in the order set forth in Section C, except that with consent of a majority of the Council, items may be taken up out of order.

C. AGENDA CONTENTS

1. Invocation:

The Mayor shall provide for an invocation whenever practicable.

2. Approval of Minutes:

The Council shall consider the correction, if necessary, and the approval of the minutes of the last meeting. A full reading of the minutes shall not be required unless requested by a majority of the Council.

3. Approval of Expenditures:

A copy of the current warrant register shall be furnished to each Councilmember with the agenda. The Council shall consider the correction, if necessary, and the approval of the current payroll register and current check register.

4. Public hearings:

The Council shall conduct all public hearings in accordance with the provisions of Section X.

5. Legislative Matters:

The Council shall consider the introduction and adoption of ordinance and the adoption of resolutions.

The agenda shall contain the title headings and shall normally be conducted in the order and manner as set forth below:

* * *

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

CLOSED SESSION

ORAL COMMUNICATIONS

CONSENT CALENDAR

NOTICE TO THE PUBLIC

All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is required, that item will be removed from the Consent Calendar and will be considered separately. Vote may be by roll call.

a. Approval of minutes

b. Approval of warrant resolutions

c. Authorization to call for bids

d. Approval of final tract maps and acceptance of dedications

e. Claims against the City

f. Fiscal year budget appropriations/adjustments

g. Resolutions of appreciation/proclamations

h. Setting date for public hearing

i. Award of bids/acceptance of proposals/agreements/contracts

j. Adoption of ordinances after introduction, unless public hearing is required

k. Miscellaneous

PUBLIC HEARINGS

RESOLUTIONS

ORDINANCES

a. For adoption, when public hearing is required

b. For introduction

UNFINISHED BUSINESS

NEW BUSINESS

WRITTEN COMMUNICATIONS

REPORTS

a. Mayor

b. Council

c. City Administrator

ADJOURNMENT

* * *

6. Unfinished Business:

The Council shall consider items of business, requiring minute action, previously under consideration at a meeting within one year of the present meeting and which have been either (a) continued to the present meeting; or (b) tabled or postponed indefinitely and now requested placed on the agenda by a majority of the Council.

7. New Business:

The Council shall consider items of business, requiring minute action, which have not been considered at a meeting of the Council within one year of the present meeting.

8. Communications:

The Council shall receive and consider all written communications and receive all oral communications from the public. The agenda shall list all written communications requiring Council action including a brief synopsis of the contents thereof. All written and oral communications shall be subject to the provisions of Section IV.

9. Council Requests:

The Council shall receive all requests of individual Councilmembers for investigation and reports by the City staff, commissions, boards and committees regarding any proper matters of municipal business. Said requests shall be received without the necessity of the specific item or request appearing on the agenda; provided however, that no action shall be taken other than referring the matter for an investigation and report.

10. Adjournment:

The meeting shall be adjourned after a motion to adjourn has been made and carried.

III. PRESIDING OFFICER

A. MAYOR TO PRESIDE

The Mayor shall be the presiding officer at all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tempore shall preside. In the absence of both the Mayor and Mayor Pro Tempore, the City Clerk shall call the Council to order, whereupon a temporary Presiding Officer shall be elected by the Councilmember present to serve until the arrival of the Mayor or Mayor Pro Tempore or until adjournment.

B. POWERS AND DUTIES OF PRESIDING OFFICER

1. Participation:

The Presiding Officer may move, second, debate, and vote from the Chair. The Presiding Officer shall not be deprived of any of the rights and/or privileges of a Councilmember by reason of holding the position of Presiding Officer.

2. Questions to be stated:

The Presiding Officer or such member of the City Staff as he or she may designate may verbally restate each question immediately prior to calling for the vote. Following the vote the Presiding Officer shall announce whether the question carried or was defeated. It is within the discretion of the Presiding Officer to publicly explain the effect of a vote for the audience, or to direct a member of the City staff to do so, before proceeding to the next item of business.

3. Maintaining Order and Decorum:

The Presiding Officer shall be responsible for the maintenance of order and decorum at all meetings. The Presiding Officer shall decide all questions of order, subject, however, to an appeal to the Council.

4. Signing of Documents:

The Presiding Officer shall sign all ordinances, resolutions, contracts, and other documents necessitating his or her signature and which were adopted in his or her presence, unless the Presiding Officer is unavailable, in which case an alternate Presiding Officer may sign such documents.

5. Appointment of Committees:

The Mayor may, subject to the advance approval of the Council, appoint such committees of Councilmembers, City staff, and private citizens or a combination thereof as is deemed necessary and expedient to assist and advise the Council in its work.

6. Sworn Testimony:

The Presiding Officer may require any person addressing the City Council to be sworn as a witness and to testify under oath, and the Presiding Officer shall so require if directed to do so by a majority vote of the Council.

IV. ADDRESSING THE COUNCIL

A. WRITTEN CORRESPONDENCE

The City Administrator is authorized to receive and open all mail addressed to the City Council and to give it immediate attention to the end that all administrative business referred

to in said communications and not necessarily requiring Council action may be disposed of between Council meetings; provided, that all communications and any action taken pursuant thereto shall be reported to the City Council. Any communication requiring Council action shall be placed upon the agenda for the next regular meeting together with a report and recommendation by the City staff. All correspondence shall be answered or acknowledged as soon as practicable.

B. RIGHT TO ADDRESS COUNCIL

Subject to the provision of Section I V-C, D and E, every taxpayer, resident, or interested person of the City shall have the absolute right to address the Council during consideration of items under the following headings of business:

1. Public Hearings:

Interested persons or their authorized representatives may address the Council, while a matter is open to public hearing, in regard to remarks or questions relevant to the matter under consideration.

2. Communications:

Taxpayers or residents of the City or their authorized representatives, may address the Council by oral communication on any matter concerning municipal business over which the Council has influence or control.

In addition to the absolute right to address the Council during consideration of the above item heading of business, any interested person may request permission from the Presiding Officer to address the Council relevant to the subject matter under consideration. Such request should, whenever practicable, be made prior to a motion being made on the subject. The granting or denial of such a request by the Presiding Officer may be appealed to the City Council by a member of the Council.

C. MANNER OF ADDRESSING COUNCIL

Any person desiring to address the Council shall stand and wait to be recognized by the Presiding Officer, and after being recognized, shall proceed to the microphone, be requested (but not required) to state their name and address for record, and proceed to

address the Council. All remarks and questions shall be addressed to the Council as a whole and not to any member thereof. No question shall be asked a Councilmember or a member of the City staff without first obtaining permission of the Presiding Officer.

D. TIME LIMITATION

Every person addressing the Council shall limit their address to five (5) minutes, unless further time is granted by the Presiding Officer, subject to appeal decided by a majority of the Council. When any group of persons wishes to address the Council on the same subject matter, it shall be proper for the Presiding Officer to request the group to designate a spokesperson so as to avoid unnecessary repetition.

E. IMPROPER REMARKS

Any person making any impertinent, slanderous, or profane remark, who becomes boisterous, or who engages in any other disorderly conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of a meeting while addressing the Council shall be called to order by the Presiding Officer, who within his or her discretion may order the person barred from further audience before the Council during that meeting.

V. DEBATE AND DECORUM

A. GETTING THE FLOOR

Every Councilmember desiring to speak shall first address the Chair, gain recognition by the Presiding Officer, and shall confine himself or herself to the question under debate, avoiding personalities and indecorous language.

B. QUESTIONS TO STAFF

Every Councilmember desiring to question the City staff shall, after recognition by the Presiding Officer, address the question to the City Administrator, the City Clerk, or the City Attorney. In the case of the City Administrator, he or she may designate another member of City staff to respond to the question.

C. INTERRUPTIONS

A Councilmember, once recognized, shall not be interrupted when speaking unless called to order by the Presiding Officer, unless a point of order or personal privilege is raised

by another Councilmember, or unless the speaker chooses to yield to a question by another Councilmember. If a Councilmember, while speaking, is called to order, the Councilmember shall cease speaking until the question of order is determined and, if determined to be in order, may proceed. Members of the City staff, after recognition by the Presiding Officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

D. POINTS OF ORDER

The Presiding Officer shall determine all points of order subject to the right of any Councilmember to appeal to the Council. The Presiding Officer may request an opinion of the City Attorney in making such determination. If an appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" Council decision shall conclusively determine such question of order.

E. POINT OF PERSONAL PRIVILEGE

The right of a Councilmember to address the Council on a question of personal privilege shall be limited to cases in which the integrity, character or motives of the Councilmember are questioned, or where the welfare of the Council is concerned. A Councilmember raising a point of personal privilege may interrupt another Councilmember who has the floor, subject only to the power of the Presiding Officer to call him or her out of order.

F. REMARKS OF COUNCILMEMBERS AND SYNOPSIS OF DEBATE

Any Councilmember shall have the right of having an abstract of their statement and/or synopsis of the debate on any subject under consideration by the Council entered in the minutes. Such right shall be exercised by specific direction to the City Clerk at the Council meeting.

G. DECORUM AND ORDER, COUNCIL AND CITY STAFF

While the Council is in session, the Councilmembers and City Staff shall preserve order and decorum. A Councilmember shall neither by conversation or otherwise delay or

interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the directives of the Presiding Officer.

H. DECORUM AND ORDER, AUDIENCE

Public members attending Council meetings shall observe the same rules of order and decorum applicable to the Council and staff. Any person making an impertinent, slanderous, or profane remark, who becomes boisterous, or who engages in any other disorderly conduct that disrupts, disturbs, or otherwise impedes orderly conduct while addressing the Council or while attending the Council meeting may be removed from the room, if the sergeant-at-arms is so directed by the Presiding Officer, and such person may be barred from further audience before the Council during that meeting. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations that disrupt, disturb, or otherwise impede orderly conduct shall not be permitted by the Presiding Officer, who within his or her discretion may direct the sergeant-at-arms to remove such offenders from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the Presiding Officer or a member of the Council.

I. ENFORCEMENT OF DECORUM

The Chief of Police , or such member of the Police Department as the Chief may designate, shall be Sergeant-at-Arms of the City Council and shall attend meetings at the request of the Presiding Officer, City Administrator, or City Council. The Sergeant-at-Arms shall be available to respond to all meetings immediately upon call, and shall carry out all orders given by the Presiding Officer or Council for the purpose of maintaining order and decorum at the Council meetings. Any Councilmember may move to require the Presiding Officer to enforce the rules and the affirmative vote of a majority of the Councilmembers present shall require him or her to do so.

J. FAILURE TO OBSERVE RULES OF ORDER

Rules adopted to expedite the transaction of the business of the Council in an orderly fashion are deemed to be procedural only and the failure to strictly observe such rules shall

not affect the jurisdiction of the Council or invalidate any action taken at a meeting that is otherwise held in conformity with law,

VI. MOTIONS

A. PRESENTATION OF MOTIONS

A motion is the formal statement of a proposal or question to the Council for consideration and action. Every Councilmember has the right to present a motion.

B. SECOND REQUIRED

A second to a motion is required.

C. PRECEDENCE OF MOTIONS

When a main motion is before the Council, no motion shall be entertained.

1. The following exceptions shall have precedence, one over the other, in the following order:
   - (a) Adjourn
   - (b) Recess
   - (c) Postpone temporarily or definitely (table)
   - (d) Limit or extend debate
   - (e) Refer to committee or staff
   - (f) Amend
   - (g) Postpone indefinitely
2. The above order of preference is subject to the following restrictions:
   - (a) A motion shall not be repeated without intervening business or discussion.
   - (b) A motion shall not be in order when the previous questions has been ordered.
   - (c) A motion shall not be in order while a vote is being taken.

D. PARTICULAR MOTIONS, PURPOSE AND CRITERIA

The purpose and salient criteria of the above listed motions are as follows:

1. Motion to Adjourn

(a) Purpose: To terminate a meeting.

(b) A motion to adjourn is not debatable or amendable, except that a motion to adjourn to another time is debatable and amendable as to the time to which the meeting is to be adjourned.

2. Motion to Recess

(a) Purpose: To permit an interlude in the meeting and to set a definite time for continuing the meeting.

(b) A motion to recess is debatable and amendable, but any such debate or amendment is limited to the duration of the recess.

3. Motion to Postpone Temporarily

(a) Purpose: To set aside, on a temporary basis, a pending main motion, provided that it may be taken up again for consideration during the current meting or at the next regular meeting. It is also referred as a motion to table.

4. Motion for Previous Question

(a) Purpose: To prevent or stop discussion on the pending question or questions and to bring such question or questions to vote immediately. If the motion fails, discussion shall continue. If the motion passes, a vote shall be taken on the pending motion or motions.

(b) A motion for the previous question is not debatable or amendable.

5. Motion to Limit or Extend Debate

(a) Purpose: To limit or determine the time that will be devoted to discussion of a pending motion or to extend or remove limitations already imposed on its discussion.

(b) A motion to limit or extend debate is not debatable, but is amendable solely as to the period of time of the proposed limit or extension.

6. Motion to Refer to Committee or Staff

(a) Purpose: To refer the question before the Council to a committee or to the City staff for the purpose of investigating or studying the proposal and to make a report back to the Council. If the motion fails, discussion or vote on the question resumes.

(b) A motion to refer to committee or staff is both debatable and amendable.

7. Motion to Amend

(a) Purpose: To modify or change a motion that is being considered by the council so that it will express more satisfactorily the will of the members. If the motion fails, discussion or vote on the main motion resumes. If the motion passes, then the main motion should be voted on as amended.

(b) A motion to amend is debatable unless applied to an undebatable main motion. A motion to amend is amendable.

8. Motion to Postpone Indefinitely

(a) Purpose: To prevent further discussion and voting on the main motion.

(b) If the motion fails, discussion and voting on the main motion resumes. If the motion passes, the subject of the main motion shall not be brought up again for the remainder of the meeting.

9. Main Motion

(a) Purpose: The primary proposal or question before the Council for discussion and decision.

(b) The main motion is both debatable and amendable.

VII. VOTING

A. VOTING PROCEDURE

When any motion is in order for the question, a vote thereon shall be taken by voice or roll call and entered in full upon the record. Motions may be passed by a simple majority of the members present at a properly quorumed meeting (2 votes sufficient if only 3 members present); provided, however, that the following matters shall always require three affirmative votes, except as otherwise required by law:

1. Adoption of Ordinances;
2. Adoption of Resolutions; and
3. Orders for payment of money.

A roll call vote shall be used for the above enactments. All other motions shall not require a roll call vote unless demanded by a Councilmember before the negative has been put. It shall not be in order for members to explain their vote during the roll call.

B. CHANGE OF VOTE

A member may change his or her own vote only if a timely request to do so is made immediately following the announcement of the vote and prior to the time that the next item in the order of business is taken up. A Councilmember who publicly announces that he or she is abstaining from voting on a particular matter subject to a public hearing, and as a result does not participate in a significant portion of such hearing, may not subsequently withdraw his or her abstention.

C. FAILURE TO VOTE

Every member should vote unless disqualified for cause accepted by vote of the Council or by opinion of the City Attorney. Self-disqualification, without approval, which results in a tie vote shall be avoided as thwarting Council action,, but any Councilmember who abstains shall in effect consent to the action taken by the majority. Tie votes shall be lost motions and may be reconsidered.

D. CONFLICT OF INTEREST

Any Councilmember who has a direct personal financial interest in any matter coming before the City Council shall disclose said interest and shall disqualify himself or herself from discussing or voting on said matter. Where it is not clear whether such interest is of a disqualifying nature, the Councilmember shall state the facts of the matter to the City Attorney and request an opinion thereon prior to the meeting. A Councilmember who is disqualified by reason of a conflict in interest in any matter, other than on a consent calendar item that is voted upon along with the remainder of the consent calendar, may not remain in his/her seat during the debate and vote on the matter, but shall request and be given the permission of the Presiding Officer to step down from the council table and leave the Council Chamber. A Councilmember stating disqualification shall not be counted as a part of a quorum and shall be considered absent for the purpose of determining the outcome of a vote on the matter.

E. RECONSIDERATION AND RESCISSION OF PRIOR ACTION

After motion and vote by the Council, such action may be reconsidered or rescinded only in the following manner:

1. Reconsideration.

A motion to set aside or reconsider a vote on a main motion shall always be in order at the same meeting. The motion to reconsider is amendable and debatable. Such motion can be made by any Councilmember regardless of how that member previously voted on the matter. If the motion to reconsider passes, the effect thereof is to overrule and cancel the prior action.

2. Rescission.

A motion to rescind (repeal, cancel, nullify) prior Council action on a main motion shall be in order at any meeting of the Council. The effect of rescinding prior Council action shall operate prospectively only and not retroactively to the date of the original action. That is, it shall not operate to adversely affect intervening legal rights which create an estoppel situation.

3. Lost Motions.

A lost motion is one that fails to receive the necessary number of votes to carry. Tie votes result in lost motion. Lost motions may be renewed at any subsequent Council meeting. To revive a lost motion at the same meeting, the proper action is a motion to reconsider, discussed above.

VIII. MINUTES

A. PREPARATION OF MINUTES

The minutes shall consist of a clear and concise statement of each and every Council action, including the motions made and the vote thereon. Reasons for making a motion or voting, Council debate, and audience reaction are generally irrelevant for purposes of the minutes. Such items may be included if considered to be particularly relevant or otherwise necessary, by the City Clerk in the first instance and by the Council in the final Instance. The City Clerk shall have exclusive responsibility for preparation of the minutes, and any directions for changes in the minutes shall be made only by action of the City Council.

B. MINUTES OF HEARINGS

Whenever the Council acts in a quasi-judicial proceeding, such as hearings as defined in Section X, the minutes shall contain a synopsis of all evidence considered in the hearing, including statements of persons addressing the Council.

C. READING OF MINUTES

Unless the reading of the minutes of a Council meeting is ordered by a majority vote of the Council, such minutes may be approved without reading if the City Clerk has previously furnished each Councilmember with a copy.

IX. ORDINANCES, RESOLUTIONS, AND CONTRACTS

A. PREPARATION OF ORDINANCES, RESOLUTIONS, AND CONTRACTS

1. Ordinances

All ordinances shall be framed by the City Attorney and shall be presented to the Council only when ordered by the Mayor or any member of the Council, requested by the City Administrator, or initiated and prepared by the City Attorney.

2. Resolutions

It shall be considered best practice to have all resolutions prepared by the City Attorney. However, resolutions may be prepared for submission by any individual, group or organization. In matters of urgency, a resolution may be presented verbally in motion form together with instructions for written preparation for later execution.

3. Contracts

All contracts shall be prepared or approved by the City Attorney and shall be presented to Council only when ordered by the Council, or submitted by the Mayor, City Administrator, or City Attorney.

B. PRIOR APPROVAL BY ADMINISTRATIVE STAFF

All ordinances, resolutions, and contract documents shall before presentation to the Council, have been approved as to form and legality by the City Attorney and shall have been examined and approved for administration by the City Administrator or such authorized, representative as the latter may designate, where there are substantive matters of administration involved.

C. ENACTMENT OF ORDINANCES

1. Introduction

Ordinances shall be introduced for first reading by motion. When ordinances, other than urgency ordinances, are altered after introduction, they shall be reintroduced for a new first reading. Corrections or typographical or clerical errors shall not be considered alterations.

2. Adoption

Ordinances shall be adopted (second reading) by motion and roll call vote. Ordinances shall not be adopted within five (5) days of their introduction, nor at other than a regular or adjourned regular meeting.

3. Reading

Except when, after reading the title, further reading is waived by regular motion adopted by majority vote of the Councilmembers present, all ordinances shall be read in full either at the time of introduction or passage.

4. Urgency Ordinance

An urgency ordinance is an ordinance for the immediate preservation of the public peace, health or safety of the City. It may be passed immediately upon introduction and either at a regular or special meeting. It must declare the facts constituting the urgency and it shall be passed by four affirmative votes.

5. Publication

Within 15 days after its adoption, the City Clerk shall cause each ordinance, or a synopsis thereof, to be published at least once in a newspaper of general circulation circulated in the city, except that when a synopsis is published, it shall be published twice.

6. Effective Date

An ordinance takes effect 30 days after its adoption, except for the following ordinances which shall take effect immediately upon adoption:

(a) Relating to an election;

(b) For the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the City Council;

(c) Relating to street improvement proceedings;

(d) Relating to taxes for the usual and current expenses of the City; or

(e) Covered by particular provisions of law prescribing the manner of its passage and adoption.

D. ADOPTION OF RESOLUTIONS

Resolutions may be adopted by motion on the date they are first presented to the Council. It is not required that resolutions be read, either in full or by title only.

X. HEARINGS

A. APPLICATIONS AND DEFINITION

The following procedural rules shall apply to all hearings before the City Council. As used herein, the term "hearing" shall include all public hearings required by state law or proceedings for the revocation, suspension or reinstatement of permits, licenses and franchises.

B. RIGHTS OF INTERESTED PERSONS

On the date and at the time and place designated in the notice, the Council shall afford any interested person or their authorized representative, or both, the opportunity to present documentary evidence, to present statements, arguments, or contentions orally and/or in writing, subject to the rules on addressing the Council and rules hereinafter stated.

The Presiding Officer shall first ask the City Administrator, or other staff members if so designated by the City Administrator, to explain the item which is the subject of the hearing. Thereafter the Presiding Officer shall invite the applicant, if any, to make a presentation to the Council. Following this, members of the public shall be invited to speak on the item.

Anyone wishing to speak shall be requested, but not required, to complete an appearance card and present it to the City Clerk before speaking. On the card, the individual may record his or her name and address and indicate that she or she wants to speak at the public hearing (vis-a-vis the "Oral Communications" section of the agenda). On the appearance card the individual shall note whether he or she will be speaking "for" or "against" the item. The Presiding Officer shall call first all of those wishing to speak "for" the item in the order that their cards were received. Then the Presiding Officer shall call those wishing to speak "against" the item in the order that their cards were received. Finally, the applicant shall be offered the opportunity for rebuttal. All comments will be limited to five (5) minutes duration.

C. PRESENTATION OF EVIDENCE

1. Oral Evidence

All oral statements which are relevant to the subject matter of the hearing may be considered by the Council. Oral evidence may be taken on oath or affirmation, at the request of any interested party or their authorized representative.

2. Exhibits and Documents

Exhibits and documents used by the city staff and any persons participating in the hearing may be considered as evidence.

3. Communication and Petitions

All communications and petitions concerning the subject matter of the hearing shall be read aloud either in full or by synopsis thereof, provided that a reading in full shall be had at the request of any Councilmember. All such communications and petitions may be considered as evidence by the Council.

4. Staff Reports

Whenever practicable, a written staff report shall be prepared and verbally summarized as part of the staff presentation. Said report shall be considered as evidence.

5. Large Maps and Displays

Large size maps and displays presented for use at the hearing shall, whenever practicable, be displayed in full view of the participants and the audience. Said maps or displays, or authentic reductions thereof, may be considered as evidence.

6. Admissible Evidence

The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to reply in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a decision unless it would be admissible over objection in civil actions. The rules of privilege

shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

D. EVIDENCE OUTSIDE THE HEARING

Any evidence taken outside the council chambers such as field trips, views of the premises and discussions with individuals, shall not be considered by the Council in reaching its decision except under the following circumstances:

1. When, during the hearing, the meeting is adjourned to a date, place and time certain for the specific purpose of taking visual or demonstrative evidence, such evidence may be considered; or

2. With the consent, either written or oral, of all interested persons, or their authorized representatives, appearing at the hearing; individual Councilmembers may take visual or demonstrative evidence outside the council chambers, provided, that the hearing shall be continued to a date and time certain and upon reconvening in chambers, each Councilmember shall orally report their observations of such outside evidence taken, and said Councilmember shall be subject to examination thereon by any interested person or their authorized representative.

3. All outside discussions between Councilmembers and individuals relating to the subject matter of the hearing shall be publicly disclosed.

E. CONTINUANCES

Any hearing being held, or noticed or ordered to be held by the Council may, by minute action, be continued to any subsequent regular or adjourned meeting of the Council, provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order on notice of hearing, a copy of the order or notice of continuance shall be posted outside the council chambers forthwith following the meeting at which the order of continuance was made.

Section 3. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 23rd day of June, 2015.

Deborah Robertson, Mayor, City of Rialto

ATTEST:

Barbara A. McGee, City Clerk

APPROVED AS TO FORM:

Fred Galante, City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss.
CITY OF RIALTO)

I, Barbara A. McGee, City Clerk of the City of Rialto, DO HEREBY CERTIFY that he foregoing Resolution No. **6773** was duly passed and adopted at a regular meeting of the City Council of the city of Rialto held on the 23rd day of June, 2015.

Upon motion of Council Member Scott, seconded by Council Member Baca Jr. the foregoing Resolution No. **6773** was duly passed and adopted.

VOTE ON THE MOTION

AYES: Mayor Robertson, Council Members: Baca Jr., and Scott

NOES: Council Members: Palmer and O'Connell

ABSENT: None

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal o the City of Rialto this 14th day of July, 2015.

Barbara A. McGee, City Clerk

RESOLUTION NO. 2021-68

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA, ESTABLISHING THE CITY'S ADMINISTRATIVE POLICY REGARDING THE PROCEDURE FOR ELECTED OFFICIALS TO PLACE ITEMS ON THE CITY COUNCIL MEETING AGENDA

WHEREAS, the City of San Bernardino is a Charter City operating under a Council-Manager form of government;

WHEREAS, the City Charter is the document adopted by voters that defines the organization, powers, functions and essential procedures of the city government and the Municipal Code contains the local laws and regulations adopted by the Mayor and City Council that establish zoning and development standards, traffic regulations, administrative standards and the like;

WHEREAS, in addition to the City Charter and Municipal Code, it is important for the City to implement policies and procedures that establish the controls needed to ensure that City employees and elected and appointed officials are able to operate under a clear set of guidelines that align with the laws and regulations that govern the City; and

WHEREAS, on February 3, 2021, the City Council provided conceptual support for the development of a comprehensive administrative policy manual to ensure that City employees and elected and appointed officials are operating under a clear set of guidelines that govern the City.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. *The City of San Bernardino Administrative Policy – Procedure for Elected Officials to Place Items on the City Council Meeting Agenda*, attached hereto and incorporated herein as Exhibit A, is hereby approved.

SECTION 3. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 4. Effective Date. This Resolution shall become effective immediately.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 7th day of April, 2021.

John Valdivia, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

pp.

Sonia Carvalho, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2021-68, adopted at a regular meeting held on the 7th day of April, 2021 by the following vote:

Council Members:	**AYES**	**NAYS**	**ABSTAIN**	**ABSENT**
SANCHEZ	X			
IBARRA	X			
FIGUEROA	X			
SHORETT	X			
REYNOSO	X			
CALVIN	X			
ALEXANDER	X			

WITNESS my hand and official seal of the City of San Bernardino this 8th day of April, 2021.

Genoveva Rocha, CMC, City Clerk

City of San Bernardino
Administrative Policy Manual

Subject: **Procedure for Elected Officials to Place Items on the City Council Meeting Agenda**

Purpose: To provide a procedure to allow items to be placed on the agenda for consideration at the request of the Mayor or an individual Council Member in accordance with the City's Charter, Municipal Code and applicable resolutions.

Authority: Article II, Section 200 of the City Charter
Article IV, Section 401 of the City Charter
Section 2.02.060 of the Municipal Code
Resolution No.: 2021-68

Policy:

1) The City of San Bernardino is a Council-Manager form of Government *(Article II, Section 200 of the City Charter entitled "Form of Government").* As such, the City Manager shall be the chief executive officer of the City, responsible to the Council for the management of all City affairs placed in the City Manager's charge by or under the Charter *(Article IV, Section 401 of the City Charter entitled "City Manager-Powers and Duties").*

2) The City Manager shall determine the items and order of such items on the City Council Meeting agendas, subject to direction from the Mayor and City Council. The City Manager shall include any agenda item requested by the presiding officer of the City Council for discussion and further direction from a majority of the City Council *(Section 2.02.060 A. of the City's Municipal Code entitled "Duties of the City Manager").*

3) Each City Council agenda will include a section entitled "Items to be Considered for Future Meetings." This section is to list requests for items to be considered at <u>future</u> Council meetings. If a majority of Council Members approve the request, then the item, with completed staff work, will be brought forward at a <u>future</u> Council meeting (*Resolution No. 2021-68).*

4) In order to include on the City Council agenda a request for consideration to add an item to a future agenda, the Mayor or individual Council Member must notify the City Manager by the Monday of the week in which the agenda will be posted for example:

Example: An item to be considered for the April 21, 2021 Council meeting needed to be provided to the City Manager by Monday April 12, 2021.

The item to be considered will include a brief title/description and the name of the requestor. The only action that will be taken will be to provide direction to the City Manager to commence staff work and to bring the item back for the Mayor and City Council to take formal action at a future meeting *(Resolution No. 2021-68).*

5) To ensure that time and resources are available for regular business items, and to allow time for staff to complete required staff work related to requested items, elected officials will endeavor to limit requests to one item per elected official each meeting *(Resolution No. 2021-68).*

6) Requested item will not be placed on a future agenda, and staff work will not commence, without concurrence from the majority of the members of the City Council *(Resolution No. 2021-68; Section 2.02.060 A. of the City's Municipal Code entitled "Duties of the City Manager").*

City of Yucaipa

CODE OF CONDUCT FOR

CITY COUNCIL

May 2019

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CODE OF CONDUCT FOR CITY COUNCIL

"Always do right. This will gratify some people and astonish the rest. "
-.Mark Twain

INTRODUCTION

This Code of Conduct is designed to describe the manner in which Council Members should treat one another. City staff, constituents, and others they come into contact with in representing the City of Yucaipa. As elected representatives of the citizens of the City of Yucaipa, it is essential that each Council Member's behavior be consistent with the level of responsibilities and duties of governance entrusted to them by the people of the City of Yucaipa.

The constant and consistent theme throughout of the Code of Conduct is "respect." Council Members experience tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Council Members to do the right thing in even the most difficult situations. Such respect is the cornerstone of civility.

The overall principles and guidelines contained in this Code of Conduct also describe the manner in which the City Treasurer, City Clerk, Commissioners, Committee members and Boardmembers are expected to treat one another, City staff, and all others they come into contact with in representing the City of Yucaipa.

OVERVIEW OF ROLES AND RESPONSIBILITIES

MAYOR

- Serves at the pleasure of the City Council
- Acts as the official head of the City for all ceremonial purposes
- Chairs City Council meetings and as otherwise authorized by the Council
- Calls for special meetings
- Recognized as spokesperson for the City Council
- Selects substitute for City representation when Mayor cannot attend
- Makes Council Member assignments to Council subcommittees and regional boards and committees through consultation with other members
- Makes judgment calls on which proclamations to give

- Leads the Council into an effective, cohesive working team
- Signs documents on behalf of the City of Yucaipa
- Serves as official delegate of the City to the Leagues of California Cities, National League of cities and other events and conferences

MAYOR PRO TEM

- Serves at the pleasure of the City Council
- Performs the duties of the Mayor if the Mayor IS absent or disabled
- Chairs City Council meetings in the absence of the Mayor
- Represents the City at ceremonial functions at the request of the Mayor

ALL COUNCIL MEMBERS

All members of the City Council, including those serving as Mayor and Mayor Pro Tern, have equal votes. No Council Member has more power than any other Council Member and all should be treated and treat each other with civility and respect.

All Council Members shall:

- Demonstrate honesty, integrity, and civility in every action and statement
- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others
- Prepare in advance of Council meetings and be familiar with issues on the agenda. Make a reasonable effort to meet with staff before meetings to receive answers to questions regarding the agenda
- Represent the City at ceremonial functions at the request of the Mayor
- Place activities and events on the Council's weekly activities calendar that invite official participation of all Council Members
- Be respectful of other people's time. Stay focused and act efficiently during public meetings
- Serve as a model of leadership and civility to the community
- Inspire public confidence in Yucaipa City government
- Provide contact information to the City Manager's Executive Assistant in case an emergency or urgent situation arises while the Council Member is out of town
- Participate in scheduled activities to increase team effectiveness

MEETING CHAIR

The Mayor will chair official meetings of the City Council, unless the Mayor Pro Tem or another Council Member is designated as Chair of a specific meeting. The Chair of meetings:

- Maintains order, decorum, and the fair and equitable treatment of all speakers
- Keeps discussion and questions focused on the specific agenda Item under consideration
- Makes parliamentary rulings with advice, if requested, from the City Attorney who acts as an advisory parliamentarian. Chair rulings may be overturned if a Council Member makes a motion as an individual and the majority of Council votes to overrule the Chair.

POLICIES AND PROTOCOL RELATED TO CONDUCT

AGENDA ITEMS

The Mayor and Mayor Pro Tem, in consultation with the City Manager, shall determine agenda items for City Council Meetings. However, to ensure all Council Member views are represented, study session agendas contain a section titled "Council Member Reports/ Requests". In addition to their reports, this portion of the meeting allows any Council Member to request an agenda item for a future meeting, and allows the City Council to have a short discussion on the request (but not on the substance of the item). Any request must include an explanation of the issue and the goal of the proposed Council discussion. If at least one other Council Member indicates support for the request at that time, then the item shall be placed on a future agenda. Upon support for the request, the Council will provide direction to staff on information that is desired to be presented when the item is placed on a future agenda. Additionally, with the advice of the City Manager and City Attorney, the Council will provide direction to staff on the type of meeting (regular or special) and the type of session (closed, study, or general) at which the item will be considered. The Mayor and Mayor Pro Tem shall schedule the item no later than 45 days following the request, unless the Council Member who requested the item consents to it being placed on the agenda of a later meeting.

CEREMONIAL EVENTS

City staff will handle requests for a City representative at ceremonial events. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another representative from the Council. If yes, then the Mayor Pro Tern will be asked to serve as a substitute; if the Mayor Pro Tem is unavailable, the request will to go another member of the Council. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to individual Council Members at their homes are presumed to be for unofficial, personal consideration, unless otherwise indicated, and the individual is expected to represent the City of Yucaipa in a formal capacity.

ENDORSEMENT OF CANDIDATES

Council Members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meeting or other official City meetings.

LEGISLATIVE PROCESS

The City follows parliamentary procedure for the management of meetings using guidelines adopted by Resolution No. 2014-065 on October 7, 2014.

PUBLIC COMMENT ON AGENDA AND NON-AGENDA ITEMS

During a designated period of the agenda, the public may comment on any item of interest that is within the subject matter jurisdiction of the Council. As a general rule, a speaker will be limited to five minutes.

The City Manager will respond, as deemed appropriate, to comments related to items on the meeting's agenda. In compliance with the Brown Act, the City Council may not take action or discuss any item that does not appear on the Council meeting agenda.

PUBLIC INQUIRIES

City staff will prepare official letters in response to public inquires and concerns, as appropriate. These letters will carry the signature of the Mayor unless the Mayor requests that another Council Member or City staff sign them. If correspondence is addressed only to one Council Member that Council Member should generally check with staff on the best way to respond to the sender. In the event a Council Member, as an elected representative, feels compelled to express an opinion a matter, i t shall be with the express understanding and stated as such, that it is their personal opinion and does not many way represent that of the City Council. Nor, under any circumstances, should a Council Member state or attempt to represent the opinion of the City Council or of another Council Member.

Council Members may receive public inquires via email and may choose to respond directly v i a e m a i l . All such correspondence is considered a public record and should be treated as such. As w ith official letter responses to public inquires, to a Council Member feels compelled to express an opinion on a matter, it shall be with the express understanding, and stated as such, that it is a personal opinion and does not m any way represent that of the City Council.

PUBLIC HEARING MEETING PROTOCOL

The applicant or appellant shall have the right to speak first after staff presentation regarding the item being appealed. The Chair will determine the length of time allowed for this presentation. Speakers representing either pro or con points of view will be allowed to follow. The Chair will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated five minutes with applicants and appellants, or their designed representatives, allowed more time. If many speakers are anticipated, the Chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers. No speaker will be turned away unless he/she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Chair reopens the public hearing for a limited and specific purpose.

The applicant or appellant will be allowed to make closing comments. The Chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly and/or accommodate extenuating circumstances.

Established protocol dictates that Council Members do not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. "I think" and "I feel" comments by Council Members are not appropriate until after the close of the public hearing. To maintain proper public decorum it is important that Council Members refrain from arguing or debating with the public during a public hearing and always show respect for different points of view.

Main motions may be followed by amendments, followed by substitute motions. Any Council Member can call for a point of order. Only Council Members who voted on the prevailing side may make motions to reconsider. Council Members who desire to make the first motion on issues that they feel strongly about should discuss their intention with the Chair in advance of the Council meeting.

COUNCIL CONDUCT WITH ONE ANOTHER

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal respectfully acknowledge this potential diversity of opinion and viewpoint even as Council may "agree to disagree" on contentious issues.

IN PUBLIC MEETINGS

- Use of formal titles

  The Council should generally refer to one another formally during public meetings as Mayor, Mayor Pro Tem or Council Member followed by the individual's last name

- Practice civility and decorum in discussions and debate

  Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not, however, grant the right for Council Members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening and otherwise disruptive can be tolerated. Disruptive behavior, at the direction of the Council, can result in expulsion from theproceedings.

- Honor the role of the Chair in maintaining order

  It is the responsibility of the Chair to keep the comments of Council Members on track during public meetings. Council Members should honor efforts by the Chair to focus discussion on current agenda Items. If there is a disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedures adopted on October 7, 2014. Differences of opinion of what constitutes appropriate versus inappropriate shall be resolved by consensus of the full Council at an appropriate time.

- Avoid personal comments that may offend other Council Members

If a Council Member is personally offended by the remarks of another Council Member, the offended Council Member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council Member to justify or apologize for the language used. The Chair will maintain control of the discussion.

- Demonstrate effective problem-solving approaches

  Council Members have a public stage to show how individuals with different points of view can find common ground and seek a compromise that benefits the community as a whole.

IN PRIVATE ENCOUNTERS

- Continue respectful behavior in private

  The same level of respect and consideration in differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

  Be aware that the insecurity of written notes, voicemail messages, and email technology allows words written or said without much forethought to be distributed wide and far. It could create unpleasant consequences and cause embarrassment. Written notes, voicemail messages and email should be treated as potentially "public" communication and part of the public record.

- Even private conversations can have a public presence

  Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted. Council Members must behave at all times in a manner reflective of the trust placed in them by the public.

COUNCIL CONDUCT WITH CITY STAFF

Every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community. The City of Yucaipa is a general law city governed by the council/manager form of government. The City Council, with the assistance of its advisory commissions and boards, makes policies and fundamental governmental decisions; the City Manager is charged with implementing those policies and decisions and administering the day-to-day affairs of the City with the assistance of his/her staff. The City Council has direct authority over the City Manager and the City Attorney; all other employees of the City are under the direct authority of the City Manager. Following this hierarchy is important to the success of the basic structure and to maintaining positive and effective working relationships between the City Council and employees, and will prevent any confusion and/or inefficiency associated with potentially contradictory direction.

- Treat all staff as professionals

  Clear, honest communication that respects the abilities, experience and dignity of each individual is expected. Poor behavior toward staff is improper, disrespectful and, as such, inappropriate and unacceptable.

- Limit contact to specific City staff

  Questions of City staff and/or requests for additional information or services should be directed only to the City Manager. If, in the opinion of the City Manager the request makes sense and requires little staff time and/or resources, the City Manager can direct the appropriate department to fulfill the request.

- Do not disrupt City staff from their Jobs

  To maintain efficiency in daily activities, it is important that Council Members not disrupt City staff while they are in meetings, on the telephone, or engrossed in performing their job functions in order to have their individual needs met.

- Respect City staffs time

  Given ongoing fiscal constraints and limited staff and Council time, individual Council Members should minimize memos and maximize face-to-face interaction with other Council Members or staff.

  In this respect, individual Council Members should schedule meeting with their counterparts, the City Manager, or department directors, depending on the issue to be discussed. As a matter of courtesy and mutual respect, Council Members and staff should keep their scheduled meetings or call in advance to cancel or reschedule.

- Requests for information

  All Council Members will receive the same material and information to make legislative and other policy decisions and all requests for information should be made to the City Manager to ensure consistency.

  If a Council Member requests research on an issue, staff shall provide such research if it does not require extensive time to research the issue. The City Manager shall determine if the research is "extensive" or not. If the issue is complex and requires extensive staff time, the request must be approved by the City Council.

  If a Council Member needs to review a document maintained in the City's records system, upon request to the City Manager, staff will retrieve the requested document. The City Manager is legally responsible for the management and retention of City records, and only staff is authorized to retrieve information from the records system.

  Because of the associated costs, individual Council Members shall not make direct contact to City or Agency consultants or outside legal counsel requesting information, research or service. Any request should be directed to the City Manager for compliance.

  Confidential private financial statements are not provided to individual Council Members or the Council as a whole without the concurrence of the City Attorney.

- Never publicly criticize an individual employee

  Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.

- Do not get involved in administrative functions

  To prevent raising concerns of misdeeds, or questionable motives, Council Members must not attempt to influence City staff on the making of appointments, awarding of contracts, selection of consultants, processing of development applications, or granting of City licenses and permits.

- Check with City staff on correspondence before taking action

  To prevent conflicting statements or duplications, before sending correspondence, Council Members shall check with City staff to see if an official City response has already been sent or is in progress. Typically the Mayor, through consultation with staff, should respond to communications addressed to the entire Council. When it is unclear whether a correspondence is to an individual Council Member or the City Council as a whole, Council Members should consult with the Mayor or staff to determine the appropriate response.

- Council Members correctly feel their presence at public meetings demonstrates an interested in the issue, however, it can also leave the public with an impression of the Council Member's position on the issue that may or may not be correct. Even if the Council Member does not say anything, the Council Member's presence can impact the meeting by implying support, showing partiality, intimidating staff, and hampering staff's ability to do their job objectively. This should be avoided because when the item does come before the City Council, Council Members' deliberative process may have produced a different outcome, which may be viewed as the Council Member misleading the public.

- Council Members may wish to explain that they are not able to render an opinion on an issue that will likely come before the full City Council until they are able to receive all of the information and hear all of the testimony presented at the City Council Meeting. Staff will always provide the public with this explanation of why the City Council is not present at the meeting.

- Requests for additional staff support

  Requests for additional staff support, even in high priority or emergency situations, should be made to the City Manager or Assistant City Manager, or designated representative who is responsible for allocating City resources in order to maintain a professional, well-run City government.

- Do not solicit political support from staff

  Council Members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support lists, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates, but all such activities must be conducted away from the workplace.

COUNCIL CONDUCT WITH THE PUBLIC

IN PUBLIC MEETINGS

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Council Members toward an individual participating m a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- Be welcoming to speakers and treat them with care and respect

  Remember that most people who address the Council are not professional speakers and are not accustomed to speaking in public, and even those that are may be intimidated by the situation.

- Be fair and equitable in allocating public hearing time to individual speakers

  Public hearings provide the opportunity for the public to provide comment and feedback to the Council on issues that are of importance to them, and sometimes these comments can cause the meeting to go much longer than anticipated. However, each member of the public who wishes to speak should be given equal consideration and attention, and not rushed. But each speaker is expected to stay within the allocated time.

- Actively listen

  Listening is a critically important skill. In the interest of courtesy and decorum, Council Members should listen patiently to various opinions from all quarters. It can be disconcerting to speakers to have Council Members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time, or gazing around the room gives the appearance of disinterest and may unintentionally offend the speaker. As public official it's important to be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

- Ask for clarification, but it's important to avoid debate and argument with the public

  Only the Chair – not individual Council Members – can interrupt a speaker during a presentation. However, a can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior language the Council Member finds disturbing.

  If speakers become flustered or defensive by Council questions, it is the responsibility of the Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Council Members to members of the public testifying should seek to clarify or expand information. It is never appropriate for elected officials to belligerently challenge or belittle a speaker. Council Members personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

- No personal attacks of any kind, are appropriate under any Circumstance

  Council Members should be aware that their body language and tone of voice may appear to be intimidating or aggressive to some speakers.

- Follow adopted parliamentary procedure in conducting public meetings

  The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Chair, subject to an appeal by the full Council.

IN UNOFFICIAL SETTINGS

- Make no promises on behalf of the Council

  No individual Council Member has the authority to represent or make commitments on behalf of the City Council. Council Members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, remove a street tree, plant new flowers in the median, etc.).

- Make no personal comments about other Council Members

  It is acceptable to publicly disagree about an Issue, but it is unacceptable to make derogatory comments about other Council Members, their opinions and actions. Doing so may undermine confidence in and respect for the City Council as a body.

  Remember that Yucaipa is a small town at heart. Council Members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City. Honesty and respect for the dignity of each individual should be reflected in the words and actions taken by Council Members. It is a serious and continuous responsibility.

COUNCIL CONDUCT WITH OTHER PUBLIC AGENCIES

- Be clear about representing the City or personal interests

  If a Council Member appears before another governmental agency or organization to give a statement on an Issue, the Council Member must clearly state if his/her statement reflects personal opinion or is the official stance of the City and whether this is the majority or minority opinion of the Council. If the Council Member is representing the City, the Council Member must support and advocate the official City position on an Issue, not a personal viewpoint. If the Council Member is representing another organization whose position is different from the City, the Council Member should withdraw from voting on the Issue If It significantly impacts or is detrimental to the City's interests.

  Council Members should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

- Correspondence also should be equally clear about representation

  City letterhead may be used when the Council Member is representing the City and the City's official position. A copy of the official correspondence should be given to the City Manager's Executive Assistant to be filed in the Council Office as part of the permanent public record.

  It is best that City letterhead not be used for correspondence of Council Members representing a personal point of view, or a dissenting point of view from an official Council position. However, should a Council Member use City letterhead to express a personal opinion, It must be clear to the reader that this is not the official City position.

COUNCIL CONDUCT WITH COMMISSIONS, COMMITTEES AND BOARDS

The City has established commissions, committees and boards as a means of gathering more community input. Citizens who serve as such become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- If attending a commission, committee or board meeting, be careful to only express individual personal opinions

  Council Members may attend any commission, committee, or board meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation, especially if it is on behalf of an individual, business or developer, could be viewed as unfairly affecting the process. Any public comments by a Council Member at a commission, committee or board meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

- Limit contact with commission, committee, or board members to questions of clarification

  It is inappropriate for a Council Member to contact a commission, committee, or board member to lobby on behalf of an individual, business, or developer. It is acceptable for Council Members to contact commission, committee, or board members in order to clarify a position taken by the commission, committee, or board.

- Remember that commissions, committees, and boards serve the community, not individual Council Members

  The City Council appoints individuals to serve on commissions, committees, and boards and it is the responsibility of these groups to follow policy established by the Council. But commission, committee and board members do not report to individual Council Members, nor should Council Members feel they have the power or right to threaten members with removal if they disagree with them about an issue. Appointment and reappointment to a commission, committee, or board is governed by the Municipal Code and should be based on such criteria as expertise, ability to work with staff and the public, commitment to the community and to fulfilling official duties.

- Be respectful of diverse opinions

  A primary role of commissions, committees, and boards is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members may have a closer working relationship with some individuals serving on commissions, committees and boards, but must be fair and respectful of all citizens serving on commissions, committees and boards.

- Keep political support away from public forums

  Commission, committee and board members may offer political support to a Council Member, but not in a public forum while conducting official duties. Conversely, Council Members may support commission, committee or board members who are running for office, but not in an official forum in their capacity as a Council Member.

COUNCIL CONDUCT WITH THE MEDIA

Council Members are frequently contacted by the media or background and quotes.

- The Mayor and the City Manager shall determine the official spokesperson for the City's position on high-profile Issues

  If an individual Council Member is contacted by the media, the Council Member should refer the media to the Mayor or the City Manager and refrain from making statements that would give the appearance of representing the City's position.

- The City Manager or his/her designee shall be the City's spokesperson on routine media inquires

- Remember who you are

  A Council Member must always be aware of his/her role as a policy maker in the organization, and the deference that is afforded you by the public because of your office. Consequently, it is very important to remember not to speculate or venture outside your area of expertise. The public will rely on what they are told by an elected official.

- The best advice for dealing with the media is to never go "off the record"

  Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

- Never say "no comment"

  This statement can easily be misconstrued. If a Council Member does not have the information available, it is best to say so and let the media know when the information will be available and then make certain to follow through.

- Do not be afraid to say "I don't know"

  If a Council Member does not know the answer to a question, it is best to just say so, then find out. It is helpful to ask the media for their deadline and then get back to them on time.

- Don't speculate; avoid hypothetical questions

  A Council Member may choose to raise a case study hypothesis to illustrate a process, but should not be lured into speculating about what has not occurred.

- Be positive, not defensive

- Choose words carefully and cautiously

  Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

- Avoid "never" and "always"

  Opinions may change as additional information is revealed. Absolutes can come home to haunt!

- Do not fill in the silences

  Silences can be a tool used by the media to keep a Council Member talking in hopes of obtaining more information. The only thing that should be said to fill in a silence is the Council Member's own prepared key messages.

- Do not lose your composure

  A Council Member may win the battle, but will always lose the war.

- Do not argue with the media

  Arguing with the media is a no-win situation. A Council Member who is calm and in good temper will also look like a sensible adult. That is a good image to convey. Keep in mind that editing has final control and an argument may be the only thing shown on the evening news.

- Never lie

  It is better not to express an opinion than to fabricate a response that may not be entirely factual, and would tend to mislead the press.

SANCTIONS

PUBLIC DISRUPTION

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

INAPPROPRIATE STAFF BEHAVIOR

City staff members who do not follow proper conduct in their dealings with Council Members, other City staff, or the public will be referred to the City Manager. These employees may be disciplined by the City Manager m accordance w1th City policies and procedures.

COUNCIL MEMBERS BEHAVIOR AND CONDUCT

City Council Members who are alleged to be m violation of State or Fair Political Practices laws or guidelines should be referred to the appropriate agencies.

City Council Members who intentionally and repeatedly do not follow proper conduct as outlined in this Code of Conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the City or with intergovernmental agencies) or have official travel restricted. Serious infractions of the City's Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by Council.

It is the responsibility of the individual Council Member to initiate action if a Council Members behavior may warrant sanction. The alleged violation(s) can be presented to the full Council m a public meeting. If violation of the Code of Ethics or Code of Conduct is outside of the behaviors observed by the Council, then subsequent investigation and potential sanctions should be reviewed and approved by the Council.

PRINCIPLES OF PROPER CONDUCT

PROPER CONDUCT IS...

- Keeping promises
- Being dependable
- Building a solid reputation
- Participating and being available
- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner

PROPER CONDUCT IS NOT

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner

IT ALL COMES DOWN TO RESPECT

- Respect for one another as individuals
- Respect for the validity of different opinions
- Respect for the democratic process
- Respect for the community that we serve

CHECKLIST FOR MONITORING CONDUCT

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense?
- Will it destroy their trust in me?
- Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for?
- Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and understand the views of others?
- Do I question and confront different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

GLOSSARY OF TERMS

Attitude	The manner in which one shows one's dispositions, opinions, and feelings
Behavior	External appearance or action; manner of behaving; carriage of oneself Civility
	Politeness, consideration, courtesy
Conduct	The way one acts; personal behavior politeness connected with kindness
Courtesy	Suitable; proper; good taste in behavior
Decorum	A way of acting; a style, method, or form; the way m which things are done
Manners	An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration
Point of order	A challenge to a speaker to defend or apologize for comments that a fellow
Point of personal privilege	Council Member considers offensive
Propriety	Conforming to acceptable standards of behavior
Protocol	The courtesies that are established as proper and correct

APPENDIX

REVISIONS TO CODE

DATE	SECTION	ACTION
October 2, 2018	**COUNCIL CONDUCT WITH COMMISSIONS, COMMITTEES AND BOARDS**	**Removal of language:** *Inappropriate behavior can lead to removal - Inappropriate behavior by a commission, committee, or board member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council and the individual may be subject to removal from the commission, committee or board.*
January 15, 2019	**POLICIES AND PROTOCOL RELATED TO CONDUCT –** AGENDA ITEMS	**Removal of language:** *Individual Council Members should submit requests, preferably written, for agenda Items to the Mayor for consideration. In the case of a dispute a Council Member may, at a public meeting, request the support of the majority of the Council to place an item on the agenda.* **Addition of language:** *However, to ensure all Council Member views are represented, study session agendas contain a section titled "Council Member Reports/ Requests". In addition to their reports, this portion of the meeting allows any Council Member to request an agenda item for a future meeting, and allows the City Council to have a short discussion on the request (but not on the substance of the item). Any request must include an explanation of the issue and the goal of the proposed Council discussion. If at least one other Council Member indicates support for the request at that time, then the item shall be placed on a future agenda. Upon support for the request, the Council will provide direction to staff on information that is desired to be presented when the item is placed on a future agenda. Additionally, with the advice of the City Manager and City Attorney, the Council will provide direction to staff on the type of meeting (regular or special) and the type of session (closed, study, or general) at which the item will be considered. The Mayor and Mayor Pro Tem shall schedule the item no later than 45 days following the request, unless the Council Member who requested the item consents to it being placed on the agenda of a later meeting.*

Print

San Bernardino County, CA Code of Ordinances

DIVISION 2: DEPARTMENTS, OFFICES AND COMMISSIONS

CHAPTER 1: BOARD OF SUPERVISORS

Section

12.0101 Rules Applicable to Meetings.

12.0102 Supervisorial Districts.

12.0103 Non-interference.

§ 12.0101 Rules Applicable to Meetings.

Rule 1. Regular Meetings. Regular meetings of the Board of Supervisors of the County of San Bernardino shall generally be held on Tuesdays at 9:00 a.m. Meetings will not be held on Tuesdays when the preceding Monday is a legal holiday. All meeting dates shall be determined by an annual meeting calendar, as adopted and amended by the Board of Supervisors each year.

(Ord. 974, passed - -1961; Am. Ord. 2211, passed - -1977; Am. Ord. 2557, passed - -1981; Am. Ord. 2613, passed - -1982; Am. Ord. 2714, passed - -1982; Am. Ord. 3944, passed - -2005)

Rule 2. Meeting Place. Regular meetings of the Board of Supervisors of the County of San Bernardino shall be held in the Covington chamber of the Board of Supervisors in the County Government Center, 385 North Arrowhead Avenue, First Floor, City of San Bernardino, County of San Bernardino, State of California, unless the annual meeting calendar as adopted or amended identifies another location within the County for a particular regular meeting. Closed sessions shall be held in the Magda Lawson Room of the County Government Center, unless another location is designated by the Chairperson of the Board. When a closed session is scheduled, the regular meeting of the Board of Supervisors shall be convened in the Magda Lawson Room, and adjourned to the Covington chamber following the closed session.

(Ord. 2211, passed - -1977; Am. Ord. 2557, passed - -1981; Am. Ord. 3944, passed - -2005)

Rule 3. Order of Business. The regular order of business of the Board shall be:

(a) Closed session;

(b) Invocation;

(c) Pledge of allegiance to the flag;

(d) Agenda of the Board;

(e) Adjournment.

(Am. Ord. 3536, passed - -1993; Am. Ord. 3576, passed - -1994; Am. Ord. 3580, passed - -1994; Am. Ord. 3606, passed - -1995; Am. Ord. 3944, passed - -2005)

Rule 4. Chairperson and Vice-Chairperson. A Chairperson and a Vice-Chairperson shall be elected at the first regular meeting of the Board of Supervisors in each odd-numbered calendar year, and shall hold office for two-year terms and until their successors are elected. The Chairperson of the Board shall preserve order and decorum and shall decide questions of order subject to appeal to the Board. In the Chairperson's absence, the Vice-Chairperson shall act as Chairperson. If both the Chairperson and Vice-Chairperson are absent, the Board shall elect an acting Chairperson for that meeting. All documents approved by the Board which require signature shall be signed by the Chairperson, or in his or her absence the Vice-Chairperson, or by such other person designated by the Board or allowed by law.

(Am. Ord. 3944, passed - -2005)

Rule 5. Questions of Law. All questions of law shall be referred by the Board to the County Counsel for opinion. All contracts and proposed ordinances shall be referred to the County Counsel for approval as to form.

(Am. Ord. 3944, passed - -2005)

Rule 6. Preparation of Agenda and Fair Statement. An agenda shall be prepared by the Clerk of the Board of Supervisors for each meeting of the Board and shall contain a brief general description of each item of business to be transacted or discussed at the meeting. The agenda shall specify the time and location of the regular meeting and shall be posted at least 72 hours before the meeting in a location that is freely accessible to members of the public. All proposed agenda items shall be approved for placement on the agenda by the County Administrative Officer, the Chairperson of the Board of Supervisors, or their designees, before being placed on the agenda by the Clerk of the Board. Notwithstanding the foregoing, any member of the Board of Supervisors or his or her designee may place an item on the agenda after presenting that item to the Chairperson and the County Administrative Officer or their designees. The Clerk of the Board shall prepare a fair statement of proceedings of meetings of the Board of Supervisors.

(Am. Ord. 3944, passed - -2005)

Rule 7. Agenda Procedure. Except as otherwise provided herein, any matter to be presented to or acted upon by the Board of Supervisors at a regular meeting must be filed in the Office of the Clerk of the Board of Supervisors not later than 5:00 p.m. Tuesday preceding the Tuesday meeting. Unless so filed the matter will not be considered by the Board of Supervisors until the next succeeding meeting of the Board; provided, however, with the consent of the Chairperson, the County Administrative Officer, or their designees, a matter may be placed on the agenda at any time prior to 72 hours before the regular meeting. No action shall be taken on any item not appearing on the posted agenda; provided, however, the Board may take action on items of business not appearing on the posted agenda under any of the following conditions:

(a) Upon determination by a majority vote of the Board that an emergency situation exists, as defined in Government Code § 54956.5;

(b) Upon a determination by a two-thirds vote of the Board, or, if less than two-thirds of the Board members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the responsible County staff subsequent to the posting of the agenda;

(c) The item was posted on the agenda for a prior meeting of the Board occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(Am. Ord. 3944, passed - -2005)

Rule 8. Referrals. Any matter coming before the Board may, if deemed necessary, be referred to the officer or department concerned therewith.

(Am. Ord. 3944, passed - -2005)

Rule 9. Reconsideration. At the same meeting or at the meeting succeeding that at which a final vote on any question has been taken, said vote may be reconsidered on the motion of any member of the Board, if notice of intention to move such reconsideration has been given at the meeting at which such final vote was taken by a member voting with the majority.

(Am. Ord. 3944, passed - -2005)

Rule 10. Addressing the Board. Any member of the public may address the Board: (1) on an agenda item before or during the Board's consideration of the item, and (2) on any matter not on the agenda that is within the subject matter jurisdiction of the Board at the time provided on the agenda for public comment, provided the person submits a completed request to speak form to the Clerk of the Board or his or her designee prior to the time the Chairperson calls the item for the Board's consideration. The person wishing to address the Board shall, when recognized by the Chairperson of the Board, step up to the rostrum and announce his or her name and address. The Chairperson shall, in the interest of facilitating the business of the Board, limit the amount of time which a member of the public may use in addressing the Board to three minutes total on the consent calendar and to three minutes on each discussion item, unless the Chairperson, or a majority of the Board determines that a different limit is appropriate. In addition, the Chairperson shall, in the interest of facilitating the business of the Board, limit the total amount of time which a member of the public may use in addressing the Board on all agenda items to 12 minutes, unless the Chairperson, or majority of the Board, determines that a different limit is appropriate.

(Am. Ord. 3944, passed - -2005)

Rule 11. Disruptive Conduct—Removal from Chambers. In the event that any meeting of the Board is willfully disrupted by a person or by a group or groups of persons so as to render the orderly conduct of the meeting impossible, the Chairperson may recess the meeting or order the person, group or groups of persons willfully disrupting the meeting to leave the meeting or be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner.

(Am. Ord. 3944, passed - -2005)

Rule 12. Sergeant-at-Arms. The Board of Supervisors shall designate a sergeant-at-arms of the Board who shall attend meetings at the request of the Chairperson of the Board. The sergeant-at-arms shall be available to respond to all meetings immediately upon call. The sergeant-at-arms shall carry out all instructions given by the Chairperson or Acting Chairperson for the purpose of maintaining order and providing security at the Board meetings.

(Am. Ord. 3944, passed - -2005)

Rule 13. Committees. The Board of Supervisors shall appoint such standing and special committees as it may deem necessary.

Rule 14. Waiver of Rules. Any of the within rules not required by law may be waived by the Chairperson of the Board or by a majority of the members of the Board.

Rule 15. Open Meetings. All meetings of the Board of Supervisors shall be open and public, and all persons shall be permitted to attend any meeting of the Board, except as otherwise provided herein.

Rule 16. Closed Sessions. The Board may hold closed sessions as provided by law.

Rule 17. Adjourned Meetings. The Board of Supervisors may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the Clerk of the Board may declare the meeting adjourned to a stated time and place, and the Clerk of the Board shall cause a written notice of the adjournment to be given in the same manner as provided herein for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the Chambers or placed where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided herein, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

Rule 18. Special Meetings. A special meeting may be called at any time by the Chairperson of the Board, or by a majority of the members of the Board, by delivering personally or by mail written notice to each member of the Board and to each newspaper of general circulation, radio or television station requesting notice in writing. Such notice shall be delivered personally or by mail and shall be received at least 24 hours before the time of the meeting as specified in the notice.

The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Board. The written notice may be dispensed with as to any member of the Board who at, or prior to, the time the meeting convenes files with the Clerk of the Board a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member of the Board who was actually present at the meeting at the time it convenes. The call and notice of the special meeting shall be posted at least 24 hours prior to the meeting in a location that is freely accessible to members of the public.

Rule 19. Emergency Meetings. In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with either the 24-hour notice requirements or the 24-hour posting requirement of Rule 18. For purposes of this rule, ***EMERGENCY SITUATION*** means any of the following:

(a) Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the Board;

(b) Crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the Board.

However, each local newspaper of general circulation or radio or television station which has requested notice of special meetings pursuant to Rule 18 shall be notified by the Chairperson of the Board, or the Chairperson's designee, one hour prior to the emergency meeting by telephone and all telephone numbers provided in the most recent request of such newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements of this rule shall be deemed waived, and the Board, or its designee, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

The Board shall not meet in closed session during a meeting called pursuant to this rule.

All special meeting requirements, as prescribed in Rule 18, shall be applicable to a meeting called pursuant to this rule, with the exception of the 24-hour notice requirement.

The minutes of a meeting called pursuant to this rule, a list of persons who the Chairperson of the Board, or the Chairperson's designee, notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for a minimum of ten days in a public place as soon after the meeting as possible.

(Am. Ord. 3885, passed - -2003; Am. Ord. 3944, passed - -2005)

§ 12.0102 Supervisorial Districts.

(a) The Supervisorial Districts of the County of San Bernardino shall be that territory in the County of San Bernardino, State of California, within those boundaries described as follows:

(1) *First Supervisorial District*. Beginning at the intersection of the San Bernardino County line with the north line of Section 7, Township 2 North, Range 7 West, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 7 and north line of Sections 8, 9, 10, 11, 12, Township 2 North, Range 7 West, San Bernardino Baseline and Meridian to the east Range line of said Township and Range;

Thence continuing Easterly along the north line of Sections 7, 8, 9, 10, 11, 12, Township 2 North, Range 6 West, San Bernardino Baseline and Meridian to the east Range line of said Township and Range;

Thence continuing Easterly along the north line of Sections 7, 8, 9, 10, 11, 12, Township 2 North, Range 5 West, San Bernardino Baseline and Meridian to the east Range line of said Township and Range;

Thence continuing Easterly along the north line of Sections 7, 8, 9, 10, 11, 12, Township 2 North, Range 4 West, San Bernardino Baseline and Meridian to the east Range line of said Township and Range;

Thence continuing Easterly along the north line of Sections 7, 8, 9, 10, 11, 12, Township 2 North, Range 3 West, San Bernardino Baseline and Meridian to the east Range line of said Township and Range;

Thence continuing Easterly along the north line of Sections 7, 8, 9, 10, 11, 12, Township 2 North, Range 2 West, San Bernardino Baseline and Meridian to the east Range line of said Township and Range;

Thence Northerly along the east line of Section 1, Township 2 North, Range 2 West, San Bernardino Baseline and Meridian to the northeast corner of said Section 1;

Thence Northerly along the east line of Sections 36, 25, Township 3 North, Range 2 West, San Bernardino Baseline and Meridian to the northeast corner of said Section 25;

Thence Westerly along the north line of said Section 25 and Sections 26, 27, Township 3 North, Range 2 West, San Bernardino Baseline and Meridian to the southeast corner of Section 21, Township 3 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Northerly along the east line of said Section 21 and Sections 16, 9, 4, Township 3 North, Range 2 West, San Bernardino Baseline and Meridian to the south line of Township 4 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Easterly along said south line of Township 4 North, Range 2 West, to the south quarter corner of Section 34, Township 4 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Northerly along the west line of the east half of Sections 34, 27, 22, 15, 19, 3, Township 4 North, Range 2 West, San Bernardino Baseline and Meridian to the south line of Township 5 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Easterly along the south line of said Township 5 North, Range 2 West, San Bernardino Baseline and Meridian to the southwest corner of Section 36, Township 5 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Northerly along the west line of said Section 36 and Section 25, Township 5 North, Range 2 West, San Bernardino Baseline and Meridian to the northwest corner of said Section 25;

Thence Easterly along the north line of said Section 25, to the south quarter corner of Section 24, Township 5 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Northerly along the west line of the southeast quarter of said Section 24 to the center quarter corner of said Section 24;

Thence Easterly along the north line of said southeast quarter of Section 24, to the west Range line of Township 5 North, Range 1 West, San Bernardino Baseline and Meridian;

Thence Northerly along said west Range line of Township 5 North, Range 1 West, to the northwest corner of said Township 5 North, Range 1 West, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Township 5 North, Range 1 West, to the southeast corner of Township 6 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Northerly along the east line of said Township 6 North, Range 2 West, to the southeast corner of Township 7 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Westerly along the south line of Section 36, Township 7 North, Range 2 West, San Bernardino Baseline and Meridian to the southwest corner of said Section 36;

Thence Northerly along the west line of said Section 36 and Sections 25, 24, 13, 12, 1, Township 7 North, Range 2 West, San Bernardino Baseline and Meridian to the northwest corner of said Section 1;

Thence Easterly along the north line of said Section 1 to the southwest corner of Township 8 North, Range 1 West, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the south line of Sections 31, 32, Township 8 North, Range 1 West, San Bernardino Baseline and Meridian to the southeast corner of said Section 32;

Thence Northerly along the east line of said Section 32 to the northeast corner of said Section 32;

Thence Westerly along the north line of said Section 32 to the apparent centerline of State Route 247;

Thence leaving said north line of Section 32, Township 8 North, Range 1 West, San Bernardino Baseline and Meridian Northwesterly along said centerline of State Route 247, through its various courses to the south line of Section 7, Township 8 North, Range 1 West, San Bernardino Baseline and Meridian;

Thence leaving said centerline Westerly along said south line of Section 7 to the southeast corner of Section 12, Township 8 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Northerly along the east line of said Section 12 to the northeast corner of said Section 12;

Thence Westerly along the north line of said Section 12 to the southwest corner of Section 2, Township 8 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Northerly along the east line of said Section 2 to the northeast corner of said Section 2;

Thence Westerly along the north line of said Section 2 and Section 3, Township 8 North, Range 2 West, San Bernardino Baseline and Meridian to the Barstow city limits;

Thence leaving the north line of said Section 3, Southerly and Westerly along the said Barstow city limits, through its various courses to the west line of said Section 3;

Thence leaving said Barstow city limits Southerly along the west line of said Section 3 to the southeast corner of Section 4, Township 8 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Westerly along the south line of said Section 4 and Sections 5, 6, Township 8 North, Range 2 West, San Bernardino Baseline and Meridian to the west Range line of Township 8 North, Range 3 West, San Bernardino Baseline and Meridian;

Thence continuing Westerly along the south line of Sections 1, 2, Township 8 North, Range 3 West, San Bernardino Baseline and Meridian to the southeast corner of Section 3, Township 8 North, Range 3 West, San Bernardino Baseline and Meridian;

Thence Northerly along the east line of said Section 3 to the south line of Township 9 North, Range 3 West, San Bernardino Baseline and Meridian;

Thence continuing Northerly along the east line of Section 34, Township 8 North, Range 3 West, San Bernardino Baseline and Meridian to the northeast corner of said Section 34;

Thence Westerly along the north line of said Section 34 to the northerly Right-of-Way line of the Atchison Topeka and Santa Fe Railroad;

Thence leaving said north line of Section 34, Township 9 North, Range 3 West, San Bernardino Baseline and Meridian Northeasterly along said northerly Right-of-Way to the east line of the northwest quarter of Section 24, Township 9 North, Range 3 West, San Bernardino Baseline and Meridian, said point also being the Barstow city limits;

Thence Westerly, Northerly, Easterly and Southerly along said Barstow city limits through its various courses, and continuing along said city limits to the west quarter corner of Section 29, Township 9 North, Range 1 East, San Bernardino Baseline and Meridian;

Thence leaving said Barstow city limits, Southerly along the west line of said Section 29 to the southwest corner of said Section 29;

Thence Easterly along the south line of said Section 29 and Sections 28, 27, 26, 25, Township 9 North, Range 1 East, San Bernardino Baseline and Meridian to the west Range line of Township 9 North, Range 2 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the south line of Sections 30, 29, Township 9 North, Range 2 East, San Bernardino Baseline and Meridian to the southwest corner of Section 28, Township 9 North, Range 2 East, San Bernardino Baseline and Meridian;

Thence Northerly along the west line of Section 28, Township 9 North, Range 2 East, San Bernardino Baseline and Meridian to the apparent centerline of Interstate 40;

Thence leaving said west line of Section 28 Easterly along the said centerline of Interstate 40 to the east line of said Section 28;

Thence leaving said centerline Southerly along said east line of Section 28 to the northwest corner of Section 34, Township 9 North, Range 2 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 34 to the northeast corner of said Section 34;

Thence Southerly along the east line of said Section 34 to the north line of Township 8 North, Range 2 East, San Bernardino Baseline and Meridian;

Thence Southerly along the west line of Sections 2, 11, 14, Township 8 North, Range 2 East, San Bernardino Baseline and Meridian to the northwest corner of said Section 23, Township 8 North, Range 2 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 23 and Section 24, Township 8 North, Range 2 East, San Bernardino Baseline and Meridian to the west Range line of Township 8 North, Range 3 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Sections 19, 20, 21, 22, 23, 24, Township 8 North, Range 3 East, San Bernardino Baseline and Meridian to the west Range line of Township 8 North, Range 4 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Sections 19, 20, 21, 22, 23, 24, Township 8 North, Range 4 East, San Bernardino Baseline and Meridian to the west Range line of Township 8 North, Range 5 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Section 19, Township 8 North, Range 5 East, San Bernardino Baseline and Meridian to the northeast corner of said Section 19;

Thence Southerly along the east line of said Section 19 to the northwest corner of Section 29, Township 8 North, Range 5 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 29 to the northeast corner of said Section 29;

Thence Southerly along the east line of said Section 29 to the northwest corner of Section 33, Township 8 North, Range 5 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 33 to the northeast corner of said Section 33;

Thence Southerly along the east line of said Section 33 to the north line of Township 7 North, Range 5 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of Sections 3, 2, 1, to the northwest corner of Township 7 North, Range 6 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Sections 6, 5, 4, Township 7 North, Range 6 East, San Bernardino Baseline and Meridian to the northeast corner of said Section 4;

Thence Southerly along the east line of said Section 4 to the northwest corner of Section 10, Township 7 North, Range 6 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 10 to the northeast corner of said Section 10;

Thence Southerly along the east line of said Section 10 and Section 15, Township 7 North, Range 6 East, San Bernardino Baseline and Meridian to the northwest corner of Section 23, Township 7 North, Range 6 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 23 and Section 24, Township 7 North, Range 6 East, San Bernardino Baseline and Meridian to the west Range line of Township 7 North, Range 7 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Sections 19, 20, 21, 22, 23, Township 7 North, Range 7 East, San Bernardino Baseline and Meridian to the northeast corner of said Section 23;

Thence Southerly along the east line of said Section 23 and Sections 26, 35, to the north line of Township 6 North, Range 7 East, San Bernardino Baseline and Meridian;

Thence continuing Southerly along the east line of Sections 2, 11, 14, Township 6 North, Range 7 East, San Bernardino Baseline and Meridian to the northwest corner of Section 24, Township 6 North, Range 7 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 24 to the west Range line of Township 6 North, Range 8 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Sections 19, 20, 21, 22, 23, 24, Township 6 North, Range 8 East, San Bernardino Baseline and Meridian to the west Range line of Township 6 North, Range 9 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Sections 19, 20, 21, 22, 23, 24, Township 6 North, Range 9 East, San Bernardino Baseline and Meridian to the northeast corner of said Section 24;

Thence Southerly along the east line of said Section 24 and Sections 25, 36, to the north line of Township 5 North, Range 9 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of Section 1, Township 5 North, Range 9 East, San Bernardino Baseline and Meridian to the northwest corner of Township 5 North, Range 10 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Sections 6, 5, 4, 3, 2, 1, Township 5 North, Range 10 East, San Bernardino Baseline and Meridian to the northwest corner of Township 5 North, Range 11 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Section 6, Township 5 North, Range 11 East, San Bernardino Baseline and Meridian to the northeast corner of said Section 6;

Thence Southerly along the east line of said Section 6 to the northwest corner of Section 8, Township 5 North, Range 11 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 8 and Sections 9, 10, Township 5 North, Range 11 East, San Bernardino Baseline and Meridian to the northeast corner of said Section 10;

Thence Southerly along the east line of said Section 10 and Sections 15, 22, 27, 34, Township 5 North, Range 11 East, San Bernardino Baseline and Meridian to the north line of Township 4 North, Range 11 East, San Bernardino Baseline and Meridian;

Thence continuing Southerly along the west line of Sections 2, 11, 14, Township 4 North, Range 11 East, San Bernardino Baseline and Meridian to the northwest corner of Section 23, Township 4 North, Range 11 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 23 and Section 24, Township 4 North, Range 11 East, San Bernardino Baseline and Meridian to the west Range line of Township 4 North, Range 12 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Section 19 to the east line of Parcel 1 described in the Judgment recorded under document number 1992-0204291 in the San Bernardino County Recorder's Office;

Thence leaving said north line of Section 19 Northeasterly along said Parcel 1 described in the said Judgment recorded under document number 1992-0204291, following all of its various courses, and continuing along said Judgment back to said north line of Section 19, Township 4 North, Range 12 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Section 19 to the east line of Parcel 2 described in the Judgment recorded under document number 1992-0204291 in the San Bernardino County Recorder's Office;

Thence leaving said north line of Section 19 Northeasterly along said Parcel 2 described in the Judgment, following all of its various courses, and continuing along said Judgment back to said north line of Section 19, Township 4 North, Range 12 East, San Bernardino Baseline and Meridian;

Thence Easterly along said north line of Section 19 and Sections 20, 21, Township 4 North, Range 11 East, San Bernardino Baseline and Meridian to the north quarter corner of said Section 21;

Thence Southerly along the west line of the east half of said Section 21 to the north quarter corner of Section 28, Township 4 North, Range 12 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 28 to the northeast corner of said Section 28;

Thence Southerly along the east line of said Section 28 and Section 33 to the north line of Township 3 North, Range 12 East, San Bernardino Baseline and Meridian;

Thence continuing Southerly along the east line of Sections 4, 9, 16, 21, 28, 33, Township 3 North, Range 12 East, San Bernardino Baseline and Meridian to the north line of Township 2 North, Range 12 East, San Bernardino Baseline and Meridian;

Thence continuing Southerly along the east line of Sections 4, 9, 16, 21, 28, 33, Township 2 North, Range 12 East, San Bernardino Baseline and Meridian to the north line of Township 1 North, Range 12 East, San Bernardino Baseline and Meridian;

Thence continuing Southerly along the east line of Sections 4, 9, Township 1 North, Range 12 East, San Bernardino Baseline and Meridian to the east quarter corner of said Section 9;

Thence Westerly along the north line of the south half of said Section 9 to the west quarter corner of said Section 9;

Thence Southerly along the west line of said Section 9 and Section 16, Township 1 North, Range 12 East, San Bernardino Baseline and Meridian to the northwest corner of Section 21, Township 1 North, Range 12 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 21 and Sections 22, 23, Township 1 North, Range 12 East, San Bernardino Baseline and Meridian to the northeast corner of said Section 23;

Thence Southerly along the east line of said Section 23 and Sections 26, 35, Township 1 North, Range 12 East, San Bernardino Baseline and Meridian to the north line of Township 1 South, Range 12 East, San Bernardino Baseline and Meridian;

Thence continuing Southerly along the east line of Section 2, Township 1 South, Range 12 East, San Bernardino Baseline and Meridian to the apparent centerline of State Route 62, also known as Twenty-nine Palms Highway;

Thence leaving said east line of Section 2, Easterly along the said centerline of State Route 62, following its various courses, and continuing along said centerline to the San Bernardino County line;

Thence leaving said centerline of State Route 62 Northerly, Easterly along said County line, and continuing along said County line, following all its various courses, to the Point of Beginning.

(2) *Second Supervisorial District*. Beginning at the intersection of the centerline of Etiwanda Avenue with the San Bernardino County line, said intersection also being the common boundary between Ontario and Fontana city limits;

Thence Northerly along said centerline, also being the said common boundary between Ontario and Fontana city limits, following all of its various courses to the intersection of the city limits of Fontana and the centerline of Etiwanda Avenue;

Thence leaving said city limits of Fontana and continuing Northerly along said centerline of Etiwanda Avenue and said Ontario city limits to the centerline of Fourth Street, also known as San Bernardino Avenue, said intersection also being the common boundary between Ontario and Rancho Cucamonga city limits;

Thence Westerly along said centerline of Fourth Street and said common boundary between Ontario and Rancho Cucamonga city limits, following all of its various courses to the centerline line of the Cucamonga flood control channel;

Thence leaving said centerline of Fourth Street and said common boundary between Ontario and Rancho Cucamonga city limits, continuing Northwesterly along said centerline of the Cucamonga flood control channel, following all of its various courses to the centerline of Eighth Street;

Thence Westerly along said centerline of Eighth Street to the common boundary between Ontario and Rancho Cucamonga city limits;

Thence continuing Westerly along said centerline of Eighth Street along the common boundary between Ontario and Rancho Cucamonga city limits following all of its various courses to the centerline of Grove Avenue;

Thence Northerly along said centerline of Grove Avenue and leaving said common boundary between Ontario and Rancho Cucamonga city limits, following all of its various courses to the centerline of Foothill Boulevard;

Thence Westerly along the centerline of said Foothill Boulevard, following all of its various courses to the San Bernardino County line;

Thence Northerly along said County line, and continuing along said County line, following all its various courses, to the intersection of said County line with the north line of Section 7, Township 2 North, Range 7 West, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 7 and north line of Sections 8, 9, 10, 11, 12, Township 2 North, Range 7 West, San Bernardino Baseline and Meridian to the east Range line of said Township and Range;

Thence continuing Easterly along the north line of Sections 7, 8, 9, 10, 11, 12, Township 2 North, Range 6 West, San Bernardino Baseline and Meridian to the east Range line of said Township and Range;

Thence continuing Easterly along the north line of Sections 7, 8, 9, 10, 11, 12, Township 2 North, Range 5 West, San Bernardino Baseline and Meridian to the east Range line of said Township and Range;

Thence continuing Easterly along the north line of Sections 7, 8, 9, 10, 11, 12, Township 2 North, Range 4 West, San Bernardino Baseline and Meridian to the east Range line of said Township and Range;

Thence continuing Easterly along the north line of Sections 7, 8, 9, 10, 11, 12, Township 2 North, Range 3 West, San Bernardino Baseline and Meridian to the east Range line of said Township and Range;

Thence continuing Easterly along the north line of Sections 7, 8, 9, 10, 11, 12, Township 2 North, Range 2 West, San Bernardino Baseline and Meridian to the east Range line of said Township and Range;

Thence continuing Easterly along the north line of Section 7, Township 2 North, Range 1 West, San Bernardino Baseline and Meridian to the northeast corner of said Section;

Thence Southerly along the east line of said Section 7 and the east line of Sections 18, 19, 30, 31, Township 2 North, Range 1 West, San Bernardino Baseline and Meridian to the north Township line of said Township and Range;

Thence continuing Southerly along the east line of Sections 6 and 7, Township 1 North, Range 1 West, San Bernardino Baseline and Meridian, to the southeast corner of said Section 7;

Thence Easterly along the south line of said Section 7 to the west Range line of said Township and Range;

Thence continuing Easterly along the south lines of Sections 12, 11, 10, 9, 8, 7, Township 1 North, Range 2 West, San Bernardino Baseline and Meridian to the west Range line of said Township and Range;

Thence continuing Easterly along the south line of Section 12, Township 1 North, Range 3 West, San Bernardino Baseline and Meridian to the south quarter corner of said Section;

Thence Northerly, leaving said south line of said Section 12, along the east line of the southwest quarter of said Section 12 to the apparent centerline of State Route 330, also known as City Creek Road;

Thence Westerly, leaving the east line of the southwest quarter of said Section 12, along said centerline of State Route 330 following all of its various courses to the east line of the southwest quarter of Section 10, Township 1 North, Range 3 West, San Bernardino Baseline and Meridian;

Thence Northerly, leaving said centerline of State Route 330, along the east line of said southwest quarter of Section 10 to the center quarter corner of said Section;

Thence Westerly along the north line of said southwest quarter of Section 10 to the west quarter corner of said Section;

Thence Northerly along the westerly line of said Section 10 to the northwest corner of said Section;

Thence Easterly along the northerly line of Sections 9, 8, Township 1 North, Range 3 West, San Bernardino Baseline and Meridian to the southwest corner of Section 5 of said Township and Range;

Thence Northerly along said Section 5 to the north line of Township 1 North, Range 3 West, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Township to the southeast corner of Section 31, Township 2 North, Range 3 West, San Bernardino Baseline and Meridian;

Thence Northerly along the east line of said Section to the northeast corner of said Section 31;

Thence Westerly along the north line of said Section 31 to the east Range line of said Township 2 North, Range 4 West, San Bernardino Baseline and Meridian;

Thence continuing Westerly along the north line of Sections 36, 35, 34, Township 2 North, Range 4 West, San Bernardino Baseline and Meridian to the east line of the land described by Quitclaim Deed recorded on September 22, 1994 under document number 1994-0391432, records of the San Bernardino County Recorder's Office;

Thence leaving said north line of said Section 34, Northerly along the east line of said land described in Quitclaim Deed recorded under document number 1994-0391432 to the northeast corner of said land;

Thence Westerly along the north line of said land to the northwest corner of said land;

Thence Southerly along the west line of said land to the southwest corner of said land, said point also being on the north line of said Section 34, Township 2 North, Range 4 West, San Bernardino Baseline and Meridian;

Thence leaving said land described in Quitclaim Deed recorded under document number 1994-0391432, Westerly along the north line of said Section 34 and continuing Westerly along the north line of Sections 33, 32, Township 2 North, Range 4 West, San Bernardino Baseline and Meridian to the north quarter corner of Section 32, Township 2 North, Range 4 West, San Bernardino Baseline and Meridian, said point also being the city limit of the City of San Bernardino;

Thence Westerly along said city limit of the City of San Bernardino and continuing along said city limits, following all of its various courses to the southerly line of Government Lot 5, Section 27, Township 2 North, Range 5 West, San Bernardino Baseline and Meridian, said point also being the most northerly intersection of the said city limits with the northerly line of the Muscupiabe Rancho Line;

Thence leaving said city limit of the City of San Bernardino and continuing Northerly along the said Muscupiabe Rancho Line to the centerline of Deercrest Drive;

Thence leaving said Muscupiabe Rancho Line, Southerly along said centerline of Deercrest Drive, also known as Foothill Street, as shown in the Map of Devore recorded in Book 17, Pages 79 and 80, Book of Maps Records of the County of San Bernardino Recorder's Office to the intersection of the said centerline with the westerly line of Lot 4, Block 16 of said Map of Devore;

Thence leaving said centerline Southerly along the west line of said Lot 4 to the southwest corner of said Lot 4;

Thence Easterly along the south line of said Lot 4 to the centerline of Deercrest Drive as described in Book 4, Page 353, of Road Deeds filed in the County Surveyor's Office, County of San Bernardino;

Thence leaving said Southerly line of said Lot 4, Southerly along the centerline of said Deercrest Drive to the centerline of Grandview Avenue as shown in the said Map of Devore;

Thence Easterly along the said centerline of Grandview Avenue to the east subdivision boundary line of said Map of Devore;

Thence leaving said centerline of Grandview Avenue, Southerly along the said east subdivision boundary line of said Map of Devore to the apparent centerline of Interstate 215;

Thence leaving said east subdivision boundary line of said Map of Devore, Northwesterly along said apparent centerline of Interstate 215 and continuing along said centerline, following all of its various courses to the apparent centerline of Interstate 15;

Thence leaving said apparent centerline of Interstate 215, Southerly along the said apparent centerline of Interstate 15 and continuing along said centerline, following all of its various courses to the centerline of Sierra Avenue;

Thence leaving the said apparent centerline of Interstate 15, Southerly along the centerline of said Sierra Avenue following all of its various courses to the south Right-of-Way line of the Southern Pacific Railroad;

Thence leaving said centerline of Sierra Avenue, Westerly along said south Right-of-Way line to the northeast corner of Parcel 1 as shown in Parcel Map 4474 in Book 41, Page 95 of Parcel Maps records of the County Recorder’s Office of the County of San Bernardino;

Thence leaving said south Right-of-Way, Southerly along the east line of said Parcel 1 and Parcel 2 of said Parcel Map 4474 and continuing Southerly along the prolongation of said east line as shown on said Parcel Map 4474 to the centerline of Boyle Avenue;

Thence leaving said prolonged east line, Easterly along said centerline of Boyle Avenue to the centerline of Juniper Avenue;

Thence leaving said centerline of Boyle Avenue Southerly along said centerline of Juniper Avenue to the centerline of Jurupa Avenue;

Thence leaving said centerline of Juniper Avenue, Easterly along said centerline of Jurupa Avenue to the centerline of Sierra Avenue;

Thence leaving said centerline Jurupa Avenue, Southerly along said centerline of Sierra Avenue to the County line;

Thence leaving said centerline of Sierra Avenue, Westerly along said County line, and continuing along said County line, following all its various courses, to the Point of Beginning.

(3) *Third Supervisorial District*. Beginning at the intersection of the westerly Right-of-Way of Interstate 215 freeway with the southerly line of the San Bernardino County line as it exists in this day of September 16, 2011,

Thence Northerly along said westerly Right-of-Way to the north line of land shown on Record of Survey map recorded in Book 5 of Records of Surveys, Page 58, Records of San Bernardino County Recorder's Office, being a Portion of Section 6, Township 2 South, Range 4 West, San Bernardino Baseline and Meridian;

Thence Easterly along said north line and leaving said Right-of-Way prolonged to the original centerline of La Cadena Drive, also known as Colton Avenue;

Thence leaving said prolonged line Northerly along said centerline of La Cadena Drive to centerline of Barton Road, said point also being the common boundary between Grand Terrace and Colton city limits;

Thence leaving said centerline of La Cadena Drive, Westerly, Northerly, along said common city limits and continuing along said city limits, following all of its various courses to the apparent centerline of the Interstate 215 freeway;

Thence leaving the said common boundary between Grand Terrace and Colton city limits, Northeasterly along said apparent centerline of the Interstate 215 freeway, following all of its various courses to the apparent centerline of the Interstate 10 freeway;

Thence leaving the said apparent centerline of the Interstate 215 freeway, Easterly along the said apparent centerline of the Interstate 10 freeway to the centerline of Mountain View Avenue;

Thence leaving said apparent centerline of the Interstate 10 freeway, Northerly along the centerline of said Mountain View Avenue to the common boundary between the City of San Bernardino and Redlands city limits;

Thence continuing Northerly along said centerline of Mountain View Avenue and said common boundary between the City of San Bernardino and Redlands city limits to the north Right-of-Way of the Santa Ana River;

Thence leaving said centerline of Mountain View Avenue, Easterly along said common city boundary between the City of San Bernardino and Redlands city limits and continuing along said city limits, following all of its various courses to the centerline of Alabama Avenue;

Thence Northerly along said centerline of Alabama Street and said common city boundary between the City of San Bernardino and Redlands city limits to the north limits of the Redlands city limits, said point being also the common city boundary between the City of San Bernardino and Highland city limits;

Thence leaving said Redlands city limits, continuing Northerly along said centerline of Alabama Street and said common city boundary between the City of San Bernardino and Highland city limits to the centerline of Third Street;

Thence Westerly along said centerline of Third Street and said common city boundary between the City of San Bernardino and Highland city limits, following all of its various courses to the centerline of Tippecanoe Avenue;

Thence leaving said City of San Bernardino city limits, Northerly along said centerline of Tippecanoe Avenue and continuing along the Highland city limits to the north line of Lot 5, Jackson's Subdivision, recorded in Book 18 of Maps, Page 77, records of the County of San Bernardino, said point also being the common boundary between the City of San Bernardino and Highland city limits;

Thence continuing Northerly along said centerline of Tippecanoe Avenue and continuing along said common boundary between the City of San Bernardino and Highland city limits to the centerline of Ninth Street;

Thence leaving said common boundary between the City of San Bernardino and Highland city limits, continuing Northerly along said centerline of Tippecanoe Avenue to the centerline of Baseline Street;

Thence leaving said centerline of Tippecanoe Avenue, Westerly along said centerline of Baseline Street to the centerline of Waterman Avenue;

Thence leaving said centerline of Baseline Street Northerly along said centerline of Waterman Avenue to the centerline of Arrowhead Road;

Thence leaving said centerline of Waterman Avenue Northeasterly along the centerline of Arrowhead Road to the north line of Rancho Muscupiabe;

Thence leaving said centerline of Arrowhead Road Southeasterly along said north line of Rancho Muscupiabe to the east line of a 50-foot wide strip of land described in the Judgment and Final Order of Condemnation recorded under document number 1999-0020432 in the San Bernardino County Recorder’s Office;

Thence leaving said north line of Rancho Muscupiabe Northerly along the east line of the said 50-foot wide strip of land described in the Judgment and Final Order of Condemnation recorded under document number 1999-0020432 to the north line of Government Lot 1, Section 14, Township 1 North, Range 4 West, San Bernardino Baseline and Meridian;

Thence leaving said east line of the 50-foot wide strip of land described in the Judgment and Final Order of Condemnation recorded under document number 1999-0020432, Easterly along said north line of Government Lot 1 to the northeast corner of said Government Lot 1, said point also being on the west line of the southeast quarter of the northeast quarter of said Section 14;

Thence leaving said north line of Government Lot 1, Northerly along said west line of the southeast quarter of the northeast quarter of said Section 14 to the southwest corner of the northeast quarter of the northeast quarter of Section 14, Township 1 North, Range 4 West, San Bernardino Baseline and Meridian;

Thence leaving said west line of the southeast quarter of the northeast quarter of said Section 14, continuing Northerly along the west line of said northeast quarter of the northeast quarter of Section 14, to the southwest corner of the east half of the southeast quarter of Section 11, Township 1 North, Range 4 West, San Bernardino Baseline and Meridian;

Thence leaving said west line of the northeast quarter of the northeast quarter of Section 14, Northerly along the west line of said east half of the southeast quarter of Section 11 to a point where the land described in Book 7656, Page 796 of Official Records, recorded in the County of San Bernardino Recorder’s Office on April 29, 1971, intersects the said west line of the east half of the southeast quarter of Section 11;

Thence leaving the west line of said east half of the southeast quarter of Section 11, Northerly along the west line of said land described in Book 7656, Page 796 of Official Records, back to the said west line of the east half of the southeast quarter of Section 11;

Thence leaving the west line of said land described in Book 7656, Page 796 of Official Records, Northerly along said west line of the east half of the southeast quarter of Section 11 to the south line of the northeast quarter of said Section 11;

Thence leaving said west line of the east half of the southeast quarter of Section 11, Westerly along said south line of the northeast quarter of said Section 11 to the center quarter corner of said Section 11;

Thence leaving said south line of the northeast quarter of Section 11, Northerly along the west line of said northeast quarter of Section 11 to the north quarter corner of said Section 11;

Thence leaving said west line of the northeast quarter of Section 11, Westerly along the north line of said Section 11 to the apparent centerline of State Highway 18;

Thence leaving said north line of Section 11, Northerly along said centerline of State Highway 18, and continuing along said centerline, following all its various courses to the north line of Section 34, Township 2 North, Range 4 West;

Thence leaving said centerline of State Highway 18, Easterly along the north line of said Section 34, and continuing Easterly along Sections 35, 36, Township 2 North, Range 4 West, San Bernardino Baseline and Meridian to the west Range line of Township 2 North, Range 3 West, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Section 31, Township 2 North, Range 3 West, San Bernardino Baseline and Meridian to the northeast corner of said Section 31;

Thence Southerly along the east line of said Section 31 to the north line of Township 1 North, Range 3 West, San Bernardino Baseline and Meridian;

Thence Westerly along said north line of Township 1 North, Range 3 West, to the northwest corner of Section 5, Township 1 North, Range 3 West, San Bernardino Baseline and Meridian;

Thence Southerly along the west line of said Section 5 to the southwest corner of said Section 5, said corner also being on the north line of Section 8, Township 1 North, Range 3 West, San Bernardino Baseline and Meridian;

Thence Easterly along said north line of Section 8 and continuing Easterly along Section 9, Township 1 North, Range 3 West, San Bernardino Baseline and Meridian to the northwest corner of Section 10, Township 1 North, Range 3 West, San Bernardino Baseline and Meridian;

Thence Southerly along the west line of said Section 10 to the west quarter corner of said Section 10;

Thence Easterly along the north line of the southwest quarter of said Section 10 to the center quarter corner of said Section 10;

Thence Southerly along the east line of said southwest quarter of Section 10 to the apparent centerline of State Route 330, also known as City Creek Road;

Thence leaving said east line of the southwest quarter of Section 10 Easterly along said centerline of State Route 330 to the east line of the southwest quarter of Section 12, Township 1 North, Range 3 West, San Bernardino Baseline and Meridian;

Thence leaving said centerline of State Route 330, Southerly along said east line of the southwest quarter of Section 12 to the south quarter corner of said Section 12;

Thence Easterly along the southerly line of said Section 12 to the west Range line of Township 1 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the south line of Sections 7, 8, 9, 10, 11, 12, Township 1 North, Range 2 West, San Bernardino Baseline and Meridian to the west Range line of Township 1 North, Range 1 West, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the south line of Section 7, Township 1 North, Range 1 West, San Bernardino Baseline and Meridian to the southeast corner of said Section 7;

Thence Northerly along the east line of said Section 7 and Section 6, Township 1 North, Range 1 West, San Bernardino Baseline and Meridian to the south line of Township 2 North, Range 1 West, San Bernardino Baseline and Meridian;

Thence continuing Northerly along the east line of Sections 31, 30, 19, 18, 7, Township 2 North, Range 1 West, San Bernardino Baseline and Meridian to the northeast corner of said Section 7;

Thence Westerly along the north line of said Section 7 to the east Range line of Township 2 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Northerly along the east line of Section 1, Township 2 North, Range 2 West, San Bernardino Baseline and Meridian to the northeast corner of said Section 1;

Thence Northerly along the east line of Sections 36, 25, Township 3 North, Range 2 West, San Bernardino Baseline and Meridian to the northeast corner of said Section 25;

Thence Westerly along the north line of said Section 25 and Sections 26, 27, Township 3 North, Range 2 West, San Bernardino Baseline and Meridian to the southeast corner of Section 21, Township 3 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Northerly along the east line of said Section 21 and Sections 16, 9, 4, Township 3 North, Range 2 West, San Bernardino Baseline and Meridian to the south line of Township 4 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Easterly along said south line of Township 4 North, Range 2 West, to the south quarter corner of Section 34, Township 4 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Northerly along the west line of the east half of Sections 34, 27, 22, 15, 19, 3, Township 4 North, Range 2 West, San Bernardino Baseline and Meridian to the south line of Township 5 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Easterly along the south line of said Township 5 North, Range 2 West, San Bernardino Baseline and Meridian to the southwest corner of Section 36, Township 5 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Northerly along the west line of said Section 36 and Section 25, Township 5 North, Range 2 West, San Bernardino Baseline and Meridian to the northwest corner of said Section 25;

Thence Easterly along the north line of said Section 25, to the south quarter corner of Section 24, Township 5 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Northerly along the west line of the southeast quarter of said Section 24 to the center quarter corner of said Section 24;

Thence Easterly along the north line of said southeast quarter of Section 24, to the west Range line of Township 5 North, Range 1 West, San Bernardino Baseline and Meridian;

Thence Northerly along said west Range line of Township 5 North, Range 1 West, to the northwest corner of said Township 5 North, Range 1 West, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Township 5 North, Range 1 West, to the southeast corner of Township 6 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Northerly along the east line of said Township 6 North, Range 2 West, to the southeast corner of Township 7 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Westerly along the south line of Section 36, Township 7 North, Range 2 West, San Bernardino Baseline and Meridian to the southwest corner of said Section 36;

Thence Northerly along the west line of said Section 36 and Sections 25, 24, 13, 12, 1, Township 7 North, Range 2 West, San Bernardino Baseline and Meridian to the northwest corner of said Section 1;

Thence Easterly along the north line of said Section 1 to the southwest corner of Township 8 North, Range 1 West, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the south line of Sections 31, 32, Township 8 North, Range 1 West, San Bernardino Baseline and Meridian to the southeast corner of said Section 32;

Thence Northerly along the east line of said Section 32 to the northeast corner of said Section 32;

Thence Westerly along the north line of said Section 32 to the apparent centerline of State Route 247;

Thence leaving said north line of Section 32, Township 8 North, Range 1 West, San Bernardino Baseline and Meridian Northwesterly along said centerline of State Route 247, through its various courses to the south line of Section 7, Township 8 North, Range 1 West, San Bernardino Baseline and Meridian;

Thence leaving said centerline Westerly along said south line of Section 7 to the southeast corner of Section 12, Township 8 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Northerly along the east line of said Section 12 to the northeast corner of said Section 12;

Thence Westerly along the north line of said Section 12 to the southwest corner of Section 2, Township 8 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Northerly along the east line of said Section 2 to the northeast corner of said Section 2;

Thence Westerly along the north line of said Section 2 and Section 3, Township 8 North, Range 2 West, San Bernardino Baseline and Meridian to the Barstow city limits;

Thence leaving the north line of said Section 3, Southerly and Westerly along the said Barstow city limits, through its various courses to the west line of said Section 3;

Thence leaving said Barstow city limits Southerly along the west line of said Section 3 to the southeast corner of Section 4, Township 8 North, Range 2 West, San Bernardino Baseline and Meridian;

Thence Westerly along the south line of said Section 4 and Sections 5, 6, Township 8 North, Range 2 West, San Bernardino Baseline and Meridian to the west Range line of Township 8 North, Range 3 West, San Bernardino Baseline and Meridian;

Thence continuing Westerly along the south line of Sections 1, 2, Township 8 North, Range 3 West, San Bernardino Baseline and Meridian to the southeast corner of Section 3, Township 8 North, Range 3 West, San Bernardino Baseline and Meridian;

Thence Northerly along the east line of said Section 3 to the south line of Township 9 North, Range 3 West, San Bernardino Baseline and Meridian;

Thence continuing Northerly along the east line of Section 34, Township 8 North, Range 3 West, San Bernardino Baseline and Meridian to the northeast corner of said Section 34;

Thence Westerly along the north line of said Section 34 to the northerly Right-of-Way line of the Atchison Topeka and Santa Fe Railroad;

Thence leaving said north line of Section 34, Township 9 North, Range 3 West, San Bernardino Baseline and Meridian Northeasterly along said northerly Right-of-Way to the east line of the northwest quarter of Section 24, Township 9 North, Range 3 West, San Bernardino Baseline and Meridian, said point also being the Barstow city limits;

Thence Westerly, Northerly, Easterly and Southerly along said Barstow city limits through its various courses, and continuing along said city limits to the west quarter corner of Section 29, Township 9 North, Range 1 East, San Bernardino Baseline and Meridian;

Thence leaving said Barstow city limits, Southerly along the west line of said Section 29 to the southwest corner of said Section 29;

Thence Easterly along the south line of said Section 29 and Sections 28, 27, 26, 25, Township 9 North, Range 1 East, San Bernardino Baseline and Meridian to the west Range line of Township 9 North, Range 2 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the south line of Sections 30, 29, Township 9 North, Range 2 East, San Bernardino Baseline and Meridian to the southwest corner of Section 28, Township 9 North, Range 2 East, San Bernardino Baseline and Meridian;

Thence Northerly along the west line of said Section 28, Township 9 North, Range 2 East, San Bernardino Baseline and Meridian to the apparent centerline of Interstate 40;

Thence leaving said west line of Section 28 Easterly along the said centerline of Interstate 40 to the east line of said Section 28;

Thence leaving said centerline Southerly along said east line of Section 28 to the northwest corner of Section 34, Township 9 North, Range 2 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 34 to the northeast corner of said Section 34;

Thence Southerly along the east line of said Section 34 to the north line of Township 8 North, Range 2 East, San Bernardino Baseline and Meridian;

Thence Southerly along the west line of Sections 2, 11, 14, Township 8 North, Range 2 East, San Bernardino Baseline and Meridian to the northwest corner of Section 23, Township 8 North, Range 2 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 23 and Section 24, Township 8 North, Range 2 East, San Bernardino Baseline and Meridian to the west Range line of Township 8 North, Range 3 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Sections 19, 20, 21, 22, 23, 24, Township 8 North, Range 3 East, San Bernardino Baseline and Meridian to the west Range line of Township 8 North, Range 4 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Sections 19, 20, 21, 22, 23, 24, Township 8 North, Range 4 East, San Bernardino Baseline and Meridian to the west Range line of Township 8 North, Range 5 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Section 19, Township 8 North, Range 5 East, San Bernardino Baseline and Meridian to the northeast corner of said Section 19;

Thence Southerly along the east line of said Section 19 to the northwest corner of Section 29, Township 8 North, Range 5 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 29 to the northeast corner of said Section 29;

Thence Southerly along the east line of said Section 29 to the northwest corner of Section 33, Township 8 North, Range 5 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 33 to the northeast corner of said Section 33;

Thence Southerly along the east line of said Section 33 to the north line of Township 7 North, Range 5 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of Sections 3, 2, 1, to the northwest corner of Township 7 North, Range 6 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Sections 6, 5, 4, Township 7 North, Range 6 East, San Bernardino Baseline and Meridian to the northeast corner of said Section 4;

Thence Southerly along the east line of said Section 4 to the northwest corner of Section 10, Township 7 North, Range 6 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 10 to the northeast corner of said Section 10;

Thence Southerly along the east line of said Section 10 and Section 15, Township 7 North, Range 6 East, San Bernardino Baseline and Meridian to the northwest corner of Section 23, Township 7 North, Range 6 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 23 and Section 24, Township 7 North, Range 6 East, San Bernardino Baseline and Meridian to the west Range line of Township 7 North, Range 7 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north Line of Sections 19, 20, 21, 22, 23, Township 7 North, Range 7 East, San Bernardino Baseline and Meridian to the northeast corner of said Section 23;

Thence Southerly along the east line of said Section 23 and Sections 26, 35, to the north line of Township 6 North, Range 7 East, San Bernardino Baseline and Meridian;

Thence continuing Southerly along the east line of Sections 2, 11, 14, Township 6 North, Range 7 East, San Bernardino Baseline and Meridian to the northwest corner of Section 24, Township 6 North, Range 7 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 24 to the west Range line of Township 6 North, Range 8 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Sections 19, 20, 21, 22, 23, 24, Township 6 North, Range 8 East, San Bernardino Baseline and Meridian to the west Range line of Township 6 North, Range 9 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Sections 19, 20, 21, 22, 23, 24, Township 6 North, Range 9 East, San Bernardino Baseline and Meridian to the northeast corner of said Section 24;

Thence Southerly along the east line of said Section 24 and Sections 25, 36, to the north line of Township 5 North, Range 9 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of Section 1, Township 5 North, Range 9 East, San Bernardino Baseline and Meridian to the northwest corner of Township 5 North, Range 10 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Sections 6, 5, 4, 3, 2, 1, Township 5 North, Range 10 East, San Bernardino Baseline and Meridian to the northwest corner of Township 5 North, Range 11 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Section 6, Township 5 North, Range 11 East, San Bernardino Baseline and Meridian to the northeast corner of said Section 6;

Thence Southerly along the east line of said Section 6 to the northwest corner of Section 8, Township 5 North, Range 11 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 8 and Sections 9, 10, Township 5 North, Range 11 East, San Bernardino Baseline and Meridian to the northeast corner of said Section 10;

Thence Southerly along the east line of said Section 10 and Sections 15, 22, 27, 34, Township 5 North, Range 11 East, San Bernardino Baseline and Meridian to the north line of Township 4 North, Range 11 East, San Bernardino Baseline and Meridian;

Thence continuing Southerly along the west line of Sections 2, 11, 14, Township 4 North, Range 11 East, San Bernardino Baseline and Meridian to the northwest corner of Section 23, Township 4 North, Range 11 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 23 and Section 24, Township 4 North, Range 11 East, San Bernardino Baseline and Meridian to the west Range line of Township 4 North, Range 12 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Section 19 to the east line of Parcel 1 described in the Judgment recorded under document number 1992-0204291 in the San Bernardino County Recorder's Office;

Thence leaving said north line of Section 19 Northeasterly along said Parcel 1 described in the Judgment, following all of its various courses, and continuing along said Judgment back to said north line of Section 19, Township 4 North, Range 12 East, San Bernardino Baseline and Meridian;

Thence continuing Easterly along the north line of Section 19 to the east line of Parcel 2 described in the Judgment recorded under document number 1992-0204291 in the San Bernardino County Recorder's Office;

Thence leaving said north line of Section 19 Northeasterly along said Parcel 2 described in the Judgment, following all of its various courses, and continuing along said Judgment back to said north line of Section 19, Township 4 North, Range 12 East, San Bernardino Baseline and Meridian;

Thence Easterly along said north line of Section 19 and Sections 20, 21, Township 4 North, Range 11 East, San Bernardino Baseline and Meridian to the north quarter corner of said Section 21;

Thence Southerly along the west line of the east half of said Section 21 to the north quarter corner of Section 28, Township 4 North, Range 12 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 28 to the northeast corner of said Section 28;

Thence Southerly along the east line of said Section 28 and Section 33 to the north line of Township 3 North, Range 12 East, San Bernardino Baseline and Meridian;

Thence continuing Southerly along the east line of Sections 4, 9, 16, 21, 28, 33, Township 3 North, Range 12 East, San Bernardino Baseline and Meridian to the north line of Township 2 North, Range 12 East, San Bernardino Baseline and Meridian;

Thence continuing Southerly along the east line of Sections 4, 9, 16, 21, 28, 33, Township 2 North, Range 12 East, San Bernardino Baseline and Meridian to the north line of Township 1 North, Range 12 East, San Bernardino Baseline and Meridian;

Thence continuing Southerly along the east line of Sections 4, 9, Township 1 North, Range 12 East, San Bernardino Baseline and Meridian to the east quarter corner of said Section 9;

Thence Westerly along the north line of the south half of said Section 9 to the west quarter corner of said Section 9;

Thence Southerly along the west line of said Section 9 and Section 16, Township 1 North, Range 12 East, San Bernardino Baseline and Meridian to the northwest corner of Section 21, Township 1 North, Range 12 East, San Bernardino Baseline and Meridian;

Thence Easterly along the north line of said Section 21 and Sections 22, 23, Township 1 North, Range 12 East, San Bernardino Baseline and Meridian to the northeast corner of said Section 23;

Thence Southerly along the east line of said Section 23 and Sections 26, 35, Township 1 North, Range 12 East, San Bernardino Baseline and Meridian to the north line of Township 1 South, Range 12 East, San Bernardino Baseline and Meridian;

Thence continuing Southerly along the east line of Section 2, Township 1 South, Range 12 East, San Bernardino Baseline and Meridian to the apparent centerline of State Route 62, also known as Twenty-nine Palms Highway;

Thence leaving said east line of Section 2, Easterly along the said centerline of State Route 62, following its various courses, and continuing along said centerline to the San Bernardino County line;

Thence leaving said centerline of State Route 62 Southerly and Westerly along said County line, and continuing along said County line, following all its various courses, to the Point of Beginning.

(4) *Fourth Supervisorial District.* Beginning at the intersection of the centerline of Etiwanda Avenue with the San Bernardino County line, said intersection also being the common boundary between Ontario and Fontana city limits;

Thence Northerly along said centerline, also being the said common boundary between Ontario and Fontana city limits, following all of its various courses to the intersection of the city limits of Fontana and the centerline of Etiwanda Avenue;

Thence leaving said city limits of Fontana and continuing Northerly along said centerline of Etiwanda Avenue and said Ontario city limits to the centerline of Fourth Street, also known as San Bernardino Avenue, said intersection also being the common boundary between Ontario and Rancho Cucamonga city limits;

Thence Westerly along said centerline of Fourth Street and said common boundary between Ontario and Rancho Cucamonga city limits, following all of its various courses to the centerline of the Cucamonga flood control channel;

Thence leaving said centerline of Fourth Street and said common boundary between Ontario and Rancho Cucamonga city limits, continuing Northwesterly along said centerline of the Cucamonga flood control channel, following all of its various courses to the centerline of Eighth Street;

Thence Westerly along said centerline of Eighth Street to the common boundary between Ontario and Rancho Cucamonga city limits;

Thence continuing Westerly along said centerline of Eighth Street along the common boundary between Ontario and Rancho Cucamonga city limits, following all of its various courses to the centerline of Grove Avenue;

Thence Northerly along said centerline of Grove Avenue and leaving said common boundary between Ontario and Rancho Cucamonga city limits, following all of its various courses to the centerline of Foothill Boulevard;

Thence Westerly along the centerline of said Foothill Boulevard, following all of its various courses to the San Bernardino County line;

Thence Southerly, Easterly, Northerly and Westerly along said County line, and continuing along said County line, following all its various courses, to the Point of Beginning.

(5) *Fifth Supervisorial District.* Beginning at the intersection of the westerly Right-of-Way of Interstate 215 freeway with the southerly line of the San Bernardino County line as it exists in this day of September 16, 2011,

Thence Northerly along said westerly Right-of-Way to the north line of land shown on Record of Survey map recorded in Book 5 of Records of Surveys, Page 58, Records of San Bernardino County Recorder's Office, being a Portion of Section 6, Township 2 South, Range 4 West, San Bernardino Baseline and Meridian;

Thence Easterly along said north line and leaving said Right-of-Way prolonged to the original centerline of La Cadena Drive, also known as Colton Avenue;

Thence leaving said prolonged line Northerly along said centerline of La Cadena Drive to centerline of Barton Road, said point also being the common boundary between Grand Terrace and Colton city limits;

Thence leaving said centerline of La Cadena Drive, Westerly, Northerly, along said common city limits and continuing along said city limits, following all of its various courses to the apparent centerline of the Interstate 215 freeway;

Thence leaving the said common boundary between Grand Terrace and Colton city limits, Northeasterly along said apparent centerline of the Interstate 215 freeway, following all of its various courses to the apparent centerline of the Interstate 10 freeway;

Thence leaving the apparent centerline of the Interstate 215 freeway, Easterly along the said apparent centerline of the Interstate 10 freeway to the centerline of Mountain View Avenue;

Thence leaving said apparent centerline of the Interstate 10 freeway, Northerly along the centerline of said Mountain View Avenue to the common boundary between the City of San Bernardino and Redlands city limits;

Thence continuing Northerly along said centerline of Mountain View Avenue and said common boundary between the City of San Bernardino and Redlands city limits to the north Right-of-Way of the Santa Ana River;

Thence leaving said centerline of Mountain View Avenue, Easterly along said common city boundary between the City of San Bernardino and Redlands city limits and continuing along said city limits, following all of its various courses to the centerline of Alabama Avenue;

Thence Northerly along said centerline of Alabama Street and said common city boundary between the City of San Bernardino and Redlands city limits to the north limits of the Redlands city limits, said point being also the common city boundary between the City of San Bernardino and Highland city limits;

Thence leaving said Redlands city limits, continuing Northerly along said centerline of Alabama Street and said common city boundary between the City of San Bernardino and Highland city limits to the centerline of Third Street;

Thence Westerly along said centerline of Third Street and said common city boundary between the City of San Bernardino and Highland city limits, following all of its various courses to the centerline of Tippecanoe Avenue;

Thence leaving said City of San Bernardino city limits, Northerly along said centerline of Tippecanoe Avenue and continuing along the Highland city limits to the north line of Lot 5, Jackson's Subdivision, recorded in Book 18 of Maps, Page 77, records of the County of San Bernardino, said point also being the common boundary between the City of San Bernardino and Highland city limits;

Thence continuing Northerly along said centerline of Tippecanoe Avenue and continuing along said common boundary between the City of San Bernardino and Highland city limits to the centerline of Ninth Street;

Thence leaving said common boundary between the City of San Bernardino and Highland city limits, continuing Northerly along said centerline of Tippecanoe Avenue to the centerline of Baseline Street;

Thence leaving said centerline of Tippecanoe Avenue, Westerly along said centerline of Baseline Street to the centerline of Waterman Avenue;

Thence leaving said centerline of Baseline Street Northerly along said centerline of Waterman Avenue to the centerline of Arrowhead Road;

Thence leaving said centerline of Waterman Avenue Northeasterly along the centerline of Arrowhead Road to the north line of Rancho Muscupiabe;

Thence leaving said centerline of Arrowhead Road Southeasterly along said north line of Rancho Muscupiabe to the east line of a 50-foot wide strip of land described in the Judgment and Final Order of Condemnation recorded under document number 1999-0020432 in the San Bernardino County Recorder’s Office;

Thence leaving said north line of Rancho Muscupiabe Northerly along the east line of the said 50-foot wide strip of land described in the Judgment and Final Order of Condemnation recorded under document number 1999-0020432 in the San Bernardino County Recorder’s Office to the north line of Government Lot 1, Section 14, Township 1 North, Range 4 West, San Bernardino Baseline and Meridian;

Thence leaving said east line of the 50-foot wide strip of land described in the Judgment and Final Order of Condemnation recorded under document number 1999-0020432, Easterly along said north line of Government Lot 1 to the northeast corner of said Government Lot 1, said point also being on the west line of the southeast quarter of the northeast quarter of said Section 14;

Thence leaving said north line of Government Lot 1, Northerly along said west line of the southeast quarter of the northeast quarter of said Section 14 to the southwest corner of the northeast quarter of the northeast quarter of Section 14, Township 1 North, Range 4 West, San Bernardino Baseline and Meridian;

Thence leaving said west line of the southeast quarter of the northeast quarter of said Section 14, continuing Northerly along the west line of said northeast quarter of the northeast quarter of Section 14, to the southwest corner of the east half of the southeast quarter of Section 11, Township 1 North, Range 4 West, San Bernardino Baseline and Meridian;

Thence leaving said west line of the northeast quarter of the northeast quarter of Section 14, Northerly along the west line of said east half of the southeast quarter of Section 11 to a point where the land described in Book 7656, Page 796 of Official Records, recorded in the County of San Bernardino Recorder's Office on April 29, 1971, intersects the said west line of the east half of the southeast quarter of Section 11;

Thence leaving the west line of said east half of the southeast quarter of Section 11, Northerly along the west line of said land described in Book 7656, Page 796 of Official Records, back to the said west line of the east half of the southeast quarter of Section 11;

Thence leaving the west line of said land described in Book 7656, Page 796 of Official Records, Northerly along said west line of the east half of the southeast quarter of Section 11 to the south line of the northeast quarter of said Section 11;

Thence leaving said west line of the east half of the southeast quarter of Section 11, Westerly along said south line of the northeast quarter of said Section 11 to the center quarter corner of said Section 11;

Thence leaving said south line of the northeast quarter of Section 11, Northerly along the west line of said northeast quarter of Section 11 to the north quarter corner of said Section 11;

Thence leaving said west line of the northeast quarter of Section 11, Westerly along the north line of said Section 11 to the apparent centerline of State Highway 18;

Thence leaving said north line of Section 11, Northerly along said centerline of State Highway 18, and continuing along said centerline, following all its various courses to the north line of Section 34, Township 2 North, Range 4 West;

Thence leaving said centerline of State Highway 18, Westerly along said north line of Section 34 to the east line of the land described by Quitclaim Deed recorded on September 22, 1994, under document number 1994-0391432, records of the San Bernardino County Recorder's Office;

Thence leaving said north line of said Section 34, Northerly along the east line of said land described by Quitclaim Deed recorded on September 22, 1994, under document number 1994-0391432, records of the San Bernardino County Recorder's Office, to the northeast corner of said land;

Thence Westerly along the north line of said land to the northwest corner of said land described by Quitclaim Deed recorded on September 22, 1994, under document number 1994-0391432, records of the San Bernardino County Recorder's Office;

Thence Southerly along the west line of said land to the southwest corner of said land described by Quitclaim Deed recorded on September 22, 1994, under document number 1994-0391432, records of the San Bernardino County Recorder's Office, said point also being on the north line of said Section 34, Township 2 North, Range 4 West, San Bernardino Baseline and Meridian;

Thence leaving said land described in Quitclaim Deed, Westerly along the north line of said Section 34 and continuing Westerly along the north line of Sections 33, 32, Township 2 North, Range 4 West, San Bernardino Baseline and Meridian to the north quarter corner of Section 32, Township 2 North, Range 4 West, San Bernardino Baseline and Meridian, said point also being the city limit of the City of San Bernardino;

Thence Westerly along said city limit of the City of San Bernardino and continuing along said city limits, following all of its various courses to the southerly line of Government Lot 5, Section 27, Township 2 North, Range 5 West, San Bernardino Baseline and Meridian, said point also being the most northerly intersection of the said city limits with the northerly line of the Muscupiabe Rancho Line;

Thence leaving said city limits of the City of San Bernardino and continuing Northerly along the said Muscupiabe Rancho Line to the centerline of Deercrest Drive;

Thence leaving said Muscupiabe Rancho Line, Southerly along said centerline of Deercrest Drive, also known as Foothill Street, as shown in the Map of Devore recorded in Book 17, Pages 79 and 80, Book of Maps records of the County of San Bernardino Recorder's Office, to the intersection of the said centerline with the easterly line of Lot 5, Block 16 of said Map of Devore;

Thence leaving said centerline Southerly along the east line of said Lot 5 to the southwest corner of Lot 4, Block 16 of said Map of Devore;

Thence Easterly along the south line of said Lot 4 to the centerline of Deercrest Drive as described in Book 4, Page 353 of Road Deeds filed in the County Surveyor's Office, County of San Bernardino;

Thence leaving said south line of said Lot 4, Southerly along the centerline of said Deercrest Drive to the centerline of Grandview Avenue as shown in said Map of Devore;

Thence Easterly along said centerline of Grandview Avenue to the east subdivision boundary line of said Map of Devore;

Thence leaving said centerline of Grandview Avenue, Southerly along said east subdivision boundary line of said Map of Devore to the apparent centerline of Interstate 215;

Thence leaving said east subdivision boundary line of said Map of Devore, Northwesterly along said apparent centerline of Interstate 215 and continuing along said centerline, following all of its various courses to the apparent centerline of Interstate 15;

Thence leaving said apparent centerline of Interstate 215, Southerly along the said apparent centerline of Interstate 15 and continuing along said centerline, following all of its various courses to the centerline of Sierra Avenue;

Thence leaving the said apparent centerline of Interstate 15, Southerly along the centerline of said Sierra Avenue following all of its various courses to the south Right-of-Way line of the Southern Pacific Railroad;

Thence leaving said centerline of Sierra Avenue, Westerly along said south Right-of-Way line to the northeast corner of Parcel 1 as shown in Parcel Map 4474 in Book 41, Page 95 of Parcel Maps records of the County Recorder's Office of the County of San Bernardino;

Thence leaving said south Right-of-Way, Southerly along the east line of said Parcel 1 and Parcel 2 of said Parcel Map and continuing Southerly along the prolongation of said east line as shown on said Parcel Map to the centerline of Boyle Avenue;

Thence leaving said prolonged east line, Easterly along said centerline of Boyle Avenue to the centerline of Juniper Avenue;

Thence leaving said centerline of Boyle Avenue Southerly along said centerline of Juniper Avenue to the centerline of Jurupa Avenue;

Thence leaving said centerline of Juniper Avenue, Easterly along said centerline of Jurupa Avenue to the centerline of Sierra Avenue;

Thence leaving said centerline of Jurupa Avenue, Southerly along said centerline of Sierra Avenue to the said County line;

Thence leaving said centerline of Sierra Avenue, Easterly and Southerly along said County line, and continuing along said County line, following all its various courses, to the Point of Beginning.

(b) The State, County and City boundary lines and the lines of freeways, highways, avenues, streets, roads, drives, channels, and railroads rights-of-ways referred to in this section are such lines as they existed at 12:00 noon on September 16, 2011.

(Am. Ord. 1224, passed --1965; Am. Ord. 1676, passed --1971; Am. Ord. 1813, passed --1973; Am. Ord. 2581, passed --1981; Am. Ord. 3463, passed --1992; Am. Ord. 3521, passed --1992; Am. Ord. 3826, passed --2001; Am. Ord. 4152, passed - -2011)

§ 12.0103 Non-interference.

Except as otherwise provided in this Chapter, the Board of Supervisors, as the governing board of the County, retains full authority to take any and all official action authorized for the governance of the County. Except, no member of the Board of Supervisors nor any member of his or her staff shall give orders to or instruct the subordinates of the Chief Executive Officer, either publicly or privately.

This Section does not limit a member of the Board of Supervisors or any member of his or her staff from seeking or providing information. The remedies available under this Code at Chapter 2 of Division 1 of Title 1 shall not apply.

(Ord. 4128, passed - -2010)

RESOLUTION NO. 24992

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE CITY COUNCIL RULES OF PROCEDURE

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY FIND AS FOLLOWS:

WHEREAS, California Government Code § 36813 authorizes the City Council to establish rules of conduct for its proceedings, Palm Springs Municipal Code § 2.04.040 requires the City Council to adopt rules of procedure to govern the conduct of its meetings, and City Charter § 311 provides for the City Council to impose reasonable regulations on persons addressing the City Council to preserve the orderly nature of its proceedings, and

WHEREAS, the City Council has adopted a certain manual entitled "City Council Rules of Procedure" to define and ensure the proper conduct of the City's business by the City Council and in compliance with State law and the City's Charter and Ordinances; and

WHEREAS, the City Council periodically revises its City Council Rules of Procedures to ensure clarity, consistency with State law, improve meeting efficiency, and to ensure conformity with the City Chater, Ordinances, and current practices.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby adopts the revised City Council Rules of Procedure as set forth in Exhibit "A," attached hereto and incorporated herein.

SECTION 2. This Resolution shall be effective immediately upon adoption.

SECTION 3. This Resolution supersedes Resolution No. 24189, previously adopting the City Council Rules of Procedure.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 24TH DAY OF FEBRUARY 2022

JUSTIN CLIFTON
CITY MANAGER

ATTEST:

MONIQUE M. LOMELI, CMC
INTERIM CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, MONIQUE LOMELI, Interim City Clerk of the City of Palm Springs, hereby certify that Resolution No. 24992 is a full, true, and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on February 24, 2022, by the following vote:

AYES:	Councilmembers Holstege, Kors, Woods, Mayor Pro Tem Garner, and Mayor Middleton
NOES:	None
ABSENT:	None
ABSTAIN:	None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Springs, California, this 24th day of February 2022.

Monique Lomeli, Interim City Clerk
City of Palm Springs, California

PALM SPRINGS CITY COUNCIL RULES OF PROCEDURE

Adopted by Resolution No. 24992

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1. PURPOSE, EFFECT, & AUTHORITY

In the absence of a rule herein to govern a point or procedure or the making of a motion, Robert's Rules of Order, Newly Revised, shall be used as a guide. The purpose and intent of adopting the within rules are to provide directory guidelines relating to the conduct of the public business by the City Council. In the event of any non-compliance with or violation of any provision herein, such will not be deemed to affect the validity of any action taken unless otherwise provided by law. These rules are intended to be consistent with State law; however, in the event of any inconsistency, State law shall prevail. In the event of any inconsistency between these rules and Robert's Rules of Order, these rules shall control. The Presiding Officer shall determine the scope and effect of these rules in conformity with Section 5.J.

2. MEETINGS

A. Regular Meetings

The City Council of Palm Springs shall hold regular meetings in the Council Chamber located at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs, California, on the first and third Thursday of each month at 5:30 p.m. (or as amended by the City Council by Ordinance or Resolution). When the regular meeting falls on a legal holiday, the meeting shall be held on the following day. (Gov. Code § 54954)

B. Adjourned Meetings

Any meeting may be adjourned to a time, place, and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened.

C. Special Meetings

Special meetings may be called by the Mayor, or a majority of the City Council, on 24-hour notice. Only matters contained in the notice may be considered and no ordinances (other than urgency ordinances) may be adopted. (Gov. Code § 54956)

D. Study Sessions

Study sessions are held for the following purposes:

- Review the agenda for the upcoming City Council meeting;
- Discuss matters to determine whether they should be on a future City Council agenda;
- Discuss matters preparatory to placing them on a future City Council agenda so that staff will know what information the City Council wishes analyzed or included in the staff report;
- Decide matters of an emergency nature which cannot be held to a future City Council meeting;
- Meeting and conferring with City commissions, civic organizations, and City officials relative to pending City business; and

- Conducting minor cleanup, administrative, housekeeping, and ministerial activities of limited consequence such as responding to correspondence, arranging for substitute attendance of Councilmembers and staff at meetings, arranging to meet with boards, commissions, and others, and similar matters.

Typically, no action will be taken on study session topics. If any action is taken, the matter shall be placed on the consent calendar at the next available City Council agenda for ratification.

E. Notice of Meetings

The agenda for all regular, adjourned, and special meetings shall be available to the general public, and the City Clerk shall cause a copy thereof to be posted at least 72 hours before a regular or adjourned meeting or 24 hours before a special meeting on the bulletin board outside of the Council Chamber. Email, mail, or personally delivered notice to each member of the City Council and to each local newspaper of general circulation, radio, or television station requesting notice in writing, is required of special meetings. A notice of adjournment shall be posted within 24 hours of any adjourned meeting. (Government Code § 54955-54956)

F. Placement of Items on Meeting Agendas

1) The City Manager shall be responsible for scheduling agenda items for City Council meetings.
2) A Councilmember may request staff agendize an item for a future City Council meeting during the "*City Council and City Manager Requests and Upcoming Agenda Development*" portion of the agenda by a majority vote of the City Council.
3) Individual members of the City Council must sponsor and seek two co-sponsor to add an item to the agenda if it is demonstrated there is a need to take immediate action sooner than can be accommodated under Section 2.F.2.

G. Quorum

A majority of the City Council shall be sufficient to do business, and motions may generally be passed by two (2) to one (1) if only three (3) members are present. Certain items as specified in Section 8.B., however, require three or four affirmative votes to carry.

H. Legally Required Participation

If a majority of the City Council shall be disqualified to vote on a matter by reason of actual or apparent conflict of interest, the City Council shall select by lot or other means of random selection, or by such other impartial and equitable means as determined by the City Council, that number of its disqualified members which, when added to the Councilmembers eligible to vote, shall constitute a quorum. (Gov. Code § 87101)

I. Meetings To Be Public

Study Session and all regular, adjourned, or special meetings of the City Council shall be open to the public. However, the City Council may hold closed sessions from which the public may be excluded for the consideration of those subjects specified in the Brown Act, principally including, but not limited to:

1) Personnel Matters

To consider the appointment, employment, evaluation of performance, or dismissal of a public employee, or to hear complaints or charges brought against such employee by another person or employee unless such employee requests a public hearing. The term "employee" does not include those elected to office or appointed to an office by a legislative body, except that positions such as City Manager, City Attorney, department head, or other similar administrative officers shall be considered employees. The City Council may exclude from any such closed session during the examination of a witness any or all other witnesses in the matter being investigated. (Gov. Code § 54957)

2) Litigation Matters

On the advice of legal counsel to discuss litigation when discussion in open session would prejudice the City's position. Litigation is considered pending when a formal action is initiated or when legal counsel believes there is significant exposure to litigation. A closed session may be held to determine whether there is significant exposure to litigation or when the City wishes to initiate litigation. (Gov. Code § 54956.9)

Legal counsel must submit to the City Council a memorandum stating the specific reasons and legal authority for the closed session. If action has been filed, the memorandum must include the title of the litigation. In all other cases, the memorandum must include existing facts and circumstances on which the pending litigation is based. The memorandum should be submitted prior to the closed session if feasible, but otherwise no later than one week after the closed session. The memorandum is not a public record. (Gov. Code § 54956.9)

3) Threat To Public Buildings, Services, & Facilities

With law enforcement officials on matters posing a threat to the security of public buildings or a threat to the public's right to access to public services or public facilities. However, closed sessions may not be used to discuss normal and usual police business. (Gov. Code § 54957)

4) Negotiations For Real Property

With any negotiator, the City Council has employed to purchase, sell, exchange, or lease real property. But prior to the closed session, the legislative body must, in open session or by agenda posting, identify the real property about which the negotiations are concerned and the person or persons with whom the negotiator may negotiate. (Gov. Code § 54956.8)

5) Employee Benefits

With the local agency's designated representatives (e.g., labor negotiator) regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, or to instruct the representative. (Gov. Code § 54957.6)

J. Closed Session Procedures

Prior to or after holding any closed session, the City Council must state in open session the general reason or reasons for holding the closed session and may cite the statutory authority or other legal authority under which the session is being held. In the closed session, the City Council may consider only those matters covered in its statement. In the case of special, adjourned, and continued meetings, the statement shall be made as part of the notice provided for the meeting. (Gov. Code § 54957.7)

In the case of a closed session regarding the appointment, employment, or dismissal of a public employee, after any closed session, the City Council must publicly report at that same public meeting or the next public meeting the action it has taken and any roll call vote thereon. (Gov. Code § 54957.1)

No member of the City Council, employee, or anyone else present shall disclose to any person the content or substance of any discussion which takes place in a closed session unless authorized by the City Council, or as otherwise required by law.

3. ORDER OF BUSINESS

A. Order of Business

The Order of Business of each meeting shall be as contained in the agenda prepared by the City Clerk, under the general direction of the City Manager. The agenda shall be a list containing a brief general description of each item of business to be transacted or discussed at the meeting in the following order:

- Call to Order
- Pledge of Allegiance
- Roll Call
- Presentations
- Acceptance of the Agenda
- Report of Closed Session
- Public Testimony
- Consent Calendar
- Excluded Consent Calendar
- Public Hearings
- Business & Legislative Items
- Public Comment (Non-Agenda Topics)
- City Council and City Manager Comments, Reports, & Agenda Development
- Adjournment

Items may not be taken out of order, except with the majority consent of the City Council.

The City Clerk, under the general direction of the City Manager, shall place other agency business (Successor Agency, Housing Authority, etc.) in any manner for the efficient conduct of the meeting.

B. Agenda Description

The agenda must include a brief general description sufficient to inform the public of the subject matter and nature of the proposed action for each item of business to be transacted or discussed at the meeting.

C. No Action on Matters Not on The Agenda: Exceptions

No action shall be taken on any item not appearing on the posted agenda except in the following circumstances (Gov. Code § 54954):

1) Upon a determination by a majority of the City Council that an emergency situation exists, as defined in Government Code Section 54956.5;
2) Upon a determination by a two-thirds vote of the City Council, or, if less than two-thirds of the Councilmembers present, a unanimous vote of those Councilmembers present, that the need to act arose after the posting of the agenda and there is a need to take immediate action; or
3) The item appeared on a posted agenda for a previous City Council meeting occurring not more than five calendar days previously, and at the prior meeting, the item was continued to the current meeting.

The facts to support the determinations in exception 1) or 2) above shall be stated in the staff report, a supplemental staff report, or the meeting minutes at which the action was taken.

D. Delivery of Agenda

Barring insurmountable difficulties, the agenda packet shall ordinarily be delivered to Councilmembers each Friday preceding the Thursday meeting to which it pertains.

E. Roll Call

Before proceeding with the business of the City Council, the City Clerk shall call the roll of the Councilmembers, and the names of those present shall be entered in the minutes. The order of roll call shall be alphabetical with the Presiding Officer called last. If all Councilmembers are present, the City Clerk may indicate that the record will reflect that all members are present.

F. Presentations, Proclamations, & Recognitions

Presentation of proclamations and recognitions should occur outside the City Council meeting, such as a specified event, via mail or personal delivery. When necessary, individual presentations, proclamations, and recognitions should be limited to no more than five (5) minutes. Staff should endeavor to schedule presentations and recognitions so that the total time for those items is no more than ten (10) minutes. Longer presentations may be included in the Presentations portion of the agenda at the discretion of the City Manager when the City Manager determines that a longer presentation will not unduly delay the consideration of scheduled Public Hearings or business items.

G. Approval of Minutes

Unless requested by a majority of the City Council, minutes of the previous meeting may be approved without public reading if the City Clerk has furnished each Councilmember with a copy thereof.

H. Public Testimony & Public Comment Periods

During the public testimony portion of the meeting, any person may address the City Council on non-public hearing agenda items. During the public comment portion of the meeting, any person may address the City Council on items of general interest within the subject matter jurisdiction of the City. Two (2) minutes will be assigned to each speaker. (Gov. Code § 54954.3)

During public testimony/comment periods and irrespective of the subject or viewpoint to be expressed, no speaker shall be permitted to show a video, make a PowerPoint presentation, or otherwise utilize any other form of electronic visual display technology requiring advanced setup or the use of projectors or other specialized equipment. Such controls are intended to help all speakers maximize their time when addressing the City Council instead of dealing with potentially time-consuming setup or technical difficulties and computer virus and phishing threats.

I. Consent Calendar

Routine and non-controversial items shall be placed on the consent calendar. All items may be approved by one motion upon unanimous consent. Under the "*Acceptance of the Agenda*" portion of the meeting, any Councilmember may request that any item be removed from the consent calendar for separate consideration. However, any Councilmember may abstain or vote "no" from voting on any consent calendar item without requesting its removal from the consent calendar. The City Clerk shall be instructed to record such abstentions or "no" votes in the minutes.

J. Public Hearings

Generally, public hearings, other than those of a quasi-judicial nature, shall be conducted in the following order:

- Staff Report
- Initial Questions and Clarifications by the City Council
- Public Hearing Opened:
  - Applicant (5-minute time limit)
  - Appellant (if different than the Applicant) (5-minute time limit)
  - Public Testimony (2-minute time limit)
  - Applicant Rebuttal (2-minute time limit)
  - Appellant Rebuttal (2-minute time limit)
- Questions and Discussion by the City Council
- Action by the City Council

The public's questions or comments shall be limited to the subject under consideration. Councilmember questions of the staff before the opening of the public hearing and the public before the close of the public hearing should be factual and seek pertinent information. Councilmember questions and comments should not be argumentative, and Councilmembers should not get into debates with staff or those members of the public testifying at a public hearing. Councilmembers should not express their opinions on an

item before the close of the public hearing, as Councilmembers should not form or express an opinion until after all testimony has been received.

Depending upon the extent of the agenda and the number of persons desiring to speak on an issue, the Presiding Officer may limit testimony at the beginning of the hearing, but in no event less than two (2) minutes per individual. Any person may speak for a longer period, upon approval of the City Council, when this is deemed necessary in such cases as when a person is speaking as a representative of a group. (Gov. Code § 54954.3)

Quasi-judicial hearings shall be conducted following the principles of due process, and the City Attorney shall advise the City Council in this regard.

K. Tentatively Scheduled Adjournment Time

The tentatively scheduled adjournment time for all regular meetings shall be 10:00 p.m. The City Council may continue the meeting past 10:00 p.m., by a majority vote of the City Council.

4. PRESIDING OFFICER

A. Presiding Officer

The Mayor shall be the Presiding Officer at all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In the absence of both the Mayor and Mayor Pro Tem, the City Council shall elect a temporary Presiding Officer to serve until the arrival of the Mayor or Mayor Pro Tem or until adjournment.

Pursuant to Palm Springs City Charter Section 302, at the first regular City Council meeting following a general municipal election, in which newly elected Councilmembers are sworn and seated, and at the first regular City Council meeting following the anniversary of that date for any year in which no general municipal election is held, the City Council shall designate one of its members as Mayor and Mayor Pro Tem, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tem shall perform the duties of the Mayor during any period of the Mayor's absence or disability.

B. Call to Order

The meeting of the City Council shall be called to order by the Presiding Officer. In the absence of the Presiding Officer, the meeting shall be called to order by the City Clerk, after which the City Clerk shall immediately call for the selection of a temporary Presiding Officer.

C. Participation of Presiding Officer

The Presiding Officer may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Councilmembers, and shall not be deprived of any of the rights and privileges of a Councilmember by reason of acting as Presiding Officer.

D. Questions To Be Stated

The Presiding Officer shall verbally restate each question immediately before calling for the vote. Following the vote, the Presiding Officer shall verbally announce whether the question carried or was defeated. The Presiding Officer shall also publicly state the effect of the vote for the audience's benefit before proceeding to the next item of business.

E. Signing of Documents

The Mayor, or Mayor Pro Tem in the absence of the Mayor, shall have authority to sign all ordinances, resolutions, contracts, deeds, easements, licenses, covenants, and other documents on behalf of the City, but such authority may be delegated to the City Manager as provided in Section 2.08.020 of the Palm Springs Municipal Code, and Resolution No. 20271, as they may be amended from time to time.

The City Clerk, or the Deputy City Clerk in the absence of the City Clerk, shall attest to the signature of the Mayor, Mayor Pro Tem, or City Manager.

5. RULES, DECORUM, AND ORDER

A. Points of Order

The Presiding Officer shall determine all points of order subject to the right of any Councilmember to appeal to the City Council. If an appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" in which event a majority vote shall govern and conclusively determine such question of order.

The Presiding Officer is responsible for maintaining order and decorum at all times. No person can speak who has not first been recognized by the Presiding Officer. All questions and remarks shall be addressed to the Presiding Officer.

B. Decorum & Order - Councilmembers

1) Any Councilmember desiring to speak shall address the Presiding Officer and, upon recognition, shall confine themselves to the question under debate.
2) A Councilmember desiring to question staff shall address the City Manager or City Attorney, who shall be entitled to answer the inquiry themself or designate their staff for that purpose.
3) A Councilmember, once recognized, shall not be interrupted while speaking unless called to order by the Presiding Officer, unless another Councilmember raises a Point of Order, or unless the speaker chooses to yield to questions from another Councilmember.
4) Any Councilmember called to order while speaking shall cease speaking immediately until the question of order is determined. If ruled to be in order, they shall be permitted to proceed. If ruled to be not in order, they shall remain silent or alter their remarks to comply with the rules of the City Council.
5) Councilmembers shall accord the utmost courtesy to each other, staff, and the public and shall refrain at all times from rude and derogatory remarks or reflections as to the integrity, motives, or personalities of others.
6) Any Councilmember may move to require the Presiding Officer to enforce the rules, and the affirmative vote of a majority of the City Council shall require the Presiding Officer to act so.

C. Decorum & Order - Employees

Members of the administrative staff and employees shall observe the same rules of procedure and decorum applicable to members of the City Council. The City Manager shall ensure that all City employees observe such decorum. Any staff member, including the City Manager, desiring to address the City Council shall first be recognized by the Presiding Officer. All remarks shall be addressed to the Presiding Officer and not to individual Councilmembers or the public.

D. Decorum & Order - Public

Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council. Any person wishing to address the City Council shall, before speaking, announce their name and their city of residence, but such information need not be disclosed if to do so would violate the privacy interests of the speaker. Any person while addressing the City Council making obscene, slanderous, impertinent, profane, or similarly offensive and disruptive remarks, or who engages in loud, boisterous, or other disorderly conduct, which disrupts, disturbs, or otherwise impedes the orderly conduct of the public meeting; and any person, while attending the City Council meeting, making unauthorized remarks from the audience, or stamping their feet, whistling, yelling, or making similar demonstrations which disrupts, disturbs, or otherwise impedes the orderly conduct of the public meeting, shall, at the discretion of the Presiding Officer, or a majority of the City Council, be barred from further audience before the City Council during that meeting and removed from the room by the sergeant-of-arms. Aggravated cases shall be prosecuted on an appropriate complaint signed by the Presiding Officer.

E. Enforcement of Decorum

The Chief of Police shall be ex-officio sergeant-of-arms of the City Council. The Chief of Police shall carry out all orders and instructions given by the Presiding Officer to maintain order and decorum in the Council Chamber. Upon instructions from the Presiding Officer, it shall be the duty of the Chief of Police or designee to eject any person from the Council Chamber or place them under arrest or both.

If any meeting is willfully interrupted by a group or groups of persons to render the orderly conduct of such meeting unfeasible, and the order cannot be restored by the removal of individuals who are willfully interrupting the meeting. In that case, the members of the City Council may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held under this section. Nothing in this section shall prohibit the City Council from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting. (Gov. Code § 54957.9)

F. Personal Privilege

The right of a member to address the City Council on a question of personal privilege shall be limited to cases in which his integrity, character, or motives are assailed, questioned, or impugned.

G. Conflict of Interest

All Councilmembers are subject to the California Political Reform Act, Local Conflict of Interest Code, and Public Integrity Ordinance. Any Councilmember prevented from voting because of a conflict of interest shall refrain from debate and vote. Such Councilmember shall leave Council Chamber during discussion and voting on the issue but shall be free to address the City Council as a private citizen on the matter.

H. Limitation of Debate

As a matter of preferred protocol and courtesy to fellow members of the City Council, no Councilmember should speak more than once upon any one subject until every other Councilmember choosing to speak thereon has spoken. No Councilmember should speak for an excessive length of time without the approval of the City Council.

I. Dissents & Protests

Any Councilmember shall have the right to express dissent from or protest to any action of the City Council and have the reason(s) entered in the minutes. This direction should be made clear by language such as “I want the record to reflect...”

J. Rulings of Chair Final Unless Overruled

In presiding over City Council meetings, the Presiding Officer shall decide all questions of interpretation of these rules, points of order, or other questions of procedure, requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Councilmembers present and shall be binding and legally effective for the matter under consideration.

6. ADDRESSING THE CITY COUNCIL

A. Manner of Addressing The City Council

Speaker cards shall be available at the meeting. Persons desiring to address the City Council shall be requested to complete a card and give it to the City Clerk before the public hearing or public testimony/comment periods. The City Clerk shall provide all speaker cards to the Presiding Officer, who shall call each person to the microphone. The person recognized by the Presiding Officer shall proceed to the podium.

No person shall enter any discussion without being recognized by the Presiding Officer. All remarks and questions shall be addressed to the Presiding Officer and not to any individual Councilmember, staff member, or other people. All comments shall be limited to the subject under consideration during a public hearing.

Persons who have not completed a speaker card shall identify themselves to the City Clerk as wishing to speak before the beginning of the public comment period. After the Presiding Officer has called upon all speakers who submitted a speaker card, those persons shall be heard. Such persons shall state their name and their city of residence for the record.

B. Time Limitation

Unless the City Council has granted additional time, any member of the public desiring to address the City Council shall limit his remarks as follows (Gov. Code § 54954.3):

1) Public testimony/comment periods: Two (2) minutes per speaker
2) Public hearings: Two (2) minutes per speaker

C. Limitations Regarding Public Comments

Public comments during the "*public testimony/comment*" portions of the agenda shall be subject to the following limitations:

1) At any time, before or after the public comment is commenced, the Presiding Officer, if deemed preferable, may direct that the communication be made instead either to the City Manager or other appropriate staff during regular business hours or in writing for subsequent submittal to Councilmembers (Section 6.E.)
2) Except in the case of public hearings, if it appears that several speakers desire to comment regarding a single topic, the Presiding Officer may reasonably limit the number of persons speaking as to each side of an issue. In this regard, preference may be given to speakers who represent groups of persons who have designated a spokesperson.

D. Addressing The City Council After Motion Is Made

After a motion has been made, or after a public hearing has been closed, no person shall address the City Council without first securing permission by a majority vote of the City Council.

E. Written Correspondence

The City Manager is authorized to receive and open all mail addressed to the City Council as a whole and give it immediate attention to the end that all administrative business referred to in said communications, and not necessarily requiring City Council action, may be disposed of between City Council meetings. A copy of such communication shall be sent to each Councilmember marked “Information Only.”

Any communication relating to a matter pending or brought before the City Council shall be included in the agenda packet for the meeting at which such item is to be considered. Letters of appeal from administrative or commission decisions shall be processed under applicable provisions of the Municipal Code or other ordinances.

Copies of all other communications will be transmitted to the City Council. Any matter requiring City Council action shall be placed on a meeting agenda.

F. Persons Authorized To Be Within Platform

No person except City officials shall be permitted within the platform area in front of the City Council dais without the invitation or consent of the Presiding Officer.

7. MOTIONS

A. Processing of Motions

When a motion is made and seconded, it shall be stated by the Presiding Officer before the debate. A motion so stated shall not be withdrawn by the mover without the seconder.

B. Motions Out of Order

The Presiding Officer may at any time, by majority consent of the City Council, permit a Councilmember to introduce an ordinance, resolution, or motion out of the regular agenda order.

C. Division of Question

If the question contains two or more divisible propositions, the Presiding Officer may, and upon request of a Councilmember shall (unless appealed), divide the same.

D. Precedence of Motions

When a motion is before the City Council, no motion shall be entertained except the following, which shall have precedence in the following order:

1) Adjourn
2) Fix Hour of Adjournment
3) Table
4) Limit or Terminate Discussion
5) Amend
6) Postpone

E. Motion To Adjourn (Not Debatable)

A motion to adjourn shall be in order at any time, except as follows:

1) When repeated without intervening business or discussion,
2) When made as an interruption of a Councilmember while speaking,
3) When debate has been ended, and vote on the motion is pending, and
4) While a vote is being taken.

A motion to adjourn “to another time” shall be debatable only as to when the meeting is to adjourn.

F. Motion To Fix Hour of Adjournment

A motion to fix the hour of adjournment shall be to set a definite time to adjourn and shall be undebatable and unamendable except by unanimous vote.

G. Motion To Table

A motion to table shall be used to bypass the subject temporarily. A motion to table shall be undebatable and shall preclude all amendments or debates of the issue under consideration. If the motion prevails, the matter may be “taken from the table” before the end of the meeting. If not taken from the table, the issue shall die but may be placed on a future agenda as a new matter.

H. Motion To Terminate Discussion or Call The Question

Such a motion shall be used to limit or close debate on, or further amendments to, the main motion and shall be undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

I. Motion To Amend

A motion to amend shall be debatable only as to amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable and voted on before voting on the amendment. Amendments shall be voted first, then the main motion as amended.

J. Motion To Continue

Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set.

8. VOTING PROCEDURE

A. Voting Procedure

In acting upon every motion, the vote shall be taken by voice or roll call or any other method by which the vote of each Councilmember present can be ascertained. The vote on each motion shall then be entered in full upon the record. The City Clerk shall vary the voting order with the Presiding Officer voting last. The City Clerk shall call the names of all Councilmembers seated when a roll call vote is ordered or required. Councilmembers shall respond “aye,” “no,” or “abstain,” provided that when a vote is collectively taken by voice or when a method of voting other than by voice or roll call is used, any Councilmember not audibly and clearly responding “no” or “abstain” or otherwise registering an objection shall have his vote recorded as “aye.”

B. Vote Required

Generally, items before the City Council require a majority of a quorum of affirmative votes to carry. Certain motions, when specified in state law, require a majority of the membership of the City Council or a supermajority of four affirmative votes. (Gov. Code § 36936). For illustrative purposes only, these requirements are as follows:

1) Three (3) votes:
   a) Ordinances;
   b) Resolutions and orders for the payment of money;
   c) Contracts involving payments by City over One Hundred Thousand Dollars ($100,000).
2) Four (4) votes:
   a) Motions to condemn property;
   b) Motions to overrule a majority protest to the formation of an assessment district;
   c) Motions to add an item to the agenda;
   d) Urgency ordinances.

C. Roll Call Voting

Any question before the City Council shall not require a roll call vote unless demanded by any Councilmember. It shall not be in order for Councilmembers to explain their vote during roll call. Any Councilmember may change his vote before the next order of business.

D. Failure To Vote

Every Councilmember should vote unless disqualified for cause. If a Councilmember is required to vote despite a disqualifying conflict of interest to achieve a quorum. In that case, the Councilmember shall state the reason, which shall be recorded in the minutes.

When a vote is collectively taken by voice, any Councilmember not audibly and clearly responding “no” or “abstain” shall have their vote recorded as “aye.”

E. Reconsideration

Except for votes regarding matters which are quasi-judicial or matters which require a noticed public hearing, the City Council may reconsider any vote taken at the same meeting or the subsequent meeting under the following circumstances:

1) If there has not been detrimental reliance on the prior decision by a person, or
2) If that action has been taken as a part of the earlier decision, which would be impossible to undo.

The motion to reconsider must be made by a Councilmember who voted on the prevailing side, must be seconded, and requires a majority vote of the quorum for passage, regardless of the vote needed to adopt the motion being reconsidered. If the motion to reconsider is successful, the matter to be reconsidered takes no special preference over other pending matters, and any special voting requirements related to it still apply. Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again.

F. Motion To Rescind

Any Councilmember, regardless of how they voted on the item initially, may move to rescind an action taken at a previous meeting in order to strike out an entire motion, resolution, rule, bylaw, section, or paragraph that has been adopted except in the following circumstances:

1) When there has been detrimental reliance on the original decision by a party affected thereby,
2) When something has been done, as a result of the original decision, which it would be impossible to undo, or
3) When the item is in the nature of a contract, and the other party has been informed of the vote and has taken action in reliance thereon which cannot be undone.

After a motion to rescind has been acted upon, no other motion to rescind shall be made without the unanimous consent of the City Council.

G. Tie Votes

Tie votes shall be lost motions. When all Councilmembers are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal unless the City Council takes other action to consider the matter further. If a tie vote on any matter results at a time when less than all members of the City Council are present, the matter shall automatically be continued to the agenda of the next regular meeting of the City Council, unless otherwise ordered by the City Council.

9. RESOLUTIONS

A. Definitions

As a rule of thumb, it can be said that legislative acts of the City Council (usually a rule of public conduct for long-term application) are taken by ordinance. In contrast, more routine business and administrative matters (usually more temporary and transitory) are accomplished by "resolutions." The term "resolution" in its general sense will denote any action taken affirmatively via a vote of the City Council, other than one taken by ordinance. As used in this City, however, two terms are generally used to denote such (non-ordinance) actions: "resolution" and "motion" (thereafter recorded by minute entry). Technically, both are equally effective and binding; they vary only in the formality of respective memorialization. The most formal is referred to as a "resolution." In addition to being referenced in the minutes, a resolution will be recorded by a separate document, numbered in sequence, and preserved in a separate set of books. Such "resolutions" are used for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future reference back to its contents warrants a separate document (with the additional "whereas" explanatory material it often recites) to facilitate such future reference and research.

The "motion" is a City Council action recorded by an item entry in the minutes of the meeting at which it was accomplished, and no separate document is made to memorialize it.

B. Resolutions Prepared in Advance

Where a resolution has been prepared in advance, the procedure shall be motion, second, discussion, vote pursuant to methods prescribed in Section 8.A., and the result declared. It shall not be necessary to read a resolution in full or by title except to identify it.

C. Resolutions Not Prepared in Advance

Where a resolution has not been prepared in advance, the procedure shall be to instruct the City Manager or the City Attorney to prepare a resolution for presentation at the next City Council meeting.

D. Urgency Resolutions

In matters of urgency, a resolution may be presented verbally in motion form together with instructions for written preparation for later execution. After the resolution has been verbally stated, the voting procedure in Section 9.B. shall be followed.

Urgency resolutions shall be avoided except when necessary. They shall be avoided when resolutions are required by law, such as improvement acts, zoning matters, or force account work on public projects.

10. ORDINANCES

A. Introduction And Adoption of Ordinances

Ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction and either at a regular, adjourned or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by a majority vote of the Councilmembers present, all ordinances shall be read in full either at the time of introduction or passage. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration. Corrections of typographical or clerical errors are not alterations within the meaning of this section.

B. Effective Date

All ordinances, except as provided in Section 36937 of the Government Code, shall take effect 30 days after adoption but may be made operative at a later date as may be designated in the ordinance.

C. Publication

It shall be the duty of the City Clerk to publish all ordinances within fifteen (15) days after adoption. (City Charter § 313)

D. Urgency Ordinances

All urgency ordinances must receive four (4) affirmative votes to be adopted and effective immediately. If such an ordinance fails to receive a 4/5 majority, it may be considered and passed in the same manner as regular ordinances.

11.STANDING COMMITTEES

A. Finance Committee

There shall be a standing committee of the City Council known as the Finance Committee, whose duties shall be those as prescribed in the Palm Springs Municipal Code or as otherwise assigned by the City Council. The Committee shall consist of two members, one of whom shall be the Mayor who shall also serve as its Chairperson, and the other shall be a Councilmember appointed by the City Council.

City Council/Financing Authority Meeting **K. 1.**

DATE: 09/19/2023

TO: Honorable Mayor and City Council Members

SUBJECT: Appeal of a decision by the Historic and Scenic Preservation Commission that denied Certificate of Appropriateness Permit No. 665 by appellants Beverly and Kenneth Winchester
(Mayor to declare the meeting open as a public hearing)

a. PUBLIC HEARING to consider Resolution No. 8514 denying the Appeal and upholding the decision by the Historic & Scenic Preservation Commission to deny Minor Certificate of Appropriateness No. 665, a request to legalize/approve an existing 6-foot-high vinyl fence and a rolling gate within the street-side setback for the property located at 232 West Olive Avenue (APN: 0171-244-40-0000) in the Multiple-Family Residential (R-3) District and the Smiley Park Neighborhood Historic and Scenic District (Historic District No. 8) (Development Services Director Desatnik)

PROCEDURE FOR PUBLIC HEARING:

1. Mayor declares the meeting open as a public hearing.
2. Mayor calls upon Department Director for report.
3. Mayor calls for questions/comments from members of the City Council.
4. Mayor calls upon applicant, or his/her representative, for comments and testimony.
5. Mayor calls for comments/questions/testimony from members of the public
(3 minutes per speaker).
6. Mayor calls upon City Clerk to note any written comments received.
7. Mayor calls upon the applicant, or representative, for rebuttal comments (5 minutes).
8. Mayor closes the public hearing.

9. City Council considers the motion and votes.

MOTION(S):

If the City Council concurs with staff's recommendation, the following motion is provided:

I move to adopt Resolution No. 8514 and deny the Appeal, and uphold the decision of the Historic & Scenic Preservation Commission to deny Minor Certificate of Appropriateness No. 665.

COMMISSION RECOMMENDATION:

Staff recommends that the City Council deny the Appeal, and uphold the Historic & Scenic Preservation Commission's decision to deny Minor Certificate of Appropriateness No. 665 based upon the evidence in the record and the analysis in this report.

BACKGROUND:

The appellant filed their Appeal (Attachment A) on July 13, 2023, within the required ten days after the decision by the Historic & Scenic Preservation Commission on July 6, 2023.

A) Project Description

Beverly and Kenneth Winchester submitted an application to legalize/approve a 6-foot-high vinyl fence and a rolling slide gate placed within the street-side setback along Grant Street. The vinyl fence and gate were installed by the applicant in April 2022 without any building permits, and without the required approval of a Minor Certificate of Appropriateness and Minor Exception Permit. The subject property is located at 232 West Olive Avenue (Attachment B - Location Map and Aerial Photograph) in the Multiple-Family Residential (R-3) District. The home is not an individually designated historic resource; however, the property is within the Smiley Park Neighborhood Historic and Scenic District (Historic District No. 8). On July 6, 2023, the Historic & Scenic Preservation Commission (HSPC) voted to deny the Minor Certificate of Appropriateness application. The appellant has filed an Appeal to reverse the decision of the HSPC.

B) Property History

Based on the Historic Inventory Sheet (Attachment C) associated with the

subject parcel, the one-story residence was constructed in 1898 and is Victorian style. The following is the description from the Historic Inventory Sheet prepared by Helen Watts:

"The subject property has a Victorian Cottage-style one-story house with a brick chimney, a hip-composition roof with slight bell cast, and exposed rafters. There is a shingled gable with overhang and double windows on all four sides at the attic level, and a decorated frieze. The porch roof is supported by turned pillars, and the porch has wood railing. The main entry is in the front at the center, with a second entry on the left side. Entrance doors are wood paneled with a glass panel at the top. Both entrances have cement steps with cobble stone rails. Sash type windows have wooden moldings. The house has wooden overlapping siding and there is a decorative crest at the roof ridge."

The Sanborn map from 1900 shows the main dwelling at the exact same location and footprint of the present structure. Between 1900 and 1908, a garage was built on the north side of the main dwelling. Between 1938 and 2007, a carport was added next to the garage. Aerial maps from 2004 to 2019 show the same landscaping that was subsequently removed (in early 2022) and replaced with the current vinyl fence. The property owner stated that the fence was constructed in April 2022 (Attachment D - Site Photographs), and replaced shrubs (shown in Attachment E) with the existing fence for the stated purpose of saving water, increasing security, and providing privacy for a future small pool.

The appellant filed their Appeal on July 13, 2023, within the required ten days after the HSPC's decision on July 6, 2023.

C) Historic & Scenic Preservation Commission

The project was originally reviewed by the HSPC on March 2, 2023. At that time, the Commission received the staff report and the applicant’s presentation and continued the public hearing to April 6, 2023 so that the applicant would have more time to contact the fencing company and explore some design alternatives that were discussed at the meeting (such as use of wood fencing, etc.).

A Minor Exception Fence Permit application was submitted concurrently with this proposal. As defined by Section 18.08.585 of the Redlands Municipal Code (RMC), “A side yard adjacent to a street shall be the same as a front yard.” Therefore, pursuant to RMC Section 18.168.020 (B), “Fences and walls not to exceed six feet (6') in height shall be permitted along the side and rear property lines, except that no fence or wall exceeding three feet (3') in height shall be located within any required front yard area.” However, RMC Section 18.168.050 provides for the granting of minor exceptions to the fencing development standards. The Minor Exception Committee met on March 9, 2023 at the subject property, and discussed options regarding the placement and height of the

fence. The applicant requested additional time to consider the design alternatives (such as the distance to pull the fence back from the sidewalk) as well as potential landscape screening options. The applicant also needed additional time to be able to discuss the potential fence placement and landscape alternatives with the HSPC (as that may influence the Commission's decision about the fence material). Therefore, the Minor Exception Committee meeting was continued to a date uncertain.

The HSPC held the continued public hearing on April 6, 2023. At this meeting, the applicant's proposal was to relocate the fence and the gate further back from the sidewalk to the next fence post (approximately 6'0" back from the sidewalk), to create space to provide a planter area between the sidewalk and the fence for screening purposes. The applicant also proposed installing landscaping (such as a high hedge up to the height of the fence) to screen the vinyl fence, but the sliding gate portion would not be screened. At the April 6 HSPC meeting, the Commission received the staff report and the applicant's presentation, and then continued the public hearing to May 4, 2023 so that the applicant would have more time to explore other design alternatives that were discussed at the meeting (e.g. painting the fence, installing wood slats in front of the fence and gate).

The HSPC held the continued public hearing on May 4, 2023. At this time, the applicant proposed to only paint the gate, install one redwood trellis in front of each fence panel, and plant Star Jasmine along Grant Street to screen the fence. The Commission received the staff report and the applicant's presentation, and continued the public hearing to June 1, 2023 so that the applicant would have more time to explore other types of wood trellis that were suggested by Commissioners (see Attachment F) and provide a sample paint color (wood color preferred) for the fence and gate.

On June 1, 2023, at the applicant's request, the HSPC continued the public hearing to July 6, 2023.

The HSPC held the continued public hearing on July 6, 2023. At this meeting, the applicant's proposal was to paint the gate, install two green vinyl-coated steel trellises in front of each fence panel, and plant climbing rose bushes and Star Jasmine to screen the fence on three exterior sides (north, south, and west). The Commission did not find the applicant's proposal consistent with previous suggestions. The Commissioners discussed appropriate alternatives with the applicant (such as paint the entire fence and gate, use wider wood trellises that cover the entire fence panel, and plant only Star Jasmine or an alternative dense foliage). The applicant was not willing to change their proposal; therefore, the Commission voted to deny the Minor Certificate of Appropriateness application.

D) Analysis

Certificate of Appropriateness

A "Certificate of Appropriateness" is a permit process that ensures any proposed changes or alterations to designated historic properties and structures located within a historic district are compatible and consistent with the historic character and architectural qualities of the subject property or district. Section 2.62.200(D) of the Redlands Municipal Code states: “Certificates of appropriateness for minor improvements where proposed work does not adversely affect the exterior architectural features of the historic resource nor adversely affect the character or historical, architectural, or aesthetic interest or value of the resource and its site, may be approved by the preservation officer. The preservation officer shall inform the commission in writing of decisions regarding minor alterations.” In this case, the fence is considered a "minor improvement" subject to approval or denial from the staff historic preservation officer. Rather than deny the application, the historic preservation officer chose to elevate this application to the HSPC for decision, to avoid requiring the applicant to appeal the staff decision. As detailed in this report, the HSPC denied the application which is the subject of this appeal to the City Council.

Secretary of the Interior's Standards and Guidelines:

The existing fence does not meet the recommended guidelines of the Secretary of the Interior's Standards due to the existing fence material’s incompatibility with historic building materials and historic style. The Secretary of the Interior’s *Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* states, “The relationship of buildings to each other, setbacks, fence patterns, views, driveways and walkways, and street trees and other landscaping together establish the character of a district or neighborhood”. Regarding fencing, the Guidelines explain that protective fencing for security may be installed in historic districts/neighborhoods if it is as unobtrusive as possible and should take into consideration the location of the fencing and its visibility so that the fencing does not negatively impact the historic character of the setting.

City of Redlands Historic and Scenic Preservation Design Manual:

The Victorian style is well established in Redlands, with row upon row of Victorian homes in the areas around Olive Avenue, Highland Avenue, and Cajon. The predominant material used is typically wood, wood siding, wood shingles, stone, brick, and masonry. The guidelines state, “Most of the houses would be nearly impossible to duplicate today” and “...in the construction of new buildings in historic areas, materials should be the same as or representative of those used in original construction” (page 4/1-7).

Regarding decorative elements, the guidelines state, “Architectural detailing is a key factor in all of these styles… landscape elements such as sculpture, fence details, and plant materials should be used in a way that will enhance the historical character of the structure and the site....” (page 4/1-7).

E) Appeal Filed

On July 13, 2023, the applicant filed an Appeal to reverse the decision of the Commission. The appellant’s grounds for appeal state:

> “I am writing to appeal the denial of my claim for an existing vinyl fence so I may increase security and provide security for a small fiberglass exercise pool I plan on putting in next year. When we had the fence contractor over, he said I did not need a permit because it was not over 6 feet tall and not a special fence. I have 15 pictures of 6 feet vinyl fences and gates within 5 blocks of my house.”

F) Staff Response to Appeal

The subject property is within the Smiley Park Historic & Scenic District. The original application was reviewed by the Historic & Scenic Preservation Commission in four meetings to allow the appellant sufficient time to consider alternative materials and designs. The Commission has previously approved other fences located in historic districts only when they were wood fences or otherwise compatible with the historic properties. In this case, the appellant had declined to make any substantive changes to their proposal after four meetings. The Commission felt they were left with no choice but to deny the application due to the inappropriate material of the fence and screening (i.e., vinyl fencing and vinyl-coated steel trellises for a landscape screen) and the applicant’s unwillingness to change the proposed materials.

The appellant states that a total of fifteen properties within five blocks of 232 West Olive Avenue also have vinyl fences. However, staff reviewed the addresses and determined that only three of the properties are within a historic district and have unpermitted vinyl fences. One property located directly across Grant Street from the subject property (at 304 W. Olive Avenue) has both a Certificate of Appropriateness and a Minor Fence Exception Permit for an existing 6-foot-high wooden fence around the rear yard, and although it is similar in height and placement, it is not comparable because it uses appropriate wood materials.

Over the course of four meetings during which the public hearings were continued, the HSPC made multiple suggestions for alternative materials and designs that the applicant could consider. The applicant declined to make any

substantive or significant changes to the vinyl fence and proposed to provide a landscape screening in front of the fence. The Commissioners made several suggestions for wood trellises (see Attachment F) so that climbing vines or landscaping could totally screen the vinyl fence panels, and also considered a treatment to paint the fence and the gate (to simulate wood appearance). The applicant refused to consider using wood, refused to consider painting the fence, and returned with a proposal for vinyl-coated steel trellises (however, the small size of trellises would not be sufficient to provide any substantial screening - see Attachment G).

The Commissioners cited their objective for the fence material to be consistent with the style of house on the property (i.e., use wood fence panels or at least treat the vinyl panels to create a wood appearance) as well as achieve appropriateness for the surrounding historic district. The city's Historic and Scenic Preservation Manual identifies the house as Victorian style, which utilizes predominantly wood siding plus wooden trim and treatments. Surrounding houses within the same historic district are likewise Victorian and utilize predominantly wood siding. Therefore, only a wood fence and gate would be fully appropriate and consistent with the subject property and historic district.

ENVIRONMENTAL REVIEW:

For the denial of Minor COA No. 665, the proposal qualified for exemption from environmental review in accordance with Section 15270 of the California Environmental Quality Act (CEQA) Guidelines. Section 15270 (Projects Which Are Disapproved) states that CEQA does not apply to projects which a public agency rejects or disapproves.

Prior to considering any possible approval of Minor COA No. 665, the proposal must be found to be exempt from CEQA, or else an Initial Study must be prepared to evaluate the proposal's compliance with CEQA and the relevant threshold criteria pertaining to impacts on historic properties (CEQA Guidelines Section 15064.5). The HSPC declined to find the proposed vinyl fence to be consistent with the city's Historic and Scenic Preservation Manual or the Secretary of the Interior Standards pertaining to historic properties and structures, which therefore precluded using a common exemption category under CEQA Guidelines Section 15303 (New Construction of Small Structures).

The HSPC made multiple efforts over four meetings to explore potential design alternatives with the applicant/appellant.

The suggested alternatives may have helped the appellant achieve some level of consistency with the applicable historic design guidelines (which if found consistent, would have enabled using the CEQA exemption). If the proposal is

deemed to be consistent with the city's Historic & Scenic Preservation Manual and the applicable Secretary of Interior Standards, then the fence material and its impacts on the subject property (as well as the surrounding Smiley Park Historic and Scenic District) could then be considered to be satisfactorily mitigated and would be a less than significant impact. CEQA Guidelines Section 15064.5(b)(3) states that generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.

The HSPC frequently seeks and emphasizes compliance with the applicable Secretary of Interior Standards prior to determining if a proposal may be found exempt from CEQA. If a proposal is found to be consistent, then CEQA Guidelines Section 15303 (New Construction of Small Structures) may be utilized for the project. The Commission has previously requested changes to project designs or materials in numerous other applications for the purpose of achieving consistency and also utilize a CEQA exemption. However, at the present time, this current proposal does not appear to qualify for a CEQA exemption (due to the proposed fence height and design, prominent appearance of vinyl material, and lack of any substantial exterior treatment or screening).

ALTERNATIVES:

1. The City Council may continue the public hearing to allow for additional information; or

2. The City Council may overturn the Historic & Scenic Preservation Commission's decision to deny Minor Certificate of Appropriateness No. 665, and thereby approve the appellant's request to legalize the 6'0" vinyl fence and gate (or subject to additional Conditions of Approval if deemed appropriate). Note: The City Council would need to determine and find that the appellant's proposal is consistent with the applicable Secretary of the Interior's Standards (so that a CEQA exemption may be utilized).

SUBMITTED BY:
Brian Desatnik, Development Services Director

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:

Yvette M. Abich Garcia, City Attorney
Janice McConnell, Assistant City Manager
Christopher Boatman, Assistant City Manager
Danielle Garcia, Management Services/Finance Director

PREPARED BY:
Laylee Hokmollahi, Junior Planner
Brian Foote, City Planner/Planning Manager

Attachments

Attachment A - Appeal Form
Attachment B - Location Map & Aerial
Attachment C - Historic Inventory Sheet
Attachment D - Site Photographs
Attachment E - Previous Landscaping
Attachment F - Appropriate Wood Lattice Examples
Attachment G - Exhibits from Applicant
Attachment H - HSPC Staff Reports
Attachment I - HSPC Resolution No. 2023-15
Attachment J - Council Resolution No. 8514

RECEIVED

JUL 13 2023

Redlands City Clerk

NOTICE OF APPEAL FROM A DECISION
OF THE HISTORIC & SCENIC PRESERVATION COMMISSION

Pursuant to the Redlands Municipal Code, the undersigned hereby appeals a decision of the Historic & Scenic Preservation Commission of the City of Redlands as follows:

Project Name or Permit Number: No 665

Decision being appealed:

Denial of Minor Certificate of Appropriateness No 665 to legalize/approve an existing 6 foot high, vinyl fence and rolling slide gate with a galvanized steel frame. located within the street-side setback along Grant Street located at 232 W Olive Ave (APN: 0171-244-40-0000) within the mutiple-family residential (R-3) District.

Date of Commission's decision: July 6, 2023

Grounds of Appeal: I am writing to appeal the denial of my claim for an existing vinyl fence so I may increase security and provide security for a small fiberglass exercise pool I plan on putting in next year. When we had the fence contractor over he said I did not need a permit because it was not over 6 feet tall and not a special fence. I have 15 pictures of 6 feet vinyl fences and gates within 5 blocks of my house.

Name of Appellant (print): Beverly Winchester

Address of Appellant: 232 W Olive Ave

City, State: Redlands, Ca. Zip: 92373

Telephone: 909-486-2826 E-mail: bwinchester72@gmail.com

Signature of Appellant: Beverly Winchester

Appeal Filing Requirements:

(1) Applicable appeal filing fee.
(2) Submission of 15 copies of plans and/or proposal to the Development Services Department, Planning Division (if appealed by the Applicant).

Staff Use Only:

Date Received:

Location Map

Minor Certificate of Appropriateness No. 665
Attachment B-1: Location Map
232 West Olive Avenue

This map was produced by the City of Redlands, Geographic Information System.
The City of Redlands assumes no warranty or legal responsibility for the information contained on this map.
The data used to generate this map is dynamic in nature, therefore the information shown may or may not be the most current.

N
W E
S

Scale
0 60 120
Feet

City of Redlands
Department of Innovation & Technology
Geographic Information Systems

City of Redlands "A City That Works"

February 15, 2023

OneStop.mxd

Aerial

Minor Certificate of Appropriateness No. 665
Attachment B-2: Aerial
232 West Olive Avenue

This map was produced by the City of Redlands, Geographic Information System.
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Scale
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Feet

City of Redlands
Department of Innovation & Technology
Geographic Information Systems

City of REDLANDS "A CITY THAT WORKS"

February 15, 2023

OneStop.mxd

HISTORIC DISTRICT 8
SMILEY PARK HISTORIC AND SCENIC DISTRICT

Scale 1:4800

0 200 400 800 feet

(1 inch equivalent to 400 feet)

LEGEND

Historic District

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

HISTORIC RESOURCES INVENTORY

Ser. No. _____
HABS ____ HAER ____ NR ____ SHL ____ Loc ____
UTM: A _____ B _____
C _____ D _____
11-483100-3767767

IDENTIFICATION

1. Common name: _____
2. Historic name: W. T. Ferguson Residence
3. Street or rural address: 232 W. Olive
   City Redlands Zip 92373 County San Bernardino
4. Parcel number: 0171-244-40
5. Present Owner: Harry C. & Helen G. Petty Address: _____
   City _____ Zip _____ Ownership is: Public _____ Private x
6. Present Use: Residence Original use: same

DESCRIPTION

7a. Architectural style: Victorian Cottage

7b. Briefly describe the present *physical description* of the site or structure and describe any major alterations from its original condition:

A one-story house with a brick chimney, a hip composition roof with slight bell cast and exposed rafters. There is a shingled gable with overhang and double windows on all four sides at attic level. There is a decorated frieze. A recessed porch at left half of front extends half way around the left side. The porch roof is supported by turned pillars. The main entry is at front center with a second entry at left side. Entrance doors are wood paneled with a glass panel at the top. Both entrances have cement steps with cobble stone rails. The porch has a stick work rail. A large single window is centered at right front. Sash type windows have wooden moldings. The house has wooden overlapping siding and there is a decorative crest at the roof ridge.

Construction date:
Estimated _____ Factual 1898

Architect _____

Builder Ferguson Brothers of Lynn and Lewis Co.

Approx. property size (in feet)
Frontage _____ Depth _____
or approx. acreage _____

Date(s) of enclosed photograph(s) _____

13. Condition: Excellent ___ Good X Fair ___ Deteriorated ___ No longer in existence ___

14. Alterations: ___

15. Surroundings: (Check more than one if necessary) Open land ___ Scattered buildings ___ Densely built-up ___
Residential ___ Industrial ___ Commercial ___ Other: ___

16. Threats to site: None known ___ Private development ___ Zoning ___ Vandalism ___
Public Works project ___ Other: ___

17. Is the structure: On its original site? ___ Moved? ___ Unknown? ___

18. Related features: ___

SIGNIFICANCE

19. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site.)

This home was built in 1898 by the Ford Grocery Co. The first owner was W. T. Ferguson of the Ferguson Bros. Ferguson Brothers were builders for the firm of Lynn and Lewis. Ownership was held by the Fergusons until 1910 when B. P. Fessler obtained the house and added a 20 x 26 barn at a cost of $750.

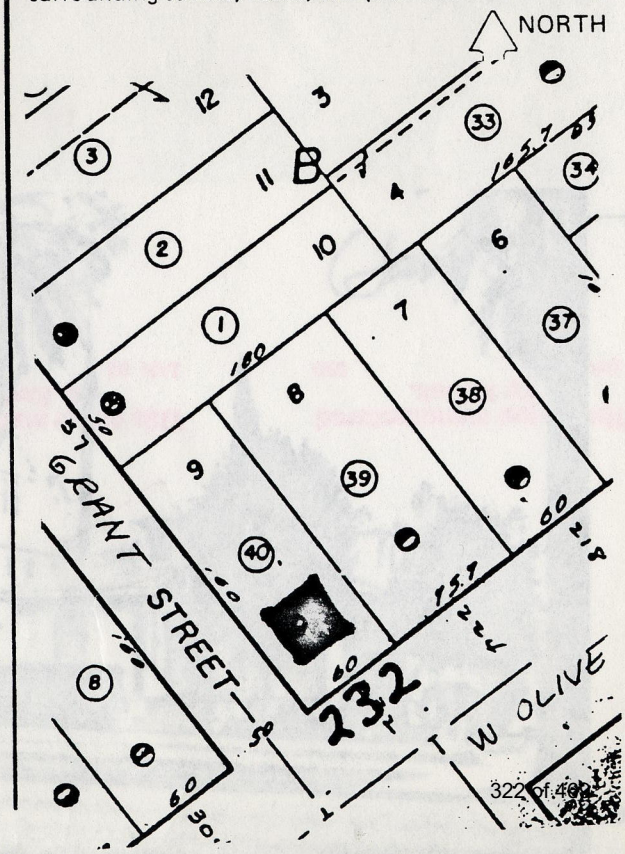
This structure would be an important contributor to a Smiley Park district.

20. Main theme of the historic resource: (If more than one is checked, number in order of importance.)
Architecture X Arts & Leisure ___
Economic/Industrial ___ Exploration/Settlement ___
Government ___ Military ___
Religion ___ Social/Education ___

21. Sources (List books, documents, surveys, personal interviews and their dates).
Water Connection 5/24/98
City Directory
Sanborn Maps

22. Date form prepared ___
By (name) Helen Watts
Organization ___
Address: ___
City ___ Zip ___
Phone: ___

Locational sketch map (draw and label site and surrounding streets, roads, and prominent landmarks):



The Redlands Area Historical Society, Inc.
Heritage Award 2013

Reverend Thomas F. & Marie May McCourtney Residence
232 West Olive
1898

The water hookup date for this home was May 24, 1898. The first owners were W. T. and Helen Ferguson. He owned the construction company, Ferguson Brothers, with his two brothers. They were builders for the firm of Lynn and Lewis. In 1902 William and Mary Johnson owned the house. He was a local physician. Starting in 1905, George and Carrie Ford and their son Ernest occupied the home. The Fords owned Ford Grocery Co. located at 106 Orange Street and relocated to 9 East Citrus in 1911. In 1923 the home became the parsonage for the First Evangelical Lutheran Church which was located on East Olive Avenue and the southwest corner of Myrtle Street. Two pastors lived in the home: W.J. Dentler and his wife Clara for about ten years beginning in 1933 and William and Florence Miller from 1933 to 1946.

This home has a graceful bellcast low hip roof. Identical dormers face all four directions. Under the roof is a frieze of dentils and plain trim. The boxed eaves have decorative brackets. Most windows have multi-glass panes at the top with a large glass pane below. The south facing home has two entrances to the wooden porch on the south and west. Both have cement steps with rock step piers. Columns support the porch, with double columns on either side of the front steps which are supported by a square base with inset square panels. The balustrade is turned spindles with columns on the west side. There are three doors facing west and south, and on the west side another south facing door. The doors have a glass pane at the top with decoration underneath and wood panels below.

In 1946 the Reverend Thomas Fletcher McCourtney and his wife Marie May purchased the home from the church. He was retired and had three daughters living at home: Ina Marie, a teacher at Colton High School, Gertrude who taught at Lugonia Elementary School and Ruby Lee who worked for the Redlands School

District in administrative positions. Rev. McCourtney died in Loma Linda on January 17, 1950 at the age of 84. He was born in Missouri and taught school there for several years before becoming an ordained minister. He served pastorates in Texas, Arizona, and California. His last pastorate was for the Baptist Church of Oceanside. He was also Executive Secretary for the Arizona Baptist Convention for 13 years. Marie lived in the house with her daughters Ina and Gertrude until 1965. She passed away in 1974 at the age of 92. She was born in Harlan, Iowa and lived in Redlands for 36 years. Both are buried at Hillside Memorial Park.

Harry C. and Helen Petty purchased the home from the McCourtney's in June 1970. They came from Portland, Oregon to join his parents and continue his love for building houses, which he could do here all year long. When the couple arrived in 1965 there was a slowdown in the building industry so Harry went to work for the Yucaipa Valley Water District installing underground utilities. He also operated a gas station at Calimesa Blvd. and County Line Road for a period of time. The Petty's had seven children and lived in the home until Mr. Petty returned to contracting and built a new home in Yucaipa. Their daughter Beverly Winchester and husband Kenneth purchase the home from her parents in 1998. Beverly is the Customer Service Representative for Community Bank for 27 years and Kenneth is a heavy equipment operator for CEMEX. Mrs. Winchester, at age fourteen, was the one who discovered the Olive Avenue house was for sale and encourage her parents to purchase it. In a way, Helen Petty said, "the house was always her house."

The Redlands Area Historical Society is proud to give this award to the Winchesters for their years of love for this home.

Researched by: Karen Flippin

Presented
17 June 2013

REVERND THOMAS AND MARIE MC COURTNEY RESIDENCE

232 WEST OLIVE AVENUE

1898

The water hook up date for this home was May 24, 1898. The first owners were W.T. and Helen Ferguson. He owned a construction company with his two brothers, Ferguson Brothers, and they were builders for the firm of Lynn and Lewis. In 1902 William and Mary Johnson were owners he was a physician. Starting in 1905, George and Carrie Ford and their son Ernest occupied the home. The Fords owned Ford Grocery Co. located at 106 Orange Street and relocating to 9 East Citrus in 1911. In 1923 the home became the parsonage for the First Evangelical Lutheran Church which was located on East Olive Avenue and the south west corner of Myrtle Street. Two pastors lived in the home a W.J. Dentler and his wife Clara, 1923 to about 1933 and William and Florence Miller 1933 to 1946.

This home has a graceful bellcast low hip roof. Identical dormers face all four directions. Under the roof is a frieze of dentals and plain trim. The boxed eaves have decorative brackets. Most windows have multi glass panes at the top with a large glass pane below. The south facing home has two entrances to the wooden porch, south and west. Both have cement steps with rock step piers. Columns support the porch, with double columns on either side of the front steps which are supported by a square base with inset square panels. The balustrade is turned spindles with columns on the west side. There are three doors facing west, south and on the west side another south facing door. The doors have a glass pane at the top with decoration underneath and inset wood panels below.

In 1946 the Reverend Thomas Fletcher Mc Courtney and his wife Marie May purchased the home from the church. He was retired and had three daughters living in the home: Ina Marie, directories list her as a teacher at Colton High, Gertrude a teacher at Lugonia School and Ruby Lee who work for the Redlands School District in administrative positions. Rev. Mc Courtney died in Loma Linda on January 17, 1950 at the age of 84. He was born in Missouri and taught school there for several years before becoming an ordained minister. He served pastorates in Texas, Arizona and California. His last pastorate was for the Baptist Church of Oceanside. He was also Executive Secretary for the Arizona Baptist Convention for 13 years. Marie lived in the house with her daughters Ina and Gertrude until 1965. She passed away in 1974 at the age of 92. She was born in Harlan, Iowa and lived in Redlands for 36 years. Both are at Hillside Memorial Park.

Harry C. and Helen Petty bought the home from the Mc Courtney's in June 1970. They came from Portland Oregon to join his parents and to continue his love of building houses, which he could do here all year long. When they arrived here in 1965 there was a slowdown in the

building industry so he went to work for the Yucaipa Valley Water District installing underground utilities. He also opened a gas station at Calimesa Blvd. and County Line Road for a period of time. The Petty's had seven children and lived in the home until the 1990's when he returned to contracting and built their home in Yucaipa. Their Daughter Beverly Winchester and husband Kenneth purchased the home from her parents in 1998. Beverly is the Customer Service Representative for Community Bank for 27 years and Kenneth is a heavy equipment operator for CEMEX. Mrs. Winchester, at age fourteen, was the one that saw the Olive house was for sale and encouraged her parents to buy the house. In a way, Helen Petty said, the house was always her house.

The Historical Society is proud to give this award to the Winchesters for their years of love for this home.

Researched by Karen Flippin

232 W. OLIVE AVE.

Water Hook-up- Smiley Add, Lot 9, Block B

5/24/1898-Ford Grocery Co.-Lutheran Church Parsonage-wood l story, 6 rooms, 1 family, 2 stock- 1 bath tub, 1 closet

Building Permits-

6/19/45-Carl Miller-plumbing replacement
3/8/46-Lutheran Church re-roof comp. shingles-day labor
2/13/47-Mrs. T.F. Mc Courtney-electric wiring-1 range-1 water heater-1 3 wire meter loop
9/11/50-Mrs. Thomas Mc Courtney-Home Equipment Co. 1 floor furnace $197.00
10/28/53-Same-Sanitary Plumbing-1 toilet, 1 bath, 1 lavatory
3/7/67-Same-Sanitary Plumbing-replacement house sewer
3/28/68-Gertrude Mc Courtney-1509 Marquir Dr. Redlands-Bell Roof Co. comp shingles $550
7/2/70-No owner listed-Wilson Termite Control-$900
6/4/71-H.C. Petty-remove partition between kitchen and pantry-10 feet $200
6/15/90-Helen Petty-36804 Seven Oaks Trail, Yucaipa 92399-Changing from overhead to underground electric-relocation 100 amp
4/28/92-Harry C. Petty-232 W. Olive Ave.-remove and fix drywall/fix plumbing

San Bernardino County Archives Assessment Books-4/25/2013

Book 12-pg. 226

1900-Helen Ferguson (crossed out)-W.L. Ferguson N,F. Robinson-Lynn & Lewis (crossed out)
Land $200-improvements $700- m7223 (number of legal document)
1901-Jacob Leuyn-$325-700-1133-1201-1387 (crossed out) #1503
1902-Mary V. Johnson-to B.P.Fessler 9024-$425-900-
1903-B.P. Fessler-$425-700 (Fessler owner until stated otherwise)
1904-In right margin states not Ferguson

Book 12-pg. 247

1905-1908-no values

Book 12-pg. 259

1914-no values
1915-$1000-550
1916-$600-575
1917-18-$800-575

Book 10B-pg. 28

1918-1923-#8251/22 (22 the year of document)-$575-800

Book 30B-pg. 28

1924-Fessler (crossed out)-First Evangelical Lutheran Church of Redlands-#10282/23-$580-800

Book 55A-pg. 28

1930-Church unless otherwise stated-$580-800
1933-35$460-500 (depression)

Book 86-pg. 24

1936-1941-$690-750

Book 133-pg.24
1942-46-$690-750
1947-J.F. and Marie M. Mc Courtney, Gertrude and Iva, Marie and Ruby Lee Mc Courtney #31311/46
1947-Mc Courtney-$860-940

Tax Books Smiley Library-5/2/2013
1898-pg. 51-W. Ferguson- E 160'-S 60'-W160'- town value $280-N of Olive-E of Grant St.
1899-pg.53- same-Furniture $50-Town value $300-Improvements $930

City Directories and Telephone Books

1898-no listing
1900- W.T. Ferguson-Ferguson Brothers-(Brothers WT and DE contractors and builders
1902-W.T. Ferguson-foreman Lynn and Lewis residence at 1035 E. State
William M. Johnson and Mrs. Mary V.-Physician
1905-George E. and Carrie Ford also Ernest-student (Ford Grocery Co. 106 Orange)
(Benjamin P. and Sarah A. Fessler- retired at 317 W. Olive-Johnsons now at 1903 W. Olive)
1908-10-same
1911-Same-grocery now at 9 E. Curtis Ave. corrected to Citrus ave
1914-15-Same-Ernest clerk for Ford Grocery
1919-Same-no Ernest
1921-C.F.W. Stoever (street listing only) Fords now at 14 Brookside Ave.
1925-Howard Fiscus-rancher
1927-Rev. W.J. Dentler and Clara L. –Pastor First Evangelical Lutheran Church of Redlands (church located E. Olive Ave-SW corner of Myrtle)
1929-31-Dentler same-Clara L. teacher Redlands H.S.
1933-Rev. William C. and Florence Miller-Pastor Lutheran church-also William R. Dentler now at 330 Cajon
1936-39-William C. Miller only listed
1941-Same-also Rev. Carl A. and Contanse Miller-Asst. pastor
1947-Thomas F. and Marie Mc Courtney-retired minister-Marie supervisor University Hall
Ina Marie-teacher-Gertrude-teacher Lugonia School-Ruby Lee-clerk in office of supt. of schools
1950-Same-Ruby now pay roll clerk High School-Ina and Gertrude-teachers
1952-**no Thomas**-Marie listed as housewife-Gertrude and Ina-teachers
1954- Mrs. T. Mc Courtney-street listing only
1958-Mrs. T.F. retired-Gertrude-teacher-Ina-Director Colton Hi
1961-Mrs. Mary F.-Marie-Gertrude-teacher Lugonia School-Ina M.-teacher Colton school
1965-Jason E. and Betty Dillon-soil technician Pioneer Laboratory
(Mc Courtney's moved to 1509 Margarita Dr.)
1967-Same-Dillion's Appliance Service

San Bernardino County Tax Record
(no date)-Harry C. and Helen G. Petty-around 1970
8/19/1998- Kenneth D. and Beverly G. Winchester

Hillside Cemetery 5/9/13
Thomas Fletcher Mc Courtney-Born 11/20/1865-Died 1/17/1950-buried 1/19/1950 in Blk 4, lot 77- Born Missouri-84 years old-cause of death a coronary-next of kin Marie May
Marie May Mc Courtney-Born 5/30/1882-buried 9/13/1974 next to husband- next of kin Ruby Lee Inman of Highland

Obituary Redlands Daily Facts 1/17/1950-pg. 5-col 4 & 5
Rev. Thomas Fletcher Mc Courtney, 232 West Olive Ave. 84 years old and resident of Redlands for 12 years died in Loma Linda today.
Born in Missouri he was educated there and taught school for several years before he was ordained in the ministry in 1895. He held pastorates in Texas, Arizona and California. He was executive secretary for the Arizona Baptist convention for 13 years.
He retired from the ministry 12 years ago after being pastor of the Baptist church at Oceanside for several years. He has lived in Redlands since that time. Funeral services are to be from the F. Arthur Cortner chapel at 2'o'clock Thursday.
Deceased is survived by his wife, Mrs. Marie Mc Courtney and the following children: Miss Gertrude Mc Courtney, Miss Ina-Marie Mc Courtney and Mrs. Ruby Lee Inman all of Redlands.

Marie May Mc Courtney- Facts-9/11/74-pg.5-col. 3
Died in Colton, Calif. Sept. 11, 1974. Marie May Mc Courtney, 1509 Margarita Dr., Redlands, age 92 years. Native of Harlan, Iowa, resident of Redlands 36 years.
Family suggests in lieu of flowers those who wish may make memorial contributions to the First Baptist Church of Redlands. Private graveside service will be held Friday Hillside Memorial Park, Rev. Charles Roadarmel-Cortner in charge

Brief History of 232 W. Olive Ave.

Water hook up date for this cottage was May 24,1898. W.T. and Helen Ferguson were the first owners. He owned Ferguson Brothers who were contractors and builders for the firm of Lynn and Lewis. By 1902 William and Mary Johnson owned the home he was a physician. 1905 George and Carrie Ford and their son Ernest occupied the home. He owned the Ford Grocery Co. Directories list the store in 1905 at 106 Orange then in 1911 9 East Citrus Ave. Fords lived in the home until about 1920. Records do not show them as owners. In 1923 the home became the Parsonage for the First Evangelical Lutheran church which was located on East Olive Ave. and the South West corner of Myrtle.
In 1946 the Rev. Thomas Fletcher Mc Courtney and his wife Marie May bought the home with their three daughters. Thomas was a retired minister, Marie was a supervisor for University Hall, by 1952 directories list her as a house wife, Ina Marie was a director and teacher at Colton High, Gertrude a teacher at Lugonia school, and Ruby Lee was a clerk in the office of the Superintendent of Schools and later pay roll clerk for the High School. Mr. Mc Courtney died in

Loma Linda on Jan. 17, 1950 at the age of 84. He was born in Missouri and taught school there for several years before becoming an ordained minister. He served pastorates in Texas, Arizona and Calif. The last was for the Baptist church of Oceanside. He was also Executive Secretary for the Arizona Baptist convention for 13 years. Marie lived in the house with her daughters Ina and Gertrude until 1965. She passed away Sept. 11, 1974 at the age of 92. She was born in Harlan, Iowa and had lived in Redlands for 36 years. Both Thomas and Marie are buried at Hillside Memorial Park.

After the Mc Courtney's, Harry C. and Helen G. Petty owned the home from about 1970 until the present owners purchased the home in August of 1998.

Interview with Beverly and Kenneth Winchester 5/16/2013

Mrs. Winchester's parents, Harry and Helen Petty, owned the house until they purchased the home in August of 1998. They moved into the home in 1994 from their home on Barbara Lane where they had lived for fourteen years and paid her parents rent. Before that her brothers rented the house for a few years.

The Petty's moved from Portland Oregon in 1970 because her father had family here and the possibility of a better job with more income. They first rented a small two bedroom home at 515 Linda Place. With a family of seven children they really needed a larger home. One day Beverly and a friend, she was about 14 years old, saw a for sale sign on the Olive Ave. home and they found the back door unlocked. They ventured in and saw the pretty wood floors and decided to take off their shoes and slide in their sock feet. She also went upstairs and found a piece of lace that she put on her head and pretended it was a wedding veil. Her mother was not happy they entered the empty house but she followed her daughter's insistence that this was the house for them. They contacted a realtor and learned another offer was about to be submitted and placed their offer in just in time. She thought for about $15 or 20,000. Her four brothers lived upstairs. Each of the dormers offered a nitch they could place a bed and the three girls slept downstairs. Mr. Petty was a Supervisor for the Yucaipa Valley Water District for ten years and he also had his own contracting business. In Oregon he had built houses. Mrs. Petty with seven children was a stay at home mom.

Mr. Winchester was also from Portland Oregon but did not know the Petty's. His sister had a heart condition and needed a warmer and dryer climate. In 1955, at the age four, they first moved to San Bernardino on E Street and then moved to Redlands and lived at 1231 Occidental Dr. As a young man he had a job at Stater Brothers bagging groceries and that is where he met Beverly and her mother. She was 16 at the time and about a year later they were married. They have been married 40 years now. Beverly works as a Customer Service Representative for Community Bank and has been there for 27 years and Kenneth is a heavy equipment operator for CEMEX in Azusa and has 2 ½ years to retire. **(5/20)**-Both Bev and her mother wanted it noted that they really enjoyed being so close to the Redlands Bowl. They could either walk down or listen in their back yard. It never bothers them.

Telephone Interview with Helen Petty 5/16/13

They moved into the house in June of 1970 and bought it from two women the Mc Courtneys. She also told the story of the girls seeing the for sale sign and going inside and her daughter insisting it was the right house. There was cold storage in the corner of the kitchen that was made out of adobe brick and extended from the basement up to the kitchen. They removed that and a wall in the kitchen. The rest stayed the same until they moved to Yucaipa then they put a toilet upstairs. (Beverly said they remodel the kitchen and bathroom also.) The boys were upstairs and they realized they were climbing out the window in back and climbing down a large tree so they were not seen. The tree was removed.

Telephone Interview with Helen Petty 5/18/2013

Came to California from Portland June 1, 1965 first living in Yucaipa on Bonita Dr. Mr. Petty's parents lived here and they knew he wanted to build houses and here was sunshine all year long, but when they arrived there was a building slump. They live in Yucaipa for 4 or 5 years and moved in 1969 to Linda Place for about one year before moving into Olive Ave. They bought the house for $17,000. Mr. Petty worked for Yucaipa Valley water District and put in underground utilities in Hidden Meadows for about 100 homes and also many other places in Yucaipa. They also owned a Shell Gas station on the corner of County Line Rd. and Calimesa Blvd. for a long time. He went back into building after that and had his General contracting license in Calif., Nevada and Oregon. They built their present 3500 sq ft home on Seven Oaks Trail in Yucaipa themselves.

She remembered the kids never wanted to go shopping with her but then Bev started wanting to go with her to shop at Stater Brothers off of Texas between W State St. and Redlands Blvd. She soon realized it was the box boy she was wanting to see. Bev and Kenny were married on the Petty's 20th Anniversary at the Free Methodist Church on Tennessee by Rev. Paul Fitch the same minister who later married Bev's son and help celebrate their 60th Anniversary a few weeks before he died and moved in 1987 letting their sons live there while they fixed the Olive house to sell, redoing the Kitchen and bathroom etc. The children did not want them to sell the house and that is when Bev and Kenny said they would buy it. She told Bev, well it is really your house anyway, you found it.

Architectural Inventory

(South side)- front-One story Victorian Home built in 1898. The roof is a low bellcast hip of composition shingle with four identical dormers facing each direction. Dormers have a roof like the house with two double hung windows separated by an upright bar. At the top of each window are 15 small square glass panes with a large square window below. The house has boxed cornices with ornamental brackets; the frieze is composed of dentals at the top and plain wood below extending around the building. The siding is clapboard and the cement foundation has a clapboard covering that flares out at the bottom. The wooden porch is supported by seven columns and is recessed into the building and wraps around the W side. The balustrade is turned spindles. Five cement steps lead to the porch, on either side are low step piers compose of rock with cement tops. At the top of the stairs, and on either side, are double columns supported by a square wooden base with an inset wooden, square panel. To the E of the porch is a plain large window with lugsills and plain trim. S facing door was hard to view because of a screen door but believe it is like the W facing door which has a large square glass pane at the

top with a decorative shelf below and two horizontal rectangular wood inset panel below. All have plain trim. To the W of the S facing door is a large window like the SE corner.

(West side)-Seven cement steps lead to the porch with step piers like the front. On this side three columns support the porch, one on the SW end of the porch, one to the S of the steps and one attached to the buildings surface. There is also a short, stub of a column N of the steps. SW portion of the building has a large double hung window with 12 horizontal rectangular glass panes at the top and a large square pane below. To the N and facing W is a door with a Horizontal rectangular inset wood panel on top, under this is a square glass pane with three Horizontal rectangular inset wood panels below. To the N building projects out and contains two double hung window divided by an upright bar. Each window has 12 square panes at top and Vertically rectangular pane below. N of these windows is a Vertically rectangular fixed window.

(North side)-NW corner has a N facing door with a square glass panel at the top and three inset wood panels below. The door opens onto a small porch with 7 wooden steps facing E. The porch has a lattice work balustrade. To the E are three windows. NE on foundation is a wooden basement door. The foundation vents are horizontally rectangular with strips of wood running up and down.

(East side)-All windows on this side have 12 square panes at the top with a large vertically rectangular pane below. NE corner one window to S one smaller window then two windows divided by and upright bar and SE corner another window.

North on property is a two car clapboard garage with a low hip roof of composition shingles and a cupola of lattice work and a low hip roof. The garage door is new. A door located on the S side, faces S and has a half moon window at the top with 5 glass panes below this window are four vertically rectangular inset wood panels grouped in pairs.

The house sits on a corner lot with cut stone curbing all around. A low cement wall runs along the lawn. In the SE corner of the property is a large palm tree, there are also palm trees along Olive Ave.

Karen Flippin 5/18/2013

One of Ben Fessler's homes at Redlands Calif.
232 W Olive Ave

Southwest Elevation

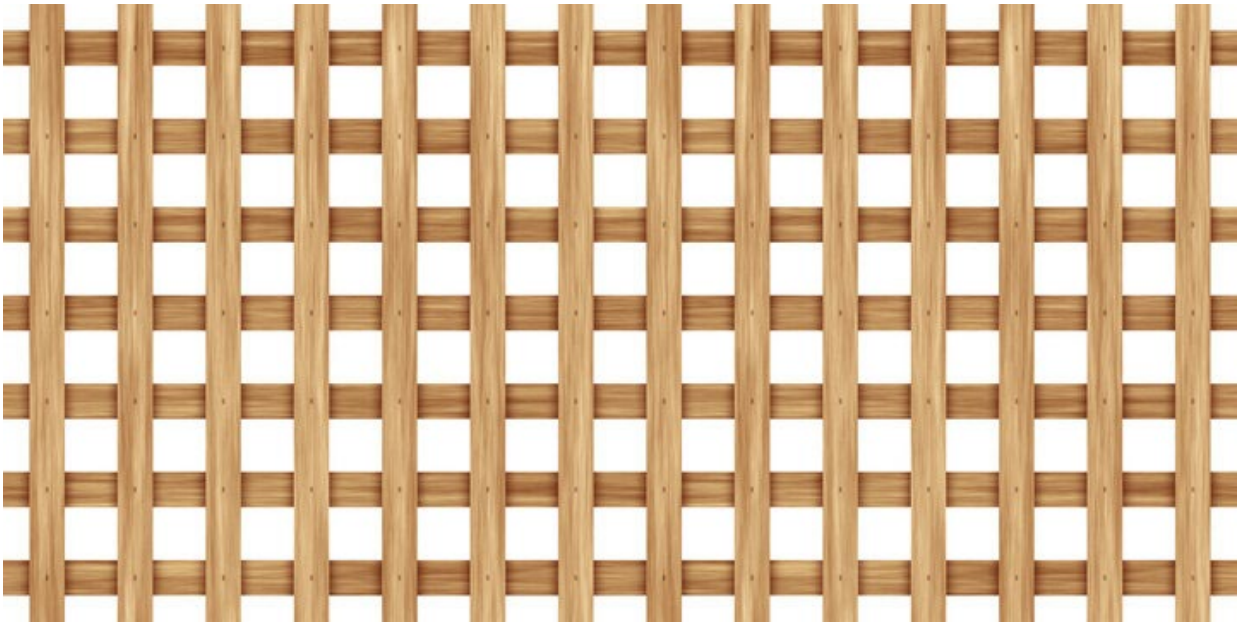
West Elevation

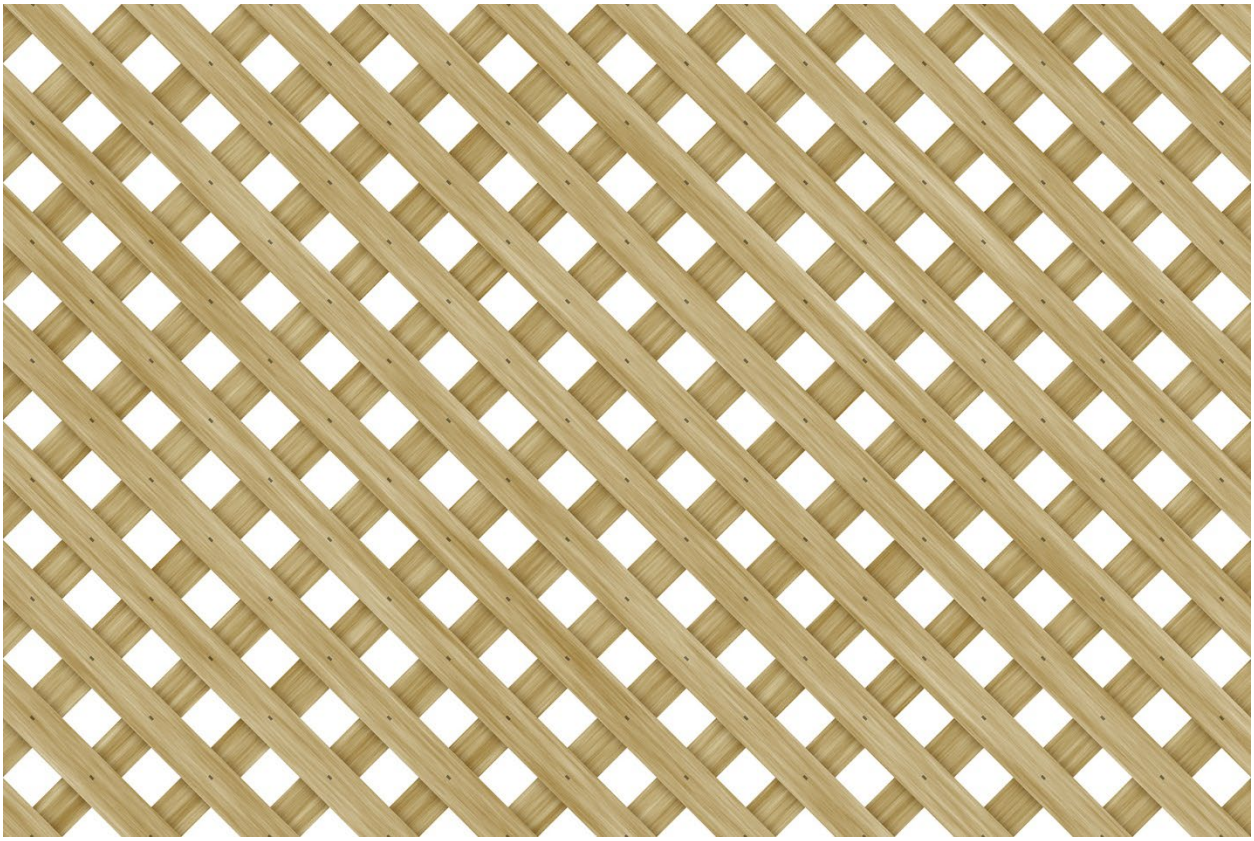
Northwest Elevation

© 2022 Google

Wood Lattice Trellis

Examples





Exhibits from Applicant

Vigoro®
72 in Ivy Trellis
• Green Vinyl Coated Steel Construction
• Supports and Displays Climbing Plants, Flowers or Vines
• Mount against a Wall, Fence or Post, or Install Free Standing
Enrejado Ivy, 1.82 m
• Hecho de acero revestido de vinilo en verde
• Para sostener y exhibir plantas trepadoras, flores o vides
• Se monta contra una pared, cerca o poste, o para instalar de manera independiente
WARNING: THIS PRODUCT CAN EXPOSE YOU TO CHEMICALS INCLUDING LEAD WHICH IS KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER AND BIRTH DEFECTS OR OTHER REPRODUCTIVE HARM.
ADVERTENCIA: ADVERTENCIA: ESTE PRODUCTO PUEDE EXPONERTE A SUSTANCIAS QUÍMICAS, INCLUSO PLOMO, QUE EL ESTADO DE

Vigoro
72 in
Ivy Trellis
Ideal for Climbing Plants, Flowers or Vines
23.5 in W x 6 ft H
59.6 cm AN x 1.82 m AL
GARDEN CLUB

ATTACHMENT “H-1”

HSPC Staff Report of March 2, 2023

REQUEST FOR HISTORIC AND SCENIC PRESERVATION COMMISSION ACTION

V.A. KENNETH WINCHESTER, APPLICANT

PUBLIC HEARING to consider **Certificate of Appropriateness No. 665** – A request to legalize/approve an existing 6-foot-high, vinyl fence and a rolling slide gate with galvanized steel frame located within the street-side setback along Grant Street. The subject property is located at 232 West Olive Avenue (APN: 0171-244-40-0000) within the Multiple-Family Residential (R-3) District and the Smiley Park Neighborhood Historic & Scenic District (Historic District No. 8). The proposal may qualify for exemption from environmental review in accordance with CEQA Guidelines Section 15303 (New Construction of Small Structures) or Section 15270 (Projects Which Are Disapproved).

HISTORIC AND SCENIC PRESERVATION MEETING: March 2, 2023

Planner: Laylee Hokmollahi, Junior Planner

PROCEDURE FOR PUBLIC HEARING

1. Chairperson declares the meeting open as a public hearing.
2. Chairperson calls upon staff for report.
3. Chairperson calls for questions/comments from members of the Commission.
4. Chairperson calls upon applicant, or its representative, for comments/testimony.
5. Chairperson calls for comments/questions/testimony from members of the public (3 minutes per speaker).
6. Chairperson calls upon the applicant, or representative, for rebuttal comments (5 minutes).
7. Chairperson closes the public hearing.
8. Commission considers the motion(s) and votes.

SYNOPSIS

1. Historic Designation: The subject property is located within Historic District (HD) No. 8, known as the "Smiley Park Neighborhood Historic and Scenic District." The subject property is not individually designated as a historic resource.

2. Existing Land Use: The property has one existing single-family dwelling with residential use.

3. Historic and Scenic Preservation Commission submittal dates:
   (A) Date Submitted: October 11, 2022
   (B) Date Accepted as Complete: November 3, 2022
   (C) Historic and Scenic Preservation

Commission Meeting: March 2, 2023

4. Attachments:
   A) Location Map & Aerial Photograph
   B) Site Photos
   C) Historic Inventory Sheets
   D-1) Resolution No. 2023-02 (Approval)
   D-2) Resolution No. 2023-02 (Denial)

PROPOSAL

The property owner, Kenneth Winchester is requesting approval of a Minor Certificate of Appropriateness to legalize/approve an existing 6-foot-high, vinyl fence and a rolling slide gate with galvanized steel frame located within the street-side setback, adjacent to Grant Street, which extends along western and northern property lines, at the rear portion of the lot. Site Photographs are included as attachment B.

The applicant has replaced shrubs with the existing fence for the purpose of saving water, increasing security, and providing privacy for a small exercise pool that is going to be built this year.

BACKGROUND

Property History: The one-story residence was constructed in 1898 and is Victorian style. The following is the description from the Historic Inventory Sheet prepared by Helen Watts:

> This is a Victorian Cottage style, one-story house with a brick chimney, a hip composition roof with slight bell cast and exposed rafters. There is a shingled gable with overhand and double windows of all four sides at the attic level. There is a decorated frieze. A recessed at left half of front extends halfway around the left side. The porch roof is supported by turned pillars. The main entry is at front center with a second entry at left side. Entrance doors are wood paneled with a glass panel at the top. Both entrances have cement steps with cobble stone rails. The porch has a stick work rail. A large single window is centered at right front. Sash type windows have wooden moldings. The house has wooden overlapping siding and there is a decorative crest at the roof ridge.

Karen Flippin further described the house in 2013, “The house sits on a corner lot with cut stone curbing all around. A low cement wall runs along the lawn. In the southeast corner of the property is a large palm tree, there are also palm trees along Olive Avenue.” Historic Inventory Sheets are included as Attachment C.

The Sanborn map from 1900 shows the main dwelling at the exact same location and footprint of the present structure. Between 1900 and 1908, a garage was built on the north side of the main dwelling. Between 1938 and 2007, a carport was added next to the garage. Aerial maps from 2004 to 2019 show the same landscaping that was subsequently removed (sometime in 2021 or early 2022) and replaced with the current vinyl fence. The property owner stated that the fence was constructed in April 2022.

Application for Certificate of Appropriateness: The application was filed as a Minor Certificate of Appropriateness. Staff was unable to approve the existing vinyl fencing, and the applicant has been informed that wood fencing would be more appropriate to the style of the building and preserve its historic appearance and integrity. Wood fencing would also be more appropriate for the surrounding historic district considering the home styles and predominant use of wood. The applicant has declined to remove the fence and has requested review by the Commission.

Exterior Condition: An approximately 4’0” high shrub row was in place (and since removed) where the new fence has been installed. Aerial maps show the shrubs from at least 2004 to 2019. In 2022 the landscaping was removed, the ground was paved, and the vinyl fence was constructed. Additional information about the condition of the exterior is available via Google Streetview and aerial images online. Although the fence can be seen on Google Map, the Google Streetview is not up to date and shows the old shrubs.

ANALYSIS

A) Zoning Standards

The subject property is within the High Density Residential (R-3) Zone, and has a required front yard setback of 15 feet and required street-side yard equal to the front yard requirement. On corner lots, in residential districts, side yards abutting the street, shall be not less than the required front yard for lots in the district in which the lot is located, and in no case, not less than fifteen feet (15') (RMC Section 18.148.030). Presently, the property has an existing six foot (6’) high vinyl fence, with a vehicle access gate, which runs along the property line adjacent to Grant Street. The Municipal Code requires that open fences within the front yard setback area not taller than four feet and solid fences may not be taller than three feet; however, the Municipal Code does provide a mechanism to allow variances to these fence requirements. As the height of the existing fence exceeds the height limit of three feet (3’) for solid fences within the front setback, the applicant submitted a Minor Exception Permit (MEP) application. By applying for an MEP, the applicant can request variances or deviations to the City’s wall and fencing standards.

B) Secretary of the Interior Standards and Guidelines

At the present time, the proposal does not appear to meet the recommended SOI Standards due to the existing fence material's incompatibility with the historic building materials and historic style.

The Secretary of the Interior's Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings states the following about historic neighborhoods and districts: "The relationship of buildings to each other, setbacks, fence patterns, views, driveways and walkways, and street trees and other landscaping together establish the character of a district or neighborhood". Regarding fencing, the Guidelines explain that protective fencing for security may be installed in historic districts/neighborhoods if it is as unobtrusive as possible and should take into consideration the location of the fencing and its visibility so that the fencing does not negatively impact the historic character of the setting.

The proposal is to legalize/approve the existing 6-foot-high vinyl fence and a rolling slide gate, and staff's concern is regarding the compatibility (or lack of compatibility in this case) of the vinyl material with both the house on the subject property as well as other houses on surrounding residential properties within Historic District 8. The Commission may make recommendations for the property owner to achieve compatibility with the SOI Standards and the City's guidelines.

C) City of Redlands Historic and Scenic Preservation Design Manual

The Victorian style is well established in Redlands, with row upon row of Victorian homes in the areas around Olive Avenue, Highland Avenue, and Cajon. The predominant material used is typically wood, wood siding, wood shingles, stone, brick, and masonry. The guidelines note that "most of the houses would be nearly impossible to duplicate today" and "in the construction of new buildings in historic areas, materials should be the same as or representative of those used in original construction" (page 4/1-7).

Regarding decorative elements, "Architectural detailing is a key factor in all of these styles…. Landscape elements such as sculpture, fence details, and plant materials should be used in a way that will enhance the historical character of the structure and the site" (page 4/1-7).

D) Summary

At the present time, the proposal may not meet the SOI Standards or the City's historic guidelines due to the fence's material incompatibility with the historic building material

and historic style. The Commission may make recommendations for the property owner to achieve compatibility with the guidelines.

The Commission may also approve Certificate of Appropriateness No. 665 if the property owner will agree to accept and implement the Commission's recommendations for a compatible fence material and style (as conditions of approval). If so, then the project would then be consistent with the Redlands Municipal Code, the Secretary of the Interior's Standards, and the City's Historic and Scenic Preservation Manual.

Following the review by the Historic and Scenic Preservation Commission (on the appropriateness of the fence material only), the application for a Minor Fence Exception will be reviewed by the Minor Exception Permit Committee (scheduled for March 9, 2023). The Minor Exception Permit Committee will make a decision regarding the fence height and placement on the subject property and incorporate the Historic and Scenic Preservation Commission's decision on the fence material as a condition of approval.

ENVIRONMENTAL REVIEW

If the proposal is revised to use a compatible material (e.g., wood) then the application may be deemed to be consistent with the applicable Secretary of Interior Standards and the City's Historic and Scenic Preservation Manual, and then would be considered to be satisfactorily mitigated and is a less than significant impact (CEQA Guidelines Section 15064.5(b)(3)). In that case, CEQA Guidelines Section 15303 (New Construction of Small Structures) may be utilized for the project.

If the proposal to use vinyl fencing is deemed to be not consistent with the applicable Secretary of Interior Standards and the City's Historic and Scenic Preservation Manual, then the proposal would likely not be able to use an exemption from environmental review. Significant changes to historic resources are considered to be a potentially significant impact on the environment (CEQA Guidelines Sections 15064.5(b)(1) and 15064.5(b)(2)). Alternatively, CEQA Guidelines Section 15270 may be utilized that pertains to projects which are disapproved.

STAFF RECOMMENDATION

Staff recommends that the Historic and Scenic Preservation Commission discuss alternative fencing materials to assist the applicant in achieving consistency with the applicable Secretary of Interior Standards and the City's Historic and Scenic Preservation Manual.

Should the applicant propose an acceptable fencing material, then the Commission may make findings to approve the application and approve COA No. 665 subject to the conditions of approval.

Alternatively, should the applicant decline to replace the fence with a compatible fencing material then the Commission may make findings to deny the application and deny COA No. 665.

MOTION

If the Historic and Scenic Preservation Commission deems it appropriate, staff recommends the following motion:

Motion (for Continuance):

"I move that the Historic and Scenic Preservation Commission continue the public hearing for Certificate of Appropriateness No. 665 (to April 6, 2023, or date to be determined)."

Motion (for Denial):

"I move that the Historic and Scenic Preservation Commission adopt Resolution No. 2023-02 to deny Certificate of Appropriateness No. 665 and find that the project does not qualify for exemption from environmental review in accordance with the CEQA Guidelines."

Alternative Motion (for Approval):

"I move that the Historic and Scenic Preservation Commission adopt Resolution No. 2023-02 and approve Certificate of Appropriateness No. 665, subject to conditions of approval, and find that the project is exempt from environmental review in accordance with Section 15303 of the CEQA Guidelines."

ATTACHMENT “H-2”

HSPC Staff Report of April 6, 2023

REQUEST FOR HISTORIC AND SCENIC PRESERVATION COMMISSION ACTION

V.A. KENNETH WINCHESTER, APPLICANT

PUBLIC HEARING to consider **Certificate of Appropriateness No. 665** – A request to legalize/approve an existing 6-foot-high, vinyl fence and a rolling slide gate with galvanized steel frame located within the street-side setback along Grant Street. The subject property is located at 232 West Olive Avenue (APN: 0171-244-40-0000) within the Multiple-Family Residential (R-3) District and the Smiley Park Neighborhood Historic & Scenic District (Historic District No. 8). The proposal may qualify for exemption from environmental review in accordance with CEQA Guidelines Section 15303 (New Construction of Small Structures) or Section 15270 (Projects Which Are Disapproved).

HISTORIC AND SCENIC PRESERVATION MEETING: April 6, 2023

Planner: Laylee Hokmollahi, Junior Planner

PROCEDURE FOR PUBLIC HEARING

1. Chairperson declares the meeting open as a public hearing.
2. Chairperson calls upon staff for report.
3. Chairperson calls for questions/comments from members of the Commission.
4. Chairperson calls upon applicant, or its representative, for comments/testimony.
5. Chairperson calls for comments/questions/testimony from members of the public (3 minutes per speaker).
6. Chairperson calls upon the applicant, or representative, for rebuttal comments (5 minutes).
7. Chairperson closes the public hearing.
8. Commission considers the motion(s) and votes.

SYNOPSIS

1. Historic Designation: The subject property is located within Historic District (HD) No. 8, known as the "Smiley Park Neighborhood Historic and Scenic District." The subject property is not individually designated as a historic resource.

2. Existing Land Use: The property has one existing single-family dwelling with residential use.

3. Historic and Scenic Preservation Commission submittal dates:
   (A) Date Submitted: October 11, 2022
   (B) Date Accepted as Complete: November 3, 2022
   (C) Historic and Scenic Preservation

Commission Meeting:	March 2, 2023 April 6, 2023

4. Attachments:
   A) Location Map & Aerial Photograph
   B) Site Photos
   C) HSPC Staff Report of March 2, 2023
   D-1) Resolution No. 2023-02 (Approval)
   D-2) Resolution No. 2023-02 (Denial)

PROPOSAL

The applicant is requesting approval of a Minor Certificate of Appropriateness to legalize/approve an existing 6-foot-high, vinyl fence and a rolling slide gate with galvanized steel frame located within the street-side setback (defined as a front yard) adjacent to Grant Street. The fence and gate extends along the western (Grant Street) and northern (rear) property lines at the northwestern rear portion of the lot around a parking area. Site photographs are included as attachment B.

The applicant's proposal has been revised to pull the fence and the gate back from the sidewalk to the next fence post (approximately 6'0" back from the sidewalk), to create space to provide a planter area between the sidewalk and the fence for screening purposes. Landscaping would be installed (such as a high hedge up the height of the fence) to screen the vinyl fence, and the sliding gate portion would not be screened.

BACKGROUND

The Historic and Scenic Preservation Commission held a public hearing on March 2, 2023, received the staff report and the applicant's presentation, and continued the public hearing to April 6, 2023. The Commission continued the public hearing so that the applicant would have more time to contact the fencing company and explore some design alternatives that were discussed at the meeting (such as use of wood fencing, etc.).

A Minor Exception Fence Permit application was submitted at the same time with this proposal. The Minor Exception Committee met on March 9, 2023, at the subject property and discussed options regarding the placement and height of the fence. The applicant requested additional time to consider the design alternatives (such as the distance to pull the fence back from the sidewalk) as well as landscaping screening options. The applicant also needed additional time to be able to discuss the potential fence placement and landscape alternatives with the HSPC (as that may influence the Commission's decision about the fence material). Therefore, the Minor Exception Committee meeting was continued to a date uncertain.

ANALYSIS

The proposed (revised) fence location will provide approximately six feet (6'0") of planter space along Grant Street for landscape screening. To fully screen the vinyl fence, the most likely plant selection would be a hedge type shrub that could grow to 6'0" high and be maintained to fully screen the fence. Several hedge options are available that are a columnar variety and a row could be planted abutting the exterior side of the fence. Staff believes that the proposed fence location pulled back 6'0" will provide sufficient space to provide a dense landscape screen for the fence.

The exception is the sliding gate portion that could not be screened with and significant landscaping or hedge, because a functional driveway would still be needed to the rear parking area behind the house.

However, the revised proposal does not change the material of the fence and the gate, and exposed vinyl paired with the predominantly wood-sided house within a Historic District is still not consistent with City's Historic and Scenic Preservation Manual. If the vinyl fence is fully screened with a hedge and landscaping at all times, then the proposal may be more consistent with the City's Historic and Scenic Preservation Manual and the Secretary of the Interior's Standards.

ENVIRONMENTAL REVIEW

If the proposal is deemed to be consistent with the applicable Secretary of Interior Standards and the City's Historic and Scenic Preservation Manual, then the change would be considered to be satisfactorily mitigated and is a less than significant impact (CEQA Guidelines Section 15064.5(b)(3)). In that case, CEQA Guidelines Section 15303 (New Construction of Small Structures) may be utilized for the project.

If the proposal to use vinyl fencing is deemed to be not consistent with the applicable Secretary of Interior Standards and the City's Historic and Scenic Preservation Manual, then the proposal would likely not be able to use an exemption from environmental review. Significant changes to historic resources are considered to be a potentially significant impact on the environment (CEQA Guidelines Sections 15064.5(b)(1) and 15064.5(b)(2)). Alternatively, CEQA Guidelines Section 15270 may be utilized that pertains to projects which are disapproved.

STAFF RECOMMENDATION

If the Commission agrees that a high landscape hedge (installed and maintained at 6'0" high) is sufficient to meet the City's Historic and Scenic Preservation Manual and the Secretary of the Interior's Standards, then the Commission may make findings to approve COA No. 665 subject to the conditions of approval.

The Commission may also make further suggestions for any changes that may be needed to achieve consistency with the Secretary of the Interior's Standards and the City's Historic and Scenic Preservation Manual. The applicant may make further submittals of other alternative materials or designs, if necessary, and the hearing may be continued.

Alternatively, if the Commission finds that the proposed revisions and conditions of approval are not sufficient to meet the City's Historic and Scenic Preservation Manual and the Secretary of the Interior's Standards, then the Commission may make findings to deny COA No. 665.

MOTION

If the Historic and Scenic Preservation Commission deems it appropriate, staff recommends the following motion:

Motion (for Continuance):

"I move that the Historic and Scenic Preservation Commission continue the public hearing for Certificate of Appropriateness No. 665 (to May 4, 2023, or date to be determined)."

Alternative Motion (for Approval):

"I move that the Historic and Scenic Preservation Commission adopt Resolution No. 2023-02 and approve Certificate of Appropriateness No. 665, subject to conditions of approval, and find that the project is exempt from environmental review in accordance with Section 15303 (New Construction of Small Structures) of the CEQA Guidelines."

Alternative Motion (for Denial):

"I move that the Historic and Scenic Preservation Commission adopt Resolution No. 2023-02 to deny Certificate of Appropriateness No. 665 and find that the project is exempt from environmental review in accordance with Section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines."

ATTACHMENT “H-3”

HSPC Staff Report of May 4, 2023

REQUEST FOR HISTORIC AND SCENIC PRESERVATION COMMISSION ACTION

IV-A. BEVERLY & KENNETH WINCHESTER, APPLICANT

Continued PUBLIC HEARING to consider **Certificate of Appropriateness No. 665** – A request to legalize/approve an existing 6-foot-high, vinyl fence and a rolling slide gate with galvanized steel frame located within the street-side setback along Grant Street. The subject property is located at 232 West Olive Avenue (APN: 0171-244-40-0000) within the Multiple-Family Residential (R-3) District and the Smiley Park Neighborhood Historic & Scenic District (Historic District No. 8). The proposal may qualify for exemption from environmental review in accordance with CEQA Guidelines Section 15303 (New Construction of Small Structures) or Section 15270 (Projects Which Are Disapproved).

HISTORIC AND SCENIC PRESERVATION MEETING: May 4, 2023

Planner: Laylee Hokmollahi, Junior Planner

PROCEDURE FOR PUBLIC HEARING

1. Chairperson declares the meeting open as a public hearing.
2. Chairperson calls upon staff for report.
3. Chairperson calls for questions/comments from members of the Commission.
4. Chairperson calls upon applicant, or its representative, for comments/testimony.
5. Chairperson calls for comments/questions/testimony from members of the public (3 minutes per speaker).
6. Chairperson calls upon the applicant, or representative, for rebuttal comments (5 minutes).
7. Chairperson closes the public hearing.
8. Commission considers the motion(s) and votes.

SYNOPSIS

1. Historic Designation: The subject property is located within Historic District (HD) No. 8, known as the "Smiley Park Neighborhood Historic and Scenic District." The subject property is not individually designated as a historic resource.

2. Existing Land Use: The property has one existing single-family dwelling with residential use.

3. Historic and Scenic Preservation Commission submittal dates:
   (A) Date Submitted: October 11, 2022
   (B) Date Accepted as Complete: November 3, 2022

(C) Historic and Scenic Preservation Commission Meeting: March 2, 2023
April 6, 2023
May 4, 2023

4. Attachments:
   A) Location Map & Aerial Photograph
   B) Site Photos
   C) HSPC Staff Report of April 6, 2023
   D-1) Resolution No. 2023-11 (for Denial)
   D-2) Resolution No. 2023-11 (for Approval)

PROPOSAL

The applicant is requesting approval of a Minor Certificate of Appropriateness to legalize/approve an existing 6-foot-high, vinyl fence and a rolling slide gate with galvanized steel frame located within the street-side setback (defined as a front yard) adjacent to Grant Street. The fence and gate extends along the western (Grant Street) and northern (rear) property lines at the northwestern rear portion of the lot around a parking area. Site photographs are included as attachment B.

The applicant is proposing to pull the fence and the gate back from the sidewalk to the next fence post (approximately 6’0” back from the sidewalk), install wood veneer or wood slats on the gate only, install redwood trellis in front of each panel, and plant honeysuckles or climbing rose bushes to screen the fence.

BACKGROUND

The Historic and Scenic Preservation Commission held a public hearing on March 2, 2023, received the staff report and the applicant’s presentation, and continued the public hearing to April 6, 2023. The Commission continued the public hearing so that the applicant would have more time to contact the fencing company and explore some design alternatives that were discussed at the meeting (such as use of wood fencing, etc.).

The Historic and Scenic Preservation Commission held the continued public hearing on April 6, 2023. The applicant revised their proposal so that the fence and gate would be placed six feet (6’0”) back from the sidewalk (to the next available fence post) to create space to provide a 6’0” wide planter area between the sidewalk and the fence (for landscape screening purposes). The Commission received the staff report and the applicant’s presentation, and continued the public hearing to May 4, 2023, so that the applicant would have more time to explore more design alternatives that were discussed at the meeting (such as possibly painting the fence, putting wood slats in

front of the fence and gate, etc.). The hearing was continued again to May 4, 2023.

A Minor Exception Fence Permit application was submitted at the same time with this proposal. The Minor Exception Committee previously met on March 9, 2023, at the subject property and discussed options regarding the placement and height of the fence. The applicant requested additional time to consider the design alternatives (such as the distance to pull the fence back from the sidewalk) as well as landscaping screening options. The applicant also needed additional time to be able to discuss the potential fence placement and landscape alternatives with the HSPC (as that may influence the Commission's decision about the fence material). Therefore, the Minor Exception Committee meeting was continued to a date uncertain.

ANALYSIS

The proposed fence location will provide approximately six feet (6'0") of planter space along Grant Street for landscape screening. To fully screen the vinyl fence, the most appropriate plant selection would likely be a tall hedge type shrub that could grow to 6'0" high and be maintained to fully screen the fence. Several hedge plant options were discussed with the applicant that are of a columnar variety, and a row could be planted abutting the exterior side of the fence. Staff believes that the proposed fence location pulled back 6'0" will provide sufficient space to provide a dense landscape screen for the fence.

The applicant is proposing to plant honeysuckle plants or climbing rose bushes on each trellis to screen the fence panels (that sliding gate portion could not be screened with landscape). Honeysuckle tends to have denser foliage and is faster growing compared to a rose bush. The proposed honeysuckle is likely a more appropriate selection due to the density of foliage and the potential to grow to 6'0" high within a few years; however, staff's concern is that this would not have sufficient density of foliage (and thus immediate screening) as compared to the types of plants that were discussed with the applicant (i.e., a dense row of tall columnar type hedges that would provide immediate screening).

Installing wood veneer or wood slats on the gate would be consistent with the Commission's previous suggestions. The redwood trellis in front of each vinyl panel will help to screen the fencing, except that the posts will only be screened with landscaping and may remain somewhat exposed and apparent to plain view from the public right-of-way.

However, the revised proposal does not change the material of the fence and the gate, and exposed vinyl paired with the predominantly wood-sided house within a Historic District is still not consistent with City's Historic and Scenic Preservation Manual. If the vinyl gate is disguised with wood slats and the vinyl fence is fully screened at all times

with redwood trellis and hedge type landscaping (except the posts), then the proposal may be more consistent with the City's Historic and Scenic Preservation Manual and the Secretary of the Interior's Standards. However, a landscape screen would be required to be maintained in place and in good condition at all times by the present owners as well as any future property owners.

ENVIRONMENTAL REVIEW

If the proposal is deemed to be consistent with the applicable Secretary of Interior Standards and the City's Historic and Scenic Preservation Manual, then the change would be considered to be satisfactorily mitigated and is a less than significant impact (CEQA Guidelines Section 15064.5(b)(3)). In that case, CEQA Guidelines Section 15303 (New Construction of Small Structures) may be utilized for the project.

If the proposal to use vinyl fencing is deemed to be not consistent with the applicable Secretary of Interior Standards and the City's Historic and Scenic Preservation Manual, then the proposal would likely not be able to use an exemption from environmental review. Significant changes to historic resources are considered to be a potentially significant impact on the environment (CEQA Guidelines Sections 15064.5(b)(1) and 15064.5(b)(2)). Alternatively, CEQA Guidelines Section 15270 may be utilized that pertains to projects which are disapproved.

STAFF RECOMMENDATION

If the Commission agrees that putting redwood trellises in front of the fence panels, putting veneer or wood slats on the gate and planting honeysuckle, or climbing rose bushes is sufficient to meet the City's Historic and Scenic Preservation Manual and the Secretary of the Interior's Standards, then the Commission may make findings to approve COA No. 665 subject to the conditions of approval.

The Commission may also make further suggestions for any changes that may be needed to achieve consistency with the Secretary of the Interior's Standards and the City's Historic and Scenic Preservation Manual. The applicant may make further submittals of other alternative materials or designs, if necessary, and the hearing may be continued.

Alternatively, if the Commission finds that the proposed revisions and conditions of approval are not sufficient to meet the City's Historic and Scenic Preservation Manual and the Secretary of the Interior's Standards, then the Commission may make findings to deny COA No. 665.

MOTION

If the Historic and Scenic Preservation Commission deems it appropriate, staff recommends the following motion:

Motion (for Denial):

"I move that the Historic and Scenic Preservation Commission adopt Resolution No. 2023-11 to deny Certificate of Appropriateness No. 665 and find that the project is exempt from environmental review in accordance with Section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines."

Alternative Motion (for Continuance):

"I move that the Historic and Scenic Preservation Commission continue the public hearing for Certificate of Appropriateness No. 665 (to June 1, 2023, or date to be determined)."

Alternative Motion (for Approval):

"I move that the Historic and Scenic Preservation Commission adopt Resolution No. 2023-11 and approve Certificate of Appropriateness No. 665, subject to conditions of approval, and find that the project is exempt from environmental review in accordance with Section 15303 (New Construction of Small Structures) of the CEQA Guidelines."

ATTACHMENT “H-4”

HSPC Staff Report of July 6, 2023

REQUEST FOR HISTORIC AND SCENIC PRESERVATION COMMISSION ACTION

IV-A. BEVERLY & KENNETH WINCHESTER, APPLICANT

Continued PUBLIC HEARING to consider **Certificate of Appropriateness No. 665** – A request to legalize/approve an existing 6-foot-high, vinyl fence and a rolling slide gate with galvanized steel frame located within the street-side setback along Grant Street. The subject property is located at 232 West Olive Avenue (APN: 0171-244-40-0000) within the Multiple-Family Residential (R-3) District and the Smiley Park Neighborhood Historic & Scenic District (Historic District No. 8). The proposal may qualify for exemption from environmental review in accordance with CEQA Guidelines Section 15303 (New Construction of Small Structures) or Section 15270 (Projects Which Are Disapproved).

HISTORIC AND SCENIC PRESERVATION MEETING: July 6, 2023

Planner: Laylee Hokmollahi, Junior Planner

PROCEDURE FOR PUBLIC HEARING

1. Chairperson declares the meeting open as a public hearing.
2. Chairperson calls upon staff for report.
3. Chairperson calls for questions/comments from members of the Commission.
4. Chairperson calls upon applicant, or its representative, for comments/testimony.
5. Chairperson calls for comments/questions/testimony from members of the public (3 minutes per speaker).
6. Chairperson calls upon the applicant, or representative, for rebuttal comments (5 minutes).
7. Chairperson closes the public hearing.
8. Commission considers the motion(s) and votes.

SYNOPSIS

1. Historic Designation: The subject property is located within Historic District (HD) No. 8, known as the "Smiley Park Neighborhood Historic and Scenic District." The subject property is not individually designated as a historic resource.

2. Existing Land Use: The property has one existing single-family dwelling with residential use.

3. Historic and Scenic Preservation Commission submittal dates:
   (A) Date Submitted: October 11, 2022
   (B) Date Accepted as Complete: November 3, 2022

(C) Historic and Scenic Preservation Commission Meeting:

March 2, 2023
April 6, 2023
May 4, 2023
June 1, 2023
July 6, 2023

4. Attachments:
   A) Location Map & Aerial Photograph
   B) Site Photos
   C) HSPC Staff Report of May 4, 2023
   D) Exhibits from Applicant
   E) Wood Lattice Examples
   F-1) Resolution No. 2023-15 (for Denial)
   F-2) Resolution No. 2023-15 (for Approval)

PROPOSAL

The applicant is requesting approval of a Minor Certificate of Appropriateness to legalize/approve an existing 6-foot-high, vinyl fence and a rolling slide gate with galvanized steel frame located within the street-side setback (defined as a front yard) adjacent to Grant Street. The fence and gate extends along the western (Grant Street) and northern (rear) property lines at the northwestern rear portion of the lot around a parking area. Site photographs are included as attachment B.

The applicant is proposing to pull the fence and the gate back from the sidewalk to the next fence post (approximately 6’0” back from the sidewalk), paint the fence and the gate, install two green vinyl coated steel trellises in front of each fence panel, and plant climbing rose bushes to screen the fence.

BACKGROUND

The Historic and Scenic Preservation Commission held a public hearing on March 2, 2023, received the staff report and the applicant’s presentation, and continued the public hearing to April 6, 2023. The Commission continued the public hearing so that the applicant would have more time to contact the fencing company and explore some design alternatives that were discussed at the meeting (such as use of wood fencing, etc.).

The Historic and Scenic Preservation Commission held the continued public hearing on April 6, 2023. The applicant revised their proposal so that the fence and gate would be placed six feet (6’0”) back from the sidewalk (to the next available fence post) to create space to provide a 6’0” wide planter area between the sidewalk and the fence (for

landscape screening purposes). The Commission received the staff report and the applicant's presentation, and continued the public hearing to May 4, 2023, so that the applicant would have more time to explore more design alternatives that were discussed at the meeting (such as possibly painting the fence, putting wood slats in front of the fence and gate, etc.). The hearing was continued again to May 4, 2023.

The Historic and Scenic Preservation Commission held the continued public hearing on May 4, 2023. The applicant revised their proposal so that the fence and gate would be placed six feet (6'0") back from the sidewalk (to the next available fence post), paint the gate only, put redwood trellises in front of fence panels (one in front of each panel along Grant Street only), and plant Star Jasmine to screen the fence which would not include the gate. The Commission received the staff report and the applicant's presentation, and continued the public hearing to June 1, 2023, so that the applicant would have more time to explore a wider type of wood trellis that was suggested by the Commission (shown as "Attachment E") and provide a sample paint color for painting the fence and gate.

On June 1, 2023, the Historic and Scenic Preservation Commission continued the public hearing to July 6, 2023 per the applicant's request.

A Minor Exception Fence Permit application was submitted at the same time with this proposal. The Minor Exception Committee previously met on March 9, 2023, at the subject property and discussed options regarding the placement and height of the fence. The applicant requested additional time to consider the design alternatives (such as the distance to pull the fence back from the sidewalk) as well as landscaping screening options. The applicant also needed additional time to be able to discuss the potential fence placement and landscape alternatives with the HSPC (as that may influence the Commission's decision about the fence material). Therefore, the Minor Exception Committee meeting was continued to a date uncertain.

ANALYSIS

The proposed fence location will provide approximately six feet (6'0") of planter space along Grant Street for landscape screening. To fully screen the vinyl fence, the most appropriate plant selection would likely be a tall hedge type shrub that could grow to 6'0" high and be maintained to fully screen the fence. Several hedge plant options were discussed with the applicant that are of a columnar variety, and a row could be planted abutting the exterior side of the fence. Staff believes that the proposed fence location pulled back 6'0" will provide sufficient space to provide a dense landscape screen for the fence.

Painting the fence and the gate would be consistent with the Commission's previous suggestions. However, the proposal of installing two green vinyl-coated trellises in front

of each fence panel would not be consistent with the wooden trellis that was suggested by the Commission previously (shown in Attachment E) and does not have enough coverage to screen the width of each fence panel.

The applicant is also proposing to plant climbing rose bushes to screen the fence panels, not including the sliding gate. The proposed rose bushes drop their leaves in the fall or early winter and would not be an appropriate screening option. Staff believes Star Jasmine, which was proposed at the May 4th meeting, is evergreen and tends to have denser foliage compared to rose bushes and may be more appropriate. The types of plants that were discussed with the applicant (i.e., a dense row of tall columnar type hedges that would provide immediate screening), would be appropriate options as well. Overall, staff believes the current proposal is not consistent with the suggestions received by the Commission at the May 4th meeting.

However, the revised proposal does not change the material of the fence and the gate. The residence is a predominantly wood-sided structure within a Historic District and the fencing material and gate proposed is still not consistent with the City's Historic and Scenic Preservation Manual. If the vinyl gate is disguised with paint color, and the vinyl fence is painted and fully screened at all times with wooden trellises (see Attachment E) with a tall dense hedge-type landscaping (except the posts), then the proposal may be more consistent with the City's Historic and Scenic Preservation Manual and the Secretary of the Interior's Standards. However, a landscape screen would be required to be maintained in place and in good condition at all times on all three sides (north, south and west) by the present owners as well as any future property owners.

ENVIRONMENTAL REVIEW

If the proposal is deemed to be consistent with the applicable Secretary of Interior Standards and the City's Historic and Scenic Preservation Manual, then the change would be considered to be satisfactorily mitigated and is a less than significant impact (CEQA Guidelines Section 15064.5(b)(3)). In that case, CEQA Guidelines Section 15303 (New Construction of Small Structures) may be utilized for the project.

If the proposal to use vinyl fencing is deemed to be not consistent with the applicable Secretary of Interior Standards and the City's Historic and Scenic Preservation Manual, then the proposal would likely not be able to use an exemption from environmental review. Significant changes to historic resources are considered to be a potentially significant impact on the environment (CEQA Guidelines Sections 15064.5(b)(1) and 15064.5(b)(2)). Alternatively, CEQA Guidelines Section 15270 may be utilized that pertains to projects which are disapproved.

STAFF RECOMMENDATION

Staff believes the applicant's current proposal does not align with the Commission's previous suggestions, and therefore is not consistent with the City's Historic and Scenic Preservation Manual and the Secretary of Interior Standards. The proposed trellis type is not consistent with the type that was previously suggested, and the planting type does not provide appropriate screening.

The Commission may make further suggestions for any changes that may be needed to achieve consistency with the Secretary of the Interior's Standards and the City's Historic and Scenic Preservation Manual.

Alternatively, if the Commission finds that the proposed revisions and conditions of approval are not sufficient to meet the City's Historic and Scenic Preservation Manual and the Secretary of the Interior's Standards, then the Commission may make findings to deny COA No. 665.

MOTION

If the Historic and Scenic Preservation Commission deems it appropriate, staff recommends the following motion:

Motion (for Denial):

"I move that the Historic and Scenic Preservation Commission adopt Resolution No. 2023-15 to deny Certificate of Appropriateness No. 665 and find that the project is exempt from environmental review in accordance with Section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines."

Alternative Motion (for Continuance):

"I move that the Historic and Scenic Preservation Commission continue the public hearing for Certificate of Appropriateness No. 665 (to August 3, 2023, or date to be determined)."

Alternative Motion (for Approval):

"I move that the Historic and Scenic Preservation Commission adopt Resolution No. 2023-15 and approve Certificate of Appropriateness No. 665, subject to conditions of approval, and find that the project is exempt from environmental review in accordance with Section 15303 (New Construction of Small Structures) of the CEQA Guidelines."

RESOLUTION NO. 2023-15

A RESOLUTION OF THE HISTORIC AND SCENIC PRESERVATION COMMISSION OF THE CITY OF REDLANDS DENYING CERTIFICATE OF APPROPRIATENESS NO. 665 FOR AN EXISTING FENCE AND A GATE LOCATED AT 232 WEST OLIVE AVENUE WITHIN HISTORIC DISTRICT NO. 8 (SMILEY PARK NEIGHBORHOOD HISTORIC AND SCENIC DISTRICT).

WHEREAS, applicant Kenneth Winchester has submitted an application for Certificate of Appropriateness No. 665 to legalize/approve an existing 6-foot-high vinyl fence and a vinyl rolling slide gate with galvanized steel frame placed within the street-side setback along Grant Street, on the subject property located at 232 West Olive Avenue (APN: 0171-244-40-0000) within the Multiple-Family Residential (R-3) District; and

WHEREAS, notice of this Historic and Scenic Preservation Commission public hearing for the Project was duly published in a newspaper of general circulation by the Secretary to the Historic and Scenic Preservation Commission; and

WHEREAS, on March 2, 2023, the Historic and Scenic Preservation Commission held a public hearing and considered the staff report, oral report, the testimony and the written evidence submitted by and on behalf of the applicant and by members of the public, and was continued to April 6, 2023; and

WHEREAS, on April 6, 2023, the Historic and Scenic Preservation Commission held a public hearing and considered the staff report, oral report, the testimony and the written evidence submitted by and on behalf of the applicant and by members of the public, and was continued to May 4, 2023; and

WHEREAS, on May 4, 2023, the Historic and Scenic Preservation Commission held a public hearing and considered the staff report, oral report, the testimony and the written evidence submitted by and on behalf of the applicant and by members of the public, and was continued to June 1, 2023; and

WHEREAS, on June 1, 2023, the Historic and Scenic Preservation Commission continued the public hearing to July 6, 2023, per the applicant's request; and

WHEREAS, on July 6, 2023, the Historic and Scenic Preservation Commission held a public hearing and considered the staff report, oral report, the testimony and the written evidence submitted by and on behalf of the applicant and by members of the public; and

WHEREAS, the proposed project including proposed fence materials may significantly alter a historic resource or district, may cause potentially significant impacts to the environment or a historic resource or historic district, and therefore is not exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines. Alternatively, CEQA Guidelines Section 15270 pertains to projects which are disapproved.

NOW, THEREFORE, BE IT RESOLVED BY THE HISTORIC AND SCENIC PRESERVATION COMMISSION OF THE CITY OF REDLANDS AS FOLLOWS:

Section 1. The proposed scope of work for Certificate of Appropriateness No. 665 (legalizing/approving the existing vinyl fence and sliding gate) is not consistent with the Secretary of Interior's Standards or the city's local Historic & Scenic Preservation Design Manual.

Section 2. The proposed project may significantly alter a historic resource and may cause potentially significant impacts to the environment or a historic resource as defined by CEQA Guidelines Section 15064.5(b), and therefore, is not exempt from environmental review in accordance with the CEQA Guidelines. Alternatively, CEQA Guidelines Section 15270 pertains to projects which are disapproved.

Section 3. The application for Certificate of Appropriateness No. 665 is hereby denied.

Section 4. This Resolution shall become effective upon adoption. If no appeal is filed within ten days (by July 17, 2023) in accordance with the Redlands Municipal Code, then the decision shall become final on July 18, 2023, at 5:00 p.m.

ADOPTED, SIGNED AND APPROVED this 6th day of July, 2023.

Kurt Heidelberg, Chair, Historic and Scenic Preservation Commission

ATTEST:

Linda McCasland, Secretary

I, Linda McCasland, Historic and Scenic Preservation Commission Secretary of the City of Redlands, hereby certify that the foregoing resolution was duly adopted by the Historic and Scenic Preservation Commission at a regular meeting thereof held on the 6th day of July, 2023, by the following vote:

AYES: 6
NOES: 0
ABSENT: 1
ABSTAINED: 0

Linda McCasland, Secretary, Historic and Scenic Preservation Commission

RESOLUTION NO. 8514

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS DENYING THE APPEAL TO OVERTURN A DECISION BY THE CITY'S HISTORIC & SCENIC PRESERVATION COMMISSION, AND UPHOLDING THE COMMISSION'S DENIAL OF CERTIFICATE OF APPROPRIATENESS NO. 665.

WHEREAS, Beverly Winchester, applicant and property owner, submitted an application for Certificate of Appropriateness No. 665 to legalize and approve an existing 6-foot-high vinyl fence and rolling slide gate with galvanized steel frame for the property located at 232 West Olive Avenue (APN: 0171-244-40-0000) within the Smiley Park Neighborhood Historic and Scenic District (Historic District No. 8); and

WHEREAS, the Historic & Scenic Preservation Commission held public hearings on March 2, 2023, April 6, 2023, May 4, 2023, June 1, 2023, and July 6, 2023, at which time the Commission considered the staff report, oral report, the testimony and the written evidence submitted by and on behalf of the applicant and by members of the public; and

WHEREAS, following the public hearing on July 6, 2023, the Historic & Scenic Preservation Commission denied the application for Certificate of Appropriateness No. 665 based on the facts and findings contained in Resolution No. 2023-15 adopted by the Commission on July 6, 2023; and

WHEREAS, Beverly Winchester ("Appellant"), filed a timely Appeal application on July 13, 2023, requesting to overturn the Historic and Scenic Preservation Commission's decision to deny Certificate of Appropriateness Permit No. 665; and

WHEREAS, in accordance with Government Code section 65090, on or about September 8, 2023, the City Clerk gave notice by publication in a newspaper of general circulation of the holding of a public hearing at which the Appeal and Certificate of Appropriateness Permit No. 665 would be considered by City Council; and

WHEREAS, on September 19, 2023, the City Council held a duly noticed public hearing to consider the Appeal of the Historic & Scenic Preservation Commission's decision to deny Certificate of Appropriateness No. 665, and considered the findings and the verbal and written testimony of City Staff, the appellant, and public comments from members of the public; and

WHEREAS, the proposed project may significantly alter a historic resource and may cause potentially significant impacts to the environment or a historic resource as defined by California Environmental Quality Act (CEQA) Guidelines Section 15064.5(b).

WHEREAS, California Environmental Quality Act (CEQA) Guidelines Section 15270 (Projects Which Are Disapproved) provides for exemption from environmental review for proposals which a public agency rejects or disapproves.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REDLANDS AS FOLLOWS:

Section 1. California Environmental Quality Act. The Appeal is exempt from environmental review in accordance with Section 15270 of the California Environmental Quality Act ("CEQA"). Pursuant to Section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines, proposals which a public agency rejects or disapproves are not subject to environmental review. In addition, as currently proposed by the appellant, the vinyl fence and gate may significantly alter a historic resource/district and may cause potentially significant impacts to the environment or a historic resource as defined by CEQA Guidelines Section 15064.

Section 2. Findings for Denying the Appeal. The City Council denies the Appeal and upholds the decision of the Historic & Scenic Preservation Commission that denied Certificate of Appropriateness No. 665, based upon the following findings:

A. The proposed fence/gate material, height, prominent location, and visibility within a historic district are not compatible with the subject property or the surrounding Historic District No. 8, and are not compatible with the city's Historic & Scenic Preservation Manual nor the applicable provisions of the Secretary of Interior's Standards; and

B. The Historic & Scenic Preservation Commission held four consecutive meetings (public hearings) at which multiple alternatives were suggested to the applicant to consider appropriate fence materials, exterior treatments, landscaping or screening in order to achieve consistency with the city's Historic & Scenic Preservation Manual and the applicable Secretary of Interior's Standards; and

C. The applicant/appellant declined to accept any suggested alternatives for their proposal, and the applicant/appellant had proposed alternative materials and landscape screening methods that the Commission determined would not be consistent with the city's Historic & Scenic Preservation Manual or the applicable provisions of the Secretary of Interior's Standards; and

D. The proposed vinyl fence/gate material and prominent location on the subject property will significantly and detrimentally alter a historic resource and surrounding historic district, which may be a potentially significant impact to a historic resource as defined by CEQA, and therefore is not exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines; and

E. The findings contained in Resolution No. 2023-15 adopted by the Historic & Scenic Preservation Commission are hereby incorporated by reference.

Section 3. Denial of Appeal. The City Council hereby denies the Appeal of the decision by the Historic & Scenic Preservation Commission denying Certificate of Appropriateness No. 665, and the Commission's denial of Certificate of Appropriateness No. 665 is affirmed and upheld.

Section 4. Effective Date. This Resolution shall become effective upon adoption.

ADOPTED, SIGNED, AND APPROVED this 19th day of September, 2023.

_____
Eddie Tejeda, Mayor

ATTEST:

_____
Jeanne Donaldson, City Clerk

I, Jeanne Donaldson, City Clerk of the City of Redlands, do hereby certify that the foregoing Resolution was duly adopted by the City Council at a regular meeting thereof held on the 19th day of September, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

_____
Jeanne Donaldson, City Clerk

City Council/Financing Authority Meeting **K. 2.**

DATE: 09/19/2023

TO: Honorable Mayor and City Council Members

SUBJECT: Public Hearing to consider adopting Resolution No. 8513 and approving Amendment No. 1 to the Transit Villages Specific Plan (Specific Plan No. 65) consisting of the following items:

(Mayor to declare meeting open as a public hearing)

a. Amend Section 4.9 (Sign Standards) to permit internally-illuminated wall signs and canopy signs within all TVSP districts except for designated historic properties;

b. Amend Section 4.9 (Sign Standards) to add regulations pertaining to sign illumination brightness;

c. Amend Section 4.2 (Zones Established) to state that signs on properties within Special District 1 shall be subject to the sign regulations contained in Redlands Municipal Code Chapter 15.36 for the C-3, General Commercial zone;

d. Amend Section 4.8 (Emergency Shelter Standards) to update the development and operating standards pertaining to emergency shelters to comply with the requirements of current State law.

(Development Services Director Desatnik)

PROCEDURE FOR PUBLIC HEARING:

1. Mayor declares the meeting open as a public hearing.
2. Mayor calls upon Department Director for report.
3. Mayor calls for questions/comments from members of the City Council.
4. Mayor calls for comments/questions/testimony from members of the public (3 minutes per speaker).
5. Mayor calls upon City Clerk to note any written comments received.
6. Mayor closes the public hearing.
7. City Council considers the motion and votes.

MOTION(S):

If the City Council determines that the Planning Commission's recommendation is appropriate, the following motion is provided:

I move that the City Council adopt Resolution No. 8513 and approve Amendment No. 1 to the Transit Villages Specific Plan, and I further move that the City Council determine that adoption of Resolution No. 8513 is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines.

RECOMMENDATION:

The Planning Commission held a public hearing on July 11, 2023, and August 8, 2023, and recommended that the City Council approve and adopt the proposed amendment. The Commission recommended allowing internally illuminated wall and canopy signs for all zoning districts within the Transit Villages Specific Plan (except for designated historic buildings or properties that would be permitted to have external illumination only), and also include general regulations limiting sign illumination brightness to prevent any public nuisances from sign lighting.

DISCUSSION:

The Transit Villages Specific Plan (Specific Plan No. 65) was adopted on October 22, 2022. The accompanying Environmental Impact Report was also certified and adopted on October 22, 2022. The entire Transit Villages Specific Plan (TVSP) area, which covers approximately 947 acres (or 1.5 square miles), has the following general boundaries: to the west by Kansas Street, Redlands Boulevard, Alabama Street, and Tennessee Street; to the north by Interstate 10, Colton Avenue, and Sylvan Boulevard; to the east by Judson Street; and to the

south by Citrus Avenue, Central Avenue, Redlands Boulevard, Olive Avenue, Brookside Avenue, Ash Street, Pine Avenue, Tennessee Street, and State Street. The TVSP area also includes the parcels along both sides of Orange Street between Colton Avenue and Lugonia Avenue (see Attachment A).

Amendment No. 1 to the Transit Villages Specific Plan (TVSP) consists of the components described below (see Attachment E for the proposed new and amended text).

B) Wall Signs

Currently, the TVSP sign standards do not permit internal illumination for new wall signs in all TVSP districts (only external illumination is allowed). Internally illuminated signs (such as channel letters) are prevalent in most shopping centers and commercial corridors throughout the area. Allowing the continued use of internally illuminated wall signs in these shopping centers, corridors, and other contemporary buildings will not diminish or detract from the aesthetic and architectural quality of the built environment. Historic buildings that are included on the City's list of designated historic resources may only have external illumination for their wall signs (not internally illuminated signs).

C) Canopy Signs

Currently, the TVSP sign standards do not permit internal illumination for new canopy signs in all TVSP districts (only external illumination is allowed). Internal illumination for canopy signs is commonly used (such as channel letters), similar to wall signs. The revised sign code will allow internally illuminated canopy signs in all TVSP districts, except for historic buildings that are on the City's list of designated historic resources. Buildings designated as local Historic Resources may only have external illumination for any canopy signs.

D) Sign Brightness

The existing City of Redlands Sign Code (Chapter 15.36 of the Redlands Municipal Code) currently includes maximum brightness standards for certain types of signs, as listed in RMC Section 15.36.130. Many sign codes in other cities contain general prohibitions on sign luminosity of such brightness that it becomes a public nuisance or interferes with viewing of traffic signals. Many sign codes also contain general prohibitions against flashing, blinking, spinning, or moving signs.

> "15.36.130: MAXIMUM BRIGHTNESS:
> Internally illuminated signs shall be limited to the following maximum brightness:
>
> A. Neon signs: Shall not exceed thirty milliamps (30 mA).

B. Exposed incandescent bulbs: Shall not exceed fifteen (15) watts. (Ord. 2552 §1, 2004)"

Using these existing standards as a guide, similar standards can be applied within the Transit Villages Specific Plan area for consistency (i.e., new subsection within Section 4.9 of Chapter 4). Sign illumination would be consistent with the above, any external lighting must include shielding to limit glare or overspill, and the new regulations will help prevent any nuisance conditions (such as prohibiting signs that would spin, flash, change colors or intensity, or impact any nearby residential properties).

E) Sign Standards for Special District 1

Currently, properties such as schools located in Special District 1 (SD1) of the Transit Villages Specific Plan do not have explicit sign standards. The amendment would permit SD1 properties to have signs consistent with the normal sign regulations that otherwise pertain to the C-3, General Commercial zone as specified in Title 15 of the Redlands Municipal Code, Chapter 15.36 (Sign Code).

F) Standards for Emergency Shelters

Recent changes to State law allow only certain objective development standards and operating standards to be applied to emergency shelters. Assembly Bill (AB) 2339 became effective on January 1, 2023, and revised Government Code section 65583(a)(4) to list the objective development and operating standards. Other development standards and those that are not objective, and which are not explicitly allowed by statute, would no longer be applicable or enforceable. The City Council Resolution (Attachment E) contains the proposed text amendments to Section 4.8 of the Transit Villages Specific Plan.

G) General Plan Consistency

The proposed text amendments will continue to be consistent with the 2035 General Plan and more than 100 Policies and Actions contained in the 2035 General Plan. The applicable General Plan policies were provided and discussed in Attachment C-3 to the Planning Commission staff report of October 5, 2022 (available at https://www.cityofredlands.org/meeting-agendas-minutes).

No specific findings are required for the proposed amendment, other than determining the proposal is consistent with the General Plan. The proposed amendment is consistent with the applicable provisions of California Government Code Sections 65453 and 65454 pertaining to specific plans, including the requirements for amending a specific plan.

H) Environmental Review

The proposed text amendments to the Transit Villages Specific Plan (Specific Plan No. 65) will change minor sign regulations contained within the specific plan, as well as update the existing standards for emergency shelter land uses. The text amendments do not and would not result directly in any development of any parcel of land or any direct or indirect environmental effects. As such, the Planning Commission recommended that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines. Section 15061(b)(3) is commonly referred to as the general rule exemption and exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

ALTERNATIVES:

1. The City Council can continue consideration of the Specific Plan Amendment and direct staff to bring back additional information or modify as directed; or,
2. The City Council can deny the Resolution.

STRATEGIC PLAN:

Not applicable.

SUBMITTED BY:
Brian Desatnik, Development Services Director

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Yvette M. Abich Garcia, City Attorney
Christopher Boatman, Assistant City Manager
Janice McConnell, Assistant City Manager
Danielle Garcia, Management Services/Finance Director

PREPARED BY:
Brian Foote, City Planner/Planning Manager

Fiscal Impact

Fiscal Year:	23-24
Revenue Generating:	No
Appropriation Required Y/N:	No

Discussion:

There is no fiscal impact associated with the proposed specific plan amendment.

Attachments

Attachment A: Location Map

Attachment B: Transit Villages Specific Plan (SP 65) Districts Map

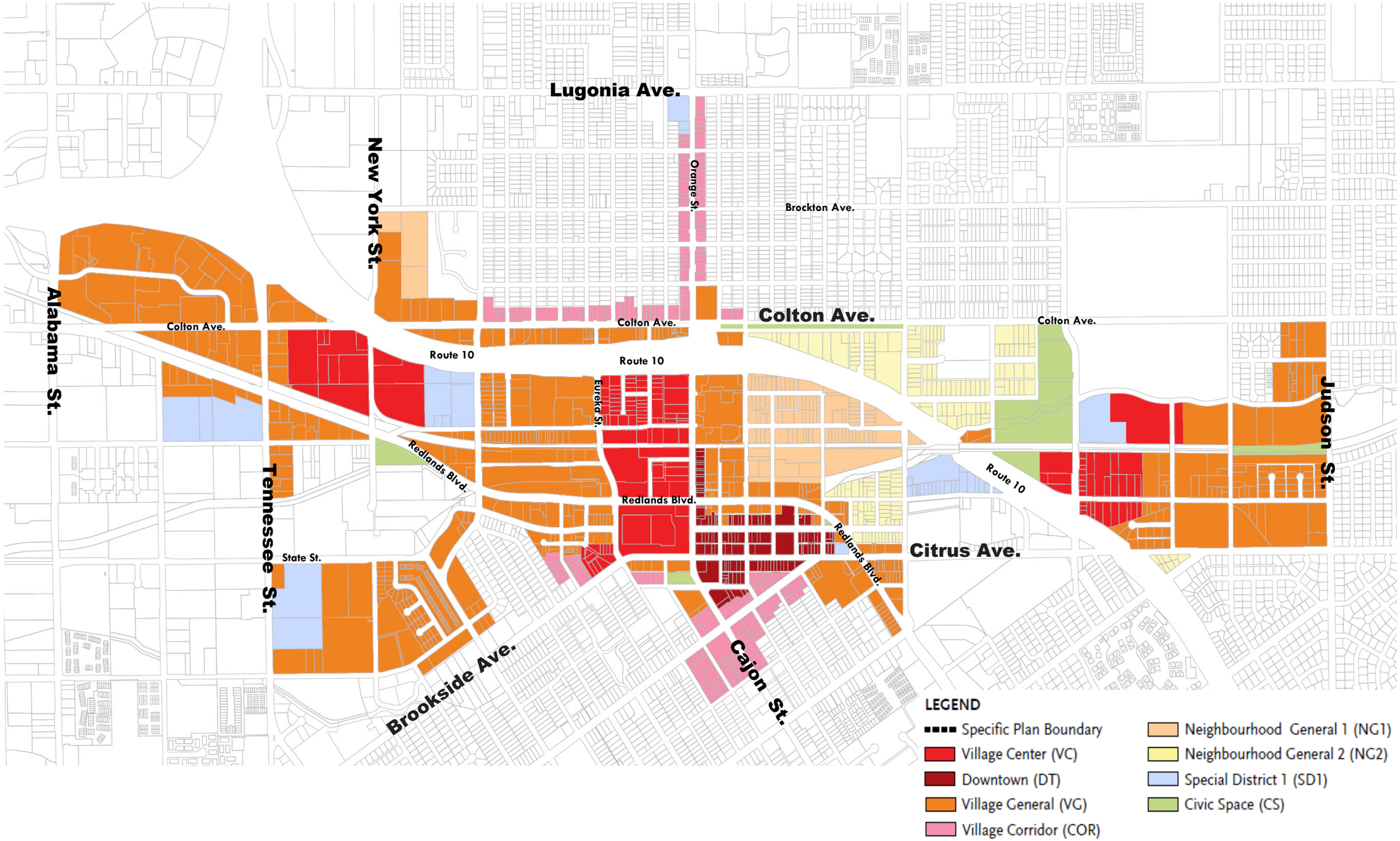
Attachment C: TVSP Section 4.9 - Sign Standards (existing)

Attachment D: TVSP Section 4.8 - Emergency Shelter Standards (existing)

Attachment E-1: Resolution No. 8513 (legislative)

Attachment E-2: Resolution No. 8513 (Clean)

Location Map



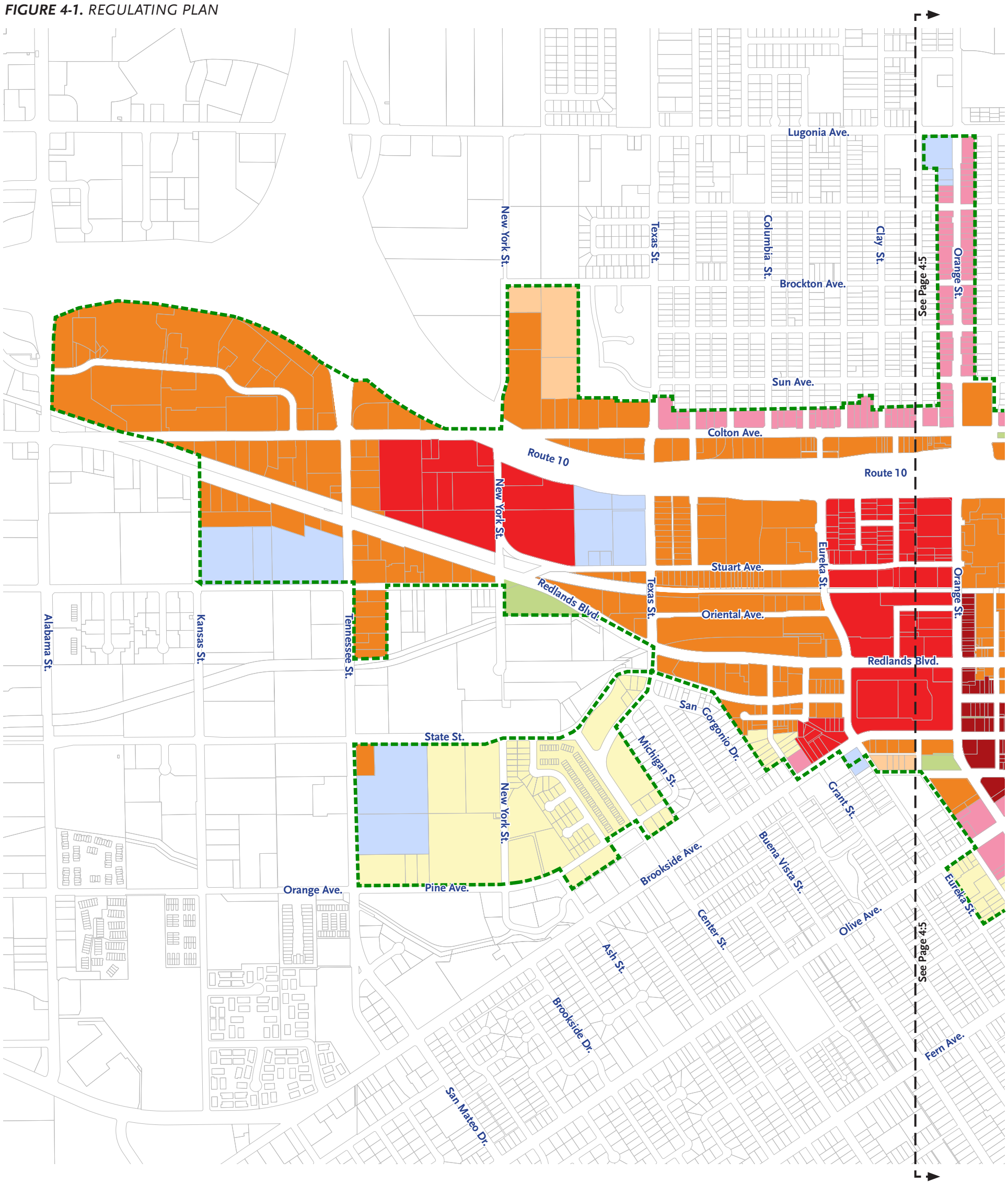
4.2. REGULATING PLAN, ZONES, AND LAND USE STANDARDS

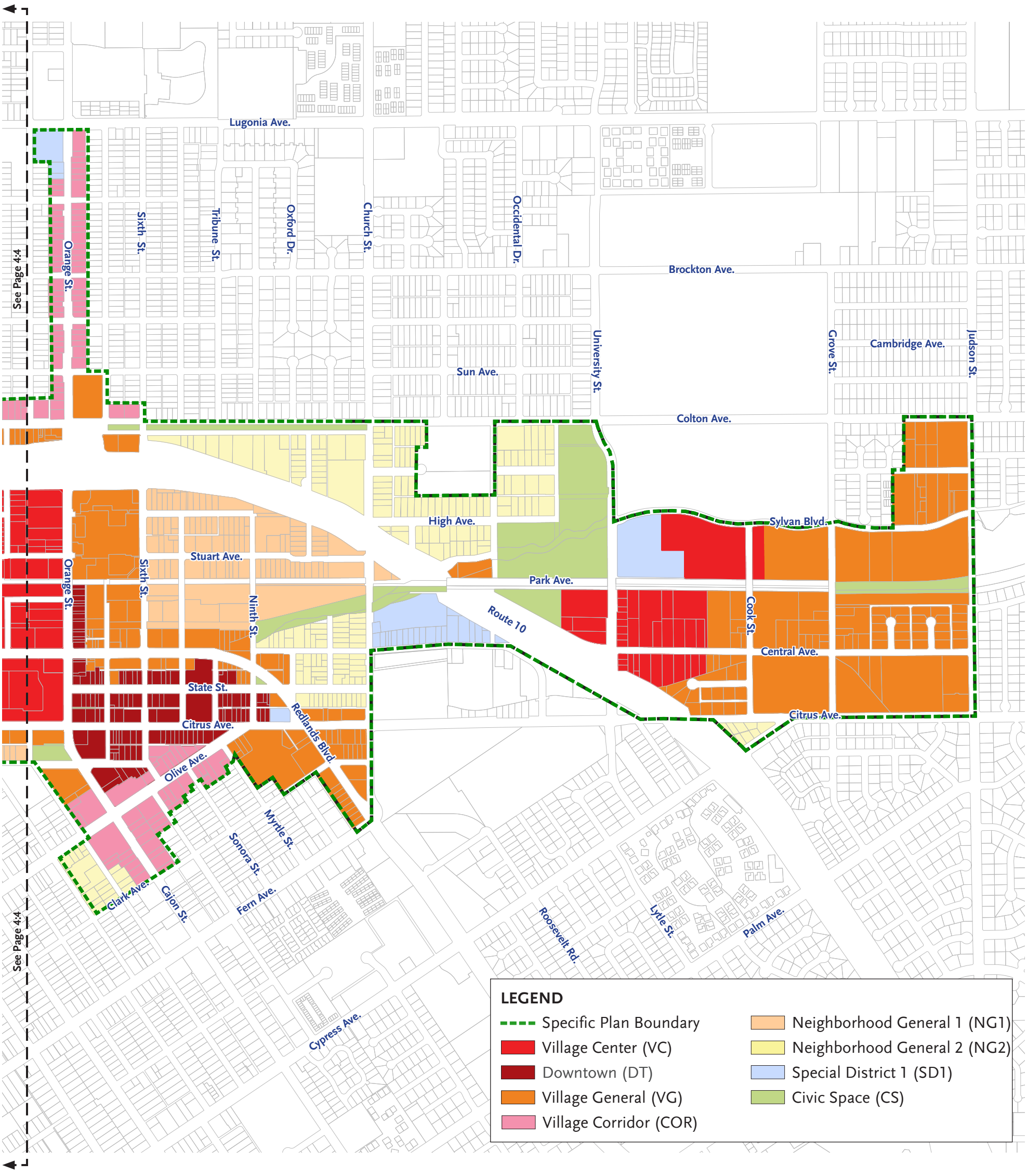
4.2.1. REGULATING PLAN AND ZONES

A. Purpose. This Section establishes the zones applied to property within the specific plan area. The Regulating Plan (Figure 4-1 on pages 4:3-4:4) divides the specific plan area into separate zones that are based on intensities that range from the most intense types of development and land use within the specific plan area to the least intense types, with all zones allowing a broad and varied mixture of land uses.

Each zone allocates land uses and provides detailed standards for building placement, height, massing, articulation, frontage, landscape, and parking.

FIGURE 4-1. *REGULATING PLAN*




Lugonia Ave.
Brockton Ave.
Colton Ave.
Sun Ave.
High Ave.
Stuart Ave.
Park Ave.
Sylvan Blvd.
Central Ave.
Citrus Ave.
State St.
Olive Ave.
Clark Ave.
Fern Ave.
Cypress Ave.
Palm Ave.
Orange St.
Sixth St.
Tribune St.
Oxford Dr.
Church St.
Occidental Dr.
University St.
Grove St.
Cambridge Ave.
Judson St.
Ninth St.
Route 10
Cook St.
Redlands Blvd.
Myrtle St.
Sonora St.
Cajon St.
Roosevelt Rd.
Lytle St.
See Page 4:4
See Page 4:4
LEGEND
Specific Plan Boundary
Village Center (VC)
Downtown (DT)
Village General (VG)
Village Corridor (COR)
Neighborhood General 1 (NG1)
Neighborhood General 2 (NG2)
Special District 1 (SD1)
Civic Space (CS)

4.2. REGULATING PLAN, ZONES AND LAND USE STANDARDS (CONTINUED)

B. Zones established. The following zones are hereby established by this Specific Plan, and are applied to property within the Specific Plan Area as shown on the Regulating Plan (Figure 4-1).

1. Village Center (VC)

The Village Center zone applies to the parcels immediately surrounding the three stations. Harkening back to the three- and four-story buildings that lined State and Orange Streets prior to World War II, new buildings reach an average height of four stories[1] and are mixed-use, all residential, or all office. Retail ground floors are located at the back of sidewalk, while residential ground floors are set back behind small front yards. Buildings are accessed directly from the sidewalk via shopfront, stoop, terrace, or lobby frontage types. Parking is located behind buildings or subterranean

2. Downtown (DT)

The Downtown zone applies to parcels facing State Street east of Orange Street and along the east side of Orange Street between the railroad right of way and State Street. New buildings up to three-stories in height accommodate a mix of uses with commercial ground floors and residential or commercial upper floors. New buildings are located at the back of sidewalk, and accessed via shopfronts or lobbies. Parking is located behind buildings, subterranean, or in park-once lots or structures.

3. Village General (VG)

Applying to parcels located around the periphery of the three stations, the Village General zone enables multi-family and mixed-use buildings with an average height of three stories.2 Retail ground floors, accessed via shopfronts, are located at the back of sidewalk, while residential ground floors, accessed via stoops, terraces, or lobbies, are located behind small front yards. Parking is located behind buildings or subterranean

4. Village Corridor (COR)

The Village Corridor zone applies to parcels located along the north side of Colton Avenue, both sides of Orange Street north of the I-10 freeway, and both sides of Olive Avenue. The Village Corridor zone enables small-scale mixed-use buildings up to two stories in height with commercial ground floors and residential or commercial upper floors. Building access is directly from the sidewalk via shopfront, stoop, terrace, or lobby frontage types. Parking is located behind and to the sides of buildings, subject to minimum street-facing building frontage requirements

5. Neighborhood General 1 (NG1)

The Neighborhood General 1 zone applies to parcels located between Sixth Street and Church Street. The Neighborhood General 1 zone enables small-scale commercial and house-form buildings that accommodate commercial, light industrial, and live-work uses. New buildings are up to two stories in height and located at or near the back of sidewalk. Parking is allowed behind and to the side of buildings, subject to minimum street-facing building frontage requirements

6. Neighborhood General 2 (NG2)

The Neighborhood General 2 zone enables house-form buildings that accommodate residential and office uses. New buildings are up to two stories in height and are set back from the sidewalk behind front yards. Parking is located behind buildings. New buildings match or complement prevalent building setbacks along the length of the block and complement building heights and massing of adjacent buildings or buildings across the street.

7. Special District 1 (SD1)

The Special District 1 zone applies to school and other institutional sites. New buildings accommodate educational, religious, and other civic uses. Parking is located in surface parking lots or garages. Development standards are negotiated between the institutional entity and the City.

8. Civic Space (CS)

The Civic Space zone applies to parks, plazas, greens, and other open spaces within the Specific Plan area. These open spaces may accommodate small structures such as gazebos, restrooms, and community centers.

4.2.2. ALLOWABLE LAND USES AND PLANNING PERMIT REQUIREMENTS

A. Allowable land uses. A parcel or building within the specific plan area shall be occupied by only the land uses allowed by Table 4-2 within the zone assigned to the site as shown on the Regulating Plan.

1. **Multiple uses.** Any one or more land uses identified by Table 4-2 as being allowable within a specific zone may be established on any parcel within that zone, subject to the planning permit requirement listed in the table, and in compliance with all applicable requirements of this Development Code.
2. **Use not listed.** When a use is not specifically listed in Table 4-2:
   a. The Planning Commission shall have the authority to decide as an administrative act (with review of an application for entitlement) whether the proposed use is permitted based on the determination that the use is similar to, and no more detrimental than, those permitted in the district. Uses not listed, or otherwise determined by the Planning Commission to not be permitted, shall be prohibited.
   b. For ministerial actions (such as review of a building permit application, zone clearance form for a business license, etc.), the Development Services Director shall have the authority to determine whether the proposed use is permitted based on the determination that the use is similar to, and no more detrimental than, those permitted in the district. Uses not listed, or otherwise determined by the Director to not be permitted, shall be prohibited.

B. Permit requirements. Table 4-2 provides for land uses that are:

1. Permitted subject to compliance with all applicable provisions of this Specific Plan. These are shown as "P" uses in the table;
2. Allowed subject to the approval of a Conditional Use Permit in compliance with *Redlands Municipal Code* 18.192, and shown as "CUP" uses in the table;
3. Allowed subject to the approval of a Administrative Use Permit in compliance with *Redlands Municipal Code* 18.193, and shown as "AUP" uses in the table
4. Not allowed in particular zones, and shown as a "-" in the table.

C. Standards for specific land uses.

1. **Additional Regulations.** Where the last column in Table 4-2 ("Additional Regulations per *Redlands Municipal Code*") includes a section number, the regulations in the referenced section of *Redlands Municipal Code* apply to the use. Provisions in other sections of the *Redlands Municipal Code* may also apply.

4.9. SIGNAGE STANDARDS

A. Purpose and Intent. This Section establishes standards for the design, erection, maintenance, and use of signs and other exterior advertising media within the Specific Plan area that contribute to the creation of a rich urban environment that demonstrates variety, quality, and design integrity.

B. Applicability. The requirements of this Section apply to all renovations of existing buildings, all additions to existing buildings, and new buildings within the TVSP area.

C. Sign Permit and Review Requirements. Sign permits and/or building permits shall be required per Section 15.36.080 (Permits and Fees) and 15.36.090 (Permit Submittal Requirements) of the *Redlands Sign Code* and may be approved by Development Services staff, unless discretionary review is required as specified herein.

D. General Design Standards.

1. Location and Placement

a. Each sign shall be located on the same site as the subject of the sign.

b. In order to avoid sign clutter, signage shall only be allowed on facades that have building entrances.

c. Ground floor business within a building may have one or multiple storefront signs. See Section 15.36.050 (Area Measurement) and Section 15.36.060 (Height Measurement) of the *Redlands Municipal Code* for sign area and height measurement definitions. The maximum number of signs allowed per building shall per the requirements of the applicable zone (see Sections 4.3.1.H, 4.3.1.H, 4.3.3.H, 4.3.4.H, 4.3.5.H, and 4.3.6.H) and as identified for each sign type (see Section 4.9.F).

d. Upper floor businesses may be identified by Building Identification Signs for principal tenants (see Section 4.9.F.7) and/or Directory Signs (see Section 4.9.F.13).

e. Logos or identification symbols are considered signs and shall conform to all requirements of this section.

f. Signs shall not cover, obscure, or interfere with the operation of windows, doors, storefronts, and/or building entrances. Signs shall not cover or obscure architectural features of the building, including, but not limited to, transoms, cornices, columns, or other architectural elements, details, or ornamentation.

2. Size. The gross area of all signs on a building facade shall not exceed 10% of the total area of the facade. The maximum sign dimensions and area of each individual sign shall be as identified in the requirements for each allowed sign type (see Section 4.9.F).

3. Color. Colors on signs and structural members shall be harmonious with one another and relate to the dominant colors of the buildings on the project site. Contrasting colors can be utilized if the overall effect of the sign is still compatible with building colors.

4. Design and construction.

a. Except for banners, flags, temporary signs, and temporary window signs conforming with the requirements of Section 15.36, Article VIII (Temporary Signs) of the Redlands Municipal Code, each sign shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

b. Each permanent sign shall be designed by a professional (e.g., architect, building designer, landscape architect, interior designer, or others whose principal business is the design, manufacture, or sale of signs), or who are capable of producing professional results.

c. Each permanent sign shall be constructed by persons whose principal business is building construction or a related trade including sign manufacturing and installation, or others capable of producing professional results. The intent is to ensure public safety, achieve signs of careful construction, neat and readable copy, and durability, to reduce maintenance costs, and prevent dilapidation.

5. Materials and structure.

a. Sign materials (including framing and supports) shall be representative of the type and scale of materials used on the project site where the sign is located. Sign materials shall match those used on the building(s) on the project site and any other signs on the project site.

b. Signs shall not include reflective material.

c. Materials for permanent signs shall be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance.

d. The size of the structural members (e.g. columns, cross-beams, and braces) shall be in proportion with the sign panel they are supporting.

e. The use of individual letters incorporated into the building facade design is encouraged, rather than a sign with background and framing other than the structure wall.

5. Street address. The City may require that a sign include the street address of the project site, where it determines that public safety and emergency vehicle response would be more effectively served than if the street address were displayed solely on one or more buildings on the project site.

Examples of a wall mounted signs.

Example of projecting sign.

Example of window sign.

4.9. SIGNAGE STANDARDS (CONTINUED).

6. **Copy design guidelines.** The City does not regulate the message content (copy) of signs; however, the following are principles of copy design and layout that can enhance the readability and attractiveness of signs. Copy design and layout consistent with these principles is encouraged,but not required.
   a. Sign copy should relate only to the name and/or nature of the business or commercial center.
   b. Permanent signs that advertise continuous sales, special prices, or include phone numbers are only permitted as window signage.
   c. Information should be conveyed briefly or by logo, symbol, or other graphic manner. The intent should be to increase the readability of the sign and thereby enhance the identity of the business.
   d. The area of letters or symbols should not exceed 40 percent of the background area in commercial districts or 60 percent in residential districts.
   e. Freestanding signs should contain the street address of the parcel or the range of addresses for a multi-tenant building.
7. **Sign lighting.** Sign lighting shall be designed to minimize light and glare on surrounding rights-of way and properties.
   a. External light sources shall be directed and shielded so that they do not produce glare off the project site, on any object other than the sign.
   b. Sign lighting shall not blink, flash, flutter, or perceptibly change light intensity, brightness, or color.
   c. Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.
   d. Neither the direct nor reflected light from primary light sources shall create hazards for pedestrians or operators of motor vehicles.
   e. For energy conservation, light sources shall be hard-wired fluorescent or compact fluorescent lamps, or other lighting technology that is of equal or greater energy efficiency. Incandescent lamps are prohibited.
   f. Internally illuminated box signs that light the entire sign (including letters, symbols, logos and background) are prohibited in the Village Center (VC) and Downtown (DT) Zones.
   g. Neon tubing allowed for business identification signs, but not window signs or temporary signs.

E. Sign Maintenance.

1. Each sign and supporting hardware, including temporary signs and awning signs,shall be maintained in good repair and functioning properly at all times. Any damage to a sign or its illumination, including the failure of illumination shall be repaired within a maximum of 14 days from the date of damage or failure.
2. A repair to a sign shall be of materials and design of equal or better quality as the original sign.
3. When an existing sign is removed or replaced, all brackets, poles, and other supports that are no longer required shall be removed.

F. Signage Type Design Standards. The following Signage Types are described in this Section: .

1. Porch Sign
2. Yard Sign
3. Awning Sign
4. Canopy Sign
5. Projecting Sign
6. Wall Sign
7. Building Identification Sign
8. Window Sign
9. Sidewalk Sign
10. Roof Sign
11. Blade Sign
12. Marquee
13. Directory Sign
14. Mural

1. Porch Sign

a. Definition. A pedestrian-oriented sign that is attached to the porch and hangs or is otherwise suspended between columns supporting the porch roof. The sign is prominent within a bay created by the porch columns without obstructing view from inside the building or from the porch.

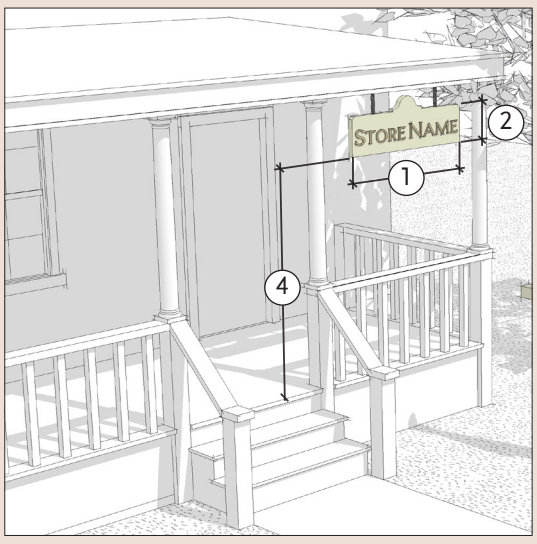
b. Design Standards

i. Maximum of one (1) Porch Sign per building.

ii. Sign may be located on ground floor only. Upper floor signs prohibited

iii. If illuminated, external illumination is required and shall be mounted in a manners that maintains the visual integrity of the sign.

iv. Sign design, including supporting hardware such as brackets, shall be architecturally compatible with the main building.



	Dimension	Min.	Max.
1	Width	none	8 ft.
2	Height	none	2 ft.
3	Thickness	none	4 in.
4	Vertical Clearance from porch floor	7 ft.	none
5	Area	none	16 sf.

2. Yard Sign

a. **Definition.** A pedestrian-oriented sign that is located within the front yard and is supported by a post or posts.

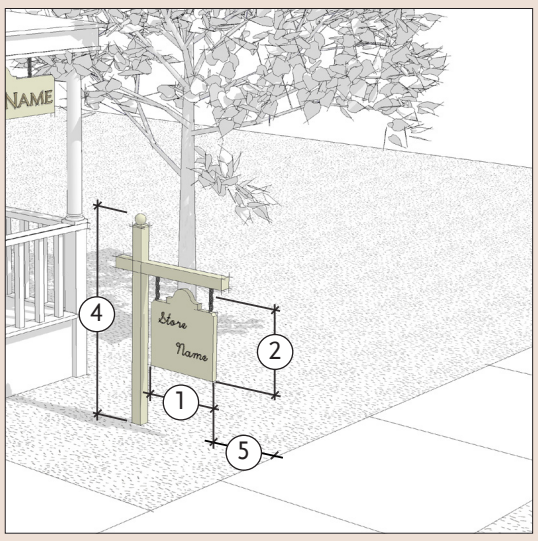
b. **Design Standards**

i. Maximum of one (1) Freestanding Yard Sign per property.

ii. Signs shall not encroach into the right-of-way or private street.

iii. If illuminated, external illumination is required and shall be mounted in a manners that maintains the visual integrity of the sign.

iv. Sign design, including supporting hardware such as brackets, shall be architecturally compatible with the main building.



	Dimension	Min.	Max.
1	Width (sign)	none	5 ft.
2	Height (sign)	none	4 ft.
3	Thickness (sign)	none	4 in.
4	Post Height	none	5 ft.
5	Setback from right-of-way	3 ft.	none
6	Area (sign)	none	20 sf.

3. Awning Sign

a. **Definition.** A sign in which a tenant's name and/or logo that is applied to the lower vertical portion ("valance") of a canvas awning projecting from a facade.

b. **Design Standards.**

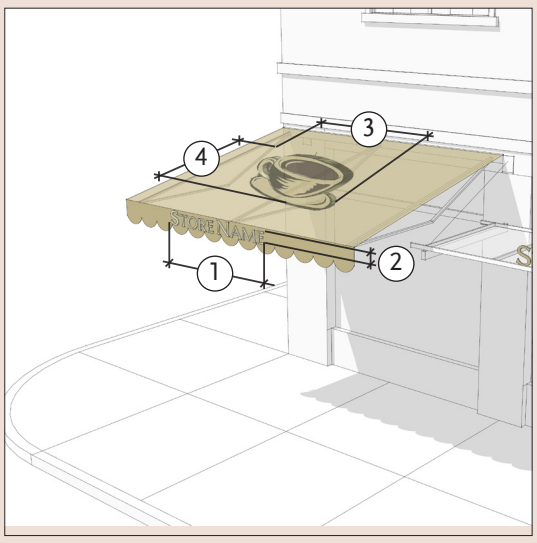
i. Maximum of one (1) sign per awning.

ii. The main panel of awnings shall only be used for a logo feature and shall not be for additional signage area.

iii. Letters shall be silkscreened printed or sewn only onto the valance, or lower vertical surface of the awning. Signage on the main panel is prohibited.

iv. Awning signs only permitted on ground floor awnings and expressly prohibited on upper story awnings.

v. Encroachment permit required if awning encroaches into right of way.



	Dimension	Min.	Max.
1	Width as % of vertical valance width	none	90%
2	Height as % of vertical valance width	none	90%
3	Width as % of angled valance width	none	40%
4	Height as % of angled valance width	none	40%
5	Area	none	none

4.9. SIGNAGE STANDARDS (CONTINUED).

4. Canopy Sign

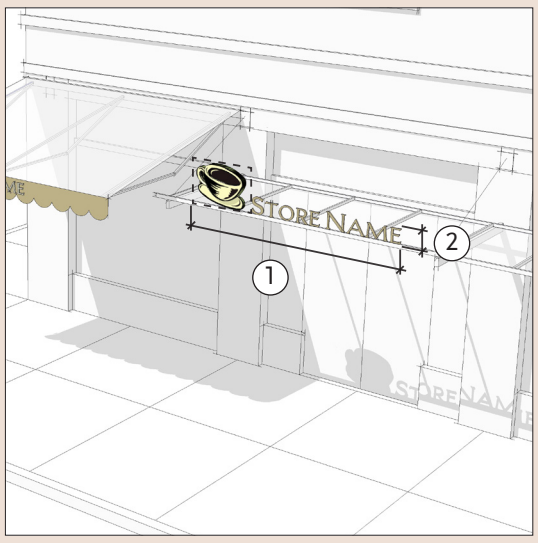
a. **Definition.** A pedestrian-oriented sign that is mounted on top of a horizontal awning parallel to the sidewalk.

b. **Design Standards.**

i. Maximum of one (1) sign per storefront.

ii. Canopy signs only permitted on ground floor canopies and expressly prohibited on upper story canopies.

iii. Encroachment permit required if canopy encroaches into right of way.



	Dimension	Min.	Max.
1	Width	none	16 ft.
2	Height	none	2 ft.
3	Thickness	none	9 in.
4	Area	none	32 sf.

5. Projecting Sign

a. **Definition.** A double-sided sign that projects perpendicular to the building facade from a mounted wall brace or from the ceiling of a balcony or arcade. Projecting signs typically project into the public right-of-way, plaza, or pedestrian passageway, and are intended for viewing by pedestrians approaching the shop.

b. **Design Standards**

i. Maximum one projecting sign per ground floor business along frontage. In multi-tenant buildings, only businesses with ground floor frontage along the sidewalk, an internal plaza, or a pedestrian passage, shall be allowed a projecting wall sign.

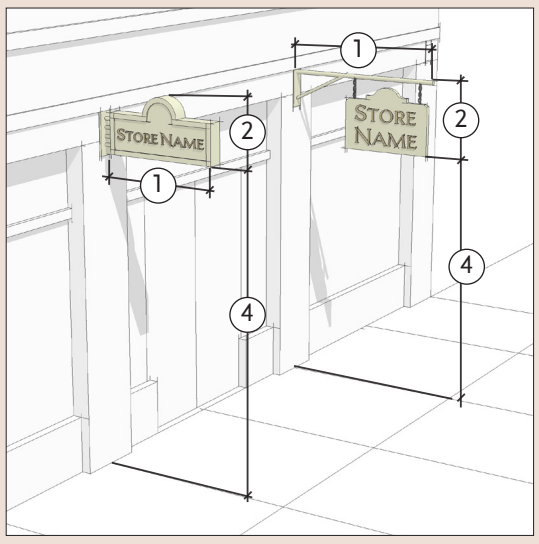
ii. Projecting signs shall be mounted near storefront entrances.

iii. Projecting signs that hang from the ceiling of a balcony or arcade shall be centered within the balcony or arcade

iii. The top of a projecting signs shall be located below the second floor windows of the building.

iv. Projecting signs shall be externally illuminated by a light mounted on the facade or by neon tubing used to illuminate letters, symbols, and accent frames.

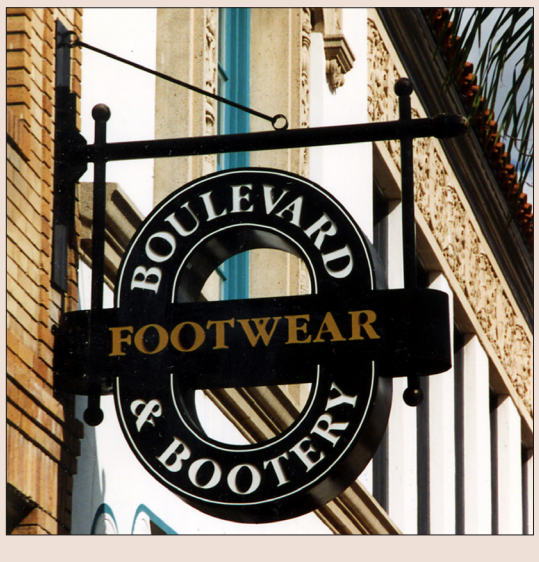
v. Supporting hardware such as brackets shall be architecturally compatible with the building facade.



	Dimension	Min.	Max.
1	Width	none	3 ft.
2	Height	none	3 ft.
3	Thickness	none	3 in.
4	Vertical Clearance	8 ft.	12 ft.
5	Area	none	6 sf.

vi. Projecting signs not allowed under an awning or horizontally within five feet of an awning or another projecting sign.

vii. An encroachment permit is required if sign projects within public right-of-way.



6. Wall Sign

a. **Definition.** A sign painted or applied directly to the wall, typically above the storefront or more creatively as approved by the City. This type consists of a single externally illuminated panel or individual letters and/or logo and does not include cabinet signs. This type of sign is intended for viewing from across the street, along the sidewalk, or from an internal plaza or pedestrian passageway.

b. **Design Standards**

i. Maximum one wall sign per business along frontage. In multi-tenant buildings, only businesses with ground floor frontage along the sidewalk, internal plaza, or pedestrian passage shall be allowed a wall sign.

ii. Wall signs shall be located above the storefront and at least 12 inches from any eave, edge of building, or top of parapet.

iii. Maximum thickness of sign as measured from the wall shall not exceed four inches.

iv. Minimum 24 inches between sign and any windows or doors.

v. If illuminated, external illumination required and shall be mounted to maintain visual integrity of the sign.

vi. Wall sign square footage shall not be transferred to other businesses or other building frontages.

	Dimension	Min.	Max.
1	Width as percentage of storefront width	none	60%
2	Height	none	3 ft.
3	Thickness as measured from wall	none	9 in.
4	Area	none	none

vii. Cabinet signs or replaceable face signs are prohibited.

7. Building Identification Sign

a. **Definition.** A wall sign placed at the top floor of a multi-story commercial building on the parapet or just below the eve. Building identification signs identify the building name or the principal tenant.

b. **Design Standards**

i. Multi-story commercial buildings may provide one (1) Building Identification Sign per building frontage.

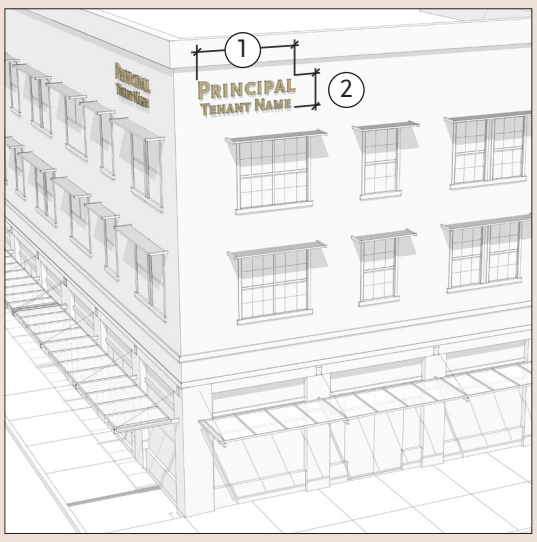
ii. The Identification Sign shall be located above the windows on the uppermost story of the building.

iii. Building identification signs may be made of illuminated individual letters applied to the building face, may be engraved into the building's material, or may be low-relief.

iv. Building identification signs may contain the name of a building, or describe its function or tenant, but may not identify any products sold.

v. One of the primary tenant(s) may provide only one (1) Building Identification Sign per frontage. Multiple tenants shall not be placed on the same frontage, nor may sign area be allocated to different tenants.

vi. Sign square footage shall not be transferred to other building frontages.



	Dimension	Min.	Max.
1	Width	none	16 ft.
2	Height	none	4 ft.
3	Thickness	none	18 in.
4	Area	none	48 sf.

4.9. SIGNAGE STANDARDS (CONTINUED).

8. Window Sign

a. **Definition.** A temporary or permanent sign painted or applied directly to the storefront window(s) and/or door(s). Window signs also include posters for advertisements and sales, product merchandise posters, open and closed signs, and painted or etched business names and logos.

b. **Design Standards**

i. Maximum one (1) window sign per window or door.

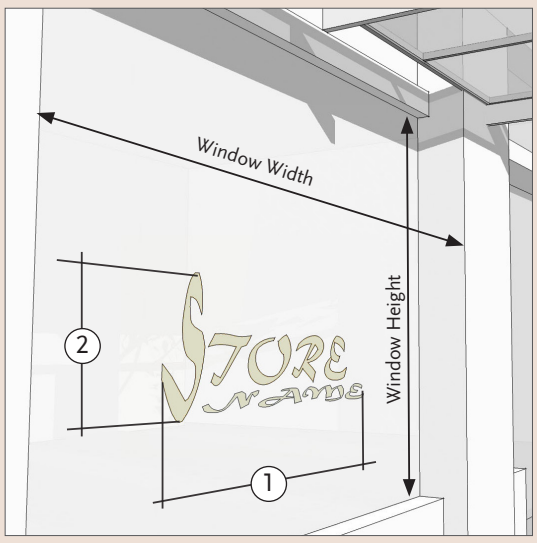
ii. Window signs only permitted on ground floor windows/doors and expressly prohibited on upper story windows.

iii. Permanent window signs shall be individually painted, etched, or otherwise applied graphics surrounded by clear glass, and shall be painted, applied, or adhered to the interior surface of the glass.

iv. Signage inside the shopspace is not allowed within 4 feet of the window;

v. Temporary signs window – including product or event posters – may include an opaque background.

vi. Holiday window painting, such as for Christmas and Halloween, shall be permitted and shall be exempt from the window sign limitations. However, such painting shall contain no reference to named goods or services, and shall be removed within 12 days after the applicable holiday.



	Dimension	Min.	Max.
1	Width as % of window/door width	none	50%
2	Height as % of window/door height	none	50%
3	Area as % of total window/door area	none	25%

9. Sidewalk Sign

a. **Definition.** A two-sided, non-illuminated, portable and temporary sign placed outside a storefront on the adjacent sidewalk for viewing at close range. The sidewalk sign is intended for use by retailers, office tenants, theaters, restaurants, cafes, and other food-oriented businesses.

b. **Design Standards**

i. Limit of one (1) sign per ground floor business.

ii. Signs shall be placed in front of building/business identified on sign and shall not obstruct the minimum necessary ADA accessibility path clearance (four feet) along the sidewalk.

iii. Sign shall be constructed of high-quality, durable materials such as wood, wrought iron, fiberglass, and metal. Vinyl, plastic, breakable materials (such as glass), and lighting are prohibited.

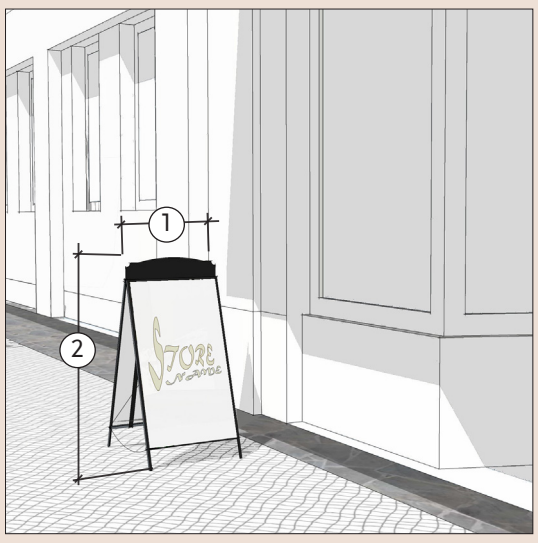
iv. The design, graphics, colors and materials shall complement the design of the shopfront and business and present a finished appearance. Graphic symbols, utilizing images that convey the goods or services offered, are recommended.

v. Each display face shall be flat and smooth, with no moving parts or hinges. Sharp or jagged edges/corners and projections that extend beyond one-half (1/2) inch from the sign face are prohibited.

vi. Signs shall be of sufficient weight so as to withstand being overturned by wind or contact. Weights, if required, shall be concealed or incorporated into the design of the sign and not simply applied.

vii. Attention getting attachments such as posters, flyers, balloons, pennants, or flags, are prohibited.

viii. Sign must be stored indoors overnight and/or when business is closed.



	Dimension	Min.	Max.
1	Width	none	30 in.
2	Height	none	36 in.
3	Horizontal clearance from curb	none	24 in.
4	Pedestrian clear path along sidewalk	none	5 ft.
5	Area	none	6 sf.

10. Roof Sign

a. **Definition.** A sign erected upon, against, or directly above a roof or above the parapet of a building. Roof signs are intended to help emphasize the identity and presence of the particular Station Area and Downtown, especially to rail passengers and passing motorists.

b. **Design Standards**

i. Maximum one Roof Sign per block or a distance of 500 feet, whichever is less.

ii. Roof signs shall not project beyond the face of the building.

iii. No roof sign may cover, wholly or partially, any window or door openings.

vi. If illuminated, Roof Signs may be only illuminated by one of the following methods:

(a) External Illumination. Externally illuminated with concealed flood lighting.

(b) Exposed Neon. Individual letters may be internally illuminated with exposed neon tubes or a similar light source, but shall not have a translucent panel, lens, or face.

(c) Halo. The illumination of a sign by projecting light behind an opaque letter or emblem which results in the appearance of ring of light around the unilluminated letter or emblem.

	Dimension	Min.	Max.
1	Width	none	20 ft.
2	Height	3 ft.	12 ft.
3	Area	none	240 sf.

c. **Review and Approval**

i. Roof signs up to 120 square feet in area are subject to Planning Commission review and approval, per RMC Section 18.12.090.

ii. Roof signs exceeding 120 square feet shall require a Conditional Use Permit and approval per RMC Section 15.36.100(F).

11. Blade Sign

a. **Definition.** A vertically-oriented two-sided sign that projects from the building facade over a sidewalk, public open space, or other public right-of-way and may project above the building's parapet. This type of sign is intended for viewing along the sidewalk and down the street from the adjacent block.

b. **Design Standards**

i. Limit of one (1) Blade Sign per building.

ii. Blade Signs permitted on buildings with commercial tenant space that have a minimum street frontage of 75 linear feet or more.

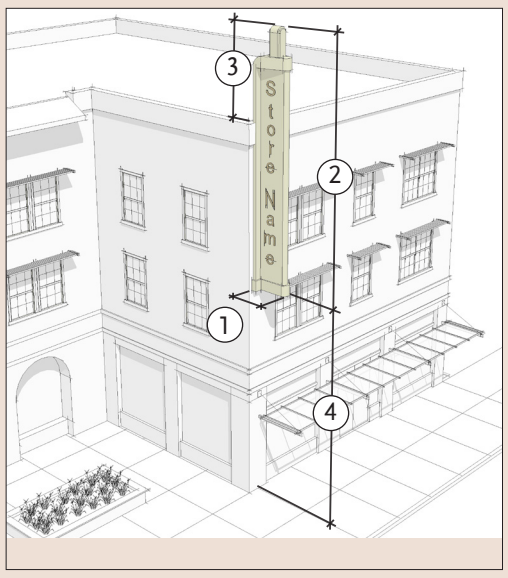
iii. Sign shall be vertically-oriented and placed within the top half of single-story buildings and on the upper floor(s) of multi-story buildings.

iv. Projecting signs shall be externally illuminated by a light mounted on the facade or by neon tubing used to illuminate letters, symbols, and accent frames.

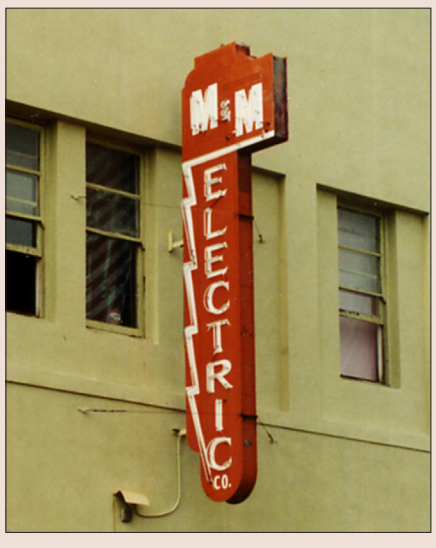
v. An encroachment permit is required if sign projects within public right-of-way.

c. **Review and Approval**

i. Blade Signs are subject to Planning Commission review and approval, per RMC Section 18.12.090.



	Dimension	Min.	Max.
1	Width	none	5 ft.
2	Height	none	12 ft.
3	Height above eave or parapet	none	2 ft.
4	Clear height above sidewalk	8 ft.	none
5	Thickness	none	18 in.
6	Area	none	50 sf



4.9. SIGNAGE STANDARDS (CONTINUED).

12. Marquee

a. **Definition.** A sign that projects from the facade to express a figural design and message to motorists and pedestrians. Marquees may be configured as a Marquee Blade Sign, a Marquee Display Sign, or a combination of the two.

b. **Design Standards**

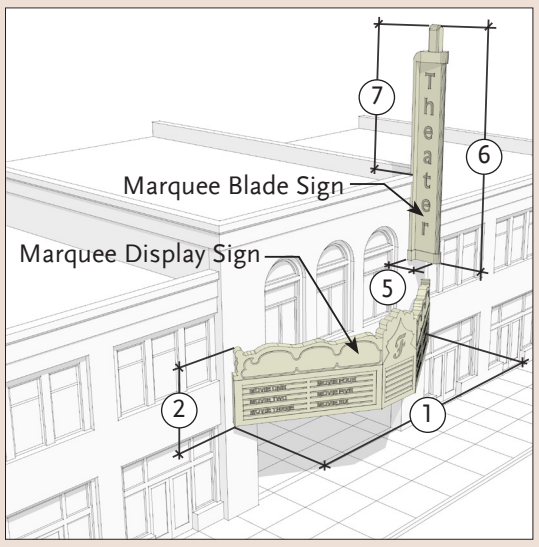
i. Maximum one Marquee Blade Sign and/or Marquee Display Sign per site.

ii. Marquee Display Signs and Marquee Blade Signs are permitted for movie theaters, performance theaters, concert halls, convention centers, and similar uses characterized by human assembly and periodically changing programs.

iii. Changeable copy on Marquee Display Signs may occupy up to 75 percent of the area of a marquee display sign. Letters for changeable copy shall not exceed three inches (3") in height.

iv. No portion of the changeable copy section of the Marquee Display Sign shall be located higher than the eave line or parapet wall of a building.

v. Exterior poster cases shall be limited to a maximum size of thirty-nine inches (39") wide by fifty-two inches (52") high. Maximum of one (1) poster case for every two (2) screens. Poster sign area shall not be counted toward the maximum sign area.



c. **Review and Approval**

i. Marquee Display up to 120 square feet in area are subject to Planning Commission review and approval, per RMC Section 18.12.090.

ii. Marquee Display exceeding 120 square feet shall require a Conditional Use Permit and approval per RMC Section 15.36.100(F).

	Dimension	Min.	Max.
	Marquee Display		
1	Width	none	35 ft.
2	Height	none	8 ft.
3	Area	none	200 sf
4	Encroachment	within 2 ft. of curb	
	Marquee Blade		
5	Width	none	10 ft.
6	Height	none	20 ft.
7	Height above eave or parapet	none	15 ft.
8	Clear height above sidewalk	8 ft.	none
9	Thickness	none	2 ft.
10	Area	none	150 sf

13. Directory Sign

a. **Definition.** Directory Signs are small wall signs located at pedestrian eye level and intended to identify multiple tenants within a building or complex, particularly those that do not have a ground floor street frontage or that are located on upper floors of a building. Apartment intercom call boxes are considered Directory Signs. This Section 4.9.F.13 only applies to Directory Signs that are mounted on building walls that face adjacent public sidewalks and open spaces.

b. **Design Standards**

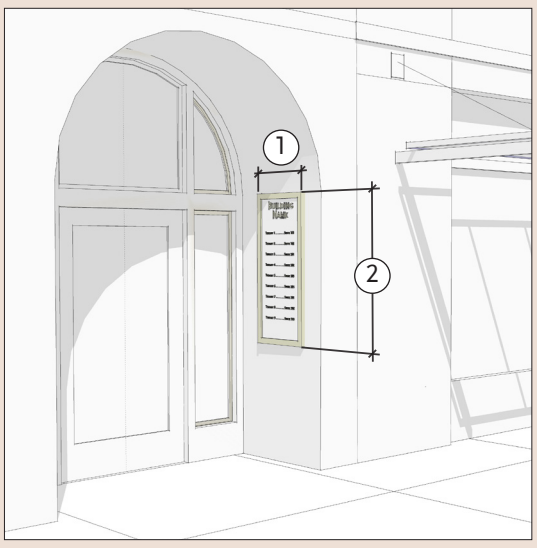
i. Directory Signs must be located at the ground level and adjacent to the entry to upper floors.

ii. There shall be no more than one (1) Directory Sign per ground level entrance.

iii. Letter height shall not exceed two inches.

iv. When tenancies are accessed via a building lobby or outdoor court, Directory Sign must be located within the lobby or court.

v. Directory Signs on street facades shall be located within an entry alcove and located on the alcove wall that is perpendicular to the sidewalk. Directory Signs facing the sidewalk (parallel to the sidewalk) may be approved by the Director upon a finding of special circumstances.



	Dimension	Min.	Max.
1	Width	none	30 in.
2	Height	none	36 in.
3	Thickness	none	18 in.
4	Area	none	6 sf.

vi. Directory Signs on street facades shall be externally illuminated. Internal illumination and neon lighting is prohibited.

14. Mural

a. **Definition.** A sign or graphic that is mounted to or painted on facades fronting an alley, pedestrian passage, or street.

b. **Design Standards**

i. Mural placement and content shall be at the discretion of the artists and the building owner.

ii. Mural placement, design, and content should be mindful of surrounding businesses and residents.

iii. Murals are prohibited from including off-site advertising, product placement, or business identification.

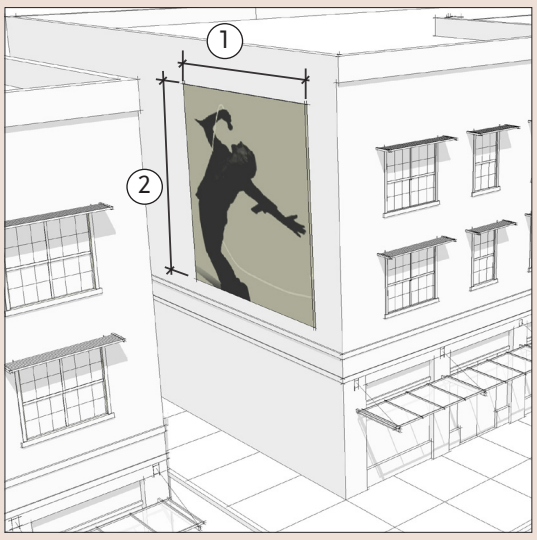
iv. A written contract between all parties involved, i.e. artist, building owner or leaser, and the funder if appropriate is highly recommended. The contract should, at the very least:

(a) Designate the lifetime of the mural to be left undisturbed, after which the mural can be painted over; and

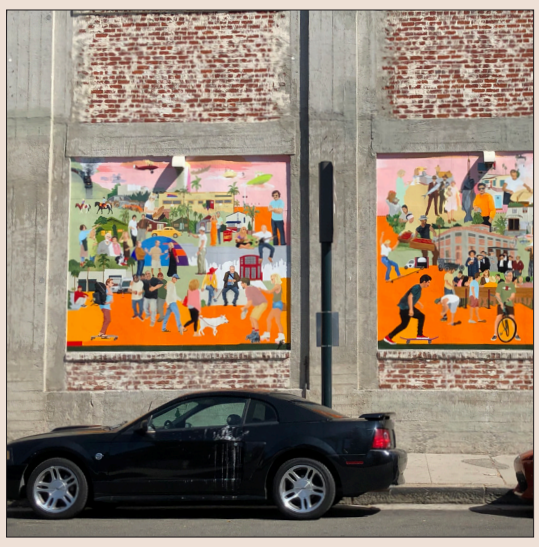
(b) State who will maintain the mural if the work is damaged or needs touch-up.

v. In order to ensure a long life for the mural, it is recommended that the wall surface be properly prepared prior to mural application and that durable paints be used.

vi. All murals are subject to Cultural Arts Commission review.



	Dimension	Min.	Max.
1	Width	none	16 ft.
2	Height	none	2 ft.
3	Thickness	none	9 in.
4	Area	none	none



G. Miscellaneous Signs

1. Existing Historic Signs

a. Historically significant painted wall signs shall be retained or recreated when possible.

b. Mounted signs announcing the name of a business no longer in existence at the sign's location and having historical significance may be salvaged and relocated.

c. All architectural signage in place on the building announcing the original or historic name of the building, year of construction or insignias shall remain in place and shall not be removed, altered or covered under any circumstances.

d. Historic signage shall not be calculated as part of the overall signage permitted pursuant to this division.

2. Service entry wall signs.

a. Must be located adjacent to the ground level service entrance.

b. No more than one service entry wall sign per business.

c. The area of the service entry sign shall not exceed four square feet.

3. Temporary Signs. Temporary signs are permitted per Section 15.36, Article VIII (Temporary Signs) of the *Redlands Municipal Code*.

4. Credit Card and Trading Stamp Signs. Signs announcing credit card acceptance or trading stamps shall comply with the following:

a. No more than three such signs are allowed for each business.

b.. Such signs shall not exceed six inches by six inches (6" x 6") individually nor one (1) square feet collectively.

c. Such signs are permitted only in ground level windows.

5. Informational Signs. Signs that display time and temperature or similar public service displays (which are not considered signs), and rotating barber poles, shall comply with the following:

a. No more than one (1) sign per building;

b. Must be permanently attached to the building and follow the same standards for Marquee Signs and Projecting Signs.

Historic character sign.

4.8. EMERGENCY SHELTER STANDARDS

A. Purpose. This Section provides a definition and development standards for Emergency Shelters within the Transit Villages Specific Plan area and are designed to make such buildings and uses compatible with surrounding buildings and uses.

B. Definition. Emergency Shelter shall be defined as: "Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay" (*California Health and Safety Code*, Section 50801).

C. Applicability. The requirements of this Section apply to all renovations of existing Emergency Shelter buildings, all additions to existing Shelter Buildings, and new Emergency buildings within the applicable zones of this Transit Villages Specific Plan.

D. Design Standards

1. **Minimum / Maximum Number of Persons /Beds.** Emergency shelters may have a minimum of 25 beds/persons for overnight occupants per facility. The Maximum number of Persons/beds shall be based on building occupancy requirements established by the building official for the structure(s). Facilities shall be designed with separate areas for males, females, and families with children.

2. **On-site Supervisors.** A minimum of two on-site supervisors one (1) male and one (1) female shall be present on site during the hours of operation. Additional supervisors shall be required on site at a ratio of one (1) supervisor for every twenty (20) persons.

4. **Bicycle Parking.** One secured bicycle space shall be provided per five (5) beds.

5. **Waiting and Intake Areas.** Each emergency shelter shall provide a minimum interior waiting area of no less than 500 square feet and be of adequate space to accommodate waiting clients in order to prevent queuing outside of the building and public right-of-way.

6. **Personal Property Storage.** Adequate area shall be provided, inside the building, for the storage of small personal items of the occupants of the facility. Storage of larger items (i.e. tents, carts, or items of similar size may be stored outside within a storage area that is secured and screened from Public-right-of-way and neighboring properties.

7. **Pets.** An enclosure shall be provided for the pets of occupants of the emergency shelter. The enclosure shall be located a minimum of 50 feet from the Primary Street property line and shall be designed in a manner that is not a nuisance to neighboring properties.

The enclosure shall be cleaned at least once a day.

8. **On-site Management and Operations Plan.** The agency or organization operating the shelter shall comply with the following requirements:

   a. Each shelter shall be operated by a responsible agency or organization, with experience in managing and/or providing social services.

   b. Staff and services shall be provided to assist residents to obtain permanent shelter and provide referral information and/or services for health or mental health services, education opportunities, job training / employment and life skills training.

   c. Operator shall maintain a log of occupants which may be reviewed by the City upon twenty-four (24) hour notice to assure compliance with Length of Stay provisions.

   d. Operations Plan. An operations plan shall be submitted for review and approval by the Development Services Director, Police Chief, and other City departments as applicable prior to operation of the emergency shelter. The plan shall include a floor plan that demonstrates compliance with physical standards. The plan shall include minimum provisions related to on-site security and safety including the use of security camera's, staff training (including child safety and sexual harassment), requirements for background checks for all staff, good neighbor policies, loitering control, client eligibility, food services (including food preparation and distribution times), and treatment programs for residents with services provided at the facility, transportation, indoor and outdoor management of the facility, screening of residents to ensure compatibility, and for training, counseling. The operator of each emergency shelter shall annually submit the management plan to the Development Services Department with updated information for review and approval. The City Council may establish a fee by resolution, to cover the administrative cost of review of the required management plan.

i. Separation Requirements. A minimum distance of 300 feet shall be maintained from other emergency shelters. The distance separation shall be measured in a straight line between the property lines of each use without regard to intervening structures or objectives.

j. Hours of Operation. Occupants shall be permitted entry beginning at 5 p.m. (except children which may enter at 3 p.m. for study hours if provided by shelter services). Once admitted into the shelter, occupants shall not leave the premises until 3 a.m. the following morning. Occupants that leave before 8 a.m. may not be readmitted into the facility. Occupants that violate this provision may not be permitted to utilize the facility in the future pursuant to the operators and/or the City of Redlands Police Department's determination.

k. Outdoor Use Area. Outdoor recreation areas may only be used between 4 p.m. and 10 p.m. Loitering shall not be permitted on the shelter site or on the sidewalks, streets, or adjacent to, or in the vicinity of, the shelter.

l. Length of Stay. Individuals and families may not stay at an emergency shelter for more than a total of 180 days in a consecutive 12 month period.

m. Lighting. Adequate external lighting shall be provided for security purposes in compliance with the Section 4.11 (On-Site Landscape, Outdoor Lighting, and Public Art Standards).

n. Security. Parking and outdoor facilities shall be designed to provide security for clients, visitors, employees, neighbors and the public. On-Site supervisory and security personnel shall be provided at all times during the hours the shelter is in operation, with security provided at both interior and exterior locations. In addition, the area surrounding the shelter site during hours that the shelter is in operation shall be patrolled by the facilities security personnel, to ensure that homeless persons who have been denied access are not congregating in the neighborhood.

o. Laundry Facilities. Laundry facilities shall be provided for an emergency shelters with ten (10) or more beds.

p. Outdoor Cleanliness. The outdoor areas (yards) of shelters and surrounding areas shall be kept clean and free of debris, litter, and storage of personal effects shall not be stored outdoors.

q. Vehicles. Nonoperational and unregistered vehicles shall not be kept on site. Towing shall be the responsibility of the emergency shelter operator.

r. Alcohol and Narcotics. Alcohol and narcotics use and consumption are prohibited within the facility and on the property.

s. Weapons. Weapons are prohibited within the facility and on the property.

RESOLUTION NO. 8513

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS ADOPTING SPECIFIC PLAN AMENDMENT NO. 1 TO THE TRANSIT VILLAGES SPECIFIC PLAN (SPECIFIC PLAN NO. 65) FOR TEXT AMENDMENTS TO CHAPTER 4, DEVELOPMENT CODE.

WHEREAS, on October 18, 2022, the City Council adopted Resolution No. 8400 approving and adopting Specific Plan No. 65 known as the "Transit Villages Specific Plan"; and

WHEREAS, on October 18, 2022, the City Council adopted Resolution No. 8399 certifying and adopting a Final Environmental Impact Report for Specific Plan No. 65; and

WHEREAS, the City of Redlands has initiated Specific Plan Amendment No. 1 to the Transit Villages Specific Plan (Specific Plan No. 65) to make minor changes to the sign regulations contained therein; and

WHEREAS, on July 11, 2023, the Planning Commission held a noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Amendment No. 1 to the Transit Villages Specific Plan (Specific Plan No. 65); and

WHEREAS, on August 8, 2023, the Planning Commission held a noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Amendment No. 1 to the Transit Villages Specific Plan (Specific Plan No. 65); and

WHEREAS, on August 8, 2023, the Planning Commission determined that the proposed Amendment No. 1 to the Transit Villages Specific Plan (Specific Plan No. 65) will be consistent with the 2035 General Plan; and

WHEREAS, on August 8, 2023, the Planning Commission recommended to the City Council that proposed Amendment No. 1 to the Transit Villages Specific Plan (Specific Plan No. 65) be approved; and

WHEREAS, the proposed Amendment No. 1 to the Transit Villages Specific Plan (Specific Plan No. 65) is exempt from environmental review in accordance with Section 15061(b)(3) of the California Environmental Quality Act Guidelines; and

WHEREAS, in accordance with Government Code section 65090, on or about September 8, 2023, the City Clerk gave notice by publication in a newspaper of general circulation of the holding of a public hearing at which Resolution No. 8513 would be considered by City Council; and

WHEREAS, on September 19, 2023, the City Council held a noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Resolution No. 8513.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDLANDS DOES ORDAIN AS FOLLOWS:

SECTION 1. California Environmental Quality Act. The proposed amendment to certain text of the Transit Villages Specific Plan (Specific Plan No. 65) does not require environmental review in accordance with Section 15061(b)(3) of the California Environmental Quality Act ("CEQA"). Pursuant to CEQA Guidelines Section 15061(b)(3), this proposal is exempt from environmental review because there is no possibility that the specific plan amendment may have a significant effect on the environment, insofar as it would make a minor modification to the text of the existing sign regulations and emergency shelter standards contained in the Transit Villages Specific Plan.

SECTION 2. Chapter 4 (Development Code) of the Transit Villages Specific Plan (Specific Plan No. 65), Section 4.9 entitled "Sign Standards," subsection (F)(6) entitled "Wall Sign," is hereby amended to read as follows:

"a. Definition. A sign painted or applied directly to the wall, typically above the storefront or more creatively as approved by the City. This type consists of a single panel or individual letters and/or logo and does not include cabinet signs. This type of sign is intended for viewing from across the street, along the sidewalk, or from an internal plaza or pedestrian passageway.

b. Design Standards

i. Maximum one wall sign per business along frontage. In multi-tenant buildings, only businesses with ground floor frontage along the sidewalk, internal plaza, or pedestrian passage shall be allowed a wall sign.

ii. Wall signs shall be located above the storefront and at least 12 inches from any eave, edge of building, or top of parapet.

iii. Maximum thickness of sign as measured from the wall shall not exceed four inches.

iv. Minimum of 24 inches between the sign and any windows or doors.

v. Internal illumination is permitted for signs on buildings not designated as a historic resource.

vi. For designated historic buildings, if illuminated, external illumination is required and shall be mounted to maintain visual integrity of the sign.

vii. Wall sign square footage shall not be transferred to other businesses or other building frontages.

viii. Cabinet signs or replaceable face signs are prohibited.

ix. In all districts, a business within an existing non-residential (commercial or industrial) building shall be permitted to have one wall sign on the primary street or parking lot frontage."

SECTION 3. Chapter 4 (Development Code) of the Transit Villages Specific Plan (Specific Plan No. 65), Section 4.9 entitled "Sign Standards," subsection (F)(4) entitled "Canopy Sign," is hereby amended to read as follows:

"a. Definition. A pedestrian-oriented sign that is mounted on top of a horizontal awning parallel to the sidewalk.

b. Design Standards.

i. Maximum of one (1) sign per storefront.

ii. Canopy signs only permitted on ground floor canopies and expressly prohibited on upper story canopies.

iii. Encroachment permit required if canopy encroaches into right-of-way.

iv. Internal illumination is permitted for signs on buildings not designated as a historic resource.

v. For designated historic buildings, if a canopy sign is illuminated, external illumination is required and shall be mounted to maintain visual integrity of the sign.

vi. Cabinet signs or replaceable face signs are prohibited."

SECTION 4. Chapter 4 (Development Code) of the Transit Villages Specific Plan (Specific Plan No. 65), Section 4.9, entitled "Signage Standards," is recommended to add new subsection No. 6 and read as follows:

"6. Sign Illumination and Brightness.

a. Internally illuminated signs shall be limited to the following maximum brightness:

i. Neon signs: Shall not exceed thirty (30) milliamps.

ii. Halo or back-lighting shall not count toward the total sign area.

b. Externally illuminated signs shall be limited to the following standards and maximum brightness:

i. Reflective-type bulbs and exposed incandescent lamps/bulbs shall not exceed fifteen (15) watts, or the equivalent brightness for LED and other types of lighting.

ii. External light sources shall be shielded and directed to limit direct illumination of any object other than the sign.

c. Illumination, if provided, shall be constant in intensity and color. Lighting shall not blink, flash, spin, or exhibit changing luminance. Lighting shall not exhibit changing colors, hue, shade, or tint.

d. Lighting shall be designed and maintained to avoid negative impacts on surrounding properties and public rights-of-way.

e. Lighting adjacent to residential uses shall not exceed one-half (0.5) foot-candle as measured at the residential property line.

f. Each illuminated sign shall be subject to a thirty (30) day review period, during which time the Development Services Director may determine that a reduction in illumination is necessary due to negative impacts on surrounding property or the community. Notwithstanding the above standards, the Development Services Director may order the dimming of any sign illumination determined to be excessively bright."

SECTION 5. Chapter 4 (Development Code) of the Transit Villages Specific Plan (Specific Plan No. 65), Section 4.2, subsection (B) entitled "Zones Established," is hereby amended to read as follows:

"7. Special District 1 (SD1)

The Special District 1 zone applies to school and other institutional sites. New buildings accommodate educational, religious, and other civic uses. Parking is located in surface parking lots or garages. Development standards are negotiated between the institutional entity and the City. Signs located on SD1 properties shall be subject to the provisions of Redlands Municipal Code Chapter 15.36 (Sign Code) that are applicable to properties within the C-3, General Commercial District of RMC Title 18."

SECTION 6. Chapter 4 (Development Code) of the Transit Villages Specific Plan (Specific Plan No. 65), Section 4.8, entitled "Emergency Shelter Standards," is hereby amended to read as follows:

"4.8. Emergency Shelter Standards

A. Purpose. This Section provides a definition and development standards for Emergency Shelters within the Transit Villages Specific Plan area and are designed to make such buildings and uses compatible with surrounding buildings and uses.

B. Definition. Emergency Shelter shall be defined as: "Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay" (California Health and Safety Code, Section 50801). Emergency shelter may also include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

C. Applicability. The requirements of this Section apply to all renovations of existing Emergency Shelter buildings, all additions to existing Shelter Buildings, and new Emergency buildings within the applicable zones of this Transit Villages Specific Plan.

D. Design and Development Standards

1. Minimum / Maximum Number of Persons /Beds. Emergency shelters may have a minimum of 25 beds/persons for overnight occupants per facility. The Maximum number of Persons/beds shall be based on building occupancy requirements established by the building official for the structure(s). Facilities shall be designed with separate areas for males, females, and families with children.

2. On-site Supervisors. A minimum of two on-site supervisors one (1) male and one (1) female shall be present on site during the hours of operation. Additional supervisors shall be required on site at a ratio of one (1) supervisor for every twenty (20) persons.

~~3. Bicycle Parking. One secured bicycle space shall be provided per five (5) beds.~~

3. Waiting and Intake Areas. Each emergency shelter shall provide a minimum interior waiting area of no less than 500 square feet and be of adequate space to accommodate waiting clients in order to prevent queuing outside of the building and public right-of-way.

4. Separation Requirements. A minimum distance of two hundred (200) ~~300~~ feet shall be maintained from other emergency shelters. The distance separation shall be measured in a straight line between the property lines of each use without regard to intervening structures or objectives.

5. Length of Stay. Individuals and families may not stay at an emergency shelter for more than a total of 180 days in a consecutive 12 month period.

6. Lighting. Adequate external lighting shall be provided for security purposes in compliance with Section 4.11 (On-Site Landscape, Outdoor Lighting, and Public Art Standards).

7. Security. Parking and outdoor facilities shall be designed to provide security for clients, visitors, employees, neighbors and the public. On-Site supervisory and security personnel shall be provided at all times during the hours the shelter is in operation, with security provided at both interior and exterior locations. In addition, the area surrounding the shelter site during hours that the shelter is in operation shall be patrolled by the facilities security personnel, to ensure that homeless persons who have been denied access are not congregating in the neighborhood.

8. Parking. Sufficient parking shall be provided to accommodate all staff working in the emergency shelter on the largest shift, provided that the standard

does not require more parking for the emergency shelter than other residential or commercial uses within the same zone.

~~6. Personal Property Storage. Adequate area shall be provided, inside the building, for the storage of small personal items of the occupants of the facility. Storage of larger items (i.e. tents, carts, or items of similar size may be stored outside within a storage area that is secured and screened from Public-right-of-way and neighboring properties.~~

~~7. Pets. An enclosure shall be provided for the pets of occupants of the emergency shelter. The enclosure shall be located a minimum of 50 feet from the Primary Street property line and shall be designed in a manner that is not a nuisance to neighboring properties.~~

~~8. On-site Management and Operations Plan. The agency or organization operating the shelter shall comply with the following requirements:~~

~~a. Each shelter shall be operated by a responsible agency or organization, with experience in managing and/or providing social services.~~

~~b. Staff and services shall be provided to assist residents to obtain permanent shelter and provide referral information and/or services for health or mental health services, education opportunities, job training / employment and life skills training.~~

~~c. Operator shall maintain a log of occupants which may be reviewed by the City upon twenty-four (24) hour notice to assure compliance with Length of Stay provisions.~~

~~d. Operations Plan. An operations plan shall be submitted for review and approval by the Development Services Director, Police Chief, and other City departments as applicable prior to operation of the emergency shelter. The plan shall include a floor plan that demonstrates compliance with physical standards. The plan shall include minimum provisions related to on-site security and safety including the use of security camera's, staff training (including child safety and sexual harassment), requirements for background checks for all staff, good neighbor policies, loitering control, client eligibility, food services (including food preparation and distribution times), and treatment programs for residents with services provided at the facility, transportation, indoor and outdoor management of the facility, screening of residents to ensure compatibility, and for training, counseling. The operator of each emergency shelter shall annually submit the management plan to the Development Services Department with updated information for review and approval. The City Council may establish a fee by resolution, to cover the administrative cost of review of the required management plan.~~

~~10. Hours of Operation. Occupants shall be permitted entry beginning at 5 p.m. (except children which may enter at 3 p.m. for study hours if provided by shelter services). Once admitted into the shelter, occupants shall not leave the premises until 3 a.m. the following morning. Occupants that leave before 8 a.m. may not be readmitted into the facility. Occupants that violate this provision may not be permitted to utilize the facility in the future pursuant to the operators and/or the City of Redlands Police Department's determination.~~

~~11. Outdoor Use Area. Outdoor recreation areas may only be used between 4 p.m. and 10 p.m. Loitering shall not be permitted on the shelter site or on the sidewalks, streets, or adjacent to, or in the vicinity of, the shelter.~~

~~15. Laundry Facilities. Laundry facilities shall be provided for an emergency shelters with ten (10) or more beds.~~

~~16. Outdoor Cleanliness. The outdoor areas (yards) of shelters and surrounding areas shall be kept clean and free of debris, litter, and storage of personal effects shall not be stored outdoors.~~

~~17. Vehicles. Nonoperational and unregistered vehicles shall not be kept on site. Towing shall be the responsibility of the emergency shelter operator.~~

~~18. Alcohol and Narcotics. Alcohol and narcotics use and consumption are prohibited within the facility and on the property.~~

~~19. Weapons. Weapons are prohibited within the facility and on the property.~~

SECTION 7. Effective Date. This Resolution shall become effective upon adoption.

ADOPTED, SIGNED AND APPROVED this 19th day of September, 2023.

_____
Eddie Tejeda, Mayor

ATTEST:

_____
Jeanne Donaldson, City Clerk

I, Jeanne Donaldson, City Clerk, City of Redlands, hereby certify that the foregoing Resolution was duly adopted by the City Council at the regular meeting thereof, held on the _____ day of _____, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Jeanne Donaldson, City Clerk

RESOLUTION NO. 8513

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS ADOPTING SPECIFIC PLAN AMENDMENT NO. 1 TO THE TRANSIT VILLAGES SPECIFIC PLAN (SPECIFIC PLAN NO. 65) FOR TEXT AMENDMENTS TO CHAPTER 4, DEVELOPMENT CODE.

WHEREAS, on October 18, 2022, the City Council adopted Resolution No. 8400 approving and adopting Specific Plan No. 65 known as the "Transit Villages Specific Plan"; and

WHEREAS, on October 18, 2022, the City Council adopted Resolution No. 8399 certifying and adopting a Final Environmental Impact Report for Specific Plan No. 65; and

WHEREAS, the City of Redlands has initiated Specific Plan Amendment No. 1 to the Transit Villages Specific Plan (Specific Plan No. 65) to make minor changes to the sign regulations contained therein; and

WHEREAS, on July 11, 2023, the Planning Commission held a noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Amendment No. 1 to the Transit Villages Specific Plan (Specific Plan No. 65); and

WHEREAS, on August 8, 2023, the Planning Commission held a noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Amendment No. 1 to the Transit Villages Specific Plan (Specific Plan No. 65); and

WHEREAS, on August 8, 2023, the Planning Commission determined that the proposed Amendment No. 1 to the Transit Villages Specific Plan (Specific Plan No. 65) will be consistent with the 2035 General Plan; and

WHEREAS, on August 8, 2023, the Planning Commission recommended to the City Council that proposed Amendment No. 1 to the Transit Villages Specific Plan (Specific Plan No. 65) be approved; and

WHEREAS, the proposed Amendment No. 1 to the Transit Villages Specific Plan (Specific Plan No. 65) is exempt from environmental review in accordance with Section 15061(b)(3) of the California Environmental Quality Act Guidelines; and

WHEREAS, in accordance with Government Code section 65090, on or about September 8, 2023, the City Clerk gave notice by publication in a newspaper of general circulation of the holding of a public hearing at which Resolution No. 8513 would be considered by City Council; and

WHEREAS, on September 19, 2023, the City Council held a noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Resolution No. 8513.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDLANDS DOES ORDAIN AS FOLLOWS:

SECTION 1. California Environmental Quality Act. The proposed amendment to certain text of the Transit Villages Specific Plan (Specific Plan No. 65) does not require environmental review in accordance with Section 15061(b)(3) of the California Environmental Quality Act ("CEQA"). Pursuant to CEQA Guidelines Section 15061(b)(3), this proposal is exempt from environmental review because there is no possibility that the specific plan amendment may have a significant effect on the environment, insofar as it would make a minor modification to the text of the existing sign regulations and emergency shelter standards contained in the Transit Villages Specific Plan.

SECTION 2. Chapter 4 (Development Code) of the Transit Villages Specific Plan (Specific Plan No. 65), Section 4.9 entitled "Sign Standards," subsection (F)(6) entitled "Wall Sign," is hereby amended to read as follows:

"a. Definition. A sign painted or applied directly to the wall, typically above the storefront or more creatively as approved by the City. This type consists of a single panel or individual letters and/or logo and does not include cabinet signs. This type of sign is intended for viewing from across the street, along the sidewalk, or from an internal plaza or pedestrian passageway.

b. Design Standards

i. Maximum one wall sign per business along frontage. In multi-tenant buildings, only businesses with ground floor frontage along the sidewalk, internal plaza, or pedestrian passage shall be allowed a wall sign.

ii. Wall signs shall be located above the storefront and at least 12 inches from any eave, edge of building, or top of parapet.

iii. Maximum thickness of sign as measured from the wall shall not exceed four inches.

iv. Minimum of 24 inches between the sign and any windows or doors.

v. Internal illumination is permitted for signs on buildings not designated as a historic resource.

vi. For designated historic buildings, if illuminated, external illumination is required and shall be mounted to maintain visual integrity of the sign.

vii. Wall sign square footage shall not be transferred to other businesses or other building frontages.

viii. Cabinet signs or replaceable face signs are prohibited.

ix. In all districts, a business within an existing non-residential (commercial or industrial) building shall be permitted to have one wall sign on the primary street or parking lot frontage."

SECTION 3. Chapter 4 (Development Code) of the Transit Villages Specific Plan (Specific Plan No. 65), Section 4.9 entitled "Sign Standards," subsection (F)(4) entitled "Canopy Sign," is hereby amended to read as follows:

"a. Definition. A pedestrian-oriented sign that is mounted on top of a horizontal awning parallel to the sidewalk.

b. Design Standards.

i. Maximum of one (1) sign per storefront.

ii. Canopy signs only permitted on ground floor canopies and expressly prohibited on upper story canopies.

iii. Encroachment permit required if canopy encroaches into right-of-way.

iv. Internal illumination is permitted for signs on buildings not designated as a historic resource.

v. For designated historic buildings, if a canopy sign is illuminated, external illumination is required and shall be mounted to maintain visual integrity of the sign.

vi. Cabinet signs or replaceable face signs are prohibited."

SECTION 4. Chapter 4 (Development Code) of the Transit Villages Specific Plan (Specific Plan No. 65), Section 4.9, entitled "Signage Standards," is recommended to add new subsection No. 6 and read as follows:

"6. Sign Illumination and Brightness.

a. Internally illuminated signs shall be limited to the following maximum brightness:

i. Neon signs: Shall not exceed thirty (30) milliamps.

ii. Halo or back-lighting shall not count toward the total sign area.

b. Externally illuminated signs shall be limited to the following standards and maximum brightness:

i. Reflective-type bulbs and exposed incandescent lamps/bulbs shall not exceed fifteen (15) watts, or the equivalent brightness for LED and other types of lighting.

ii. External light sources shall be shielded and directed to limit direct illumination of any object other than the sign.

c. Illumination, if provided, shall be constant in intensity and color. Lighting shall not blink, flash, spin, or exhibit changing luminance. Lighting shall not exhibit changing colors, hue, shade, or tint.

d. Lighting shall be designed and maintained to avoid negative impacts on surrounding properties and public rights-of-way.

e. Lighting adjacent to residential uses shall not exceed one-half (0.5) foot-candle as measured at the residential property line.

f. Each illuminated sign shall be subject to a thirty (30) day review period, during which time the Development Services Director may determine that a reduction in illumination is necessary due to negative impacts on surrounding property or the community. Notwithstanding the above standards, the Development Services Director may order the dimming of any sign illumination determined to be excessively bright."

SECTION 5. Chapter 4 (Development Code) of the Transit Villages Specific Plan (Specific Plan No. 65), Section 4.2, subsection (B) entitled "Zones Established," is hereby amended to read as follows:

"7. Special District 1 (SD1)

The Special District 1 zone applies to school and other institutional sites. New buildings accommodate educational, religious, and other civic uses. Parking is located in surface parking lots or garages. Development standards are negotiated between the institutional entity and the City. Signs located on SD1 properties shall be subject to the provisions of Redlands Municipal Code Chapter 15.36 (Sign Code) that are applicable to properties within the C-3, General Commercial District of RMC Title 18."

SECTION 6. Chapter 4 (Development Code) of the Transit Villages Specific Plan (Specific Plan No. 65), Section 4.8, entitled "Emergency Shelter Standards," is hereby amended to read as follows:

"4.8. Emergency Shelter Standards

A. Purpose. This Section provides a definition and development standards for Emergency Shelters within the Transit Villages Specific Plan area and are designed to make such buildings and uses compatible with surrounding buildings and uses.

B. Definition. Emergency Shelter shall be defined as: "Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay" (California Health and Safety Code, Section

50801). Emergency shelter may also include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

C. Applicability. The requirements of this Section apply to all renovations of existing Emergency Shelter buildings, all additions to existing Shelter Buildings, and new Emergency buildings within the applicable zones of this Transit Villages Specific Plan.

D. Design and Development Standards

1. Minimum / Maximum Number of Persons /Beds. Emergency shelters may have a minimum of 25 beds/persons for overnight occupants per facility. The Maximum number of Persons/beds shall be based on building occupancy requirements established by the building official for the structure(s). Facilities shall be designed with separate areas for males, females, and families with children.

2. On-site Supervisors. A minimum of two on-site supervisors one (1) male and one (1) female shall be present on site during the hours of operation. Additional supervisors shall be required on site at a ratio of one (1) supervisor for every twenty (20) persons.

3. Waiting and Intake Areas. Each emergency shelter shall provide a minimum interior waiting area of no less than 500 square feet and be of adequate space to accommodate waiting clients in order to prevent queuing outside of the building and public right-of-way.

4. Separation Requirements. A minimum distance of two hundred (200) feet shall be maintained from other emergency shelters. The distance separation shall be measured in a straight line between the property lines of each use without regard to intervening structures or objectives.

5. Length of Stay. Individuals and families may not stay at an emergency shelter for more than a total of 180 days in a consecutive 12 month period.

6. Lighting. Adequate external lighting shall be provided for security purposes in compliance with Section 4.11 (On-Site Landscape, Outdoor Lighting, and Public Art Standards).

7. Security. Parking and outdoor facilities shall be designed to provide security for clients, visitors, employees, neighbors and the public. On-Site supervisory and security personnel shall be provided at all times during the hours the shelter is in operation, with security provided at both interior and exterior locations. In addition, the area surrounding the shelter site during hours that the shelter is in operation shall be patrolled by the facilities security personnel, to ensure that homeless persons who have been denied access are not congregating in the neighborhood.

8. Parking. Sufficient parking shall be provided to accommodate all staff working in the emergency shelter on the largest shift, provided that the standard does not require more parking for the emergency shelter than other residential or commercial uses within the same zone.

SECTION 7. Effective Date. This Resolution shall become effective upon adoption.

ADOPTED, SIGNED AND APPROVED this 19th day of September, 2023.

_____
Eddie Tejeda, Mayor

ATTEST:

_____
Jeanne Donaldson, City Clerk

I, Jeanne Donaldson, City Clerk, City of Redlands, hereby certify that the foregoing Resolution was duly adopted by the City Council at the regular meeting thereof, held on the _____ day of _____, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Jeanne Donaldson, City Clerk

City Council/Financing Authority Meeting **L. 1.**

DATE: 09/19/2023

TO: Honorable Mayor and City Council Members

SUBJECT: Consideration of an agreement with Reliance Safety Consultants for occupational training to City employees for the period August 1, 2023 through August 1, 2026, with two optional one-year extensions for a total not to exceed amount of $425,000 (Assistant City Manager McConnell)

MOTION(S):

If the City Council determines that staff's recommendation is appropriate, the following motion is provided:

I move to approve a three-year agreement with Reliant Safety Consultants to provide occupational training to City employees for the period of August 1, 2023, through August 1, 2026, with two optional one-year extensions for a total not to exceed amount of $425,000.

RECOMMENDATION:

Staff recommends that Council approve the agreement with Reliant Safety Consultants for occupational safety training services.

DISCUSSION:

City staff, particularly field staff, are required by Cal/OSHA (California Occupational Safety and Health Administration) to undergo safety training to ensure a safe working environment. These training courses cover essential topics such as hazard identification, proper equipment usage, emergency procedures, and compliance with safety regulations. By equipping staff with the knowledge and skills to identify and mitigate potential risks, these trainings uphold regulatory requirements, reduce the likelihood of accidents, injuries, and costly liabilities, while promoting the well-being of both staff and the public they

serve.

Cal/OSHA mandates that safety training is conducted by a competent person who is authorized to train staff for several reasons. First, a competent trainer ensures the quality and accuracy of the training content, providing staff with reliable information on safety protocols. Second, authorized trainers possess the expertise to tailor training to the specific needs and risks of the city's operations, making sessions more relevant and effective. Third, this requirement helps maintain consistent standards. By entrusting this training to authorized competent individuals, the City can ensure that staff are well-prepared to handle potential hazards and can promote a culture of safety.

On April 25, 2023, Human Resources/Risk Management issued a Request for Proposal (RFP) to solicit qualified Occupational Health and Safety Consultant Services to conduct required safety training, tests, and evaluations. The RFP was developed seeking qualifications, similar experience, and pricing. The RFP was posted on Planet Bids and five organizations responded: Reliance Safety Consultants, Pacific Safety Center, Maerly, Safety Center, and Hazardous Materials Institute. Reliance Safety Consultants has extensive experience conducting professional safety training and providing consultation services by competent and qualified subject matter experts. Reliance Safety Consultants has strong references from many local government organizations, maintains strong organizational management, and is committed to providing excellent customer service, quality safety training, and consulting services that adhere to regulatory standards.

ALTERNATIVES:

The Council may decide not to approve the agreement and provide alternate direction to staff.

STRATEGIC PLAN:

N/A

SUBMITTED BY:
Janice McConnell, Assistant City Manager

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Yvette M. Abich Garcia, City Attorney

Danielle Garcia, Management Services and Finance Director
Tommi Ng, Assistant Director, HR/Risk Management
Dana Abramovitz-Daniel, Purchasing Services Manager

PREPARED BY:
Beatris Ordaz, HR Manager

Fiscal Impact

Discussion:

The training fees are incorporated into each participating department's approved budget for fiscal year 23-24.

Attachments

Reliance Safety Agreement

AGREEMENT TO PERFORM PROFESSIONAL SERVICES

This agreement for Occupational Health and Safety Consulting Services ("Agreement") is made and entered in this 19th day of September, 2023 ("Effective Date"), by and between the City of Redlands, a municipal corporation ("City") and Reliance Safety Consultants, a California Corporation, ("Consultant"). City and Consultant are sometimes individually referred to herein as a "Party" and, together, as the "Parties." In consideration of the mutual promises contained herein, City and Consultant agree as follows:

ARTICLE 1 – ENGAGEMENT OF CONSULTANT

1.1 City hereby engages Consultant to provide Occupational Health and Safety Consulting Services for City (the "Services").

1.2 The Services shall be performed by Consultant in a professional manner, and Consultant represents that it has the skill and the professional expertise necessary to provide the Services to City at a level of competency presently maintained by other practicing professional consultants in the industry providing like and similar types of Services.

ARTICLE 2 – SERVICES OF CONSULTANT

2.1 The Services that Consultant shall perform are more particularly described in Exhibit "A," titled "Scope of Services," which is attached hereto and incorporated herein by this reference.

2.2 Consultant shall comply with applicable federal, state and local laws and regulations in the performance of this Agreement including, but not limited to, any applicable State prevailing wage laws.

ARTICLE 3 – RESPONSIBILITIES OF CITY

3.1 City designates Masuda Ghazanfar, Risk Management Specialist, as City's representative with respect to performance of the Services, and such person shall have the authority to transmit instructions, receive information, interpret and define City's policies and decisions with respect to performance of the Services.

ARTICLE 4 – PERFORMANCE OF SERVICES

4.1 The term of this Agreement shall be for a period of three (3) years from August 1, 2023, to August 1, 2026 (the "Initial Term"). The City shall have the option to extend the Initial Term of this Agreement by two (2) additional one-year terms (each, an "Extended Term"), on the same terms and conditions, by providing written notice to Consultant at least thirty (30) days prior to the expiration of the Initial Term or any Extended Term.

4.2 If Consultant's Services include deliverable electronic visual presentation materials, such materials shall be delivered in a form, and made available to City, consistent with City Council-adopted policy for the same. It shall be the obligation of Consultant to obtain a copy of such policy from City staff.

ARTICLE 5 – PAYMENTS TO CONSULTANT

5.1 Compensation: Total compensation for the Consultant's performance of the Services shall not exceed the amount of eighty- five thousand dollars ($85,000) per year. City shall pay Consultant on a time and materials basis up to the not to exceed amount in accordance with Exhibit "B," titled ("Fee Schedule") which is attached hereto and incorporated herein by reference.

5.2 Consultant shall submit monthly invoices to City describing the Services performed during the preceding month. Consultant's invoices shall include a brief description of the Services performed, the dates the Services were performed, the number of hours spent and by whom, and a description of reimbursable expenses related to the Services. City shall pay Consultant no later than thirty (30) days after receipt and approval by City of Consultant's invoice.

5.3 Any notice or other communication required, or which may be given, pursuant to this Agreement, shall be in writing. Any such notice shall be deemed delivered (i) on the date of delivery in person; (ii) five (5) days after deposit in first class registered mail, with return receipt requested; (iii) on the actual delivery date if deposited with an overnight courier; or (iv) on the date sent by facsimile or electronic mail transmission (including PDF), if confirmed with a copy sent contemporaneously by first class, certified, registered or express mail; in each case properly posted and fully prepaid to the appropriate address set forth below, or such other address as a Party may provide notice in accordance with this section:

CITY:	CONSULTANT:
City Clerk	Brandy Rodriguez, Senior Account Manager
City of Redlands	Reliance Safety Consultants
35 Cajon Street	2629 Foothill Blvd. #367
P.O. Box 3005 (mailing)	La Crescenta, CA 91214
Redlands, CA 92373	Brandy@reliancesafetyconsultants.com
jdonaldson@cityofredlands.org	Fax: 800-605-9460
Phone: (909) 798-7531	Phone: (909) 697-9067

ARTICLE 6 – INSURANCE AND INDEMNIFICATION

6.1 The following insurance coverage required by this Agreement shall be maintained by Consultant for the duration of its performance of the Services. Consultant shall not perform any Services unless and until the required insurance listed below is obtained by Consultant.

Consultant shall provide City with certificates of insurance and endorsements evidencing such insurance prior to commencement of the Services. Insurance policies shall include a provision prohibiting cancellation or modification of the policy except upon thirty (30) days prior written notice to City.

A. Workers' Compensation and Employer's Liability insurance in the amount that meets statutory requirements with an insurance carrier acceptable to City, or certification to City that Consultant is self-insured or exempt from the workers' compensation laws of the State of California. Consultant shall execute and provide City with Exhibit "C," titled "Workers' Compensation Insurance Certification," which is attached hereto and incorporated herein by this reference, prior to performance of the Services.

B. Comprehensive General Liability insurance with carriers acceptable to City in the minimum amount of One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) aggregate, for public liability, property damage and personal injury is required. City shall be named as an additional insured and such insurance shall be primary and non-contributing to any insurance or self-insurance maintained by City.

C. Consultant shall secure and maintain professional liability insurance throughout the term of this Agreement in the amount of One Million Dollars ($1,000,000) per claim made.

D. Business Auto Liability coverage, with minimum limits of One Million Dollars ($1,000,000) per occurrence, combined single limit bodily injury liability and property damage liability. This coverage shall include all Consultant owned vehicles used in connection with Consultant's provision of the Services, hired and non-owned vehicles, and employee non-ownership vehicles. City shall be named as an additional insured and such insurance shall be primary and non-contributing to any insurance or self-insurance maintained by City.

E. Consultant is expressly prohibited from assigning or subcontracting any of the Services without the prior written consent of City. In the event of mutual agreement by the Parties to assign or subcontract a portion of the Services, Consultant shall add such assignee or subcontractor as an additional insured to the insurance policies required hereby and provide City with the insurance endorsements prior to any Services being performed by the assignee or subcontractor.

6.2 Consultant shall defend, indemnify and hold harmless City and its elected and appointed officials, employees and agents from and against any and all claims, losses or liability, including attorneys' fees, arising from injury or death to persons or damage to property occasioned by any negligent act or omission by, or the willful misconduct of, Consultant, or its officers, employees and agents in performing the Services.

ARTICLE 7 – CONFLICTS OF INTEREST

7.1 Consultant covenants and represents that it does not have any investment or interest in any real property that may be the subject of this Agreement or any other source of income, interest in real property or investment that would be affected in any manner or degree by the performance of Consultant's Services. Consultant further covenants and represents that in the performance of its duties hereunder, no person having any such interest shall perform any Services under this Agreement.

7.2 Consultant agrees it is not a designated employee within the meaning of the Political Reform Act because Consultant:

A. Does not make a governmental decision whether to:

(i) approve a rate, rule or regulation, or adopt or enforce a City law;
(ii) issue, deny, suspend or revoke any City permit, license, application, certification, approval, order or similar authorization or entitlement;
(iii) authorize City to enter into, modify or renew a contract;
(iv) grant City approval to a contract that requires City approval and to which City is a party, or to the specifications for such a contract;
(v) grant City approval to a plan, design, report, study or similar item;
(vi) adopt, or grant City approval of, policies, standards or guidelines for City or for any subdivision thereof.

B. Does not serve in a staff capacity with City and in that capacity, participate in making a governmental decision or otherwise perform the same or substantially the same duties for City that would otherwise be performed by an individual holding a position specified in City's Conflict of Interest Code under Government Code section 87302.

7.3 In the event City determines that Consultant must disclose its financial interests, Consultant shall complete and file a Fair Political Practices Commission Form 700, Statement of Economic Interests, with the City Clerk's office pursuant to the written instructions provided by the City Clerk.

ARTICLE 8 – GENERAL CONSIDERATIONS

8.1 In the event any action is commenced to enforce or interpret any of the terms or conditions of this Agreement the prevailing Party shall, in addition to any costs and other relief, be entitled to the recovery of its reasonable attorneys' fees, including fees for the use of in-house counsel by a Party.

8.2 Consultant shall not assign any of the Services, except with the prior written approval of City and in strict compliance with the terms and conditions of this Agreement. Any

assignment or attempted assignment without such prior written consent may, in the sole discretion of City, result in City's immediate termination of this Agreement.

8.3 Consultant is for all purposes under this Agreement an independent contractor and shall perform the Services as an independent contractor. Neither City nor any of its agents shall have control over the conduct of Consultant or Consultant's employees, except as herein set forth. Consultant shall supply all necessary tools and instrumentalities required to perform the Services. Assigned personnel employed by Consultant are for its account only, and in no event shall Consultant or personnel retained by it be deemed to have been employed by City or engaged by City for the account of, or on behalf of City. Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent, nor shall Consultant have any authority, express or implied, to bind City to any obligation.

8.4 This Agreement may be terminated by City, in its sole discretion, by providing not less than five (5) days prior written notice to Consultant of City's intent to terminate. If this Agreement is terminated by City, an adjustment to Consultant's compensation shall be made, but (1) no amount shall be allowed for anticipated profit or unperformed Services, and (2) any payment due Consultant at the time of termination may be adjusted to the extent of any additional costs to City occasioned by any default by Consultant. Upon receipt of a termination notice, Consultant shall immediately discontinue its provision of the Services and, within five (5) days of the date of the termination notice, deliver or otherwise make available to City, copies (in both hard copy and electronic form, where applicable) of project related data, design calculations, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by Consultant in performing the Services. Consultant shall be compensated on a pro-rata basis for Services completed up to the date of termination.

8.5 Consultant shall maintain books, ledgers, invoices, accounts and other records and documents evidencing costs and expenses related to the Services for a period of three (3) years, or for any longer period required by law, from the date of final payment to Consultant pursuant to this Agreement. Such books shall be available at reasonable times for examination by City at the office of Consultant.

8.6 This Agreement, including the Exhibits incorporated herein by reference, represents the entire agreement and understanding between the Parties as to the matters contained herein, and any prior negotiations, written proposals or verbal agreements relating to such matters are superseded by this Agreement. Except as otherwise provided for herein, any amendment to this Agreement shall be in writing, approved by City and signed by City and Consultant.

8.7 This Agreement shall be governed by and construed in accordance with the laws of the State of California, without regard to its conflicts of laws provisions. The Parties agree that all actions or proceedings arising in connection with this Agreement shall be tried and

litigated only in the state courts located in San Bernardino County, California, and the federal courts located in Riverside County, California.

8.8 If one or more of the sentences, clauses, paragraphs or sections contained in this Agreement is declared invalid, void or unenforceable by a court of competent jurisdiction, the same shall be deemed severable from the remainder of this Agreement and shall not affect, impair or invalidate the remaining sentences, clauses, paragraphs or sections contained herein, unless to do so would deprive a Party of a material benefit of its bargain under this Agreement.

IN WITNESS WHEREOF, duly authorized representatives of City and Consultant have signed in confirmation of this Agreement.

CITY OF REDLANDS

By: _____
Eddie Tejeda, Mayor

RELIANCE SAFETY CONSULTANTS

By: _____
Brandy Rodriguez, Senior Account Manager

ATTEST:

_____
Jeanne Donaldson, City Clerk

EXHIBIT "A" SCOPE OF SERVICES

RELIANCE
Safety Consultants

Scopes of Services

Qualified and experienced OHS consultant service to provide efficient, engaging, and effective training to City employees.

Training topics will include the following, but not be limit to:

- Forklift Operator
- Confined Space Entry
- Confined Space Rescue
- Welding/Cutting/Brazing
- Asbestos Cement Pipe Initial
- Asbestos Cement Pipe Refresher
- Mobile Elevated Work Platforms
- First Aid/CPR/AED
- Traffic Control Flagger
- Backhoe Loader Operator Initial
- Backhoe Loader Operator Refresher
- Lock Out/Tag Out Awareness
- Lock Out/Tag Out Authorized
- Fall Protection Authorized
- Fall Protection Competent
- Respirator
- Excavation/Trenching/Shoring Competent
- HAZWOPER 8 hours
- HAZWOPER 24 hours
- HAZWOPER 40 hours
- HAZWOPER Refresher
- Confined Space Evaluations
- Noise Exposure Evaluations
- Respiratory Fit Testing & Medical Evaluations
- Safety Audits

EXHIBIT "B" FEE SCHEDULE

Reliance Safety Consultants, Inc. Proposal Submittal for City of Redlands

Price Quote

Our price quote for July 2023 to June 2026 pe scope of work are as follows:

Training Course	Hours Needed	Price and Attendees
Forklift Operator	4	$80/person - Minimum of 10 ppl
Confined Space Entry	8	$1250 – Up to 20 ppl may attend
Confined Space Rescue (non-entry)	4	$1250 – Up to 20 ppl may attend
Welding/Cutting/Brazing	2	$600 – Up to 20 ppl may attend
Asbestos Cement Pipe Initial	4	$1600 – Up to 20 ppl may attend
Asbestos Cement Pipe Refresher	2	$1200 – Up to 20 ppl may attend
Mobile Elevated Work Platforms	4	$80/person - Minimum of 10 ppl
First Aid/CPR/AED	4	$65/person - Minimum of 10 ppl
Traffic Control Flagger	8	$1250 – Up to 20 ppl may attend
Backhoe Loader Operator – Initial	4	$80/person - Minimum of 10 ppl
Backhoe Loader Operator – Refresher	2	$750 - Up to 20 ppl may attend
Lock Out/Tag Out - Authorized	4	$900 – Up to 20 ppl may attend
Lock Out/Tag Out - Awareness	2	$750 – Up to 20 ppl may attend
Fall Protection - Authorized User	4	$1200 – Up to 20 ppl may attend
Respirator Training	2	$750– Up to 20 ppl may attend
Excavation/Trenching/Shoring - Awareness	4	$1100 – Up to 20 ppl may attend
Excavation/Trenching/Shoring – Competent Person Initial	8	$1250 – Up to 20 ppl may attend
Excavation/Trenching/Shoring – Competent Person Refresher	4	$1100 – Up to 20 ppl may attend
HAZWOPER First Responder Operations - 8hr	8	$1250– Up to 20 ppl may attend
HAZWOPER Technician/Specialist - 24hr	24	$4350 – Up to 20 ppl may attend
HAZWOPER Waste Site Worker - 40hr	40	$7250 – Up to 20 ppl may attend
HAZWOPER Refresher	8	$1550 – Up to 20 ppl may attend

Reliance Safety Consultants, Inc. Proposal Submittal for City of Redlands

Safety Management Services	Rates
Confined Space Evaluations	$185/hr
Noise Exposure Evaluations	Rate Depends on number of dosimeters
Respiratory Fit Testing	Per person rate $145 (includes 1 mask) Any additional mask $70 per mask 10 respirators minimum billing
Pulmonary Medical Evaluations	Per person rate $151 10 people minimum billing
Safety Audits	$850 per audit/location

Price quote for this RFP is effective until July 2023 to June 2026.

If you have any comments or questions concerning the information presented in our proposal, or if you desire additional information about our company or the services we can provide, please contact me.

Brandy Rodriguez

Sincerely,

Brandy Rodriguez,
Safety Professional,
Account Manager
Reliance Safety Consultants
(213) 545 – 4501 (mobile)
brandy@reliancesafetyconsultants.com

EXHIBIT C

WORKERS' COMPENSATION INSURANCE CERTIFICATION

Every employer, except the State, shall secure the payment of compensation in one or more of the following ways:

(a) By being insured against liability to pay compensation by one or more insurers duly authorized to write compensation insurance in this State.

(b) By securing from the Director of Industrial Relations, a certificate of consent to self-insure, either as an individual employer, or as one employer in a group of employers, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to his or her employees.

CHECK ONE

_____I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work and activities required or permitted under this Agreement. (Labor Code §1861).

_____I affirm that at all times, in performing the work and activities required or permitted under this Agreement, I shall not employ any person in any manner such that I become subject to the workers' compensation laws of California. However, at any time, if I employ any person such that I become subject to the workers' compensation laws of California, immediately I shall provide the City with a certificate of consent to self-insure, or a certification of workers' compensation insurance.

I certify under penalty of perjury under the laws of the State of California that the information and representations made in this certificate are true and correct.

By:_____ Date: _____

City Council/Financing Authority Meeting **L. 2.**

DATE: 09/19/2023

TO: Honorable Mayor and City Council Members

SUBJECT: Consideration of a Professional Services Agreement with Miller Architectural Corporation for design and construction management services of the City's new City Hall Facility for an amount not to exceed $1,368,579, approval of an additional appropriation of the same; and determination that approval of the agreement is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines (Assistant City Manager Boatman)

MOTION(S):

If the City Council determines that staff's recommendation is appropriate, the following motions are provided:

1. I move that the City Council find that approval of a Professional Services Agreement with Miller Architectural Corporation for the design of the City Hall Facility is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines; and

2. I move that the City Council approve the Professional Services Agreement with Miller Architectural Corporation for the design of the City Hall Facility in an amount not to exceed $1,368,579; and

3. I move that the City Council approval an additional appropriation in the amount of $1,368,579.

RECOMMENDATION:

Staff recommends that the City Council find that approval of a Professional Services Agreement with Miller Architectural Corporation for the design of the City Hall Facility is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines. Staff further recommends that City Council approve the Professional Services Agreement with Miller Architecture for the design of the City Hall Facility for an amount not to exceed $1,368,579 and approve an additional appropriation of the same.

DISCUSSION:

On October 1, 2021, the City acquired the facility known as the Citrus Center, located at 300 East State Street for the purpose of developing a new City Hall location. The facility is a six-story building on-street with underground parking. Currently, the offices of the City Council, City Manager, and City Attorney are located within the building. Once the facility is fully renovated, the Development Services, Facilities and Community Services, Fire Administration, Human Resources, Management Services, and Municipal Utilities and Engineering Departments will also be located within the building. In addition, the building will retain a variety of tenants that pay market rent.

Staff has been in collaboration with an architectural consultant to conduct a space needs analysis and finalize space programming in order to most effectively utilize existing interiors, resulting in minimized costs for construction and interior improvements. The building will include a ground floor with the City Council Chambers, City Clerk's office, a customer service counter and meeting spaces. Floors two through six will house City departments and tenants, with one floor completely occupied by tenants.

In April 2023, staff advertised a Request for Qualifications for the Development of a City Hall Facility. A total of 103 consultants were solicited and 8 responsive bids were received. A selection committee reviewed and ranked each organization in accordance with the City's procurement policy. Miller Architectural Corporation was selected as the most qualified firm, based on their demonstrated competence and professional qualifications deemed necessary for the satisfactory performance of the services required.

The scope of work includes plans and specifications for the renovations, including structural retrofit of the building, and construction management. The proposal estimates the process to take approximately two years, with the design drawing completed in June, 2024 and construction beginning in early 2025. Staff will provide periodic updates to the City Council throughout the entire project

process, including construction cost estimates.

The proposed project is exempt from the requirements of the California Environmental Quality Act's guidelines pursuant to Section 15061(b)(3). Section 15061(b)(3) applies to those activities where it is seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Staff has determined that the architectural services and development of construction drawings will not result in a physical change in the environment. Therefore, approval of the Professional Services Agreement is exempt from further CEQA review.

ALTERNATIVES:

City Council may elect not to approve the agreement and direct staff accordingly.

STRATEGIC PLAN:

Supports Priority B - Public Health and Safety, Strategic Objective 2.

SUBMITTED BY:
Christopher Boatman, Assistant City Manager

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Yvette M. Abich Garcia, City Attorney
Janice McConnell, Assistant City Manager
Danielle Garcia, Management Services/Finance Director
Dana Abramovitz-Daniel, Procurement Manager

PREPARED BY:
Tricia Swope, Manager, Facilities & Community Services

Fiscal Impact

Fiscal Year:	FY 2023-24
Appropriation Required Y/N:	Yes
Amount:	$1,368,579
Account No.:	406501-3319
Discussion:	

This expense will be offset from a release of the Future Facilities reserve of the General Fund. The current balance is $22,111,486.

Attachments

A. Agreement with Miller Architectural Corp

B. Additional Appropriation Form

AGREEMENT TO PERFORM PROFESSIONAL SERVICES

This agreement for the Design and Construction Management of the Redlands City Hall Facility ("Agreement") is made and entered in this 19th day of September 2023 ("Effective Date"), by and between the City of Redlands, a municipal corporation ("City") and Miller Architectural Corporation, a California Corporation, ("Consultant"). City and Consultant are sometimes individually referred to herein as a "Party" and, together, as the "Parties." In consideration of the mutual promises contained herein, City and Consultant agree as follows:

ARTICLE 1 – ENGAGEMENT OF CONSULTANT

1.1 City hereby engages Consultant to provide services for City (the "Services").

1.2 The Services shall be performed by Consultant in a professional manner, and Consultant represents that it has the skill and the professional expertise necessary to provide the Services to City at a level of competency presently maintained by other practicing professional consultants in the industry providing like and similar types of Services.

ARTICLE 2 – SERVICES OF CONSULTANT

2.1 The Services that Consultant shall perform are more particularly described in Exhibit "A," titled "Scope of Services," which is attached hereto and incorporated herein by this reference.

2.2 Consultant shall comply with applicable federal, state and local laws and regulations in the performance of this Agreement including, but not limited to, any applicable State prevailing wage laws.

ARTICLE 3 – RESPONSIBILITIES OF CITY

3.1 City designates Chris Boatman, Assistant City Manager, as City's representative with respect to performance of the Services, and such person shall have the authority to transmit instructions, receive information, interpret and define City's policies and decisions with respect to performance of the Services.

ARTICLE 4 – PERFORMANCE OF SERVICES

4.1 Consultant shall perform and complete the Services in a prompt and diligent manner in accordance with the schedule set forth in Exhibit "A," titled "Scope of Services," which is attached hereto and incorporated herein by reference.

4.2 If Consultant's Services include deliverable electronic visual presentation materials, such materials shall be delivered in a form, and made available to City, consistent with City Council-adopted policy for the same. It shall be the obligation of Consultant to obtain a copy of such policy from City staff.

ARTICLE 5 – PAYMENTS TO CONSULTANT

5.1 Compensation: Total compensation for the Consultant's performance of the Services shall not exceed the amount of One Million Three Hundred Sixty-Eight Thousand Five Hundred Seventy Nine Dollars ($1,368,579). City shall pay Consultant on a time and materials basis up to the not to exceed amount in accordance with Exhibit "B," titled Fee Schedule" which is attached hereto and incorporated herein by reference.

5.2 Consultant shall submit monthly invoices to City describing the Services performed during the preceding month. Consultant's invoices shall include a brief description of the Services performed, the dates the Services were performed, the number of hours spent and by whom, and a description of reimbursable expenses related to the Services. City shall pay Consultant no later than thirty (30) days after receipt and approval by City of Consultant's invoice.

5.3 Any notice or other communication required, or which may be given, pursuant to this Agreement, shall be in writing. Any such notice shall be deemed delivered (i) on the date of delivery in person; (ii) five (5) days after deposit in first class registered mail, with return receipt requested; (iii) on the actual delivery date if deposited with an overnight courier; or (iv) on the date sent by facsimile or electronic mail transmission (including PDF), if confirmed with a copy sent contemporaneously by first class, certified, registered or express mail; in each case properly posted and fully prepaid to the appropriate address set forth below, or such other address as a Party may provide notice in accordance with this section:

CITY:

City Clerk
City of Redlands
35 Cajon Street
P.O. Box 3005 (mailing)
Redlands, CA 92373
jdonaldson@cityofredlands.org
Phone: (909) 798-7531

CONSULTANT:

Gary Miller, AIA, President
Miller Architectural Corporation
1177 Idaho Street, Suite 200
Redlands, CA 92374
gmiller@miller-aip.com
Phone: 909-335-7400

ARTICLE 6 – INSURANCE AND INDEMNIFICATION

6.1 The following insurance coverage required by this Agreement shall be maintained by Consultant for the duration of its performance of the Services. Consultant shall not perform any Services unless and until the required insurance listed below is obtained by Consultant. Consultant shall provide City with certificates of insurance and endorsements evidencing such insurance prior to commencement of the Services. Insurance policies shall include a provision prohibiting cancellation or modification of the policy except upon thirty (30) days prior written notice to City.

A. Workers' Compensation and Employer's Liability insurance in the amount that meets statutory requirements with an insurance carrier acceptable to City, or certification to

City that Consultant is self-insured or exempt from the workers' compensation laws of the State of California. Consultant shall execute and provide City with Exhibit "C," titled "Workers' Compensation Insurance Certification," which is attached hereto and incorporated herein by this reference, prior to performance of the Services.

B. Comprehensive General Liability insurance with carriers acceptable to City in the minimum amount of One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) aggregate, for public liability, property damage and personal injury is required. City shall be named as an additional insured and such insurance shall be primary and non-contributing to any insurance or self-insurance maintained by City.

C. Consultant shall secure and maintain professional liability insurance throughout the term of this Agreement in the amount of One Million Dollars ($1,000,000) per claim made.

D. Business Auto Liability coverage, with minimum limits of One Million Dollars ($1,000,000) per occurrence, combined single limit bodily injury liability and property damage liability. This coverage shall include all Consultant owned vehicles used in connection with Consultant's provision of the Services, hired and non-owned vehicles, and employee non-ownership vehicles. City shall be named as an additional insured and such insurance shall be primary and non-contributing to any insurance or self-insurance maintained by City.

E. Consultant is expressly prohibited from assigning or subcontracting any of the Services without the prior written consent of City. In the event of mutual agreement by the Parties to assign or subcontract a portion of the Services, Consultant shall add such assignee or subcontractor as an additional insured to the insurance policies required hereby and provide City with the insurance endorsements prior to any Services being performed by the assignee or subcontractor.

6.2 Consultant shall defend, indemnify and hold harmless City and its elected and appointed officials, employees and agents from and against any and all claims, losses or liability, including attorneys' fees, arising from injury or death to persons or damage to property occasioned by any negligent act or omission by, or the willful misconduct of, Consultant, or its officers, employees and agents in performing the Services.

ARTICLE 7 – CONFLICTS OF INTEREST

7.1 Consultant covenants and represents that it does not have any investment or interest in any real property that may be the subject of this Agreement or any other source of income, interest in real property or investment that would be affected in any manner or degree by the performance of Consultant's Services. Consultant further covenants and represents that in the performance of its duties hereunder, no person having any such interest shall perform any Services under this Agreement.

7.2 Consultant agrees it is not a designated employee within the meaning of the Political Reform Act because Consultant:

A. Does not make a governmental decision whether to:

(i) approve a rate, rule or regulation, or adopt or enforce a City law;
(ii) issue, deny, suspend or revoke any City permit, license, application, certification, approval, order or similar authorization or entitlement;
(iii) authorize City to enter into, modify or renew a contract;
(iv) grant City approval to a contract that requires City approval and to which City is a party, or to the specifications for such a contract;
(v) grant City approval to a plan, design, report, study or similar item;
(vi) adopt, or grant City approval of, policies, standards or guidelines for City or for any subdivision thereof.

B. Does not serve in a staff capacity with City and in that capacity, participate in making a governmental decision or otherwise perform the same or substantially the same duties for City that would otherwise be performed by an individual holding a position specified in City's Conflict of Interest Code under Government Code section 87302.

7.3 In the event City determines that Consultant must disclose its financial interests, Consultant shall complete and file a Fair Political Practices Commission Form 700, Statement of Economic Interests, with the City Clerk's office pursuant to the written instructions provided by the City Clerk.

ARTICLE 8 – GENERAL CONSIDERATIONS

8.1 In the event any action is commenced to enforce or interpret any of the terms or conditions of this Agreement the prevailing Party shall, in addition to any costs and other relief, be entitled to the recovery of its reasonable attorneys' fees, including fees for the use of in-house counsel by a Party.

8.2 Consultant shall not assign any of the Services, except with the prior written approval of City and in strict compliance with the terms and conditions of this Agreement. Any assignment or attempted assignment without such prior written consent may, in the sole discretion of City, result in City's immediate termination of this Agreement.

8.3 Consultant is for all purposes under this Agreement an independent contractor and shall perform the Services as an independent contractor. Neither City nor any its agents shall have control over the conduct of Consultant or Consultant's employees, except as herein set forth. Consultant shall supply all necessary tools and instrumentalities required to perform the Services. Assigned personnel employed by Consultant are for its account only, and in no event shall Consultant or personnel retained by it be deemed to have been employed by City or engaged by City for the account of, or on behalf of City. Consultant shall have no authority, express or implied, to act on behalf of City in any capacity

whatsoever as an agent, nor shall Consultant have any authority, express or implied, to bind City to any obligation.

8.4 This Agreement may be terminated by City, in its sole discretion, by providing not less than five (5) days prior written notice to Consultant of City's intent to terminate. If this Agreement is terminated by City, an adjustment to Consultant's compensation shall be made, but (1) no amount shall be allowed for anticipated profit or unperformed Services, and (2) any payment due Consultant at the time of termination may be adjusted to the extent of any additional costs to City occasioned by any default by Consultant. Upon receipt of a termination notice, Consultant shall immediately discontinue its provision of the Services and, within five (5) days of the date of the termination notice, deliver or otherwise make available to City, copies (in both hard copy and electronic form, where applicable) of project related data, design calculations, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by Consultant in performing the Services. Consultant shall be compensated on a pro-rata basis for Services completed up to the date of termination.

8.5 Consultant shall maintain books, ledgers, invoices, accounts and other records and documents evidencing costs and expenses related to the Services for a period of three (3) years, or for any longer period required by law, from the date of final payment to Consultant pursuant to this Agreement. Such books shall be available at reasonable times for examination by City at the office of Consultant.

8.6 This Agreement, including the Exhibits incorporated herein by reference, represents the entire agreement and understanding between the Parties as to the matters contained herein, and any prior negotiations, written proposals or verbal agreements relating to such matters are superseded by this Agreement. Except as otherwise provided for herein, any amendment to this Agreement shall be in writing, approved by City and signed by City and Consultant.

8.7 This Agreement shall be governed by and construed in accordance with the laws of the State of California, without regard to its conflicts of laws provisions. The Parties agree that all actions or proceedings arising in connection with this Agreement shall be tried and litigated only in the state courts located in San Bernardino County, California, and the federal courts located in Riverside County, California.

8.8 If one or more of the sentences, clauses, paragraphs or sections contained in this Agreement is declared invalid, void or unenforceable by a court of competent jurisdiction, the same shall be deemed severable from the remainder of this Agreement and shall not affect, impair or invalidate the remaining sentences, clauses, paragraphs or sections contained herein, unless to do so would deprive a Party of a material benefit of its bargain under this Agreement.

IN WITNESS WHEREOF, duly authorized representatives of City and Consultant have signed in confirmation of this Agreement.

CITY OF REDLANDS

By: _____
Eddie Tejeda, Mayor

Miller Architectural Corporation

By: _____
Gary Miller, AIP, President

ATTEST:

_____
Jeanne Donaldson, City Clerk

EXHIBIT "A"

SCOPE OF SERVICES

Scope of service includes a wide range of consultant related services from project design through construction administration. The following is a brief summary of the services Renovate 80,000 sf of all 6 floors in City's Downtown location.

- Replacement of all mechanical rooftop equipment and roof
- Replacement of main service panels and sub panels
- Addition of window washing system
- Addition of audio and visual communication system appropriate for the City's Council Chambers
- Development of a building wide security and access system

The selected firm will be required to provide a full range of consultant related services from project master plan design through construction related services. The project scope of services anticipated for the duration of the project will include but not be limited to the following items:

1. Project Management

- Submit project development timeline in Excel or other City approved format to establish a baseline project schedule that will be monitored and updated throughout each phase of the project development.
- Provide presentation renderings as required to relay design concepts, spatial relationships and site issues and constraints to City staff and committee members.
- Coordinate work of design team consultants.

2. Processing and Program Implementation

- Review programming and information provided by City.
- Review laws and codes.
- Notify of any inconsistencies in project information; Present master plan scenarios to the Project Design Team to determine preferred alternative.
- Revise master plan based on City staff input and submit plans to Project Design Team for approval.

3. Design Development Process

- Prepare Design Development documents for approval consisting of drawings including plans, sections, elevations, typical construction details, diagrammatic layouts of building systems for architectural, structural, mechanical and electrical systems.
- Prepare outline and identifying major materials and systems.
- Attend project-related meetings including, Project Design Team, Development Review Committee, Planning Commission and City Council meetings as required by City staff to convent the intent of the design to City staff and address any project-related issues.
- Provide probable cost of construction estimates during the course of project development from initial design through construction document preparation.

4. Construction Document Preparation

- Revise project development timeline based on final project approval by City Planning Commission.
- Prepare construction documents (plans, general and special conditions and technical specifications and structural calculations) for the project.

- Submit construction documents to City for review and revise as necessary to obtain final plan approval from the Planning Division.
- Prepare final construction cost estimates based on proposed Bid Schedule and Additive/Deductive Bid Items.
- Construction documents shall be prepared in City standard format per City of Redlands Standard Specifications including plan size and Title Block format. Construction plans shall be prepared in AutoCAD 2000, or comparable computer-aided software, as approved by the City. Copies of the construction documents shall be provided to the City and the City's reproduction company via electronic copy on CD at the City's request. Consultant shall provide up to six full sets of plans to the City per submittal at no additional cost to the City.
- Technical specification shall be provided by the consultant in Microsoft Word, or in the format determined by the City. City shall provide the consultant a copy of the City's General Conditions for incorporation into the technical specifications. Draft and final technical specifications submitted to the City shall include a full copy on CD. Consultant shall provide up to six full sets of technical specifications to the City at no additional cost to the City.
- City shall be responsible for all construction document reproduction costs required for project advertisement and bidding purposes.
- Collaborate with City for the development and preparation of the form of agreement between City and Contractor.
- Collaborate with City for the development and preparation of the Conditions of Construction Contract.
- Prepare project manual.

5. Construction Management Services

- Revise project development timeline for bidding and construction schedule.
- Conduct pre-bid meeting, evaluate and prepare responses to Requests for Information (RFI's), prepare any required Bid Addenda, or clarifications prior to the submittal of contractor bids.
- Review construction bid proposals and conduct review of apparent low bidder and listed subcontractors and make final recommendations to the City regarding the award of the construction contract.
- Review construction bid proposals and make recommendations to the City regarding the award of Base Bid and Additive/Deductive Bid items.
- Conduct pre-construction meeting, respond to contractors RFI's, Request for Clarifications and any project related issues throughout the course of construction.
- Review and process construction submittals/shop drawings for compliance with construction documents and to meet requirements for LEED Certification.
- Provide plan clarifications, details and consultation to the City during construction to ensure proper interpretation of the construction documents and completion of work.
- Conduct weekly site construction meetings during the course of construction, coordinate the documentation and distribution of meeting minutes, monitor and evaluate the status of the construction schedule and respond to any construction-related issues as they arise.
- Review, evaluation and respond to any Request for Change Orders.

6. Project Close-Out

- Review as-built documents to ensure plan documents reflect building and site changes made during the construction process.

Additional Services to be Provided by Architect or Architect's Consultants

1. **Structural Engineering**

   - Design for seismic retrofit of the building

2. **Mechanical/Electrical/Plumbing Engineering**

   - Design for replacement of all rooftop equipment and ductwork modifications to accommodate necessary tenant improvements.
   - Development of an electric charging station area.
   - Assessment of Elevators for hydraulic and overhead traction to determine existing elevator service levels, adjustment, and performance. Provide a listing of potential short- and long-term equipment upgrades and modernization recommendations, if any.
   - Lighting design concepts for building exterior, landscape, surface parking, rear entry court, main entry plaza, interiors on every level and main elevator lobby. Prepare preliminary lighting fixture and control system specifications and cut sheets for all specified equipment. Prepare lighting fixture schedule that identifies specified manufacturer, model number, and lamp specification with wattage, color characteristics, beam distributions and preferred manufacturer for each fixture type.

3. **Audio/Visual**

   - Design for council chambers and closed session, with broadcast feeds for other key officials and the public, through City broadcast system.

4. **Security**

   - Design of access controls and threat mitigation

5. **Interior Design Services**

   - Coordinate the design and selection of all building interior finishes included but not limited to casework, furniture, walls, flooring and specialty equipment.
   - Provide color boards and product samples for all specified surface finishes and equipment as required to convey the intent of the interior design and to obtain consensus from the Project Design Team.
   - Determine adaptive reuse of existing furnishings and equipment.
   - Review interior finishes and equipment to ensure that all products meet the project budget constraints.

6. **Exterior Landscaping Services**

   - Coordinate the design and selection of exterior landscaping and lighting improvements.
   - Provide color boards and product samples as required to convey the intent of the exterior design and to obtain consensus from the Project Design Team.

7. **Information Technology**

   - Design and coordination of IT system along with City personnel

   - Coordinate the project close-out documentation process including receipt and review of all contractor supplies maintenance manuals, product system warranty documents and as-built construction drawings.

EXHIBIT “B”
FEE SCHEDULE

Project Management	$127,202
Processing and Implementation	$38,500
Design Development	$138,692
Construction Documents	$136,769
Construction Management	$106,753
Close-Out	$6,000
Structural Engineering	$162,700
Mechanical/Electrical/Plumbing Engineering	$332,345
Audio / Visual	$13,500
Security	$4,175
Interior Design Services	$36,000
Exterior Landscaping Improvements	$14,000
Information Technology	$50,000
Cost Estimating / Value Engineering	$45,825
Elevator Assessment	$6,800
Lighting Design	$72,418
Accessible Assessment	$4,500
Fire, Life Safety	$23,800
Geotechnical	$48,600

EXHIBIT C

WORKERS' COMPENSATION INSURANCE CERTIFICATION

Every employer, except the State, shall secure the payment of compensation in one or more of the following ways:

(a) By being insured against liability to pay compensation by one or more insurers duly authorized to write compensation insurance in this State.

(b) By securing from the Director of Industrial Relations, a certificate of consent to self-insure, either as an individual employer, or as one employer in a group of employers, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to his or her employees.

CHECK ONE

_____I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work and activities required or permitted under this Agreement. (Labor Code §1861).

_____I affirm that at all times, in performing the work and activities required or permitted under this Agreement, I shall not employ any person in any manner such that I become subject to the workers' compensation laws of California. However, at any time, if I employ any person such that I become subject to the workers' compensation laws of California, immediately I shall provide the City with a certificate of consent to self-insure, or a certification of workers' compensation insurance.

I certify under penalty of perjury under the laws of the State of California that the information and representations made in this certificate are true and correct.

Miller Architectural Corporation

By:_____ Date: _____

Gary Miller, AIP, President

CITY OF REDLANDS
REQUEST FOR ADDITIONAL APPROPRIATION

DATE OF REQUEST: 9/5/23

FINANCE USE ONLY
TRANSACTION NO:
ACCOUNTING PERIOD:

An additional appropriation is hereby requested as follows:

Department: Facilities & Community Services

EXPENDITURE APPROPRIATION INCREASE (if applicable)				
Account Description	**Orgkey**	**Object Code**	**Job Ledger (If applicable)**	**Amount**
Safety/City Hall Replacement Fund	406xxx	8501		$ 1,368,579.00
				$ $ 1,368,579.00

REVENUE APPROPRIATION INCREASE (if applicable)				
Account Description	**Orgkey**	**Object Code**	**Job Ledger (If applicable)**	**Amount**
				$ $ 0.00

JUSTIFICATION: Architectural Design and Construction Management Services for City Hall Facility

This expense will be offset from a release of the Future Facilities reserve of the General Fund.

Council Meeting date of September 5, 2023

Requested By: _____
Department Head

Recommended By Finance Director:

Yes _____ No _____ Signed _____

Comments: _____

Recommended: _____
City Manager

Approved by City Council:

Date: _____

Signed: _____
City Clerk

City Council/Financing Authority Meeting **L. 3.**

DATE: 09/19/2023

TO: Honorable Mayor and City Council Members

SUBJECT: Consideration of Resolution No.8512 adopting a Five-Year Capital Project Needs Analysis for FY 24/25 through FY 28/29 and determining this action is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act (Municipal Utilities and Engineering Director Harris)

MOTION(S):

If City Council determines the staff recommendation is appropriate, the following motion is provided:

I move to approve Resolution No. 8512.

RECOMMENDATION:

Staff recommends City Council adoption of Resolution No. 8512.

DISCUSSION:

In November 1989, San Bernardino County voters approved passage of Measure I, which imposes a one-half of one percent retail transaction and use tax within the County of San Bernardino. Although the Measure I tax was scheduled to sunset in 2010, San Bernardino County voters approved the renewal of Measure I in November 2004 for thirty (30) additional years from 2010 to 2040.

The Measure I Strategic Plan requires each local jurisdiction receiving a portion of Measure I revenues to annually adopt a Five-Year Capital Project Needs Analysis (CPNA). The CPNA outlines the specific regional projects on which Measure I funds will be expended. The Measure I CPNA differs from the

Measure I CIP list. The CPNA is specifically for funding arterial projects identified in the most recent San Bernardino Transportation Authority (SBCTA) Nexus Study. Only projects included in the SBCTA Nexus Study are eligible for an allocation of Measure I CPNA Program funding. The project list is updated every two (2) years, which gives cities the opportunity to add and/or update priority projects. SBCTA staff uses the CPNA and additional information to conduct a cash-flow analysis. Once the analysis is completed, a recommendation for apportionment and specific project allocations is considered by the SBCTA Policy Committee and Board of Directors to determine budgets for each jurisdiction for the next five (5) years.

A portion of Measure I funding is combined with Development Impact Fees collected by the City from each new development to construct transportation improvements. The City is required to adopt the attached resolution to remain eligible for its proportional share of Measure I revenue disbursements from SBCTA. Approval of Resolution No. 8512 allows staff to request reimbursement from Measure I revenues when expenditures related to each of the listed projects occur.

Projects listed in the Five-Year CPNA (FY 24/25 through FY 28/29) include:

- Widen Citrus Avenue from Dearborn Street to Wabash Avenue from 2 to 4 lanes.
- Traffic signal at the intersection of Dearborn Street and Citrus Avenue;
- Traffic signal at the intersection of Wabash Avenue and Citrus Avenue;
- Traffic signal at the intersection of Wabash Avenue and 5th Avenue;

Adoption of Resolution No. 8512 is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act (CEQA), as it can be seen with certainty that approval of this Resolution will have no physical effect on the environment.

ALTERNATIVES:

City Council may elect to deny the staff recommendation. However, the City will not be eligible for future Measure I revenue disbursements if the Resolution is not adopted.

STRATEGIC PLAN:

N/A

SUBMITTED BY:
John R. Harris, Municipal Utilities and Engineering Director

RECOMMENDED BY:
Charles M. Duggan, Jr., City Manager

REVIEWED BY:
Yvette M. Abich Garcia, City Attorney
Janice McConnell, Assistant City Manager
Goutam K. Dobey, City Engineer

PREPARED BY:
Gerard Nepomuceno, Civil Engineer

Fiscal Impact

Fiscal Year: FY 23/24

Discussion:

There is no fiscal impact associated with this action. The total program funding provides for future expenditures matching anticipated revenues.

Attachments

A. Resolution No. 8512 Measure I CPNA

B. Exhibit A to Resolution

RESOLUTION NO. 8512

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS ADOPTING THE MEASURE I FIVE-YEAR CAPITAL PROJECT NEEDS ANALYSIS FOR FISCAL YEARS 2024/2025 THROUGH 2028/2029.

WHEREAS, San Bernardino County voters approved passage of Measure I in November 2004, authorizing the San Bernardino County Transportation Authority to impose a one-half of one percent retail transactions and use tax applicable in the incorporated and unincorporated territory of the County of San Bernardino; and

WHEREAS, revenue from the tax can only be used for transportation improvement and traffic management programs authorized in the Expenditure Plans set forth in Ordinance No. 04-1 of the Authority; and

WHEREAS, the Strategic Plan requires each local jurisdiction applying for revenue from certain Measure I Programs to annually adopt and update a Five-Year Capital Project Needs Analysis; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Redlands, as follows:

Section 1. This City Council determines that approval of this Resolution is exempt from review under California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines sections 15061(b)(3), as it can be seen with certainty by this City Council that the approval of this Resolution establishing a Five-Year Capital Project Needs Analysis will have no physical effect on the environment.

Section 2. That the Measure I Five-Year Capital Project Needs Analysis for Fiscal Years 2024/2025 through 2028/2029, attached to this Resolution as Exhibit "A," is hereby adopted.

ADOPTED, SIGNED AND APPROVED this 19th day of September, 2023.

_____
Eddie Tejeda, Mayor

ATTEST:

_____
Jeanne Donaldson, City Clerk

I, Jeanne Donaldson, City Clerk of the City of Redlands, do hereby certify that the foregoing Resolution was duly adopted by the City Council at a regular meeting thereof held on the 19th day of September, 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Jeanne Donaldson, City Clerk

I:\cmo\Resolutions\8512 - Measure I CPNA.docx-jm

EXHIBIT “A”

Measure I Five-Year Capital Project Needs Analysis

Capital Project Needs Analysis
City of Redlands
Valley Arterial Sub-Program

Nexus Project Cost	$ 1,500,000
Dev. Loan?	No
5-Year Advance?	No
Public Share:	76.9%
Dev. Share:	23.10%

Project Information	Phase	Funding	PRIOR*	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	FUTURE
Widen Citrus Ave from Dearborn St to Wabash Ave from 2 to 4 lanes	**PA&ED**								
	Total Cost:	**$0.00**							
	Fund Type:	MSI Arterial	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		DEV FEE	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		Other:	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Current Total Project Cost Estimate:	**PS&E**								
	Total Cost:	**$0.00**							
$1,500,000.00	**Fund Type:**	MSI Arterial	$ -		$ -	$ -	$ -	$ -	$ -
		DEV FEE	$ -		$ -	$ -	$ -	$ -	$ -
Total Measure I Request:		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
$1,153,500.00		Other:	$ -	$ -	$ -	$ -	$ -	$ -	$ -
(Summation of Measure I)	**ROW**								
	Total Cost:	**$0.00**							
	Fund Type:	MSI Arterial	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Comments:		DEV FEE	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		Other:	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	CONST								
	Total Cost:	**$1,500,000.00**							
	Fund Type:	MSI Arterial	$ -	$ 1,153,500.00	$ -	$ -	$ -	$ -	$ -
		DEV FEE	$ -	$ 346,500.00	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		Other:	$ -	$ -	$ -	$ -	$ -	$ -	$ -

*Prior should identify any expenses incurred in prior years that have not yet been reimbursed by SBCTA including anticipated FY 2023/2024 expenses.

Capital Project Needs Analysis
City of Redlands
Valley Arterial Sub-Program

Nexus Project Cost	**$**	**800,000**
Dev. Loan?	**No**	
5-Year Advance?	**No**	
Public Share:	**76.9%**	
Dev. Share:	**23.10%**	

Project Information	Phase	Funding	PRIOR*	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	FUTURE
Construct a Traffic Signal at the Intersection of Dearborn St and Citrus Ave	**PA&ED**								
	Total Cost:								
	Fund Type:	MSI Arterial	$ -		$ -	$ -	$ -	$ -	$ -
		DEV FEE	$ -		$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		Other: _____	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Current Total Project Cost Estimate:	**PS&E**								
$800,000.00	**Total Cost:**	**$100,000.00**							
	Fund Type:	MSI Arterial	$ -	$ -	$ 76,900.00	$ -	$ -	$ -	$ -
		DEV FEE	$ -	$ -	$ 23,100.00	$ -	$ -	$ -	$ -
Total Measure I Request:		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
$615,200.00		Other: _____	$ -	$ -	$ -	$ -	$ -	$ -	$ -
(Summation of Measure I)	**ROW**								
	Total Cost:	**$0.00**							
	Fund Type:	MSI Arterial	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Comments:		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		Other: _____	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	CONST								
	Total Cost:	**$700,000.00**							
	Fund Type:	MSI Arterial	$ -	$ -	$ -	$ 538,300.00	$ -	$ -	$ -
		DEV FEE	$ -	$ -	$ -	$ 161,700.00	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		Other: _____	$ -	$ -	$ -	$ -	$ -	$ -	$ -

*Prior should identify any expenses incurred in prior years that have not yet been reimbursed by SBCTA including anticipated FY 2023/2024 expenses.

Capital Project Needs Analysis
City of Redlands
Valley Arterial Sub-Program

Nexus Project Cost	$	870,000
Dev. Loan?	No	
5-Year Advance?	No	
Public Share:	76.9%	
Dev. Share:	23.10%	

Project Information	Phase	Funding	PRIOR*	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	FUTURE
Construct a Traffic Signal at the Intersection of Wabash Ave and Citrus Ave	**PA&ED**								
	Total Cost:	**$0.00**							
	Fund Type:	MSI Arterial	$ -		$ -	$ -	$ -	$ -	$ -
		DEV FEE	$ -		$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		Other:	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Current Total Project Cost Estimate:	**PS&E**								
$870,000.00	**Total Cost:**	**$120,000.00**							
	Fund Type:	MSI Arterial	$ -		$ -	$ 92,280.00	$ -	$ -	$ -
		DEV FEE	$ -		$ -	$ 27,720.00	$ -	$ -	$ -
Total Measure I Request:		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
$669,030.00		Other:	$ -	$ -	$ -	$ -	$ -	$ -	$ -
(Summation of Measure I)	**ROW**								
	Total Cost:	**$0.00**							
	Fund Type:	MSI Arterial	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Comments:		DEV FEE	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		Other:	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	CONST								
	Total Cost:	**$750,000.00**							
	Fund Type:	MSI Arterial	$ -	$ -	$ -		$ 576,750.00	$ -	$ -
		DEV FEE	$ -	$ -	$ -		$ 173,250.00	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		Other:	$ -	$ -	$ -	$ -	$ -	$ -	$ -

*Prior should identify any expenses incurred in prior years that have not yet been reimbursed by SBCTA including anticipated FY 2023/2024 expenses.

Capital Project Needs Analysis

City of Redlands

Valley Arterial Sub-Program

Nexus Project Cost	**$**	**885,000**
Dev. Loan?	**No**	
5-Year Advance?	**No**	
Public Share:	**76.9%**	
Dev. Share:	**23.10%**	

Project Information	Phase	Funding	PRIOR*	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	FUTURE
Construct a Traffic Signal at the Intersection of Wabash Ave and 5th Ave	**PA&ED**								
	Total Cost:	**$0.00**							
	Fund Type:	MSI Arterial	$ -		$ -	$ -	$ -	$ -	$ -
		DEV FEE	$ -		$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		Other: _____	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Current Total Project Cost Estimate:	**PS&E**								
$885,000.00	**Total Cost:**	**$125,000.00**							
	Fund Type:	MSI Arterial	$ -	$ -	$ -	$ -	$ -	$ 96,125.00	$ -
		DEV FEE	$ -	$ -	$ -	$ -	$ -	$ 28,875.00	$ -
Total Measure I Request:		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
$680,565.00		Other: _____	$ -	$ -	$ -	$ -	$ -	$ -	$ -
(Summation of Measure I)	**ROW**								
	Total Cost:	**$0.00**							
	Fund Type:	MSI Arterial	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Comments:		DEV FEE	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		Other: _____	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	CONST								
	Total Cost:	**$760,000.00**							
	Fund Type:	MSI Arterial	$ -	$ -	$ -	$ -	$ -	$ -	$ 584,440.00
		DEV FEE	$ -	$ -	$ -	$ -	$ -	$ -	$ 175,560.00
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		- Select Fund -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
		Other: _____	$ -	$ -	$ -	$ -	$ -	$ -	$ -

*Prior should identify any expenses incurred in prior years that have not yet been reimbursed by SBCTA including anticipated FY 2023/2024 expenses.

Measure I Valley Major Street/Arterial Sub-Program
Summary of Allocations, Balances & Special Arrangements

	SHARES	ALLOCATIONS	BALANCES		SPECIAL ARRANGEMENTS	
Jurisdiction	Current Equitable Share*	FY10/11 thru FY23/24	Reimbursements FY10/11 thru 4/24/23	Allocation Balance	Approved Advances @ 4/24/23	Term Loan Collateral @ 4/24/23
Chino	7.591%	$18,613,913	$298,946	$18,314,967	$10,500,000	
Chino Hills	2.194%	$3,043,718	$0	$3,043,718		
Colton	2.534%	$6,618,994	$393,612	$6,225,382		
Fontana	19.400%	$39,301,658	$7,634,761	$31,666,897		
Grand Terrace	1.389%	$3,628,170	$151,462	$3,476,708		
Highland	6.777%	$17,641,193	$5,183,062	$12,458,131		$3,499,301
Loma Linda	4.074%	$10,641,587	$5,019,909	$5,621,677		
Montclair	0.597%	$1,559,407	$1,913,734	-$354,327	$1,033,100	$1,990,241
Ontario	12.272%	$32,055,364	$16,605,339	$15,450,026	$6,383,764	
Rancho Cucamonga	5.044%	$10,704,395	$5,429,607	$5,274,788		
Redlands	4.854%	$12,679,004	$2,112,512	$10,566,492		
Rialto	3.831%	$9,553,460	$8,146,197	$1,407,263		
San Bernardino	7.857%	$20,523,060	$8,934,020	$11,589,040	$12,000,000	
Upland	2.743%	$7,164,917	$3,158,457	$4,006,460	$2,029,872	
Yucaipa	5.965%	$14,207,908	$13,401,043	$806,865	$6,000,000	
County	12.878%	$33,638,281	$6,039,970	$27,598,311		
Arterial Allocation	100.000%	$241,575,030	$84,422,630	$157,152,400	$37,946,736	$5,489,542

Measure I Valley Major Street/Arterial Sub-Program Revenue Projections Fiscal Years 2024/2025 through 2028/2029

Jurisdiction	SHARES	CPNA REVENUE PROJECTIONS*					TOTALS		
	Current Equitable Share	FY24/25	FY25/26	FY26/27	FY27/28	FY28/29	Total Projected Revenue	Current Allocation Balance	Total Available through FY28/29
Chino	7.591%	$2,357,929	$2,423,714	$2,491,410	$2,561,071	$2,632,755	$12,466,879	$18,314,967	$30,781,846
Chino Hills	2.194%	$0	$0	$0	$0	$0	$0	$3,043,718	$3,043,718
Colton	2.534%	$823,797	$846,067	$868,983	$892,566	$916,833	$4,348,245	$6,225,382	$10,573,628
Fontana	19.400%	$4,282,412	$4,447,348	$4,617,075	$4,791,730	$4,971,457	$23,110,022	$31,666,897	$54,776,920
Grand Terrace	1.389%	$451,560	$463,767	$476,329	$489,256	$502,557	$2,383,470	$3,476,708	$5,860,178
Highland	6.777%	$2,197,681	$2,257,194	$2,318,435	$2,381,455	$2,446,304	$11,601,068	$12,458,131	$24,059,199
Loma Linda	4.074%	$1,324,447	$1,360,251	$1,397,095	$1,435,009	$1,474,024	$6,990,825	$5,621,677	$12,612,503
Montclair	0.597%	$194,083	$199,330	$204,729	$210,285	$216,002	$1,024,429	($354,327)	$670,102
Ontario	12.272%	$3,989,595	$4,097,447	$4,208,431	$4,322,639	$4,440,162	$21,058,274	$15,450,026	$36,508,300
Rancho Cucamonga	5.044%	$1,265,415	$1,308,298	$1,352,427	$1,397,838	$1,444,567	$6,768,545	$5,274,788	$12,043,333
Redlands	4.854%	$1,578,023	$1,620,682	$1,664,580	$1,709,753	$1,756,237	$8,329,275	$10,566,492	$18,895,767
Rialto	3.831%	$1,204,421	$1,237,743	$1,272,032	$1,307,318	$1,343,628	$6,365,142	$1,407,263	$7,772,405
San Bernardino	7.857%	$2,554,290	$2,623,341	$2,694,397	$2,767,517	$2,842,760	$13,482,306	$11,589,040	$25,071,347
Upland	2.743%	$891,742	$915,849	$940,656	$966,183	$992,451	$4,706,881	$4,006,460	$8,713,341
Yucaipa	5.965%	$1,814,953	$1,866,327	$1,919,192	$1,973,593	$2,029,574	$9,603,639	$806,865	$10,410,504
County	12.878%	$4,186,604	$4,299,782	$4,416,247	$4,536,094	$4,659,420	$22,098,147	$27,598,311	$49,696,458
Totals	**100.000%**	**$29,116,952**	**$29,967,139**	**$30,842,019**	**$31,742,305**	**$32,668,731**	**$154,337,147**	**$157,152,400**	**$311,489,548**

* 15-year reconciliation of shares in effect until FY35/36, which reduces allocations to Chino Hills, Fontana, and Rancho Cucamonga to account for allocations to projects through the Project Advancement Agreement process.

City Council/Financing Authority Meeting **L. 4.**

DATE: 09/19/2023

TO: Honorable Mayor and City Council Members

SUBJECT: Consideration of a $381,799 additional appropriation from the General Fund unassigned fund balance for the Mission Zanja Channel Improvements Project (Municipal Utilities and Engineering Director Harris)

MOTION(S):

If City Council determines the staff recommendation is appropriate, the following motion is provided:

I move that the City Council approve an additional appropriation of $381,799 from the General Fund unassigned fund balance for the Mission Zanja Channel Improvements Project.

RECOMMENDATION:

Staff recommends City Council approve a $381,799 additional appropriation from the General Fund unassigned fund balance for the Mission Zanja Channel Improvements Project.

DISCUSSION:

On September 5, 2023, City Council approved a construction contract with Harbor Coating and Restoration for the Mission Zanja Channel (MZC) Improvement Project between Texas Street and Eureka Street. The scope of the project includes cleaning and preparing the interior channel surface, removing material and debris as necessary to complete the work, spot repairing concrete, and applying the sealant to the channel walls and ceiling.

The September 5 staff report inadvertently identified the incorrect funding source, the Storm Drain Fund, for this project. This fund uses Development

Impact Fees (DIF), the use of which is restricted to infrastructure capacity expansion related to new development. The use of DIF is not appropriate for this project since this section of the MZC is being maintained rather than expanded. Therefore, staff recommends City Council approval of an additional appropriation of $381,799 from the General Fund for this project.

ALTERNATIVES:

City Council may deny the staff recommendation and provide alternate direction.

STRATEGIC PLAN:

N/A

SUBMITTED BY:
John R. Harris, Municipal Utilities and Engineering Director

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Janice McConnell, Assistant City Manager
Danielle Garcia, Management Services/Finance Director

PREPARED BY:
Goutam K. Dobey, City Engineer

Fiscal Impact

Fiscal Year:	FY 23/24
Appropriation Required Y/N:	Yes
Amount:	$381,799
Budgeted Y/N:	No
Account No.:	405400

Discussion:

An additional appropriation of $381,799 from the General Fund unassigned balance is necessary to fund this project. The unassigned fund balance in the General Fund is projected to be approximately $21.7 million as of June 30, 2023.

Attachments

Additional Appropriation Form
Contract (Reference only)

CITY OF REDLANDS
REQUEST FOR ADDITIONAL APPROPRIATION

DATE OF REQUEST: 9/19/2023

FINANCE USE ONLY
TRANSACTION NO:
ACCOUNTING PERIOD:

An additional appropriation is hereby requested as follows:

Department: MUED

EXPENDITURE APPROPRIATION INCREASE (if applicable)				
Account Description	**Orgkey**	**Object Code**	**Job Ledger (If applicable)**	**Amount**
Storm Drain Construction	101400	8404	405003	$ 381,799.00
				$ $ 381,799.00

REVENUE APPROPRIATION INCREASE (if applicable)				
Account Description	**Orgkey**	**Object Code**	**Job Ledger (If applicable)**	**Amount**
				$ $ 0.00

JUSTIFICATION: Additional appropriation necessary to fund the Mission Zanja Channel Improvements Project. Expense from the General Fund unassigned ending fund balance.

Requested By: _____
Department Head

Recommended By Finance Director:

Yes _____ No _____ Signed _____

Comments: _____

Recommended: _____
City Manager

Approved by City Council:

Date: _____

Signed: _____
City Clerk

PUBLIC WORK CONSTRUCTION CONTRACT

This Public Work Construction contract ("Contract") is made and entered into this 5th day of September, 2023, by and between the City of Redlands, a municipal corporation, organized and existing under the laws of the State of California (hereinafter "City"), and Harbor Coating and Restoration, Inc. (hereinafter "Contractor"). City and Contractor are sometimes individually referred to herein as a "Party" and, together, as the "Parties."

In consideration of the mutual promises contained herein, City and Contractor agree as follows:

1. **SCOPE OF WORK:** Contractor shall furnish all materials and will perform all of the work for the following: **MISSION ZANJA CHANNEL IMPROVEMENTS PROJECT**, complete all items as required by the Contract Documents (as herein defined) and Specifications for City's **MISSION ZANJA CHANNEL IMPROVEMENTS PROJECT, PROJECT No. 405003** (the "Work").

2. **CONTRACT SUM:** City shall pay Contractor the sum of three hundred eighty one thousand seven hundred ninety nine dollars ($381,799) as consideration for its performance of the Work in accordance with the terms and conditions set forth in the Contract Documents. Pursuant to Public Contract Code Section 22300, Contractor has the option to deposit securities with an escrow agent as a substitute for retention of earnings required to be withheld by City pursuant to an escrow agreement as set forth in Public Contract Code section 22300.

3. **TIME FOR COMPLETION:** The Work shall be completed within sixty (60) calendar days from and after the date of City's issuance of a Notice to Proceed to Contractor.

4. **LIQUIDATED DAMAGES:** Contractor's failure to complete the Work within the time allowed will result in damages being sustained by City. Such damages are, and will continue to be, impracticable and extremely difficult to determine. Accordingly, Contractor shall pay to City, or have withheld from monies due to Contractor, the sum of five hundred dollars/cents ($500) for each consecutive calendar day in excess of the specified time for completion of the Work. Execution of this Contract shall constitute agreement by City and Contractor that five hundred dollars ($500) per day is the estimated damage to City caused by the failure of Contractor to complete the work within the allowed time. Such sum is liquidated damages and shall not be construed as a penalty, and may be deducted from payments due Contractor if such delay occurs.

5. **CONTRACT DOCUMENTS:** This Contract incorporates by reference the following: Notice Inviting Bids, Instructions to Bidders, Contractor's Proposal, Bid Bond, Agreement, Performance Bond, Labor and Material Bond, Plans, General Conditions, Special Provisions and Specifications, and any addenda thereto (collectively, the "Contract Documents").

6. **ATTORNEYS' FEES:** In the event any action is commenced to enforce or interpret the terms or conditions of this Contract, or the Contract Documents, the prevailing Party in such action, in addition to any costs and other relief, shall be entitled to recover its reasonable attorneys' fees, including fees for use of in-house counsel by a Party.

7. **RESOLUTION OF CONSTRUCTION CLAIMS:** Claims by Contractor in the amount of three hundred seventy five thousand dollars ($375,000) or less shall be made by Contractor and processed by the City pursuant to the provisions of Part 3, Chapter 1, Article 1.5 of the Public

Contract Code (commencing with Section 20104). All claims shall be in writing and include the documents necessary to substantiate the claim. Nothing in subdivision (a) of Public Contract Code Section 20104.2 shall extend the time limit or supersede the notice requirements provided in this case from filing claims by Contractor.

8. **ELIGIBILITY OF CONTRACTOR/SUBCONTRACTOR:** Contractor and all of its subcontractors shall abide by California Public Contract Code, Section 6109, and California Labor Code Sections 1777.1 and/or 1777.7, and certify that they are not debarred and are eligible to work on this project.

9. **ASSIGNMENT OF AGREEMENT:** No assignment by a Party of any rights or interests under this Contract shall be binding on another Party without the written consent of the Party sought to be bound.

10. **SUCCESSORS AND ASSIGNS:** City and Contractor each binds itself and their respective successors and assigns in respect to all covenants, agreements, and obligations contained in the Contract Documents.

11. **SEVERABILITY:** Any provision or part of the Contract Documents held to be void or unenforceable under any law or regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon City and Contractor.

[Signatures on Next Page]

IN WITNESS WHEREOF, the Parties hereto have executed this Contract the day and year first written above.

CITY OF REDLANDS

(SEAL)

By: _____
Eddie Tejeda, Mayor

ATTEST:

_____
Jeanne Donaldson, City Clerk

(SEAL)

Harbor Coating and Restoration, Inc.
Name of Contractor

By: _____
Signature of Authorized Agent

Mahmoud Merzi, Owner
Title

_____
Signature of Authorized Agent (if necessary)

_____
Title

_____
Contractor's License No.

City Council/Financing Authority Meeting **O. 3.**

DATE: 09/19/2023

TO: The Successor Agency Board of Directors

SUBJECT: Approve the regular meeting minutes of May 16, 2023 (Secretary Donaldson)

MOTION:

I move to approve the regular meeting minutes of May 16, 2023.

Attachments

Regular meeting minutes of May 16, 2023

MINUTES

Regular meetings of the City Council and the Redlands Financing Authority of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, on May 16, 2023 at 5:00 P.M.

Present: Eddie Tejeda, Mayor
Paul Barich, Mayor Pro Tempore
Denise Davis, Council Member
Jenna Guzman-Lowery, Council Member
Mario Saucedo, Council Member

Staff: Charles M. Duggan, Jr., City Manager; Yvette M. Abich Garcia, City Attorney; Jeanne Donaldson, City Clerk; Janice McConnell, Assistant City Manager; Chris Boatman, Assistant City Manager; Carl Baker, Public Information Officer; Danielle Garcia, Management Services/Finance Director; Brian Desatnik, Development Services Director; John Harris, Municipal Utilities and Engineering Director; Rich Sessler, Fire Chief

Mayor Tejeda called the meeting to order and explained that comments could be presented in-person, via Zoom, via cell phone or landline. He offered the public an opportunity to provide comment on any item on the agenda for the closed session.

PUBLIC COMMENT

None forthcoming

CLOSED SESSION

Conference with legal counsel: Existing Litigation - Government Code §54956.9(d)(1)
(City Attorney Abich Garcia)

1. Coyote Aviation, Inc. v. City of Redlands; San Bernardino Superior Court Case No. CIVDS 2203398

2. City of Redlands v. Coyote Aviation, Inc., San Bernardino Superior Court, Case No. LLTVA2200544

3. Falconieri, et al. v. City of Redlands, San Bernardino Superior Court Case No. CIVSB2114106

RECONVENE CITY COUNCIL MEETING

The meeting reconvened at 6:00 P.M. with an invocation by Council Member Saucedo. The pledge of allegiance to the American flag was conducted by the Victoria Elementary School Cheer Team.

CLOSED SESSION REPORT

City Attorney Garcia announced that no reportable action was taken during the closed session.

PUBLIC COMMENT

Teamsters Local 1932 Support - Teamster daughters Madison Brooks and Julia, were proud of the work their fathers do every day for the City and they wanted them to be treated fairly. Rich Smith spoke in support of the Teamsters and pointed out that union members were united and strong and deserved more from the City. Several Teamsters were present in the Chambers with many more outside showing their support of unions.

Pride Flag - Fourteen people expressed their disappointment with the recent decision of three Council Members who opposed amending the City's flag policy to allow flying of the pride flag in the month of June. The speakers were concerned that the LGBTQ+ community would not feel safe, and an environment of hate would persist. Possible solutions to bring about a compromise were offered. One such suggestion was to have the City fly only those flags that have already been approved in the state capital, and they added they thought this removed some of the burden from the city and put it directly on the shoulders of the state. One audience member recommended the American flag was the way to unite everyone without excluding anyone.

CONSENT CALENDAR

Minutes

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Denise Davis, the City Council unanimously approved, by roll call vote, the minutes of the regular meeting of May 2, 2023.

Vote: 5 - 0 Passed

Airport Advisory Board Appointment

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Denise Davis, the City Council unanimously reappointed, by roll call vote, Jason Golembeski to serve another four-year term on the Airport Advisory Board ending May 1, 2027.

Vote: 5 - 0 Passed

Resolution No. 8468 Annexation No. 25

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Denise Davis, the City Council unanimously determined, by roll call vote, that the proposed project is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act; and approved Resolution No. 8468, Annexation No. 25, declaring intent to annex territory into Community Facilities District 2004-1. A public hearing is scheduled for the City Council meeting on June 20, 2023 to formally annex the land.

Vote: 5 - 0 Passed

Resolution Nos. 8473 & 8474 Outside City Water Service Agreement

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Denise Davis, the City Council unanimously adopted, by roll call vote, Resolution No. 8473 for a new connection to the City of Redlands water distribution system at 2340 Mentone Avenue (APN: 0298-295-12-0000) in the unincorporated community of Mentone; adopted Resolution No. 8474 relating to Pre-Annexation Agreement No. 23-09; and determined that adoption of the resolutions is exempt from environmental review pursuant to Sections 15303 and 15319 of the California Environment Quality Act (CEQA) guidelines.

Vote: 5 - 0 Passed

Traffic Regulations 4-Way Stop Elizabeth Street

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Denise Davis, the City Council unanimously approved, by roll call vote, Resolution No. 8469 establishing a four-way stop controlled intersection to replace the current two-way stop control at the Elizabeth Street and Fountain Avenue intersection; and determined that adoption of the resolution is exempt from environmental review pursuant to Section 15301(c) of the State's guidelines implementing the California Environmental Quality Act.

Vote: 5 - 0 Passed

Amending University St & Brockton Ave Traffic Signal Project

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Denise Davis, the City Council unanimously approved, by roll call vote, the Second Amendment to the Public Works Contract with Elecnor Belco Electric, Inc. for the University Street and Brockton Avenue Traffic Signal Improvement Project to extend the time for completion by one hundred twenty (120) calendar days.

Vote: 5 - 0 Passed

Crosswalk Installation Project Bid Rejection

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Denise Davis, the City Council unanimously rejected, by roll call vote, all bids received for the Crosswalk Installation Project, Project No. 400024. The bids received exceeded the available budget and the engineer's construction cost estimate for the Project.

Vote: 5 - 0 Passed

The Artlands Walk Event In-Kind Request

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Denise Davis, the City Council unanimously determined, by roll call vote, that approval of the event is exempt from environmental review pursuant to Section 15311(c) of the state's guidelines implementing the California Environmental Quality Act; authorized and approved a request for in-kind support in the amount of $3,930 related to this event; authorized the temporary street closure of East Vine Street from Cajon Street to 6th Street; and approved the request for the sale and consumption of alcoholic beverages for The Artlands event to be held on June 3, 2023.

Vote: 5 - 0 Passed

Security Services Agreement

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Denise Davis, the City Council unanimously approved, by roll call vote, the Agreement with Assertive Security Services & Consulting Group, Inc., for security services at City-owned properties at 2151 Nevada St. and 1950 Nevada St. in an amount not-to-exceed $105,343.68.

Vote: 5 - 0 Passed

COMMUNICATIONS

Sister Cities Hino, Japan Visit Presentation

Redlands Sister Cities Board Member Caitlin Arakawa described the Sister Cities' mission was "to promote education, understanding and friendship at home and abroad", and the three sister cities of Redlands were Hino, Japan, Linli, China and San Miguel de Allende, Mexico. She highlighted the recent two-week home-stay student exchange trip, where 10 students spent their spring break in Hino, participating in the City's cultural activities and traveling to historic sites in the country. This summer, high school students from Hino will visit Redlands. She delivered an official invitation from Hino Mayor Otsubo requesting the City Council attend the 60th anniversary celebration of the two cities' friendship scheduled for later this year.

SCAG Conference Report

Council Member Saucedo attended the 2023 Regional Conference of the Southern California Association of Governments (SCAG) and General Assembly held May 4-5, 2023, in Palm Desert, California. The conference brings together state and local elected officials, CEOs, business and civic leaders, transportation and environmental stakeholders, local government staff, and others. He reported that one of the sessions related to housing and affordable housing in the region was extremely informative and he enjoyed the Sustainability Awards luncheon.

2023 General Fund Revenue Review

Management Services/Finance Director Garcia reviewed the 2023 General Fund Revenue and explained the City Manager had directed staff to perform a recurring review of the City's main sources of general fund revenue. Through this effort, the structural balance of the City's budget can be explored and the revenue trends that define the City's financial parameters can be analyzed in-depth. The presentation provided an overview of the report's purpose, summarized the general fund's revenue structure, briefly discussed the state-local relationship that governs the City's revenue authority, and examined the City's top six general fund revenue streams.

She concluded by saying the local economy is anticipated to weaken near the end of Fiscal Year 2023 and leading into Fiscal Year 2024. As several economic indicators have just recently started to weaken, it is very difficult to forecast the length and severity of a possible looming recession. Many policies and decisions made at the national level significantly influence the local economy. In order to combat extremely high inflation rates, the Federal Reserve will likely continue raising interest rates, which may further impact the local real estate market, in order to reduce overall economic activity. Taken together, slow to moderate growth is anticipated over the six-year forecast period among economically sensitive revenues such as Property Tax, Sales Tax, Business License Tax, and Transient Occupancy Tax receipts.

On motion of Council Member Jenna Guzman-Lowery, seconded by Council Member Denise Davis, the City Council unanimously approved, by roll call vote, to receive and file the 2023 General Fund Revenue Review report.

Vote: 5 - 0 Passed

City Treasurer Vacancy

Management Services Director Garcia announced that with the recent passing of Robert Dawes, the City Council must consider the alternatives available for filling the vacancy of City Treasurer either by appointment or by special election. If a special election was selected, it would be held on November 7, 2023 with an estimated cost ranging from $150,000 to $250,000. An appointment may be made at any regular meeting or at any adjourned or special meeting within the 60-day period which will end on June 28, 2023. The Council may choose to appoint someone immediately or the Council may elect to have interested parties apply for the vacant seat. The appointee must be 18 years of age, a Redlands resident and a registered voter in the City. In accordance with Government Code Subsection 36512(b)(2), any person appointed would hold office until the next general municipal election. The appointment must be made by a majority of the Council. Each Council Member agreed that filling the vacancy through an application and interview process provided transparency and accountability.

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, to fill the City Treasurer vacancy by appointment. A tentative timeline was provided:

- May 22, 2023 - Issue Notice of Intention to Fill by Appointment/Post Application Package
- May 22, 2023 at Noon - Application Period Opens
- June 5, 2023 at 5:00 p.m. - Application Period Closes
- June __, 2023 (*Special Meeting*) - Applicant Presentation/Interview; City Treasurer Appointed
- June 20, 2023 - Swearing in of new City Treasurer

Vote: 5 - 0 Passed

PUBLIC HEARINGS

Ordinance No. 2957 Extending Moratorium Development Projects EVCSP

Due to ownership of property within 500 feet of the identified list of parcels, Council Member Davis recused herself from this item. Mayor Tejeda declared the meeting open as a public hearing and called on Development Services Director Desatnik for background of Ordinance No. 2957, an Urgency Ordinance extending a moratorium for 12 months on certain new development projects for properties located within the Commercial Industrial (EV/IC) District Of The East Valley Corridor Specific Plan that are identified on the list of potential housing sites prepared in conjunction with the City's 2021-2029 Housing Element.

He explained that on June 7, 2022, the City Council adopted Ordinance No. 2928, an interim ordinance adopting a temporary 45-day moratorium on land use approvals and building permits on fifteen properties located within the EV/IC district of the EVCSP and again on July 19, 2022, the Council adopted Ordinance No. 2939 extending the moratorium for 10 months and 15 days. If the Council takes no action, the temporary moratorium currently in place will automatically expire on June 7, 2023. The work by staff requires more time to complete, and EIR preparation will require the remainder of this year and likely into Spring 2024. As public comment, Bobby Garrity reiterated his disappointment with the lack of affordable housing in Redlands and he urged the Council to take more immediate steps to support projects intended to fill the need. Jody supported the moratorium and voiced concerns about the traffic and safety impacts from developments near Montessori School. With no further discussion, Mayor Tejeda closed the public hearing.

On motion of Council Member Jenna Guzman-Lowery, seconded by Mayor Pro Tempore Paul Barich, the City Council adopted, by roll call vote, Urgency Ordinance No. 2957, to extend the temporary moratorium related to Ordinance No. 2939 by twelve (12) months in accordance with Government Code Section 65858(a).

Vote: 4 - 0 Passed

Other: Council Member Denise Davis (RECUSE)

NEW BUSINESS

Engineering & Design Agreement Standby Generators

Municipal Utilities and Engineering Director Harris detailed the need for a Professional Services Agreement with Richard Brady & Associates, Inc. to engineer and design standby generators to be constructed at four water facilities. During scheduled and unscheduled power outages, portable generators are used to supply emergency backup power to ensure continuity of operations.

On motion of Council Member Mario Saucedo, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously determined, by roll call vote, that approval of a Professional Services Agreement with Richard Brady & Associates, Inc. to engineer standby generators for use at four (4) water facilities is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act; and approved a Professional Services Agreement with Richard Brady & Associates, Inc. for an amount not-to-exceed $507,549.

Vote: 5 - 0 Passed

Contract Award 2022 Alley Paving Improvement Project

Municipal Utilities and Engineering Director Harris introduced the construction contract with Onyx Paving Company, Inc. for the 2022 Alley Paving Improvement Project for an amount not-to-exceed $2,082,000. The project will resurface twenty-three alleys and will also remove and replace driveways and sidewalks where necessary. Upon completion of this project, which includes paving of two miles of alleys, 1.5 miles of alleys will remain to be paved out of sixteen total miles of the City's alleys.

On motion of Council Member Mario Saucedo, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously determined, by roll call vote, that approval of the contract and construction of the 2022 Alley Paving Improvement Project is exempt from environmental review in accordance with Section 15301(c) of the State's Guidelines implementing the California Environmental Quality Act; approved the 2022 Alley Paving Improvement Project plans and specifications; and awarded a construction contract to Onyx Paving Company, Inc. for an amount not-to-exceed $2,082,000.

Vote: 5 - 0 Passed

COUNCIL MEMBER ANNOUNCEMENTS AND ACTIVITIES

Mayor Tejeda participated in the Mayor's Prayer Breakfast sponsored by the Redlands Area Interfaith Council.

Mayor Pro Tem Barich attended the Chamber's Rise and Shine meeting, enjoyed the City's Employee Appreciation Grill & Chill event, the Roy Coble Service Award event and the Salvation Army's Prayer for the Hungry, Homeless and Hopeless.

Council Member Davis thanked Council Member Guzman-Lowery for leading the Youth Council last week in their final meeting before a summer hiatus.

Council Member Guzman-Lowery reminded everyone the Human Relations Commission was

sponsoring a health fair scheduled for May 20, 2023, 9-2:00 P.M. at Texonia Park.

ADJOURNMENT

There being no further action required the meeting adjourned at 7:39 P.M. The next regular meeting of the City of Redlands City Council will be held on June 6, 2023.

REDLANDS FINANCING AUTHORITY

Chairperson Tejeda called the meeting to order and offered anyone present the opportunity to address the Board on any subject, not already on the agenda, within the jurisdiction of the Redlands Financing Authority.

PUBLIC COMMENT

None forthcoming

Minutes

On motion of Vice Chair Barich, seconded by Board Member Guzman-Lowery, the minutes of the regular meeting of January 17, 2023 were unanimously approved by roll call vote.

Vote: 5 - 0 Passed

ADJOURNMENT

There being no further business, the Redlands Financing Authority adjourned at 7:40 P.M. The next regular meeting of the Agency will be held on September 19, 2023.