

For further information on an agenda item, please contact the City at 12363 Limonite Ave.
Suite 910, Eastvale, CA 91752

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF EASTVALE
Wednesday July 10, 2013
6:30 P.M.

Rosa Parks Elementary School, 13830 Whispering Hills Drive

1. **CALL TO ORDER:** 6:30 p.m.

2. **ROLL CALL/INVOCATION /PLEDGE OF ALLEGIANCE:**

Council Members – Ric Welch, Kelly Howell, Jeff DeGrandpre
Mayor Pro Tem – Adam Rush
Mayor – Ike Bootsma

Invocation led by Pastor Rob Norris with The Crossings Church.

3. **PRESENTATIONS/ANNOUNCEMENTS:**

At this time, the City Council may recognize citizens and organizations that have made significant contributions to the community and it may accept awards on behalf of the City.

3.1 Presentation by Rick Bishop with Western Riverside Council of Governments for a review of Fiscal Year 2012/2013 activities.

4. **PUBLIC COMMENT/CITIZEN PARTICIPATION:**

*This is the time when any member of the public may bring a matter to the attention of the Mayor and the City Council that is within the jurisdiction of the City Council. The Ralph M. Brown act limits the Mayor's, City Council's and staff's ability to respond to comments on non-agendized matters at the time such comments are made. Thus, your comments may be agendized for a future meeting or referred to staff. The City Council may discuss or ask questions for clarification, if desired, at this time. Although voluntary, we ask that you fill out a "Speaker Request Form", available at the side table. The completed form is to be submitted to the City Clerk prior to being heard. **Public comment is limited to two (2) minutes each with a maximum of six (6) minutes.***

5. **CONSENT CALENDAR:**

*Consent Calendar items are normally enacted in one motion. The Mayor or City Council may remove a Consent Calendar item for separate action. **Public comment is limited to two (2) minutes each with a maximum of (6) minutes.***

5.1 **Minutes – June 12, 2013 Regular Meeting.**

Recommendation: Approve the minutes from the Regular Meeting held on June 12, 2013.

5.2 **Minutes – June 26, 2013 Special Meeting (Ethics Training).**

Recommendation: Approve the minutes from the Special Meeting held on June 26, 2013 to address Ethics Training.

5.3 **Minutes – June 26, 2013 Special Meeting.**

Recommendation: Approve the minutes from the Special Meeting held on June 26, 2013.

6. PUBLIC HEARINGS:

*The public is encouraged to express your views on any matter set for public hearing. It is our procedure to first receive the staff report, then to ask for public testimony, first from those in favor of the project followed by testimony from those in opposition to it, and if there is opposition, to allow those in favor, rebuttal testimony only as to the points brought up in opposition. To testify on the matter, you need to simply come forward to the speaker's podium at the appropriate time, give your name and address and make your statement. After a hearing is closed, you may not further speak on the matter unless requested to do so or are asked questions by the Mayor or a Member of the City Council. **Public comment is limited to two (2) minutes each with a maximum of six (6) minutes.***

6.1 **Public Hearing for Delinquent Residential Solid Waste Accounts and Placement of Such Accounts on Property Tax Rolls for Collection.**

Recommendation: 1) Conduct a Public Hearing for delinquent residential solid waste accounts and 2) Adopt Resolution No. 13-24, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EASTVALE, CALIFORNIA, AFFIRMING SPECIAL ASSESSMENTS AND LIENS AGAINST PARCELS OF LAND FOR UNPAID AND DELINQUENT CHARGES FOR TRASH COLLECTION SERVICES TO BE PLACED ON THE PROPERTY TAX ROLLS.

7. OLD BUSINESS ITEMS:

*Public comment will be called for each item. Please keep comments brief so that everyone who wishes to speak has the opportunity to do so. After public comment is closed you may not further speak on the matter unless the City Council requests further clarification of your statement. **Public comment is limited to two (2) minutes with a maximum of six (6) minutes.***

7.1 **Ordinance Relating To Establishing Speed Limits For City Streets.**

Recommendation: Introduce and give first reading to Ordinance No. 2013-10, entitled:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EASTVALE, CALIFORNIA, AMENDING IN ITS ENTIRETY CHAPTER 10.02 OF TITLE 10 TO THE EASTVALE MUNICIPAL CODE ESTABLISHING THE SPEED LIMITS ON CERTAIN STREETS.

8. NEW BUSINESS ITEMS:

Public comment will be called for each non-hearing item. Please keep comments brief so that everyone who wishes to speak has the opportunity to do so. After public comment is closed, you may not further speak on the matter unless the Mayor or City Council requests further clarification of your statement. Public Comment is limited to two (2) minutes with a maximum of six (6) minutes.

8.1 Consultant Agreement for Professional Traffic Engineering Services.

Recommendation: Approve the attached Professional Services Agreement to prepare a traffic study.

8.2 Administrative Regulation Regarding Use Of City Vehicles.

Recommendation: Provide direction on policy.

8.3 City Council Rules of Decorum.

Recommendation: Provide direction.

8.4 Consideration of Use of Facilitator.

Recommendation: Provide direction.

9. COUNCIL COMMUNICATIONS:

(Committee Reports, Agenda Items, Meeting Requests and Review etc.)

This is an opportunity for the Mayor and City Council Members to report on their activities and the actions of the Committees upon which they sit, to bring a matter to the attention of the full Council and staff, and to request agenda items. Any matter that was considered during the public hearing portion is not appropriate for discussion in this section of the agenda. NO ACTION CAN BE TAKEN AT THIS TIME.

10. CITY MANAGER'S REPORT:

11. CLOSED SESSION:

11.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO SECTION 54957:

Title: City Manager

12. ADJOURNMENT:

The next regular meeting of the Eastvale City Council will be held on July 24, 2013 at 6:30 p.m. at Rosa Parks Elementary School.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City of Eastvale. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

POSTING STATEMENT:

I, Ariel M. Hall, Assistant City Clerk or my designee hereby certify that a true and correct, accurate copy of the foregoing agenda was posted July 3, 2013, seventy-two (72) hours prior to the meeting per Government Code 54954.2, at the following locations:

Eastvale City Hall 12363 Limonite Ave. Suite 910

Rosa Parks Elementary School 13830 Whispering Hills Drive

Eastvale Library 7447 Scholar Way

City of Eastvale Website, www.eastvaleca.gov



City of Eastvale

City Council Meeting Agenda

Staff Report

MEETING DATE: July 10, 2013

1. CALL TO ORDER



City of Eastvale

City Council Meeting Agenda

Staff Report

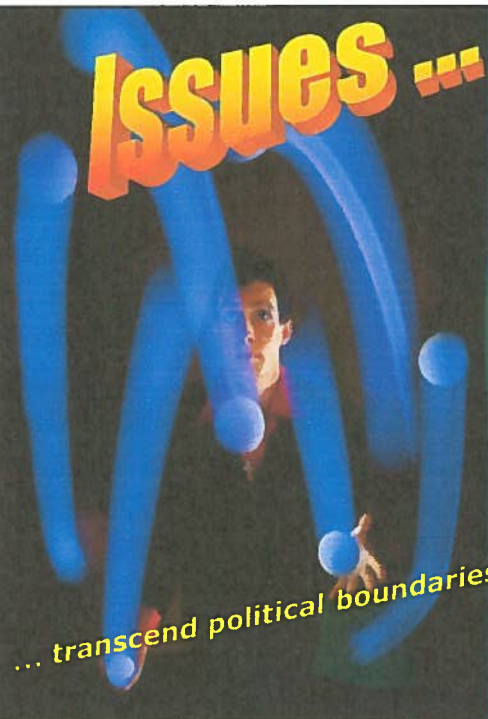
MEETING DATE: July 10, 2013

2. *ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE*

WRCOG Activities Update
City of Eastvale
July 10, 2013



City of Eastvale
July 10, 2013



- Growth
- Housing
- Education
- Water
- Air pollution
- Energy
- Environment
- Economy
- Transportation



Compared to other regional bodies, what makes WRCOG different, *specifically*?



"What do members want to achieve?"



NOT



"What do we have to do?"



City of Eastvale
July 30, 2013



Flexibility has resulted in a diverse array of activities

- TUMF
- Clean Cities Coalition
- Legislative networking
- HERO Program
- Electricity rate restructuring
- I-15 Interregional Partnership with San Diego
- Solid Waste and Air Quality
- SCAG and AQMD coordination
- Red Team
- Growth forecast



City of Eastvale
July 10, 2013



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Western Riverside County Clean Cities Coalition

- Helps jurisdictions acquire alternative fuel vehicles and infrastructure
- Recognized by the Department of Energy as one of the nation's top performers
- Middle school outreach program
- "Car Care for Clean Air" events
- Annual Clean Cities Coalition Expo



City of Eastvale
July 10, 2013



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HERO Program



Provides financing to property owners to install energy efficient and water conservation improvements to homes / businesses

- Creates jobs, creates utility savings, saves energy, improves property values
- \$228 million in residential approved
 - \$2.7 million in Eastvale
 - 63 approved applications
- Statewide Program underway



City of Eastvale
July 10, 2013



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Riverside County Water Task Force Administration



HOME ABOUT US WATER MANAGEMENT RESOURCES MEMBERS MEETINGS AND EVENTS



Riverside County Water Task Force

Riverside County Water Task Force Reliability, Sustainability, and Quality



Compliance Toolkit



Water Supply



Landscaping

Welcome to the Riverside County Water Task Force



Thank you for taking an interest in water issues that affect our region.

Water is our most precious resource. Without it, we are not able to live or thrive. The water we use in our

Featured News

[Customer costs still uncertain for new water supply](#)

[Imperial Irrigation District weighs benefits of water pact with Mexico](#)

Used Oil & Filter Collection Program



*Partnering with 150+
local businesses*



*City of Eastvale
July 10, 2013*



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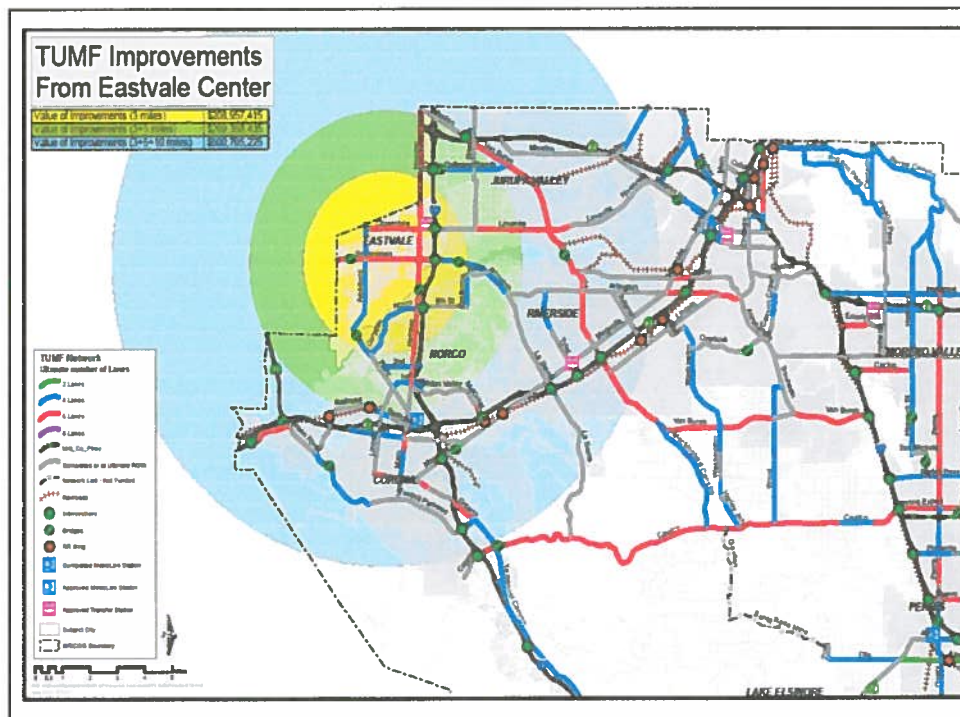
Transportation Uniform Mitigation Fee (TUMF)

- Provides funding towards \$4.0 billion in regional arterial highway, intersection, bridge and interchange improvements.*
- Largest multi-jurisdictional development fee program in the United States.*



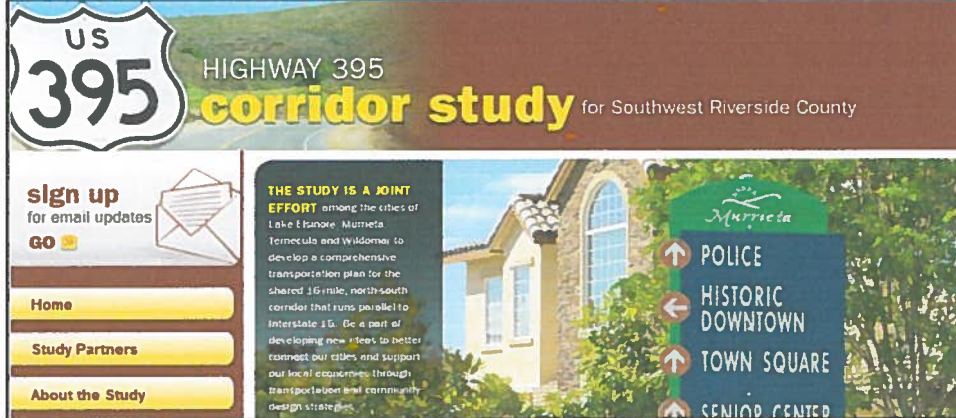
Transportation Uniform Mitigation Fee (TUMF)

- Completed Annual Report
- Revised Administrative Plan
- Revised Fee Calculation Handbook




Highway 395 Corridor Study for SW Riverside County

- 4 Cities (Lake Elsinore, Murrieta, Temecula, Wildomar)
- Transportation / Land Use Planning Study of transportation and mixed-use opportunities for the corridor



The banner features a background image of a highway with a green landscape. On the left is a shield-shaped logo for US Highway 395. The text 'HIGHWAY 395 corridor study for Southwest Riverside County' is prominently displayed in the center. Below the main title, there is a navigation menu with buttons for 'Home', 'Study Partners', and 'About the Study'. To the right of the menu is a text box titled 'THE STUDY IS A JOINT EFFORT' with a small image of a house. Further right is a photograph of a street sign for Murrieta with directions to 'POLICE', 'HISTORIC DOWNTOWN', 'TOWN SQUARE', and 'SENIOR CENTER'.

US 395 HIGHWAY 395 **corridor study** for Southwest Riverside County

sign up for email updates
GO 

Home

Study Partners

About the Study

THE STUDY IS A JOINT EFFORT among the cities of Lake Elsinore, Murrieta, Temecula and Wildomar to develop a comprehensive transportation plan for the shared 16-mile, north-south corridor that runs parallel to Interstate 15. Be a part of developing new ideas to better connect our cities and support our local economies through transportation and community design strategies.

Murrieta

POLICE

HISTORIC DOWNTOWN

TOWN SQUARE

SENIOR CENTER

Western Riverside County Climate Action Plan

- Preparation of plan to inventory GHG emissions
- Establish emission reduction targets
- Provide GHG emission reduction strategies



Sustainability Framework

Responds to Executive Committee / TAC workshop identified priority issues for potential future WRCOG involvement

- Economic development
- Education / higher education
- Environment / Energy
- Healthcare
- Water / wastewater
- Transportation
- Legislative advocacy



City of Eastvale
July 30, 2013



Expanding WRCOG's membership responds to call for improved coordination



City of Eastvale
July 30, 2013



What's working for WRCOG?

1. Seek niches that can serve member agency interests
2. Be the sounding board for ideas
3. Stay true to the mission (Respect local control... provide regional perspective)
4. Stay the course
5. Anticipate issues and take measured risks
6. Political leadership (elected officials and executives)



City of Eastvale
July 10, 2013



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Thank you to the City of Eastvale for
your support and participation!

www.wrcog.cog.ca.us



City of Eastvale
July 10, 2013



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City of Eastvale

City Council Meeting Agenda

Staff Report

MEETING DATE: July 10, 2013

4. *PUBLIC COMMENT/CITIZEN PARTICIPATION*

MINUTES
REGULAR MEETING OF THE CITY COUNCIL,
OF THE CITY OF EASTVALE
Wednesday, June 12, 2013
6:30 P.M.

Rosa Parks Elementary School 13830 Whispering Hills Drive

1. CALL TO ORDER: 6:30 p.m.

2. ROLL CALL/PLEDGE OF ALLEGIANCE/INVOCATION:

Council Members present: Council Members Welch, Howell, Mayor Pro Tem Rush and Mayor Bootsma.

Council Members absent: Council Member DeGrandpre

Staff Members present: City Manager Jacobs, City Attorney Cavanaugh, Public Information Officer Nissen, City Engineer Alvarez, Engineer Castaneda, Planning Director Norris, Finance Director Shea, Deputy Finance Director Montoya, Deputy Finance Director Gitmed, and Assistant City Clerk Hall.

Invocation was presented by Pastor Mark Lee with Vantage Point Church.

The Pledge of Allegiance was led by Council Member Welch.

3. PRESENTATIONS/ANNOUNCEMENTS:

There were no presentations.

4. PUBLIC COMMENT/CITIZEN PARTICIPATION:

Mustangs Football President Phil Stokes stated that he would be donating \$500 to the Military Banner Program, as well as painting the helmets in camouflage to raise additional money.

Daniella McClister, with the Eastvale Chamber, stated that the Chamber would be holding a Mega Mixer in July at the Eastvale Community Center. She also announced the regular morning mixers, after-hours mixer and the ribbon cutting at The Joint Chiropractic Center. Daniella also gave an update on the Relay for Life fundraiser, announced the summer Lunch & Learn Program and the Eastvale Night at the Quakes event.

Community Foundation Members Sharyn Link and Julie Reyes gave an update on the Foundation. They announced the Golf Tournament and requested appointment of four additional members on the next agenda.

Resident David Ruegg reported his concern with a loose German Shepherd in his neighborhood. He requested help with this issue and had recently called a volunteer rescue agency to assist him as well. He went on to state that he had requested help from Animal Control but they had not been successful in capturing the dog. He went on to suggest that City hire a private company to help catch the dog.

City Attorney Cavanaugh confirmed that the Council would like to schedule appointments to the Eastvale Community Foundation Board at the next regularly scheduled City Council Meeting.

5. CONSENT CALENDAR:

5.1 Minutes – May 22, 2013 Regular Meeting. **PULLED FOR DISCUSSION**

Recommendation: Approve the minutes from the Regular Meeting held May 22, 2013.

5.2 Implementation of Government Accounting Standards Board Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions.

Recommendation: Adopt Resolution 13-21, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EASTVALE APPROVING THE COMMITMENT OF FUND BALANCES IN ACCORDANCE WITH GOVERNMENTAL ACCOUNTING STANDARDS BOARDS STATEMENT NO. 54

Motion: Moved by Rush, seconded by Welch.

Motion carried 4-0-1 with DeGrandpre absent to adopt Resolution 13-21.

Council Member Welch stated the minutes for Item 5.1 needed a revision on page 8; it should read Mayor Bootsma, not DeGrandpre.

Motion: Moved by Welch, seconded by Howell to approve Item 5.1 with the revision.

Motion carried 4-0-1 with DeGrandpre absent.

6. PUBLIC HEARINGS:

6.1 Request from Waste Management for Rate Increase for Fiscal Year 2013-14.

Recommendation: 1) Hold Public Hearing 2) Approve Rate increase Request and Implementation of New Fee for Compliance with AB 341.

City Manager Jacobs provided the Staff Report for the item.

There was discussion regarding a new solid waste mandate on commercial businesses from the State, and the noticing and monitoring of the mandate.

There was discussion regarding percentage of the increase, and the steps taken to prevent such a large increase from happening all at once in the future.

The Public Hearing was opened at 6:52 pm.

There being no comments, the Public Hearing was closed at 6:52 pm.

Motion: Moved by Rush, seconded by Welch to approve Staff recommendation.

Motion carried 4-0-1 with DeGrandpre absent.

6.2 Request from Burrtec Waste Industries, Inc. for Rate Increase for Fiscal Year 2013-14.

Recommendation: 1) Hold Public Hearing 2) Approve Rate Increase as Requested.

City Manager Jacobs provided the Staff Report for the item.

The Public hearing was opened at 6:54 pm.

There being no comments, the Public Hearing was closed at 6:54 pm.

Motion: Moved by Howell, seconded by Rush to approve Staff recommendation.

Motion carried 4-0-1, with DeGrandpre absent.

6.3 Landscaping and Lighting Maintenance District No. 89-1 Consolidated.

Recommendation: Conduct Public Hearing and Adopt Resolution No. 13-22, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EASTVALE, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND ORDERING THE LEVY FOR THE LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 89-1 CONSOLIDATED FOR SICAL YEAR 2013/14.

Finance Director Shea provided the staff report for the item.

The Public hearing was opened at 6:55 pm.

There being no comments, the Public Hearing was closed at 6:55 pm.

Motion: Moved by Howell, seconded by Rush to approve Staff recommendation.

Motion carried 4-0-1, with DeGrandpre absent.

6.4 Update to the Eastvale Housing Chapter of the General Plan.

Recommendation: Adopt Resolution 13-23 to take the following actions:

1. To adopt the proposed addendum to the Eastvale General Plan EIR for the City of Eastvale 2013 5th cycle Housing Element update.
2. To adopt the 2013-2021 Housing Chapter of the General Plan.

Planning Director Norris provided a staff report. He stated that if the Housing Element was adopted at the meeting, the next update would not be required until 2021.

The Public hearing was opened at 6:58 pm.

There being no comments, the Public Hearing was closed at 6:58 pm.

Motion: Moved by Welch, seconded by Rush to approve the Environmental Impact Report.

Motion carried 4-0-1, with DeGrandpre absent.

Motion: Moved by Welch, seconded by Rush to adopt the 2013-2021 Housing Chapter of the General Plan.

Motion carried 4-0-1, with DeGrandpre absent.

6.5 Adoption of the Annual Operations and capital Improvement Budget Fiscal Year 2013-2014.

Recommendation: Approve the following Resolutions for Fiscal Year 2013-2014:

- 1) Resolution 13-19 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EASTVALE
ADOPTING AN OPERATING BUDGET AND CAPITAL BUDGET FOR
THE FISCAL YEAR COMMENCING JULY 1, 2013, AND ENDING JUNE

30, 2014, AND APPROPRIATING FUNDS FOR PURPOSES THEREIN SET FORTH.

2) Resolution 13-20, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EASTVALE ESTABLISHING AN APPROPRIATIONS LIMIT OF \$16,746,879 PURSUANT TO ARTICLE XIII (B) OF THE CALIFORNIA CONSTITUTION FOR FISCAL YEAR 2013/2014.

3) Resolution 13-13, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EASTVALE, CALIFORNIA, ESTABLISHING THE AUTHORIZED POSITIONS FOR THE FISCAL YEAR 2013/2014, EFFECTIVE JULY 1, 2013.

City Manager Jacobs provided an update on the negotiations with the County regarding the tax allocation for the City. The County Board of Supervisors would be addressing the item at their July 2nd meeting. She went on to state that their decision could potentially impact the City's budget, and if that should happen, Staff would bring the item back to the City Council.

Deputy Finance Director Montoya presented a PowerPoint presentation.

There was discussion regarding the additional items in the Planning Department and Economic Development budgets.

There was discussion regarding employment positions in the City that were not currently filled. Staff was instructed to fill the Management Analyst position in addition to the currently listed positions.

There was discussion regarding Animal Control. Council expressed that the City needed additional patrol hours, and rotating shifts. Staff was directed to bring the Animal Control Contract back to the City Council for amendment, with a budget amendment.

There was additional discussion regarding the Revenue Neutrality Agreement with the County of Riverside.

Public Hearing was opened at 7:35pm.

David Ruegg, a resident, inquired about the fines acquired during canvassing and where the collected funds would go. He restated his concern with loose dogs.

City Manager Jacobs stated that the costs recovered go to offset animal control costs. Council Member Howell stated that canvassing is also beneficial when catching loose dogs.

There being no additional comments, the Public Hearing was closed at 7:37pm.

Motion: Moved by Rush, seconded by Welch to approve Resolution 13-19 with the condition that the Animal Control contract be brought back to the City Council as a budget amendment.

Motion carried 4-0-1, with DeGrandpre absent.

Motion: Moved by Welch, seconded by Howell to approve Resolution 13-20.

Motion carried 4-0-1, with DeGrandpre absent.

Motion: Moved by Howell, seconded by Rush to approve Resolution 13-13 with the addition of filling the Management Analyst position.

Motion carried 4-0-1, with DeGrandpre absent.

7. OLD BUSINESS:

There were no Old Business Items.

8. NEW BUSINESS ITEMS:

8.1 Ordinance Relating to Establishing Speed Limits for City Streets.

Recommendation: Introduce and Give the First Reading to Ordinance No. 2013-10, entitled:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EASTVALE, CALIFORNIA, AMENDING IN ITS ENTIRETY CHAPTER 10.02 OF TITLE 10 TO THE EASTVALE MUNICIPAL CODE ESTABLISHING THE SPEED LIMITS ON CERTAIN STREETS.

City Engineer Alvarez provided the Staff Report for this item.

There was discussion regarding the street signs. Staff stated that a survey was currently being done and would include an inventory of all street signs in the City.

There was discussion regarding the difference in speed limits on Archibald and Hamner.

There was discussion regarding how the speed limits were set and whether or not Courts would uphold tickets issued in an area where the speed limit deviated from the speed survey.

Staff was to work with the police department to review the speed limits.

Motion: Moved by Howell, seconded by Welch to continue the item.

Motion carried 3-1-1, with Rush voting no and DeGrandpre absent.

8.2 “Walking to School is Cool” Program in Conjunction with the Corona-Norco Unified School District and the 100 Mile Club.

Recommendation: 1) Approve Staff Working with the Corona-Norco Unified School District and the 100 Mile Club to Implement the “Walking to School is Cool” Program in the Amount of \$2,000.

City Manager Jacobs provided the Staff Report and PowerPoint presentation for this item.

There was discussion regarding the great support the City was receiving from the Corona-Norco Unified School District for the program.

Council Member Welch stated that the City needed support from the Principals at the local schools, not just the District. He also suggested that the City contact the Chamber of Commerce and the Community Foundation to provide the children who walk with incentives and additional support.

Council Member Howell suggested reaching out to the Jurupa Community Services District.

Motion: Moved by Welch, seconded by Rush to approve Staff recommendation.

Motion carried 4-0-1, with DeGrandpre absent.

8.3 Neighborhood Watch Kick-Off Event.

Recommendation: 1) Authorize the Public Safety Commission and City Staff to Participate in the Neighborhood Watch Kick-Off Event 2) Allocate \$425 to Support the Event.

City Manager Jacobs provided the staff report for the item.

There was discussion regarding the logistics of the event.

Motion: Moved by Welch, seconded by Howell to approve staff recommendation.

Motion carried 4-0-1, with DeGrandpre absent.

9. COUNCIL COMMUNICATIONS:

Council Member Howell stated that she had attended the Vantage Point land dedication ceremony. She thanked Staff for all their hard work.

Mayor Pro Tem Rush asked Staff to research rental controls, ordinances for rental property registration and parolee registration, and to bring reports back to the City Council at a future meeting.

Council Member Welch stated that he enjoyed seeing everyone at the recent Relay for Life event. He went on to ask that appointments to the Eastvale Community Foundation Board be placed on the next City Council agenda.

Mayor Bootsma stated that he had attended the recent WRCOG meeting, the Relay for Life event, would be hosting the Big Paws Chili Cook-off fundraiser at his home, and had attended the Vantage Point Church land dedication ceremony.

10. CITY MANAGER'S REPORT:

City Manager Jacobs announced that City Staff would be at the Picnic in the Park event, at the City's booth. She went on to state that she and Council Member DeGrandpre had gone to Sacramento to meet with the Governor's Office regarding recent legislation for the Motor Vehicle License Fee Revenue and felt that the meeting had been the most positive of all meetings to date.

11. CLOSED SESSION:

There are no closed session items.

12. ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:16 p.m. in memory of Sharon Martinez, a School Board Member and community leader who recently passed away.

MINUTES
SPECIAL JOINT WORKSHOP MEETING OF THE CITY COUNCIL,
PLANNING COMMISSION AND PUBLIC SAFETY COMMISSION
OF THE CITY OF EASTVALE
Wednesday June 26, 2013
5:00 P.M.

Rosa Parks Elementary School, 13830 Whispering Hills Drive

1. CALL TO ORDER: 5:00 p.m.

2. ROLL CALL/PLEDGE OF ALLEGIANCE:

Public Safety Commissioners Present – None

Public Safety Commissioners Absent – Commissioners Johnson, Cruse, Medrano, Vice-Chairman Kiltz and Chairman Allis.

Planning Commissioners Present – Vice Chairman Valentine and Chairman Link.

Planning Commissioners Absent – Commissioners Patel, Charlson, and Tessari

Council Members Present – Council Members Welch, Howell, and Mayor Bootsma

Council Members Absent – Council Member DeGrandpre and Mayor Pro Tem Rush

Staff Members Present – City Manager Jacobs, Office Assistant Aragon, Deputy Finance Director Gitmed, Deputy Finance Director Montoya, Account Clerk Zepeda, Code Enforcement Officer Evans, Code Enforcement Officer Engelking, and Public Information Officer Nissen.

3. PRESENTATIONS/ANNOUNCEMENTS:

At this time, the City Council may recognize citizens and organizations that have made significant contributions to the community and it may accept awards on behalf of the City.

3.1 Presentation by City Attorney Cavanaugh regarding AB1234 – Ethics Training.

City Attorney Cavanaugh presented an Ethics Training on AB1234.

4. ADJOURNMENT:

There being no further discussion, the meeting was adjourned at 7:00 pm.

Prepared by: Office Assistant Katrina Aragon
Reviewed by: Ariel M. Hall, CMC, Assistant City Clerk

MINUTES
SPECIAL MEETING OF THE CITY COUNCIL,
OF THE CITY OF EASTVALE
Wednesday, June 26, 2013
7:00 P.M.

Rosa Parks Elementary School 13830 Whispering Hills Drive

1. CALL TO ORDER: 7:02 p.m.

2. ROLL CALL/PLEDGE OF ALLEGIANCE/INVOCATION:

Council Members present: Council Members Welch, Howell, DeGrandpre, Mayor Pro Tem Rush and Mayor Bootsma.

Staff Members present: City Manager Jacobs, City Attorney Cavanaugh, Public Information Officer Nissen, Deputy Finance Director Gitmed, and Office Assistant Aragon

Invocation led by Pastor Ed Moreno with New Day Christian Church.

The Pledge of Allegiance was led by Council Member Howell.

3. PRESENTATIONS/ANNOUNCEMENTS:

There were no presentations.

4. PUBLIC COMMENT/CITIZEN PARTICIPATION:

Bill Newberry, from Corona-Norco Unified School District, reported that the school district's non-profit foundation had been researching local history for the school district's 125th anniversary and would be printing a book. He presented the Council a picture of the East Vale School House that had been found, which was located about 6 miles west of Corona. He went on to provide a history on the old school district.

The second item he was brought before the Council was a Signs of Community project that the district was working on with a business in Corona. The business would like to give back to the community by donating a full color digital LED sign to each of the 51 schools in the district. The problem was that City Code stated that sponsorship signs were not allowed. Mr. Newberry asked that the City Council change the code to allow sponsorship on digital signs. City Attorney Cavanaugh stated that they can add that as an agenda item to next meeting.

It was the consensus of the City Council to add the item to the next City Council agenda.

5. CONSENT CALENDAR:

5.1 **Warrant Register**

Recommendation: Approve the payment of Warrants (check numbers 11319, 11381 and 11460 through 11509 and wire numbers W00085 to W000103) in the amount of \$1,702,241.13 and payroll in the amount of \$59,689.03.

5.2 **Warrant Register for Council Related Items**

Recommendation: Approve the payment of Warrants (check numbers 11465, 11510 and 11511 and Wire No. 00094) in the amount of \$795.66.

Motion: Moved by Rush, seconded by Howell to approve the Consent Calendar as presented.

Motion carried 5-0.

6. ***PUBLIC HEARINGS:***

There were no Public Hearing Items.

7. ***OLD BUSINESS:***

There were no Old Business Items.

8. ***NEW BUSINESS ITEMS:***

8.1 **Creation of Economic Development Advisory Committee.**

Recommendation: Select Members of the Economic Development Advisory Committee.

City Manager Jacobs provided the staff report for this item. She asked that the City Council provide names of people who the Council would like to be placed on the committee, and she would follow up with them.

There was discussion regarding the process for creating the committee.

There was discussion on opening this committee up to the public and asking for volunteer applications, as was done with the Foundation.

Council Member Howell stated that the tasks of this committee were not intended to be carried out by the public but by an internal City staff team. She went on to mention the Planning Director, the Public Information Officer, the City Manager and a Council Member were the members she had envisioned.

Mayor Bootsma agreed that the committee should not be too large, and that at least two staff members should be a part of the committee, and possibly a person from the Planning Commission.

There was discussion regarding possibly having a community member, and a member of the Chamber of Commerce on the committee.

Council Member Welch was concerned about the amount of staff time required for the committee.

City Manager Jacobs stated that the staff resources could be allocated to the committee.

There was also discussion on the amount of members needed for this Committee and the purpose or direction this Committee would be taking and the tasks to be completed. It was stated that there needed to be a more certain aspect as to what would be accomplished, not going in different directions. Council Members also discussed whether or not they felt ready to assign a committee tonight, or add to agenda for next meeting.

Council Member Howell stated that the committee would focus on the two main goals of the Strategic Plan to begin with, and then the others in time. She expressed that the committee needed to be formed as soon as possible to help promote the City.

There was discussion regarding the number of members that should be on the committee, and the make-up of the group.

Motion: Moved by Howell, seconded by Bootsma to start the committee with Mayor Bootsma, Mayor Pro Tem Rush, Planning Commission Chairman Link and internal Staff to be chosen by City Manager Jacobs as needed.

Motion carried 3-2 with Welch and DeGrandpre voting no.

8.2 Request to Fill Management Analyst Position.

Recommendation: Provide Direction on Filling Full-Time Management Analyst Position.

City Manager Jacobs provided the staff report for this item. She stated that she would like the Council to authorize her to fill the Management Analyst position that was budgeted as of July 1, 2013. There was discussion regarding the hiring process and the amount of time needed to get the position filled.

Motion: Moved by Rush, seconded by Howell to approve staff recommendation.

Motion carried 5-0.

8.3 Appointments to the Eastvale Community Foundation.

Recommendation: Appoint up to Eight Members to the Board of Directors.

City Manager Jacobs provided the staff report for this item.

Board Member Nassar was present to ask Council for their recommendations on new appointees.

There was discussion on various applicants and the requirements that they are looking for to fill the positions and how many they will appoint. Council chose 5 applicants to discuss. Applicants chosen were Luis Vargas, John Yanni, Chidi Ugwueze, and Jonathan Shardlow.

Council Member Howell motioned to appoint herself as liaison to the Foundation to provide feedback on Council recommendations.

Motion: Moved by Howell, seconded by Welch to add Luis Vargas, John Yanni, Chidi Ugwueze and Jonathan Shardlow as additional members to the Community Foundation Board.

Motion carried by 5-0.

There was discussion regarding this task, and specifically what it entailed, and whether it was already being done through staff. City Manager Jacobs stated that she currently is a liaison as she attends the meetings and reports back to Council. There was discussion on whether or not Council Member Howell would be strictly a liaison or an actual voting member. City Attorney Cavanaugh stated that she would be appointed as board member.

Motion: Moved by Howell, seconded by Bootsma to appoint Council Member Howell as Foundation Board Member.

Motion carried 3-2 with Rush and DeGrandpre voting no.

Board Member Nassar was instructed that he was to contact the newly appointed Board Members.

9. COUNCIL COMMUNICATIONS:

Council Member DeGrandpre discussed his concerns with the changes the Council had been making and the Council functionality. He expressed that he would like all Council Members to attend the League of California Cities Council Training. He went on to discuss the use of the City car and asked that the policy be readdressed on the next City

Council meeting agenda. He asked that the Rules of Decorum and the duties of the Mayor and Mayor Pro Tem also be addressed on the next City Council meeting agenda. Council Member DeGrandpre suggested using a facilitator to work out any issues on the City Council in order to operate in a more efficient manner.

Council Member Welch reported that he attended the Town Hall meeting for the City of Jurupa Valley and reported that the City of Jurupa Valley were still trying to receive the Motor Vehicle License Fee funding back from the State. He also noted that he would be attending the Picnic in the Park and that the Law Enforcement And Fire Fighters Association and School District would be making presentations as well.

Council Member Howell stated that she is also excited to be attending the Picnic in the Park on Saturday. She responded to Council Member DeGrandpre's comments and was in support of placing the Rule of Decorum on the agenda to inform everyone of the policies of operating. Council Member Howell agreed that the Car Policy should be brought back to Council to be reconsidered.

Motion: Moved by Bootsma, seconded by Howell to reconsider the City Car policy.

Motion carried 5-0.

Council Member Howell also stated that she would support discussing the use of a facilitator.

Council Member Rush asked for an update on the proposed library.

City Manager Jacobs stated that she had spoken to the County regarding the corner of Schleisman and Hamner. She stated that she was information that the corner lot was not for sale and she was holding off on meeting with the County regarding the property until after July 2nd. She stated that if the Council was interested in looking for an alternate site for a library she would like direction from the entire Council to move forward.

Council Member Rush also requested update on Animal Control scheduling.

City Manager Jacobs stated that Animal Control Officers were still working on locating and capturing the loose dog that had been brought up at the previous meeting. She went on to state that she was working with the department's Deputy Director regarding the canvassing program and additional patrol hours. She would be returning to the City Council when the most efficient hours for additional patrol was determined, and the Animal Control department would be coming to the City Council with a presentation regarding the canvassing programs.

Council Member Rush thanked Mr. Newberry for attending the meeting and presenting the Council with the historical picture. He went on to ask Dr. Ted Rozzi be in attendance at the Council Meeting when the sponsored digital signs came to the Council for discussion.

Motion: Moved by Rush, seconded by Bootsma to add Sponsored Digital Signs Program to the agenda.

Motion carried 5-0.

Mayor Bootsma announced that he would be attending the Picnic in the Park and encouraged everyone to attend.

10. CITY MANAGER'S REPORT:

City Manager Jacobs reported that the Finance Department had implemented a new software program which would be going live on July 1st. The City has a great Finance Department and this new program would provide reports of information dating back to incorporation.

11. CLOSED SESSION:

The City Council entered Closed Session at 8:06 p.m.

11.1 CLOSED SESSION ITEM PURSUANT TO SECTION 54957.8

Legislative Body of a Multijurisdictional Law Enforcement Agency
Riverside County Sheriff's Dept.

The City Council returned from Closed Session at 9:00 p.m. with no action taken.

It was requested that a performance review for the City Manager position be placed on the next City Council meeting agenda.

12. ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:00 p.m.

Prepared by: Katrina Aragon, Office Assistant
Reviewed by: Ariel M. Hall, Assistant City Clerk



City of Eastvale
City Council Meeting Agenda
Staff Report

MEETING DATE: JULY 10, 2013

TO: MAYOR AND COUNCIL MEMBERS

FROM: CAROL JACOBS, CITY MANAGER

SUBJECT: PUBLIC HEARING FOR DELINQUENT RESIDENTIAL SOLID WASTE ACCOUNTS AND PLACEMENT OF SUCH ACCOUNTS ON PROPERTY TAX ROLLS FOR COLLECTION

RECOMMENDATIONS:

- 1) CONDUCT A PUBLIC HEARING FOR DELINQUENT RESIDENTIAL SOLID WASTE ACCOUNTS**
 - 2) ADOPT RESOLUTION NO. 13-24, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EASTVALE, CALIFORNIA, AFFIRMING SPECIAL ASSESSMENTS AND LIENS AGAINST PARCELS OF LAND FOR UNPAID AND DELINQUENT CHARGES FOR TRASH COLLECTION SERVICES TO BE PLACED ON THE PROPERTY TAX ROLLS.**
-

BACKGROUND:

Waste Management of the Inland Empire (a division of USA Waste of CA) bills residential customers quarterly for solid waste services. Payments are made directly to Waste Management in advance for the following quarter. When a customer fails to make payment and the bill becomes more than sixty (60) days past due, the collection of the delinquent account may be placed on the Riverside County property tax roll. This procedure was authorized upon incorporation and ratified by City Council when they entered into a new franchise agreement with Waste Management. In August 2012, Eastvale's delinquent residential accounts were placed on the tax roll for the first time.

DISCUSSION:

As part of the lien notification process, a "Notice of Public Hearing" was published on June 30, 2013 and July 5, 2013 in the Press Enterprise in accordance with Section 6066 of the Government Code. In addition, Waste Management has mailed a "Notice of Delinquent

Account” to the affected property owners and account holders, informing them of the intent to place all delinquent charges on the property tax roll. These notifications are mailed on a quarterly basis which is over and above the minimum notification requirements as per Section 5473.11 of the California Health and Safety Code.

Waste Management of the Inland Empire has submitted a list of approximately 890 delinquent accounts with a value of \$234,708.14. This delinquent list is to be placed on the FY 2013/2014 tax roll if approved by Council. An official copy of the list is available in the City Clerk’s office for public viewing.

FISCAL IMPACT:

The City receives an 8.5% franchise fee for revenues generated from the collection of delinquent accounts at the time of collection.

ATTACHMENTS:

1. Resolution 13-24

Prepared by: Joann Gitmed, Deputy Finance Director

Reviewed by: Terry, Shea, Finance Director

Carol Jacobs, City Manager

John Cavanaugh, City Attorney

RESOLUTION NO. 13 -24
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EASTVALE,
CALIFORNIA, AFFIRMING SPECIAL ASSESSMENTS AND LIENS AGAINST
PARCELS OF LAND FOR UNPAID AND DELINQUENT CHARGES FOR
TRASH COLLECTION SERVICES TO BE PLACED
ON THE PROPERTY TAX ROLLS**

WHEREAS, on July 10, 2013, the City Council approved special assessments and liens against parcels of land for unpaid and delinquent charges for trash collection services; and

WHEREAS, a written report of residential refuse charges for 2012 that remained unpaid as of as of June 24, 2013 has been prepared and submitted to the Finance Department; and

WHEREAS, the waste haulers mailed out notices to all affected property owners of record providing each property owner four weeks to comply with any unpaid balance covering the previous year; and

WHEREAS, on June 30, 2013 and July 5, 2013 the City published a Notice of Intent to hold a Public Hearing to be conducted on July 10, 2013, during which time the City Council heard and considered all objections and protests offered at that time and made any revisions as deemed necessary; and

WHEREAS, the total delinquent charges for all waste haulers total 890 parcels in the amount of \$234,708.14; and

WHEREAS, the delinquent charges set forth in the report are a lien against the property and are levied without regard to property valuation. All laws applicable to the levy, collection and enforcement of ad valorem property taxes shall be applicable to such charges.

WHEREAS, the delinquent charges reported in this Resolution are adopted and are order to be collected with the annual property tax roll, pursuant to Ordinance No. 745.2 of the Riverside County Code of Ordinances, as adopted by the City Council of the City of Eastvale.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

A. That the report of delinquent residential refuse charges for calendar year 2012, on file with the City's Finance and Administrative Services department, and incorporated herein by reference, is affirmed.

B. That a certified copy of this Resolution and an electronic version of the report is to be filed with the Riverside County Tax Collector and/or Auditor Controller. The Riverside County Tax Collector and/or Auditor Controller is designated and empowered to perform duties necessary to collect these delinquent charges in connection with property taxes.

PASSED, APPROVED AND ADOPTED this 10th day of July, 2013.

Ike Bootsma
Mayor

APPROVED AS TO FORM:

ATTEST:

John Cavanaugh
City Attorney

Ariel M. Hall, CMC
Assistant City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF EASTVALE)

I, Ariel M. Hall, Assistant City Clerk of the City of Eastvale, do hereby certify that the foregoing Resolution 13-24 was duly and regularly adopted by the City Council of the City of Eastvale at a regular meeting held the 10th day of July, 2013, by the following called vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ariel M. Hall, CMC, Assistant City Clerk



City of Eastvale

City Council Meeting Agenda

Staff Report

MEETING DATE: JULY 10, 2013

TO: MAYOR AND COUNCIL MEMBERS

FROM: GEORGE ALVAREZ, CITY ENGINEER

SUBJECT: ORDINANCE RELATING TO ESTABLISHING SPEED LIMITS FOR CITY STREETS

RECOMMENDATION: INTRODUCE AND GIVE THE FIRST READING TO ORDINANCE NO. 2013-10, ENTITLED: ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EASTVALE CALIFORNIA, AMENDING IN ITS ENTIRETY CHAPTER 10.02 OF TITLE 10 TO THE EASTVALE MUNICIPAL CODE ESTABLISHING THE SPEED LIMITS ON CERTAIN STREETS

BACKGROUND:

The California Vehicle Code requires cities to conduct new speed surveys every five years to enforce speed limits on City streets using radar. Many street segment speed limits were established five years ago and other street segments in Eastvale were recently opened to traffic that require a speed survey.

DISCUSSION:

The Public Works Department has completed an engineering and speed survey on 29 street segments where the speed limit was established five years ago or where a street segment was recently opened to traffic. The study involved four major categories of data collection and analysis. The major components are: (1) geometric and characteristic street surveillance; (2) spot speed survey; (3) accident rate analysis; and (4) any roadway characteristics not readily apparent to motorists. The recommended speed limits were based on the four major components. The study and recommended speed limits were also reviewed by the Eastvale Police including the newly assigned Traffic Enforcement Officer.

At the June 12, 2013 City Council meeting, staff discussed the recommended speed limits. At that meeting the City Council had questions regarding the recommended speed limits on Hamner Avenue between Schleisman Road and Bellegrave Avenue. Staff was directed to reconsider the

speed limit on Hamner Avenue so that it be consistent with the recommended speed limit on Archibald Avenue. Public Works met with Police Department to revisit the speed limits on Hamner Avenue. Following discussion between Public Works staff and the Police Department, the recommended speed limit on Hamner Avenue between Schleisman Road and Bellegrave Avenue is now 45 mph. The revised speed limit is closer to the 85th percentile speed as required by the California Vehicle Code.

For this study, 29 street segments within the City's arterial and collector street network were surveyed and one segment was left pending until completion of existing construction. Based on the Engineering and Traffic Study results, no change in the posted speed limit is recommended at 16 locations studied throughout the City (see Table 1). The California Vehicle Code requires speed limits be set near the 85% speed for arterial and collector streets. The speed limit is recommended to be reduced at five locations, increased at one location and to be established at seven new locations.

In order for the courts to uphold speeding tickets written by the Eastvale Police Department, each ticket must be able to withstand the scrutiny of the courts. This Engineering and Traffic Study contains documents with sufficient information in compliance with State law to justify the posted speed limit. Once the ordinance is amended, the corresponding changes to the posted speed limits on the affected streets will be modified.

FISCAL IMPACT:

The estimated costs to install the speed limit signs is estimated at \$12,000. Funds are available in the Measure A Fund, Project Number 92001 and Account Number 21-510-6695. .

ATTACHMENTS:

1. Table 1 – Segment Spot Speed Survey Summary
2. Ordinance No. 2013 - 10

Prepared by: George Alvarez, City Engineer
Reviewed by: Carol Jacobs, City Manager
Reviewed by: John Cavanaugh, City Attorney

Table 1: Segment Spot Speed Summary

No	Location	Between	Dir.	85th % Tile (mph)	Existing Speed Limit (mph)	Recommended Speed Limit (mph)	Comments
1	65th Street	Archibald Avenue and Summer Avenue	E/W	52	40	40	No Change - Nearby Rosa Parks Elementary and Cedar Creek Park. Accident history
2	68th Street	Summer Avenue and Hammer Avenue	E/W	45	40	40	No Change - Nearby School. Accident history.
3	68th Street	Summer Avenue and Hammer Avenue	E/W	45	45	45	No Change
4	68th Street	Hammer Avenue and East City Limit	E/W	44	45	45	No Change
5	Archibald Avenue	Bluff Street and Wind River/Grapewin Street	N/S	56	55	55	No Change
6	Archibald Avenue	Wind River/Grapewin Street and Schleisman Road	N/S	54	55	50	Decrease - Accident history
7	Archibald Avenue	Schleisman Road and Bellegrave/North City Limit	N/S	53	55	50	Decrease - Accident history
8	Baron Road	Archibald Avenue and River Road	E/W	36	None	35	Establishing Speed Limit - 85th %-ile, Re-segmented roadway
9	Bellegrave Avenue	Summer Avenue and Hammer Avenue	E/W	54	None	50	Establishing Speed Limit - 85th %-ile, New Roadway
10	Bellegrave Avenue	Hammer Avenue and East City Limit	E/W	50	None	50	Establishing Speed Limit; Carry-over from Riverside County Study.
11	Blossom Way	Harrison Avenue and Summer Avenue	E/W	33	30	30	No Change, Orchard Park
12	Chandler Street	Hellman Avenue and Harrison Avenue	E/W	49	45	45	No Change-Accident history
13	Citrus Street	Harrison Avenue and Hammer Avenue	E/W	47	45	45	No Change
14	Fieldmaster Street	Hall Road and Archibald Avenue	E/W	40	40	40	No Change
15	Hammer Avenue	South City Limit and Schleisman Road	N/S	-	-	-	Location not studied - Roadway Under Construction
16	Hammer Avenue	Schleisman Road and Limonite Avenue	N/S	48	50	45	Decrease - Accident history, 85th %-ile, and maintain consistency from one segment to another
17	Hammer Avenue	Limonite Avenue and Bellegrave Avenue	N/S	46	40	45	Increase - 85th %-ile, maintain consistency from one segment to another
18	Harrison Avenue	Chandler Street and Schleisman Road	N/S	43	45	45	No Change
19	Harrison Avenue	Schleisman Road and Bellegrave Avenue	N/S	41	45	45	No Change
20	Limonite Avenue	Archibald Avenue and Summer Avenue	E/W	53	50	45	Decrease - Accident history
21	Limonite Avenue	Summer Avenue and East City Limit	E/W	53	50	45	Decrease - Accident history
22	Orange Street	Summer Avenue and Scholar Way	E/W	36	None	30	Establishing Speed Limit - 85th%
23	River Road	Hellman Avenue and Archibald Avenue	E/W	42	None	40	Establishing Speed Limit - 85th %-ile, Roadway previously under construction
24	Riverside Drive	Hammer Avenue and East City Limit	E/W	53	50	50	No Change, Carry-over from Riverside County Study.
25	Schleisman Road	Archibald Avenue and Summer Avenue	E/W	44	45	45	No Change
26	Schleisman Road	Summer Avenue and Wells Springs Street	E/W	45	45	45	No Change
27	Scholar Way	Citrus Street and Schleisman Road	N/S	44	None	35	Establishing Speed Limit - 85th %-ile, Schools
28	Scholar Way	Schleisman Road and Limonite Avenue	N/S	36	None	35	Establishing Speed Limit - 85th %-ile, Schools
29	Summer Avenue	Citrus Street and 65th Street	N/S	46	45	45	No Change
30	Summer Avenue	65th Street and Bellegrave Avenue	N/S	49	45	45	No Change, maintain consistency from one segment to another

ORDINANCE NO. 2013-10

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EASTVALE,
CALIFORNIA, AMENDING IN ITS ENTIRETY CHAPTER 10.02 OF TITLE 10 TO THE
EASTVALE MUNICIPAL CODE ESTABLISHING THE SPEED LIMITS ON CERTAIN
STREETS**

WHEREAS, California Vehicle Code Sections 22357 and 22358 provide that local entities may declare prima facie speed limits of more than 25 miles per hour on City streets on the basis of an engineering and traffic survey; and

WHEREAS, California Vehicle Code Section 40802 provides for the enforcement of the posted speed limit by the use of radar or other electronic devices which measures the speed of moving objects; and

WHEREAS, California Vehicle Code Section 627 defines an engineering and traffic survey to include consideration of all of the following:

- 1) Prevailing speeds as determined by traffic engineering measurements;
- 2) Accident Records;
- 3) Highway, traffic, and roadside conditions not readily apparent to the driver; and

WHEREAS, the City of Eastvale has completed a new engineering and traffic survey pursuant to California Vehicle Code Section 22357 and 22358.

THE CITY COUNCIL OF THE CITY OF EASTVALE, CALIFORNIA, DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1. Chapter 10.02 of Title 10 to the Eastvale Municipal Code is amended in its entirety to read as follows:

“Sec. 10.02.010. - **Findings.**

(a) The City Council of the City of Eastvale finds that an engineering and traffic survey has been completed in full compliance with the requirements of the California Vehicle Code and the recommendations in the survey should be implemented. Based upon the review of the survey and related information, the City Council finds the prevailing or 85th percentile speeds of the vehicles are:

<u>No.</u>	<u>Location</u>	<u>Between</u>	<u>85th Percentile (mph)</u>
1	65 th Street	Archibald Avenue and Sumner Avenue	52
2	65 th Street	Sumner Avenue and Hamner Avenue	45
3	68 th Street	Sumner Avenue and Hamner Avenue	45
4	68 th Street	Hamner Avenue and East City Limits	44
5	Archibald Avenue	Bluff Street and Wind River/Grapewin Street	56
6	Archibald Avenue	Wind River/Grapewin Street and Schleisman Road	54
7	Archibald Avenue	Schleisman Road and Bellegrave/North City Limit	53
8	Baron Road	Archibald Avenue and River Road	36
9	Bellegrave Avenue	Sumner Avenue and Hamner Avenue	54
10	Bellegrave Avenue	Hamner Avenue and East City Limit	50
11	Blossom Way	Harrison Avenue and Sumner Avenue	33
12	Chandler Street	Hellman Avenue and Harrison Avenue	49
13	Citrus Street	Harrison Avenue and Hamner Avenue	47
14	Fieldmaster Street	Hall Road and Archibald Avenue	40
15	Hamner Avenue	Schleisman Road and Limonite Avenue	48
16	Hamner Avenue	Limonite Avenue and Bellegrave Avenue	46
17	Harrison Avenue	Chandler Street and Schleisman Road	43
18	Harrison Avenue	Schleisman Road and Bellegrave Avenue	41
19	Limonite Avenue	Archibald Avenue and Sumner Avenue	53
20	Limonite Avenue	Sumner Avenue and East City Limit	53
21	Orange Street	Sumner Avenue and Scholar Way	36
22	River Road	Hellman Avenue and Archibald Avenue	42
23	Riverside Drive	Hamner Avenue and East City Limit	53
24	Schleisman Road	Archibald Avenue and Sumner Avenue	44
25	Schleisman Road	Sumner Avenue and Wells Springs Street	45
26	Scholar Way	Citrus Street and Schleisman Road	44
27	Scholar Way	Schleisman Road and Limonite Avenue	36
28	Sumner Avenue	Citrus Street and 65 th Street	46
29	Sumner Avenue	65 th Street and Bellegrave Avenue	49

(b) Based on the review of the Survey, the City Council finds that the most appropriate speed limits to facilitate the orderly movement of traffic that is reasonable and safe for the above-listed streets are set forth herein.

Sec. 10.02.020. – Established.

The following speed limits are as established:

<u>No.</u>	<u>Location</u>	<u>Between</u>	<u>(mph)</u>
1	65 th Street	Archibald Avenue and Sumner Avenue	40
2	65 th Street	Sumner Avenue and Hamner Avenue	40
3	68 th Street	Sumner Avenue and Hamner Avenue	45
4	68 th Street	Hamner Avenue and East City Limits	45
5	Archibald Avenue	Bluff Street and Wind River/Grapewin Street	55
6	Archibald Avenue	Wind River/Grapewin Street and Schleisman Road	50
7	Archibald Avenue	Schleisman Road and Bellegrave/North City Limit	50
8	Baron Road	Archibald Avenue and River Road	35
9	Bellegrave Avenue	Sumner Avenue and Hamner Avenue	50
10	Bellegrave Avenue	Hamner Avenue and East City Limit	50
11	Blossom Way	Harrison Avenue and Sumner Avenue	30
12	Chandler Street	Hellman Avenue and Harrison Avenue	45
13	Citrus Street	Harrison Avenue and Hamner Avenue	45
14	Fieldmaster Street	Hall Road and Archibald Avenue	40
15	Hamner Avenue	Schleisman Road and Limonite Avenue	45
16	Hamner Avenue	Limonite Avenue and Bellegrave Avenue	45
17	Harrison Avenue	Chandler Street and Schleisman Road	45
18	Harrison Avenue	Schleisman Road and Bellegrave Avenue	45
19	Limonite Avenue	Archibald Avenue and Sumner Avenue	45
20	Limonite Avenue	Sumner Avenue and East City Limit	45
21	Orange Street	Sumner Avenue and Scholar Way	30
22	River Road	Hellman Avenue and Archibald Avenue	40
23	Riverside Drive	Hamner Avenue and East City Limit	50
24	Schleisman Road	Archibald Avenue and Sumner Avenue	45
25	Schleisman Road	Sumner Avenue and Wells Springs Street	45
26	Scholar Way	Citrus Street and Schleisman Road	35
27	Scholar Way	Schleisman Road and Limonite Avenue	35
28	Sumner Avenue	Citrus Street and 65 th Street	45
29	Sumner Avenue	65 th Street and Bellegrave Avenue	45

Sec. 10.02.030 - Direction to City Traffic Engineer. On or after the effective date of the ordinance of which this Chapter is derived, the City Engineer is directed to clearly post speed limit signs effectuating Section 10.02.020 above, to give notice that this Chapter is in effect.”

SECTION 2. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the

fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

SECTION 3. The City Clerk shall certify the adoption of this Ordinance and shall cause the same to be posted as required by law.

PASSED, APPROVED AND ADOPTED THIS 24th day of July, 2013

Ike Bootsma, Mayor

Attest:

Ariel M. Hall, CMC, Assistant City Clerk

Approved as to Form:

John E. Cavanaugh, City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF EASTVALE)

I, Ariel M. Hall, Assistant City Clerk of the City of Eastvale, do hereby certify that the foregoing Ordinance Number 2013-10 was duly and regularly adopted by the City Council of the City of Eastvale at a regular meeting held the 24th day of July, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Assistant City Clerk, Ariel M. Hall, CMC



City of Eastvale
City Council Meeting Agenda
Staff Report

MEETING DATE: JULY 10, 2013

TO: MAYOR AND COUNCIL MEMBERS

FROM: GEORGE ALVAREZ, CITY ENGINEER

**SUBJECT: CONSULTANT AGREEMENT FOR PROFESSIONAL TRAFFIC
ENGINEERING SERVICES**

**RECOMMENDATION: APPROVE THE ATTACHED PROFESSIONAL SERVICES
AGREEMENT TO PREPARE A TRAFFIC STUDY**

BACKGROUND:

DR Horton recently purchased the property at the southeast corner of Schleisman Road and Scholar Way, Tract 34014, from Van Daele Development Corporation. Tentative Tract 34014 was approved by the County of Riverside in 2007 and DR Horton is now intending to move forward with this project.

DISCUSSION:

Development of Tract 34014, as approved by the County, requires the realignment of Schleisman Road at Scholar Way as shown in Exhibit "A" which is attached. This realignment will require a portion of Schleisman Road to be vacated and closed to vehicular traffic just east of Scholar Way. Although, this proposed realignment of Schleisman Road is consistent with the City's General Plan, the Streets and Highway Code of California requires a public hearing before the City Council to vacate any portion of a public street. At the public hearing, the City Council must make a finding that the portion of Schleisman Road to be vacated is no longer needed for general circulation purposes.

Staff is recommending the preparation of a traffic study to provide support for the street vacation and to identify any impacts and mitigation measures to the neighborhood north of Schleisman Road and east of Scholar Way. DR Horton as agreed to fully fund this study and will provide a fee deposit to cover the cost. Staff is also recommending the selection of Stantec to prepare the traffic study which is estimated to cost \$ 38,000.

Stantec is recommended based on the firm's experience, understanding of the project tasks to be completed, and qualifications of key personnel. Rock Miller is the Project Manager and has over 35 years of professional traffic engineering experience. He has conducted numerous similar traffic studies and is well recognized in the industry.

Once the traffic report is complete, staff, traffic consultant, and DR Horton will conduct outreach efforts with the neighborhood and Corona-Norco Unified School District staff before the City Council public hearing to vacate a portion of Schleisman Road.

FISCAL IMPACT:

There is no fiscal impact to the City of Eastvale. All costs for the preparation of the traffic study will be covered by DR Horton.

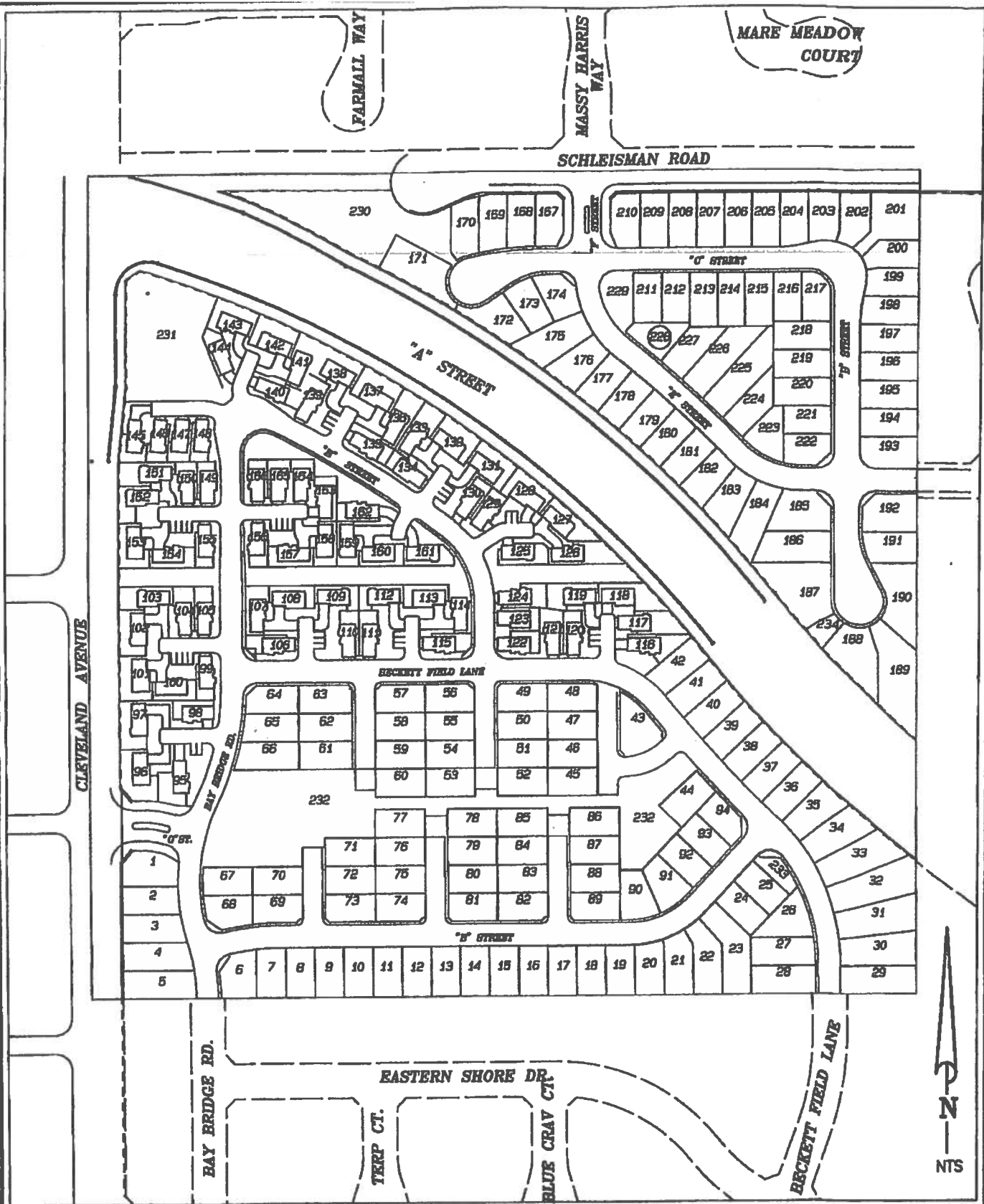
LEGAL REVIEW:

Due to the timing of this project it is recommended that the agreement be approved pending the City Attorney's review of the professional services agreement.

ATTACHMENTS:

1. Exhibit "A" Project Site
2. Consultant Services Agreement

Prepared by: George Alvarez
Reviewed by: Carol Jacobs, City Manager



ALBERT A.
WEBB
 ASSOCIATES
 ENGINEERING CONSULTANTS

PROJECT SITE PLAN

TENTATIVE TRACT NO. 34014
 RIVERSIDE COUNTY, CALIFORNIA

FIGURE
2-B

W.O. 05-0304

EXHIBIT A

PROFESSIONAL SERVICES AGREEMENT

This AGREEMENT FOR CONSULTANT SERVICES Stantec is made and entered into this July 10, 2013, by and between the City of Eastvale ("City") and Stantec ("CONSULTANT").

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

SECTION 1. TERM OF AGREEMENT.

This Agreement shall commence on July 15, 2013 and continuing thereafter through January 31, 2014, or unless sooner terminated by the parties as set out in Section 18 below.

SECTION 2. SCOPE OF SERVICES.

CONSULTANT agrees to perform the services set forth in EXHIBIT "A" "SCOPE OF SERVICES" "FEE SCHEDULE" and made a part of this AGREEMENT.

SECTION 3. ADDITIONAL SERVICES.

CONSULTANT shall not be compensated for any services rendered in connection with its performance of this AGREEMENT which are in addition to or outside of those set forth in this AGREEMENT or listed in EXHIBIT "A" "SCOPE OF SERVICES", "FEE SCHEDULE" unless such additional services are authorized in advance and in writing by the Council or City Manager. CONSULTANT shall be compensated for any such additional services in the amounts and in the manner agreed to by the Council or City Manager.

SECTION 4. COMPENSATION AND METHOD OF PAYMENT.

(a) Subject to any limitations set forth in this AGREEMENT, CITY agrees to pay CONSULTANT the amounts specified in EXHIBITS "A".

(b) Each month CONSULTANT shall furnish to CITY an **original** invoice for all work performed and expenses incurred during the preceding month. The invoice shall detail charges by the following categories: labor (by sub-category), travel, materials, equipment, supplies, sub-consultant contracts and miscellaneous expenses. CITY shall independently review each invoice submitted by the CONSULTANT to determine whether the work performed and expenses incurred are in compliance with the provisions of this AGREEMENT. In the event that no charges or expenses are disputed, the invoice shall be approved and paid according to the terms set forth in subsection (c). In the event any charges or expenses are disputed by CITY, the original invoice shall be returned by CITY to CONSULTANT for correction and resubmission.

(c) Except as to any charges for work performed or expenses incurred by CONSULTANT which are disputed by CITY, CITY will use its best efforts to cause CONSULTANT to be paid within thirty (30) days of receipt of CONSULTANT's invoice.

(d) Payment to CONSULTANT for work performed pursuant to this AGREEMENT shall not be deemed to waive any defects in work performed by CONSULTANT.

(e) No member of the City Council shall have any personal responsibility or liability for payment of any fees or costs incurred under this AGREEMENT.

SECTION 5. INSPECTION AND FINAL ACCEPTANCE.

CITY may inspect and accept or reject any of CONSULTANT's work under this AGREEMENT, either during performance or when completed. CITY shall reject or finally accept CONSULTANT's work within Sixty (60) days after submitted to CITY. CITY shall reject work by a timely written explanation, otherwise CONSULTANT's work shall be deemed to have been accepted. CITY's acceptance shall be conclusive as to such work except with respect to latent defects, fraud and such gross mistakes as amount to fraud. Acceptance of any of CONSULTANT's work by CITY shall not constitute a waiver of any of the provisions of this AGREEMENT including, but not limited to, sections 14 and 15, pertaining to indemnification and insurance, respectively.

SECTION 6. OWNERSHIP OF DOCUMENTS.

All original studies, assessments, reports, data, notes, computer files, files and other documents prepared, developed or discovered by CONSULTANT in the course of providing any services pursuant to this AGREEMENT shall become the sole property of CITY and may be used, reused or otherwise disposed of by CITY without the permission of the CONSULTANT. Upon completion, expiration or termination of this AGREEMENT, CONSULTANT shall turn over to CITY all such original studies, assessments, reports, data, notes, computer files, files and other documents.

SECTION 7. CONSULTANT'S BOOKS AND RECORDS.

(a) CONSULTANT shall maintain any and all documents and records Demonstrating or relating to CONSULTANT's performance of services pursuant to this AGREEMENT. CONSULTANT shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, or other documents or records evidencing or relating to work, services, expenditures and disbursements charged to CITY pursuant to this AGREEMENT. Any and all such documents or records shall be maintained in accordance with generally accepted accounting principles and shall be sufficiently complete and detailed so as to permit an accurate evaluation of the services provided by CONSULTANT pursuant to this AGREEMENT. Any and all such documents or records shall be maintained for three years from the date of execution of this AGREEMENT and to the extent required by laws relating to audits of public agencies and their expenditures.

(b) Any and all records or documents required to be maintained pursuant to this section shall be made available for inspection, audit and copying, at any time during regular business hours, upon written request by CITY or its designated representative. Copies of such documents or records shall be provided directly to the CITY for inspection, audit and copying when it is practical to do so; otherwise, unless an alternative is mutually agreed upon, such documents and records shall be made available at CONSULTANT's address indicated for receipt of notices in this AGREEMENT.

(c) Where CITY has reason to believe that any of the documents or records required to be maintained pursuant to this section may be lost or discarded due to dissolution or termination of CONSULTANT's business, CITY may, by written request, require that custody of such documents or records be given to the requesting party and that such documents and records

be maintained by the requesting party. Access to such documents and records shall be granted to CITY, as well as to its successors-in-interest and authorized representatives.

SECTION 8. STATUS OF CONSULTANT.

(a) CONSULTANT is and shall at all times remain a wholly independent contractor and not an officer, employee or agent of CITY. CONSULTANT shall have no authority to bind CITY in any manner, nor to incur any obligation, debt or liability of any kind on behalf of or against CITY, whether by contract or otherwise, unless such authority is expressly conferred under this AGREEMENT or is otherwise expressly conferred in writing by CITY.

(b) The personnel performing the services under this AGREEMENT on behalf of CONSULTANT shall at all times be under CONSULTANT's exclusive direction and control. Neither CITY nor any elected or appointed boards, officers, officials, employees or agents of CITY shall have control over the conduct of CONSULTANT or any of CONSULTANT's officers, employees or agents, except as set forth in this AGREEMENT. CONSULTANT shall not at any time or in any manner represent that CONSULTANT or any of CONSULTANT's officers, employees or agents are in any manner officials, officers, employees or agents of CITY.

(c) Neither CONSULTANT, nor any of CONSULTANT's officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to CITY'S employees. CONSULTANT expressly waives any claim CONSULTANT may have to any such rights.

SECTION 9. STANDARD OF PERFORMANCE.

CONSULTANT represents and warrants that it has the qualifications, experience and facilities necessary to properly perform the services required under this AGREEMENT in a thorough, competent and professional manner. CONSULTANT shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. In meeting its obligations under this AGREEMENT, CONSULTANT shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of CONSULTANT under this AGREEMENT.

SECTION 10. COMPLIANCE WITH APPLICABLE LAWS; PERMITS AND LICENSES.

CONSULTANT shall keep itself informed of and comply with all applicable federal, state and local laws, statutes, codes, ordinances, regulations and rules in effect during the term of this AGREEMENT. CONSULTANT shall obtain any and all licenses, permits and authorizations necessary to perform the services set forth in this AGREEMENT. Neither CITY nor any elected or appointed boards, officers, officials, employees or agents of CITY, shall be liable, at law or in equity, as a result of any failure of CONSULTANT to comply with this section.

SECTION 11. NONDISCRIMINATION.

CONSULTANT shall not discriminate, in any way, against any person on the basis of race, color, religious creed, national origin, ancestry, sex, age, physical handicap, medical condition or marital status in connection with or related to the performance of this AGREEMENT.

SECTION 12. CONFLICTS OF INTEREST.

(a) CONSULTANT covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of CITY or which would in any way hinder CONSULTANT's performance of services under this AGREEMENT. CONSULTANT further covenants that in the performance of this AGREEMENT, no person having any such interest shall be employed by it as an officer, employee, agent or subcontractor without the express written consent of the City Manager. CONSULTANT agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of CITY in the performance of this AGREEMENT.

(b) CITY understands and acknowledges that CONSULTANT is, as of the date of execution of this AGREEMENT, independently involved in the performance of non-related services for other governmental agencies and private parties. CONSULTANT is unaware of any stated position of CITY relative to such projects. Any future position of CITY on such projects shall not be considered a conflict of interest for purposes of this section.

SECTION 13. CONFIDENTIAL INFORMATION; RELEASE OF INFORMATION.

(a) All information gained or work product produced by CONSULTANT in performance of this AGREEMENT shall be considered confidential, unless such information is in the public domain or already known to CONSULTANT. CONSULTANT shall not release or disclose any such information or work product to persons or entities other than CITY without prior written authorization from the City Manager, except as may be required by law.

(b) CONSULTANT, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the City Manager or unless requested by the City Attorney of CITY, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this AGREEMENT. Response to a subpoena or court order shall not be considered "voluntary" provided CONSULTANT gives CITY notice of such court order or subpoena.

(c) If CONSULTANT, or any officer, employee, agent or subcontractor of CONSULTANT, provides any information or work product in violation of this AGREEMENT, then CITY shall have the right to reimbursement and indemnity from CONSULTANT for any damages, costs and fees, including attorneys fees, caused by or incurred as a result of CONSULTANT's conduct.

(d) CONSULTANT shall promptly notify CITY should CONSULTANT, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this AGREEMENT and the work performed thereunder. CITY retains the right, but has no obligation, to represent CONSULTANT or be present at any deposition, hearing or similar proceeding. CONSULTANT agrees to cooperate fully with CITY and to provide CITY with the opportunity to review any response to discovery requests provided by CONSULTANT. However, this right to review any such response does not imply or mean the right by CITY to control, direct, or rewrite said response.

SECTION 14. INDEMNIFICATION.

(a) CITY and its respective elected and appointed boards, officials, officers, agents, employees and volunteers (individually and collectively, "INDEMNITEES") shall have no liability to CONSULTANT or any other person for, and CONSULTANT shall indemnify, defend, protect and hold harmless INDEMNITEES from and against, any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorneys' fees and disbursements (collectively "CLAIMS"), which INDEMNITEES may suffer or incur or to which INDEMNITEES may become subject by reason of or arising out of any injury to or death of any person(s), damage to property, loss of use of property, economic loss or otherwise occurring as a result of or allegedly caused by the CONSULTANT's performance of or failure to perform any services under this AGREEMENT or by the negligent or willful acts or omissions of CONSULTANT, its agents, officers, directors, subcontractors or employees, committed in performing any of the services under this AGREEMENT.

(b) If any action or proceeding is brought against INDEMNITEES by reason of any of the matters against which CONSULTANT has agreed to indemnify INDEMNITEES as provided above, CONSULTANT, upon notice from CITY, shall defend INDEMNITEES at CONSULTANT's expense by counsel acceptable to CITY, such acceptance not to be unreasonably withheld. INDEMNITEES need not have first paid for any of the matters to which INDEMNITEES are entitled to indemnification in order to be so indemnified. The insurance required to be maintained by CONSULTANT under Section 15 shall ensure CONSULTANT's obligations under this section, but the limits of such insurance shall not limit the liability of CONSULTANT hereunder. The provisions of this section shall survive the expiration or earlier termination of this AGREEMENT.

(c) The provisions of this section do not apply to CLAIMS occurring as a result of the CITY's sole negligence or willful acts or omissions.

SECTION 15. INSURANCE.

A. Insurance Requirements. CONSULTANT shall provide and maintain insurance, acceptable to the City Attorney, in full force and effect throughout the term of this AGREEMENT, against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by CONSULTANT, its agents, representatives or employees. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII. CONSULTANT shall provide the following scope and limits of insurance:

B. Workers' Compensation. Consultant shall, at its sole cost and expense, maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Consultant. The Statutory Workers' Compensation Insurance and Employer's Liability Insurance shall be provided with limits of not less than ONE MILLION DOLLARS (\$1,000,000.00) per accident. In the alternative, Consultant may rely on a self-insurance program to meet those requirements, but only if the program of self-insurance complies fully with the provisions of the California Labor Code. Determination of whether a self-insurance program meets the standards of the Labor Code shall be solely in the discretion of the Contract Administrator. The insurer, if insurance is provided, or the Consultant, if a program of self-insurance is provided, shall waive all rights of subrogation against the City and its officers,

officials, employees, and authorized volunteers for loss arising from work performed under this Agreement.

C. Commercial General
Automobile Liability Insurance.

General requirements. Consultant, at its own cost and expense, shall maintain commercial general and automobile liability insurance for the term of this Agreement in an amount not less than ONE MILLION DOLLARS (\$1,000,000.00) per occurrence, combined single limit coverage, for risks associated with the work contemplated by this Agreement. If a Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles.

Minimum scope of coverage. Commercial general coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 or GL 0002 (most recent editions) covering comprehensive General Liability and Insurance Services Office form number GL 0404 covering Broad Form Comprehensive General Liability. Automobile coverage shall be at least as broad as Insurance Services Office Automobile Liability form CA 0001 (ed. 12/90) Code 8 and 9. No endorsement shall be attached limiting the coverage.

Additional requirements. Each of the following shall be included in the insurance coverage or added as a certified endorsement to the policy:

- a. The insurance shall cover on an occurrence or an accident basis, and not on a claims-made basis.
- b. Any failure of Consultant to comply with reporting provisions of the policy shall not affect coverage provided to City and its officers, employees, agents, and volunteers.

D. Professional Liability Insurance.

General requirements. Consultant, at its own cost and expense, shall maintain for the period covered by this Agreement professional liability insurance for licensed professionals performing work pursuant to this Agreement in an amount not less than ONE MILLION DOLLARS (\$1,000,000) covering the licensed professionals' errors and omissions. Any deductible or self-insured retention shall not exceed \$150,000 per claim.

Claims-made limitations. The following provisions shall apply if the professional liability coverage is written on a claims-made form:

- a. The retroactive date of the policy must be shown and must be before the date of the Agreement.
- b. Insurance must be maintained and evidence of insurance must be provided for at least five years after completion of the Agreement or the work, so long as commercially available at reasonable rates.

c. If coverage is canceled or not renewed and it is not replaced with another claims-made policy form with a retroactive date that precedes the date of this Agreement, Consultant must provide extended reporting coverage for a minimum of five years after completion of the Agreement or the work. The City shall have the right to exercise, at the Consultant's sole cost and expense, any extended reporting provisions of the policy, if the Consultant cancels or does not renew the coverage.

d. A copy of the claim reporting requirements must be submitted to the City prior to the commencement of any work under this Agreement.

E. All Policies Requirements.

Acceptability of insurers. All insurance required by this section is to be placed with insurers with a Bests' rating of no less than A:VII.

Verification of coverage. Prior to beginning any work under this Agreement, Consultant shall furnish City with Certificates of Insurance, and upon request, complete certified copies of all policies, including complete certified copies of all endorsements. All copies of policies and certified endorsements shall show the signature of a person authorized by that insurer to bind coverage on its behalf.

Notice of Reduction in or Cancellation of Coverage. A certified endorsement shall be attached to all insurance obtained pursuant to this Agreement stating that coverage shall not be suspended, voided, canceled by either party, or reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified, mail, return receipt requested, has been given to the City. In the event that any coverage required by this section is reduced, limited, cancelled, or materially affected in any other manner, Consultant shall provide written notice to City at Consultant's earliest possible opportunity and in no case later than ten (10) working days after Consultant is notified of the change in coverage.

Additional insured; primary insurance. City and its officers, employees, agents, and authorized volunteers shall be covered as additional insureds with respect to each of the following: liability arising out of activities performed by or on behalf of Consultant, including the insured's general supervision of Consultant; products and completed operations of Consultant, as applicable; premises owned, occupied, or used by Consultant; and automobiles owned, leased, or used by the Consultant in the course of providing services pursuant to this Agreement. The coverage shall contain no special limitations on the scope of protection afforded to City or its officers, employees, agents, or authorized volunteers.

A certified endorsement must be attached to all policies stating that coverage is primary insurance with respect to the City and its officers, officials, employees and volunteers, and that no insurance or self-insurance maintained by the City shall be called upon to contribute to a loss under the coverage.

Deductibles and Self-insured Retentions. Consultant shall disclose to and obtain the approval of City for the self-insured retentions and deductibles before beginning any of the services or work called for by any term of this Agreement.

During the period covered by this Agreement, only upon the prior express written authorization of City Manager or designee, Consultant may increase such deductibles or self-insured retentions

with respect to City, its officers, employees, agents, and volunteers. The City Manager or designee may condition approval of an increase in deductible or self-insured retention levels with a requirement that Consultant procure a bond guaranteeing payment of losses and related investigations, claim administration, and defense expenses that is satisfactory in all respects to each of them.

Subcontractors. Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and certified endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

Variation. City Manager or designee may approve in writing a variation in the foregoing insurance requirements, upon a determination that the coverage, scope, limits, and forms of such insurance are either not commercially available, or that the City's interests are otherwise fully protected.

Remedies. In addition to any other remedies City may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option, exercise any of the following remedies, which are alternatives to other remedies City may have and are not the exclusive remedy for Consultant's breach:

- Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;
- Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or
- Terminate this Agreement.

SECTION 16. ASSIGNMENT.

The expertise and experience of CONSULTANT are material considerations for this AGREEMENT. CITY has an interest in the qualifications of and capability of the persons and entities who will fulfill the duties and obligations imposed upon CONSULTANT under this AGREEMENT. In recognition of that interest, CONSULTANT shall not assign or transfer this Agreement or any portion of this AGREEMENT or the performance of any of CONSULTANT's duties or obligations under this AGREEMENT without the prior written consent of the City Council. Any attempted assignment shall be ineffective, null and void, and shall constitute a material breach of this AGREEMENT entitling CITY to any and all remedies at law or in equity, including summary termination of this AGREEMENT. CITY acknowledges, however, that CONSULTANT, in the performance of its duties pursuant to this AGREEMENT, may utilize subcontractors.

SECTION 17. CONTINUITY OF PERSONNEL.

CONSULTANT shall make every reasonable effort to maintain the stability and continuity of CONSULTANT's staff assigned to perform the services required under this AGREEMENT. CONSULTANT shall notify CITY of any changes in CONSULTANT's staff

assigned to perform the services required under this AGREEMENT, prior to any such performance.

SECTION 18. TERMINATION OF AGREEMENT.

(b) CITY may terminate this AGREEMENT, with or without cause, at any time by giving thirty (30) days written notice of termination to CONSULTANT. In the event such notice is given, CONSULTANT shall cease immediately all work in progress.

(c) CONSULTANT may terminate this AGREEMENT at any time upon thirty (30) days written notice of termination to CITY.

(d) If either CONSULTANT or CITY fails to perform any material obligation under this AGREEMENT, then, in addition to any other remedies, either CONSULTANT, or CITY may terminate this AGREEMENT immediately upon written notice.

(e) Upon termination of this AGREEMENT by either CONSULTANT or CITY, all property belonging exclusively to CITY which is in CONSULTANT's possession shall be returned to CITY. CONSULTANT shall furnish to CITY a final invoice for work performed and expenses incurred by CONSULTANT, prepared as set forth in SECTION 4 of this AGREEMENT. This final invoice shall be reviewed and paid in the same manner as set forth in SECTION 4 of this AGREEMENT.

SECTION 19. DEFAULT.

In the event that CONSULTANT is in default under the terms of this AGREEMENT, the CITY shall not have any obligation or duty to continue compensating CONSULTANT for any work performed after the date of default and may terminate this AGREEMENT immediately by written notice to the CONSULTANT.

SECTION 20. COOPERATION BY CITY.

All public information, data, reports, records, and maps as are existing and available to CITY as public records, and which are necessary for carrying out the work as outlined in the EXHIBIT "A" "SCOPE OF SERVICES", "FEE SCHEDULE" shall be furnished to CONSULTANT in every reasonable way to facilitate, without undue delay, the work to be performed under this AGREEMENT.

SECTION 21. NOTICES.

All notices required or permitted to be given under this AGREEMENT shall be in writing and shall be personally delivered, or sent by telecopier or certified mail, postage prepaid and return receipt requested, addressed as follows:

To CITY: _____
City Manager

To CONSULTANT: _____

Stantec
Attn: Rock Miller

Notice shall be deemed effective on the date personally delivered or transmitted by facsimile or, if mailed, three (3) days after deposit of the same in the custody of the United States Postal Service.

SECTION 22. AUTHORITY TO EXECUTE.

The person or persons executing this AGREEMENT on behalf of CONSULTANT represents and warrants that he/she/they has/have the authority to so execute this AGREEMENT and to bind CONSULTANT to the performance of its obligations hereunder.

The City Council has authorized the undersigned to execute this AGREEMENT.

SECTION 23. BINDING EFFECT.

This AGREEMENT shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

SECTION 24. MODIFICATION OF AGREEMENT.

No amendment to or modification of this AGREEMENT shall be valid unless made in writing and approved by the CONSULTANT and by the City Council. The parties agree that this requirement for written modifications cannot be waived and that any attempted waiver shall be void.

SECTION 25. WAIVER.

Waiver by any party to this AGREEMENT of any term, condition, or covenant of this AGREEMENT shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this AGREEMENT shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this AGREEMENT. Acceptance by CITY of any work or services by CONSULTANT shall not constitute a waiver of any of the provisions of this AGREEMENT.

SECTION 26. LAW TO GOVERN; VENUE.

This AGREEMENT shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of Riverside.

SECTION 27. ATTORNEYS FEES, COSTS AND EXPENSES.

In the event litigation or other proceeding is required to enforce or interpret any provision of this AGREEMENT, the prevailing party in such litigation or other proceeding shall be entitled to an award of reasonable attorney's fees, costs and expenses, in addition to any other relief to which it may be entitled.

SECTION 28. ENTIRE AGREEMENT.

This AGREEMENT, including the attached EXHIBIT "A" are the entire, complete, final and exclusive expression of the parties with respect to the matters addressed therein and supersedes all other agreements or understandings, whether oral or written, or entered into between CONSULTANT and CITY prior to the execution of this AGREEMENT. No statements, representations or other agreements, whether oral or written, made by any party which are not embodied herein shall be valid and binding. No amendment to this AGREEMENT shall be valid and binding unless in writing duly executed by the parties or their authorized representatives.

SECTION 29. SEVERABILITY.

If any term, condition or covenant of this AGREEMENT is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this AGREEMENT shall not be affected thereby and the AGREEMENT shall be read and construed without the invalid, void or unenforceable provision(s).

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

CITY OF EASTVALE

CONSULTANT:

By _____
Ike Bootsma, Mayor

By _____

ATTEST:

Ariel Hall, Assistant City Clerk

APPROVED AS TO FORM:

John Cavanaugh, City Attorney



Stantec Consulting Services Inc.
38 Technology Drive Suite 100
Irvine CA 92618-5312
Tel: (949) 923-6000
Fax: (949) 923-6121

Stantec

July 1, 2013

Attention: Mr. George Alvarez
City of Eastvale
12363 Limonite Ave., Suite 910
Eastvale, CA 91752

Reference: PROPOSAL – TRAFFIC STUDY SCOPE OF WORK–SCHLEISMAN ROAD VACATION PROJECT

Dear Mr. Alvarez,

Stantec Consulting Services Inc. (Stantec) is pleased to submit our proposal to conduct a traffic study for the proposed vacation of Schleisman Road east of Scholar Way in the City of Eastvale.

Our approach will be to follow the scope of work outlined by City Staff. Existing baseline traffic conditions will be identified. Redistributed traffic as a result of the proposed Schleisman Road cul-de-sac will be assigned to the surrounding circulation system and impacts will be analyzed at 9 intersections during the AM and PM peak hours under existing plus project conditions. Project impacts will be identified and potential mitigation measures, if needed, will be recommended to provide acceptable levels of service at the study intersections. The results of the traffic analysis will be summarized in a traffic impact report suitable for presentation to the City as a freestanding document.

Our fee to conduct this traffic study is \$38,000 based on the personnel allocation and billing rate table attached. This includes traffic counts at 9 intersections and 24-hour machine counts at up to 8 mid-block locations, one meeting with City Staff to review the draft traffic report, one neighborhood outreach program meeting, and attendance at Planning Commission and City Council meetings.

If you have any questions, please call.

Sincerely,

STANTEC CONSULTING SERVICES INC.

A handwritten signature in blue ink, appearing to read 'Rock Miller', with a long horizontal flourish extending to the right.

Rock Miller
Senior Principal, Transportation Planning & Traffic Engineering
Tel: (949) 923-6021
Fax: (949) 923-6121
Rock.Miller@stantec.com

Reference: PROPOSAL – TRAFFIC STUDY SCOPE OF WORK–SCHLEISMAN ROAD VACATION PROJECT

1.0 TRAFFIC SCOPE OF WORK

Task 1: Project Management

Stantec will review all existing information available in the project area, especially in regards to approved transportation elements. In addition, Stantec staff will attend one Project Meeting where traffic related issues are discussed with City staff. Stantec will also answer questions and provide assistance in addressing traffic and transportation related issues that may come forward during the course of the project from our offices via e-mail, correspondence, or project team meetings.

TASK 2: EXISTING TRAFFIC CONDITIONS

Stantec staff will conduct a field review of the site to document existing traffic-related conditions for analysis and for verification of collected traffic data. This will include a search for nearby existing or committed improvements that may conflict with or require incorporation with the traffic forecasts.

Peak period intersection turning movement counts will be provided by the City for up to 9 existing intersections during AM and PM peak hours. Prior to scheduling counts we will discuss unique operational conditions at the site to insure that traffic counts are representative.

Twenty-four hour traffic counts may also be obtained on the project roadways throughout the project vicinity for up to 8 locations. The locations will be identified based upon observed or reported problems. A traffic count specialist will conduct the counts.

Task 2a: Preparation of Aerial Map

Stantec will prepare an aerial map showing the proposed Schleisman vacation, TR 34014, and the three schools on Scholar Way.

Task 2b: Baseline Conditions

Baseline conditions will be established showing existing ADT, and AM/PM peak hour volumes for the intersection of Schleisman and Scholar Way and selected streets and intersections for the neighborhood north of Schleisman Road east of Scholar Way.

TASK 3: PROJECT ANALYSIS

Task 3a: Trip Generation Analysis

Stantec will generate trips for lots 167-229 based on published Trip Generation rates. Trips from these dwelling units will be travelling on residential streets though the existing development north of Schleisman Road east of Scholar Way.

Reference: PROPOSAL – TRAFFIC STUDY SCOPE OF WORK–SCHLEISMAN ROAD VACATION PROJECT

Task 3b: Distribution and Assignment of Trips

Stantec will distribute and assign trips for lots 167-229 traveling through the residential development north of Schleisman Road.

TASK 4: FUTURE ANALYSIS

Stantec will project the ADT and AM and PM peak hours for the following condition: existing plus redistribution of traffic due to the cul-de-sac of Schleisman Road, plus trips from lot 167 through 229 for streets that will be used for ingress and egress after the completion of the proposed project.

Task 4a: Neighborhood Ingress and Egress

The traffic report will discuss changes for ingress and egress to the neighborhood north of Schleisman Road. Streets will be identified for ingress and egress as a result of the new traffic patterns due to the cul-de-sac of existing Schleisman Road.

Task 4b: Impact Identification

Stantec will identify any vehicular and pedestrian impacts at the intersection of Schleisman Road and Scholar Way due to the proposed vacation of existing Schleisman Road.

Task 4c: Mitigation Measures

Once the future with-project analysis is completed, Stantec will determine and make recommendations for improvements for the proposed Schleisman vacation. Any recommendations will include approximate project costs.

TASK 5: REPORT PREPARATION

Stantec will compile a draft traffic report of the results of our field surveys, data collection, and analysis for the proposed Schleisman Road vacation. The draft report will be submitted to the City for review and comment.

TASK 6: NEIGHBORHOOD OUTREACH

Stantec will conduct a neighborhood outreach program for the neighborhood north of Schleisman Road.

TASK 7: FINAL TRAFFIC REPORT

Stantec will prepare the final traffic report based on the comments from the City staff review. Any appropriate revisions will be incorporated into the study so that it can be found to be fully responsive to the needs of the project. Appropriate revisions include any corrections to the report within the general scope of work and intersections where data was collected. Any comments that result in additional traffic data collection or analysis at more than 9 locations may result in the need for additional compensation.

Reference: PROPOSAL – TRAFFIC STUDY SCOPE OF WORK–SCHLEISMAN ROAD VACATION PROJECT

TASK 8: MEETINGS

Stantec will meet with Corona-Norco Unified School District (CNUSD) staff regarding the proposed vacation and realignment of Schleisman Road, and how potential impacts to the three existing schools located along Scholar Way, if any, would be mitigated.

Task 8a: Public Hearings

Stantec will attend both Planning Commission and City Council Meetings regarding the Schleisman Road vacation project.

2.0 BUDGET

Our proposed total estimated fee is \$38,000, this is based upon the hours shown below and billing rates, per our attached billing rate table.

Task	Principal Hours Level 18 (\$272/hr)	Planner & Engineer Hours Level 13 (\$156/hr)	Technical Staff Hours Level 12 (\$144/hr)	Direct Costs	Total Cost
Project Management	2	8		\$50	\$1,842
Existing Conditions	2	8	16	\$50	\$4,146
Project Analysis	4	20	16		\$6,512
Future Conditions	8	24	16		\$8,224
Report Preparation	2	24	24		\$7,744
Neighborhood Outreach	4	8			\$2,336
Final Traffic Report	2	8	16		\$4,096
Meetings	4	12		\$150	\$3,110
Total	28	112	88	\$250	\$38,010



City of Eastvale
City Council Meeting Agenda
Staff Report

MEETING DATE: JULY 10, 2013

TO: MAYOR AND COUNCIL MEMBERS

FROM: CAROL JACOBS, CITY MANAGER

SUBJECT: ADMINISTRATIVE REGULATION REGARDING USE OF CITY VEHICLES

RECOMMENDATION: PROVIDE DIRECTION ON POLICY

BACKGROUND:

At the City Council meeting of June 26, 2013, the City Council requested to review the Administrative Regulation on the use of City vehicles. Attached is the current policy.

DISCUSSION:

The City currently owns three vehicles. Two of the vehicles are used for code enforcement staff on a daily basis. The third vehicle is a Honda CNG vehicle that can be used by staff to conduct City business. The policy defines who is authorized to use City vehicles, for what purpose, insurance requirements, accident reporting, mileage reimbursements, and policies for use of private vehicles for City use.

This policy codifies and strengthens the existing practice within the City of Eastvale.

FISCAL IMPACT:

None

ATTACHMENTS:

1. Use of City Vehicles

Prepared by: Carol Jacobs, City Manager
Reviewed by: John Cavanaugh, City Attorney

CITY OF EASTVALE Administrative Policy	Policy No.:
Subject USE OF CITY VEHICLES	Effective Date: 5/8/13
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Purpose.

To establish rules and regulations for the use of City vehicles for official City business.

Applicability.

This policy will be applied to all, employees, volunteers and City contractors ("City Officials") utilizing City vehicles.

Process and Procedures.

The following provisions shall apply to use of any motor vehicle for City business:

- a. The City shall maintain safe, reliable and economical transportation as required for City Officials to conduct City business.
- b. No City Official, under any circumstances will operate a City vehicle on a public roadway without being in possession of a valid California Driver's License. It shall be the Personnel Department's responsibility to verify the current status of the California Driver's License on each potential driver of a City vehicle.
- c. City vehicles shall only be used for City-related business unless otherwise authorized by the City Manager in writing.
- d. Each City Official who is assigned a City vehicle is responsible for that vehicle being maintained in a clean condition and ensures that routine maintenance and safety checks on that vehicle are conducted in a timely fashion.
- e. Costs of repairing damage to City vehicles resulting from willful misconduct or gross negligence by the Official having custody of the vehicle at the time of the damage may be recoverable from the Official at the option of the City.
- f. Damage sustained to a personal vehicle while being used for City business shall be the responsibility of the Official/owner.
- g. Any citation or arrests while operating a City vehicle or a personal vehicle on City business are the personal responsibility of the Official. The Official will not attend court appearances, traffic school or resulting DMV appointments on City time for such citations and arrests and must arrange such appearances by taking appropriate time off. Any judgment of acquittal or guilt sentence handed down by the court will be satisfied by the Official alone. All fines and court costs, to include subpoena of witnesses and/or attorney fees, if any, are also at the sole cost of the Official, unless it is the direct result of negligence by the City in furnishing a vehicle designed for, but not properly equipped or negligently maintained for, use of a public roadway.

CITY OF EASTVALE Administrative Policy	Policy No.:
Subject USE OF CITY VEHICLES	Effective Date: 5/8/13
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- h. Any City Official who receives a citation while operating a City vehicle or a personal vehicle while on City business shall report same incident immediately to the City Manager.
- i. The operator of any vehicle used on City business shall ensure that seat belts are available for and used by all passengers in the vehicle.
- j. Officials shall not, under any circumstances, operate a City vehicle or a personal vehicle on City business when any physical or mental impairment causes the Official to be unable to drive safely.
- k. Officials shall not smoke cigars, cigarettes or use any other tobacco product while operating a City vehicle.

City Pool Vehicles

The City maintains a small motor pool of City vehicles for temporary use. Use of pool vehicles shall be subject to the following provisions:

- a. A request for extended use of a pool car (five working days or longer) must be approved by the City Manager.
- b. Use of a pool vehicle may be granted to a City Official with approval of the City Manager or his or her designee, to attend a business-related activity during regular business hours or after regular working hours.
- c. Each person using a pool city vehicle is required to log day, time, mileage and purpose of trip in the log provided in the vehicle.
- d. Officials using a City vehicle shall return the vehicle with a full tank of gas.

Appropriate Usage of City Vehicles

Use of a City vehicle by any City Official shall be subject to the following:

- a. City owned vehicle shall not be used to transport any passengers other than authorized City Officials on official City business or persons directly related to the official City business being conducted (i.e. speakers, consultants, contractors, other conference attendees, etc.) with the following exceptions:
- b. Transportation of person or persons in the event of an accident or other emergency;

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- c. Exceptions to these usage criteria may be granted by City Manager as appropriate and required.

Personal Use of City Vehicle

No City Official shall use any City vehicle for personal use.

Use & Reimbursement of Personal Vehicles

Use of Personal Vehicles

- a. All City Officials utilizing a personal vehicle for City business shall be familiar with and shall comply with the provisions listed under PROCESS AND PROCEDURES and with all other requirements of this policy.
- b. Registration and insurance requirements for personal vehicles used for City business shall be the sole responsibility of the owner and operator. Any personal vehicle used by a City Official for the City business shall have current vehicle registration.

Reimbursement for Use of Personal Vehicle

Reimbursement for the use of personal vehicles for City business shall be provided in accordance with the following categories.

- a. Official Mileage Reimbursement

Officials who must operate their personal vehicle while performing City business shall be reimbursed for such use at the current rate established by the Internal Revenue Services (IRS).

Reporting Requirements for Mileage Reimbursement

Officials receiving reimbursement for mileage driven on City business shall submit an Expense Reimbursement form to the Finance Department. No reimbursement shall be made without adequate justification including the date driven, destination from and to, and reason for the trip and total miles driven for each trip.

An Official who pays for fuel while operating their personal vehicle on City business may add that amount based on mileage driven on the reimbursement request form.

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Incidental Expenses

Officials shall be reimbursed for parking, toll fees and similar incidental expenses incurred while traveling on City business. This shall be in addition to any mileage reimbursement or monthly vehicle allowances.

Collision Reporting Requirements

1. Reporting Requirements

The driver involved in an accident with a City vehicle must complete a Vehicle Property Loss Report. The driver must also notify the City Manager or designee immediately. The police should be called to the scene and a police report taken when damage to another vehicle, damage to the City vehicle, private or City property is damaged or injury is involved.

If the traffic collision involving a City vehicle occurs in a jurisdiction outside the City of Eastvale which refuses to take an accident report, a counter traffic collision report should be obtained at the earliest convenience at the Riverside County Sheriff Police Department.

The City Manager or designee should forward the vehicle accident report to Risk Management with 24 hours of the occurrence. If substantial damage or injury occurs, Risk Management should be contacted immediately.

Risk Management will provide copies of accident reports to Personnel for follow-up with the City Manager. In case of City employees, Personnel will assist the departments to assure that any discipline or remedial action taken as a result of the accident is consistent with City policy. It will be the department's responsibility to process any personnel action. Copies of disciplinary documents shall be forwarded to Personnel for filing in the employee's personnel file.

License & Insurance Requirements

1. License Requirements

Any City Official operating a motor vehicle on City business shall have in their possession a valid California Driver's License of the proper class for the vehicle being operated as required and defined by the California Vehicle Code.

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2. Insurance Requirements

Any City Official operating a private vehicle for City business must present proof of minimum insurance as required by the State of California annually to the City of Eastvale. Reimbursement of expenses, as provided for in this policy, may be withheld if an Official fails to provide initial or annual proof of insurance.

Use of Rental Vehicles

1. Use of Rental Vehicles

Whenever possible and absent compelling reasons for doing otherwise, Officials shall use the most economical and appropriate mode of transportation available when conducting City business. Officials needing to travel out of town for City business shall evaluate the total cost of alternative modes of transportation and choose the one that is the most efficient, effective and appropriate. All other things being equal, the alternative with the lowest cost shall be chosen.



City of Eastvale

City Council Meeting Agenda

Staff Report

MEETING DATE: JULY 10, 2013

TO: MAYOR AND COUNCIL MEMBERS

FROM: CAROL JACOBS, CITY MANAGER

SUBJECT: CITY COUNCIL RULES OF DECORUM

RECOMMENDATION: PROVIDE DIRECTION

BACKGROUND:

On October 1, 2010, the City Council adopted Resolution 10-02 Establishing the Rules of Decorum and Procedures for Conduct of City Council Meetings. Attachment 1 is the Resolution and Rules of Decorum.

DISCUSSION:

At the City Council meeting of June 26, 2013, the City Council requested information on the following items. Attachments 2 through 4 are samples from other California cities.

- 1) Duties of the Mayor and Mayor Pro Tem – Attachment 2
- 2) Rules of Appointments by the Mayor – Attachment 3
- 3) The addition or deletion of items from the City Council agenda – Attachment 4

City staff completed a review of the City's Policies and Procedures as well as a record search of any documents that may relate to the above items.

Several of the duties of the Mayor and Mayor Pro Tem are in the Rules of Decorum. These rules apply to how the Mayor or the Mayor Pro Tem in his or her absence is to preside over a City Council meeting as the Presiding Officer.

The Rules of Appointment by the Mayor do not have any formal written policies. The practice of this City Council has been to have the Mayor provide a recommendation to the full Council on which Council members will serve. Until this calendar year, the Mayor's appointments have been in place for the entire calendar year. There are no written procedures for removal of a Mayor's appointee.

The Rules of Decorum do clearly define when and how voting shall take place at a City Council meeting in Section 5 – Voting. Section C – Reconsideration: Any Councilmember who voted with the majority may vote for a reconsideration of any action at the same or next meeting.

Placement of Items on the City Council Meeting Agenda is defined in Section 9 of the Rules of Decorum starting on page 9 of 11 of the policy.

FISCAL IMPACT:

None

ATTACHMENTS:

1. Rules of Decorum
2. Sample Duties of the Mayor and Mayor Pro Tem
3. Rules of Appointments by the Mayor
4. Addition or deletion from the City Council agenda

Prepared by: Carol Jacobs, City Manager
Reviewed by: John Cavanaugh, City Attorney

RESOLUTION NO. 10-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EASTVALE, CALIFORNIA, ESTABLISHING RULES OF DECORUM AND PROCEDURES FOR CONDUCT OF CITY COUNCIL MEETINGS

WHEREAS, the City Council of the City of Eastvale has incorporated on October 1, 2010;

WHEREAS, the City Council encourages public participation in its meetings; and

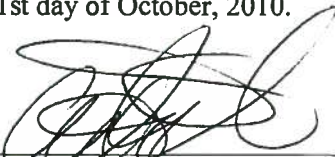
WHEREAS, the City Council has determined that public participation in meetings is enhanced when members of the public and Council Members utilize pre-established rules and policies that allow the presentation of various viewpoints and perspectives on matters of community concern; and

WHEREAS, the City Council from time-to-time proposes to adopt such rules and policies to govern various City activities.

NOW, THEREFORE, the City Council of the City of Eastvale does resolves and order as follows:


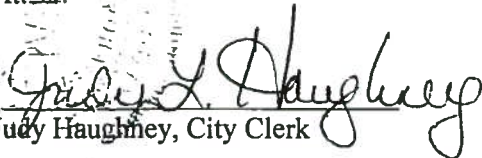
SECTION 1. ADOPTION OF RULES AND POLICIES: As its Policy No. 01, the City Council adopts the Rules of Decorum and Procedures for Conduct of City Council meetings as set forth in Exhibit "A", attached hereto and incorporated herein by reference.

PASSED, APPROVED AND ADOPTED this 1st day of October, 2010.



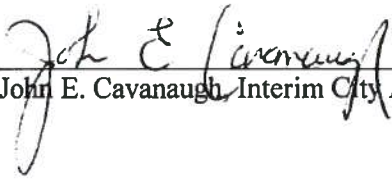
Adam Rush, Mayor

Attest:

Judy Haughney, City Clerk


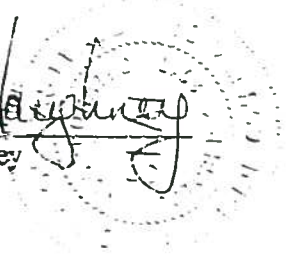
Approved as to form:


John E. Cavanaugh, Interim City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF EASTVALE)

I, Judy L. Haughney, CITY CLERK OF THE CITY OF EASTVALE, DO HEREBY CERTIFY that the foregoing Resolution Number 10-02 was duly and regularly adopted by the City Council of the City of Eastvale at a special meeting held the 1st day of October, 2010, by the following called vote:

- AYES: RUSH, DEGRANDPRE, HOWELL, WELCH, BOOTSMA
- NOES: NONE
- ABSENT: NONE
- ABSTAIN: NONE


City Clerk, Judy L. Haughney 

CITY OF EASTVALE City Council Policy	Policy No.: 01
Subject Rules of Decorum and Procedures for the Conduct of City Council Meetings	Effective Date: October 1, 2010
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Purpose.

The purpose of this Policy is to establish rules of decorum and procedure for City officials, Staff, and members of the public at all meetings of the City Council to ensure that the business of the City is attended to thoroughly and efficiently with opportunities for orderly public participation.

Rules of Decorum and Procedure.

1. **Rules for City Councilmembers.**

A. **Decorum:** Members of the City Council shall conduct themselves in an orderly, professional and businesslike manner to ensure that the business of the City shall be attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process of the City Council is maintained at all times. Members of the City Council shall maintain a polite, respectful and courteous manner when addressing one another, the City Staff, and members of the public during City Council meetings.

B. **Role of the Presiding Officer:** The Presiding Officer of the City Council, who shall be the Mayor, or in the Mayor's absence the Mayor Pro Tem, or in both of their absence any other member designated by the City Council, shall be responsible for maintaining the order and decorum of meetings. It shall be the duty of the Presiding Officer to ensure that the rules of decorum and procedure contained herein are observed. The Presiding Officer shall maintain control of communication between Councilmembers and between the City Council and members of the public. The Presiding Officer may make and second motions when no other Council member does so.

The Presiding Officer shall serve as the parliamentarian and decide all questions of order under these rules, with the assistance of the City Attorney. Any such decision shall be final unless overriding by a majority vote of the Councilmembers present and shall be binding and legally effective for purposes of the matter under consideration

C. **Communications between City Councilmembers at Meetings:**

(1) Councilmembers wishing to speak should request the floor by being recognized by the Presiding Officer before speaking. The Presiding Officer must recognize any Councilmember who seeks the floor when appropriately entitled to address the City Council.

(2) No Councilmember shall speak again until all Councilmembers have had the opportunity to speak.

(3) Councilmembers shall remember that the purpose of the City Council meeting is to conduct the business of the City. Councilmembers shall avoid repetition and shall

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limit their comments to the subject matter at hand. Councilmembers should endeavor to express their views without engaging in unnecessarily lengthy debates.

(4) When one Councilmember is speaking, other Councilmembers shall not interrupt, disrupt or disturb the speaker. During questions and deliberations, the Presiding Officer may vary the speaking sequence of Councilmembers from item to item.

(5) Communications between Councilmembers outside meetings is governed by the Ralph M. Brown Act ("Brown Act").

D. Communication with Members of the Public Addressing the Council:

(1) On specific agenda items, Councilmembers may question any person addressing the City Council at the conclusion of that person's testimony or all public testimony on that agenda item. A Councilmember wishing to ask questions of a member of the public should first be recognized by the Presiding officers.

(2) Councilmembers shall not engage the person addressing the City Council in a dialogue, but shall confine communication to a brief question and answer format conducted through the Presiding Officer.

(3) All Councilmember requests to speak shall be made to the Presiding Officer.

(4) If a member of the public addresses the City Council on a matter that is not on the agenda (e.g., during public comment), the Brown Act does not allow Councilmembers to engage in discussions nor deliberation of the matter. A Councilmember may do the following: refer the matter to staff (or another source); ask for additional information or request a report back; or give a very limited factual response. If a Councilmember so wishes, the Councilmember may, during the Councilmember Comments portion of the meeting, request that the matter be placed on the next agenda or respond briefly to the item.

(5) The City Council may not prohibit public criticism of the policies, procedures, programs, or services of the City or its acts or omissions. A speaker may not be stopped from speaking because either the Presiding Officer or members of the City Council disagree with the viewpoint being expressed.

2. Rules for City Staff.

A. Decorum: City Staff shall not engage in dialogue with members of the public during City Council meetings and shall limit conversations between themselves as much as possible. City Staff shall direct all comments and presentations to the City Council and/or Presiding Officer. When addressed by a City Councilmember, Staff shall respond in a polite,

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professional, and courteous manner. All requests to speak by members of the City Staff shall be made to the Presiding Officer.

B. Role of the City Manager: The City Manager's duties during City Council meetings include keeping a record of concerns raised by the City Council regarding direction for future Staff action and facilitating the orderly presentation of Staff reports.

C. Role of the City Clerk: The City Clerk or her/his deputy shall keep minutes of the open meeting; shall call and record roll call votes; and shall read ordinance titles and agenda items as requested by the Mayor.

D. Role of the City Attorney: The City Attorney's duties during City Council meetings include assisting the Presiding Officer with parliamentary procedures, including these Rules of Decorum and facilitating legal issues associated with Agenda items.

3. Rules for Members of the Public.

A. Within the City Council Chambers:

(1) Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of obscene, lewd, loud, threatening, repeatedly irrelevant or repetitious, or abusive language; clapping, whistling, yelling, stamping of feet, or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the City Council meeting infeasible. A member of the audience engaging in any such conduct may, after warning by the Presiding Officer, at the discretion of the Presiding Officer or a majority of the City Council, be subject to ejection from that meeting.

(2) No person shall stand or sit in the aisles. No person shall block any doorways or other exits.

(3) Placards, signs, and posters may be brought into the City Council Chambers unless such objects disturb, disrupt, impede or otherwise render the orderly conduct of the City Council meeting infeasible, or block the view of any other person in attendance, in which case such placard, sign, or poster shall, at the discretion of the Presiding Officer or a majority of the City Council, be moved to a different location or removed from the City Council Chambers.

(4) Packages, bundles, suitcases or other large or potentially dangerous objects shall not, without the prior authorization of the Presiding Officer, be brought into the City Council Chambers and are subject to search to determine that they do not pose a threat or as otherwise requested by the Sergeant at Arms.

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(5) Except as otherwise allowed by the City Council, no animals except for service animals shall be brought into the City Council Chambers.

(6) Photographs, audiotapes and videotapes may be taken from the rear of the Chambers or from any seat within the City Council Chambers, so long as such activity does not disrupt and disturb the audience, public speakers and Councilmembers and interfere with the orderly conduct of the meeting. When a filming area has been designated by the Council, filming shall occur in that area only.

(8) Within the City Council Chambers, all cell phone and pager ringers shall be turned off; no talking on cell phones is allowed; and all electronic equipment shall be operated in a manner which does not emit sound or disturb other members of public or disrupt the orderly conduct of the meeting.

(9) The Sergeant-at-Arms is authorized to enforce these rules.

B. Noise adjacent the City Council Chambers: Noise emanating from adjacent or outside the City Council Chambers which is audible within the City Council Chambers shall not be permitted. The sergeant-at-arms is authorized to enforce this rule by requesting those in the lobby to remain silent or to leave the area.

C. Persons Addressing the City Council:

(1) Members of the public may address the City Council during the Public Comment Period(s) or prior to the consideration of any agenda item. Any person wishing to speak, whether during the Public Comment Period or on an agenda item, is requested to complete a "Speaker Request Form" and submit the form to the City Clerk prior to the calling to order of the meeting or as soon as possible thereafter. A person who speaks on an item during Public Comment may not make the same comment again at the time the agenda item is heard. All those speaking shall do so from the podium.

(2) No person shall address the City Council without first being recognized by the Presiding Officer. The person shall respond when his/her name is called from the speaker slip; shall go to the podium, or shall raise his/her hand to indicate that he/she wishes to go to the podium to speak. Impromptu personal points of order, comments, objections or questions shall not be recognized, and if they persist, after the Presiding Officer has warned of the offense, a member of the public engaging in such conduct shall, at the discretion of the Presiding Officer or a majority of the City Council, be subject to ejection from the meeting.

(3) The purpose of addressing the City Council is to formally communicate to the Council on matters relating to City business or citizen concerns. Persons addressing the City Council on an agenda item shall confine the subject matter of their remarks to the particular matter before the Council.

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(4) Each person addressing the City Council shall do so in an orderly manner and shall not engage in any conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the City Council meeting. Any person who so disrupts the meeting may, after warning by the Presiding officer, and at the discretion of the Presiding Officer or a majority of the City Council, be subject to ejection from that meeting.

(5) Persons addressing the City Council shall address the Council as a whole and shall not engage in a dialogue with individual Councilmembers, City Staff, or with other members of the audience.

(6) Members of the public have the right to address the City Council at any regular meeting on any subject that is within the City Council's subject matter jurisdiction. The Presiding Officer may prohibit a member of the public from speaking on a matter not within the City Council's subject matter jurisdiction.

(7) Members of the public addressing the City Council shall have two (2) minutes to speak. All Public Comments portion of the agenda shall not exceed thirty (30) minutes total. The City Council may, by majority vote, alter these time limits. Members of the public should refrain from unduly repetitious comments. This rule shall not apply to the proponents of applications at public hearings.

(8) Members of the public addressing the City Council have the right to request a spokesperson be chosen for a group and/or limit the number of such persons addressing the Council whenever a group of persons wishes to address the Council on the same subject matter. No member of the public made cede his time to speak to another. However, when a speaker represents a large group, he/she should so indicate and request additional time to speak from the Presiding Officer.

(9) Any public requests for Staff comment shall be made to the Presiding Officer, who may then direct such inquiries to the City Manager or City Attorney as appropriate.

(10) No person except City officials shall be permitted within the platform area in front of the Council dais without the prior consent of the Presiding Officer or City Manager.

(11) When a question is addressed to a specific Council member by a member of the public, that question must go through the Presiding Officer. The Presiding Officer may respond or may pause to allow another Council member to ask to be recognized. If no other Council member does so, the Presiding Officer shall move on to the next item.

4. Enforcement of Rules.

A. Sergeant-at-Arms: The head of the City's police agency or his/her designee shall be ex-officio sergeant-at-arms of the City Council. The sergeant-at-arms shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and

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decorum in the City Council Chambers. The sergeant-of-arms shall enforce the rules of decorum or eject any person(s) from the City Council Chambers or place the person(s) under arrest or both, upon the direction of the Presiding Officer, or upon his or her own discretion, as applicable.

B. Violations: Upon a violation of the rules of decorum established herein, the procedure to enforce the rules is as follows:

(1) Warning: The Presiding Officer shall first request that a person who is violating the rules cease such conduct. If, after receiving a request from the Presiding Officer, the person persists in violating these rules, the Presiding Officer shall order a recess. The sergeant-at-arms is authorized to warn the person that their conduct is violating the rules and that they are requested to cease such conduct. If upon resumption of the meeting the violation persists, the Presiding Officer shall order another recess, whereupon the sergeant-at-arms shall have the authority to order the person ejected from the meeting and/or cited in violation of Penal Code Section 403.

(2) Motion to Enforce: Any Councilmember may call a point of order should the City Council fail to abide by the provisions of this Policy, whereupon the City Council shall immediately act upon the point of order by roll call vote. If the Presiding Officer of the City Council fails to enforce the rules of decorum set forth herein, any member of the City Council may move to require the Presiding Officer to do so, and an affirmative vote of a majority of the City Council shall require the Presiding Officer to do so. If the Presiding Officer fails to carry out the will of the majority of the City Council, the majority may designate another member of the City Council to act as Presiding Officer for remainder of the meeting, for the limited purpose of enforcing the rules of decorum established herein.

(3) Clearing the Room: Pursuant to Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, by a majority vote of the Councilmembers the meeting room may be ordered cleared and the meeting shall continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to Section 54957.9.

(4) Violation of the California Penal Code: A person or persons who willfully and intentionally impair or impede the conduct of a City Council meeting by violating these rules of decorum may be prosecuted under Penal Code Section 403 for disturbing a public meeting. Every person who violates Penal Code Section 403 is guilty of a misdemeanor.

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5. Voting.

Any Councilmember may bring a motion to vote on an agenda matter properly seconded, either for purposes of voting on the particular matter or for discussion. The Presiding Officer shall state the maker of the motion and the maker of the second for the record. If it appears that there is consensus of opinion among the Councilmembers on the matter to be voted upon, the Presiding Officer may state the consensus of the City Council and ask if there is any objection. If there is no objection, the consensus as so stated shall become the order of the City Council. Otherwise, all votes of the City Council shall be by voice vote. After every vote, the Presiding Officer shall declare the result, and on all but consensus votes, shall note for the record the number of votes for or against the question. A member may change his vote only before the next order of business.

A. Roll Call Voting: Every non-urgency ordinance and any resolution or order for franchises or payments of money shall require three (3) affirmative votes. An urgency ordinance and certain resolutions shall require four (4) affirmative votes (i.e. adding matters to the agenda, Resolution of Necessity). A roll call vote shall be used in these cases with the Mayor called last. Other questions before the Council shall not require a roll call vote unless one is requested by a Councilmember.

B. Effect of Silence: Unless a Councilmember audibly votes in the negative, disqualifies himself or herself or expressly declines to vote, his or her silence shall be recorded as an affirmative vote on the matter before the Council.

C. Reconsideration: Any Councilmember who voted with the majority may move for a reconsideration of any action at the same or next meeting.

D. Tie Votes: Tie votes shall be lost motions. The matter under consideration resulting in a tie vote shall be continued on the agenda of the next regular meeting unless the Council specifically provides otherwise.

E. Quorum: Unless otherwise provided in state law or the Municipal Code or ordinances, a majority of the City Council present at a meeting shall be sufficient to do business, i.e. if 3 Councilmembers are present, a 2-1 may be sufficient for certain matters that are not ordinances, resolutions, franchise or orders for payment of money.

F. Legally Required Participation: If a majority of the Council were to be disqualified to vote on a matter by reason of potential conflicts of interest, the Council may utilize the "rule of necessity" to select by lot or other random selection that number of its disqualified members which, when added to the members eligible to vote, shall constitute a quorum. Those chosen may vote on the matter but may not discuss it.

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6. Robert's Rules of Order.

Because *Robert's Rules of Order* does not directly apply to City Council meetings, *Robert's Rules of Order* cannot be strictly followed and, as such, is not formally adopted by the City Council.

7. Form and Precedence of Related Motions.

Once a main motion is properly brought before the City Council and seconded, related motions may be employed in addressing the main motion. These motions take precedence over the main motion and, if properly made and seconded, must be resolved before the main motion can be acted upon. If a main motion is pending, no other motion other may be made, and any such motion may be declared out of-order by the Presiding Officer.

8. City Council Agendas.

A. Order of Business: Generally, the order of business at regularly scheduled meetings of the City Council shall be as follows, unless otherwise re-ordered by the Presiding Officer with the consensus of the City Council:

- (1) Call to Order
- (2) Roll Call of City Councilmembers
- (3) Pledge of Allegiance
- (4) Presentations and Announcements
- (5) Public Comments
- (6) Approval of Minutes
- (7) Consent Calendar
- (8) Public Hearing Items
- (9) New Business
- (10) Old Business
- (11) Council Communications
- (12) City Manager Reports
- (13) Adjournment

B. Consent Calendar: Items of a routine or generally uncontested nature may be approved by the City Council in a single motion by adoption of the Consent Calendar. The approval of the Consent Calendar shall signify the approval of each matter or recommendation included therein. Upon request of any Councilmember an item may be removed from the Consent Calendar for separate discussion and/or action. Each item proposed for consideration as part of the Consent Calendar, including any recommended action, shall be described on the notice and agenda posted for the meeting.

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C. Councilmember Communications: In addition to receiving comment from the public under the Public Comment portion of the Agenda, Councilmembers have the opportunity to provide general comments, announcements, and/or suggestions during Councilmember Communications. These matters shall be handled by the Presiding Officer according to the same procedures set forth for Public Comment. No action may be taken on such matters without being placed on a subsequent agenda.

D. Closed Sessions: The City Council may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which is authorized to be heard or considered in closed session by State law. If a closed session is included on the agenda, the description of the item need only identify the statutory basis for the closed session, and need not include the specific topic which is the subject of the closed session, unless otherwise required by law. During closed session, the City Council may exclude any person or persons which it is authorized by State law to exclude from a closed session. No minutes of the proceedings of the City Council during closed session are required. There shall be no closed session during any special emergency meeting.

E. Council Agenda Packets: City Staff should assemble and distribute to each Councilmember the agenda packet, including all agenda item materials and supporting documentation, by 5:00 p.m., the Friday before the City Council meeting. Any supplemental agenda item materials, exhibits, and/or other documents related to an agenda item, proposed to be distributed after the time Councilmember agenda packets are sent, shall be distributed to each Councilmember no later than twenty-four (24) hours prior to the Council meeting, provided however the City Manager may distribute supplemental materials after the twenty-four (24) hour period upon a determination of necessity.

9. Placement of Items on City Council Meeting Agenda.

A. Agenda Items: Any Councilmember, including the Presiding Officer, may bring a matter of business properly before the City Council during Councilmember comments and reports, to add an item to a future agenda. At that time, the Presiding Officer shall coordinate with the City Manager or City Attorney as to the requisite time needed for City Staff to fully research the matter(s) requested and a reasonable time in which to present the matter(s) for City Council consideration at the next available agenda. All individual Councilmember agenda items requested shall be placed on the future agenda under New Business.

B. Other Agenda Items: The Presiding Officer and Mayor Pro Tem, in coordination with the City Manager shall be responsible for scheduling all other agenda items through an agenda review meeting which shall be held at any time before the agenda is posted as required under law.

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10. Public Hearings Required by Law.

Except as provided otherwise by law, public hearings shall generally be conducted as follows:

A. At the beginning of each public hearing item, the Presiding Officer shall announce the item for the public hearing, request that Staff present the Staff report and any other relevant evidence, and open the public hearing. The presentation of the Staff report prior to the formal opening of the public hearing shall not prevent its consideration as evidence. Any such evidence shall be made a part of the record of the public hearing.

B. Following the Staff report and opening of the public hearing, the Presiding Officer shall thereupon call upon the proponent (if other than staff) to present his/her its presentation. Thereafter, the Presiding Officer shall inquire as to whether there are any persons present who desire to address the City Council on the matter. Any person desiring to speak or present evidence shall then make their presence known to the Presiding Officer and, upon being recognized by the Presiding Officer, may speak or present evidence relevant to the subject matter being heard. No person may speak without first being recognized by the Presiding Officer. It is customary for the Presiding Officer to recognize those speakers in support of the subject matter being heard followed by those speakers in opposition.

C. The applicants, appellant, and/or their representatives shall speak first and shall have a sufficient time to do so, any portion of which may be reserved and used for rebuttal.

D. Each member of the public wishing to address the City Council, other than the applicant/appellant, shall then be allowed to address the City Council and shall have two (2) minutes to speak. Prior to declaring the public hearing open, however, when necessary because of the number of possible speakers, the Presiding Officer may establish a time limit for the entire public hearing, or establish time limits for the presentation of each individual speaker. All persons interested in the matter being heard by the City Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk as part of the Clerk's record.

E. Councilmembers who wish to ask questions of the speakers, staff or each other, during the public hearing portion, may do so only after being recognized by the Presiding Officer in the manner set out in these Rules.

F. Councilmembers should be mindful that the purpose of the public hearing is to obtain testimony, and not to debate the merits of the item under consideration. Councilmembers should avoid debate and expressions of personal opinion until after the close of the public

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hearing.

G. Following the conclusion of such questions, the Presiding Officer shall allow the applicant/appellant the opportunity for rebuttal.

H Following the rebuttal, the Presiding Officer shall close the public hearing and then allow each Councilmember to state his/her opinion on the item before asking for a motion to decide the matter.

I. Upon closing of the public hearing by the Presiding Officer, no additional public testimony shall be solicited or received by the City Council without reopening the public hearing through the Presiding Officer with consensus of the City Council.

J. The Presiding Officer at all times shall conduct the public hearing in such a manner as to afford due process to all affected persons

11. Suspension of the Rules.

Any provision of these Rules not already governed by City ordinance or State law may be suspended by majority vote of the City Council.

12. Interpretation and Applicability.

The rules of decorum and procedure set forth herein shall be liberally construed to effectuate their purpose and no ordinance, resolution, proceeding or other action of the City Council shall be invalidated, nor the legality thereof otherwise affected, by the failure or omission of the City Council to technically comply with, observe, or otherwise follow such rules. The rules of decorum and procedure set forth herein shall apply to any other City boards and commissions subject to the Brown Act and shall apply to the City Council Chambers or any other location where a meeting subject to these rules takes place. In the event of any inconsistency between these rules and state law or regulation, state law or regulation shall apply.

COUNCIL POLICY MANUAL

Policy 7.3.4 Roles and Responsibilities of Mayor, Vice Mayor and Councilmembers

POLICY PURPOSE:

The purpose of this policy is to outline the roles and responsibilities of the Mayor, Vice Mayor and Councilmembers. With the exception of 1 D., this information was previously contained in the City's Code of Ethics and Conduct for Elected and Appointed Officials, but it was determined that the emphasis of that policy was not on ethical behavior or proper conduct, and that a separate policy would assist those searching for related information. With the exception of those items identified as originating from the City Charter, any of the following roles and responsibilities may be changed by a majority vote of Council. Another resource helpful in defining the roles and responsibilities of elected officials can be found in the Leadership Guide for Mayors and Councilmembers published by the League of California Cities.

POLICY STATEMENT:

1. Roles and Responsibilities of the Mayor

- A.** Serves at the pleasure of the Council (Sunnyvale City Charter, Section 605)
Acts as the official head of the City for all ceremonial purposes (Sunnyvale City Charter, Section 605).
- B.** Chairs Council meetings (Sunnyvale City Charter, Section 605) – See Section 4 below.
- C.** May add items to the Council agenda without Council vote.
- D.** May revise the date or time a specific agenda item appears on the Tentative Council Meeting Agenda Calendar without Council vote.
- E.** Calls for special meetings (Sunnyvale City Charter, Section 609).
- F.** Recognized as spokesperson for the City Council on City positions.
- G.** Selects substitute for City representation when Mayor cannot attend.
- H.** Makes judgment calls on proclamations, Special Orders of the Day, etc.
- I.** Recommends subcommittees as appropriate for Council approval.
- J.** May appoint “blue ribbon” committees as sees fit.
- K.** Serves as the liaison between the Council and the city manager and city attorney in regards to employee relations.
- L.** Leads the Council into an effective, cohesive working team.
- M.** Signs documents on behalf of the City.
- N.** Serves as official delegate of the City to the U.S. Conference of Mayors and other events and conferences (and receives additional travel allowance for this purpose).
- O.** Determines theme and venue for annual State of the City event.
- P.** Reviews all mail addressed to Mayor.

COUNCIL POLICY MANUAL

- Q. May administer counseling, verbal reprimands and written warnings to board and commission members, and call for investigations of board and commission member conduct.

2. Roles and Responsibilities of the Vice Mayor

- A. Serves at the pleasure of the Council (Sunnyvale City Charter, Section 606).
- B. Performs the duties of the Mayor if the Mayor is absent or disabled (Sunnyvale City Charter, Section 606).
- C. Chairs Council meetings at the request of the Mayor.
- D. Represents the City at ceremonial functions at the request of the Mayor.
- E. Reports closed session actions at public Council meetings.
- F. Initiates routine motion for consent calendar items on the City Council agenda.

3. Roles and Responsibilities of Councilmembers

All members of the City Council, including those serving as Mayor and Vice Mayor, have equal votes. No Councilmember has more power than any other Councilmember, and all should be treated with equal respect. Therefore, no ranking or pecking order shall be established for predetermining the order of roll call votes (which shall be determined on a random basis by the City Clerk) or public introductions, except that the Mayor and Vice Mayor shall be introduced first at public meetings and events. All Councilmembers should:

- A. Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- B. Prepare in advance of Council meetings and be familiar with issues on the agenda.
- C. Represent the City at ceremonial functions at the request of the Mayor.
- D. Place activities and events on the Council's weekly activities calendar that invite official participation of all Councilmembers. A list of the activities of individual Councilmembers may also be submitted for public record at the option of the Councilmember.
- E. Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- F. Serve as a model of leadership and civility to the community.
- G. Inspire public confidence in Sunnyvale government.
- H. Provide contact information with the Council Executive Assistant in case an emergency or urgent situation arises while the Councilmember is out of town.
- I. Demonstrate honesty and integrity in every action and statement.
- J. Participate in scheduled activities to increase team effectiveness and review Council procedures, such as the Code of Ethics and Conduct for Elected and Appointed Officials.

COUNCIL POLICY MANUAL

4. Roles and Responsibilities of Meeting Chair

The Mayor will chair official meetings of the City Council, unless the Vice Mayor or another Councilmember is designated as chair of a specific meeting.

- A. Maintains order, decorum, and the fair and equitable treatment of all speakers.
- B. Keeps discussion and questions focused on specific agenda item under consideration.
- C. Makes parliamentary rulings with advice, if requested, from the city attorney who acts as an advisory parliamentarian. Chair rulings may be overturned if a Councilmember makes a motion as an individual and the majority of the Council votes to overrule the chair.

5. Former Councilmembers

Past members of the City Council who speak to the current City Council about a pending issue should disclose who they are speaking on behalf of (individual or organization).

(Adopted: RTC 09-062 (March 10, 2009); Clerical Update (January 29, 2013))

Lead Department: Office of the City Manager

For reference, see also: RTC 09-047 (February 24, 2009) *Reconsider City's Code of Ethics and Conduct for Elected and Appointed Officials Based on Council Action of February 3, 2009*

A community reception honoring the incoming Mayor, outgoing Mayor, and Council Members is traditionally held immediately following the reorganizational meeting.

3.3 Selection of Mayor and Mayor Pro Tempore

The term of office for the Mayor and Mayor Pro Tempore shall be one year. A majority vote of the Council is necessary to designate a Mayor and Mayor Pro Tempore. The election of the Mayor and Mayor Pro Tempore will take place as follows:

- City Clerk will conduct the election for the office of Mayor.
- Following the election, the City Clerk will turn over the gavel to the newly-elected Mayor, who will then conduct the election for the office of Mayor Pro Tempore.

3.4 Duties of Mayor and Mayor Pro Tempore

The Mayor shall preside at the meetings of the Council. If he/she is absent or unable to act, the Mayor Pro Tempore shall serve until the Mayor returns or is able to act.

In the absence of the Mayor and Mayor Pro Tempore, the City Clerk shall call the Council to order, whereupon a temporary Chairperson shall be elected by the members of the Council present.

The Mayor meets with the City Manager, Deputy City Manager, City Attorney, and City Clerk one week prior to Council meetings to review the draft agenda.

(Refer to LMC Section 2.04.070, "Presiding officer—Mayor—Mayor Pro Tempore," LMC Section 2.04.080, "Call to order—Temporary chairman," and Res. 2006-31 for additional duties of Mayor and Mayor Pro Tempore.)

3.5 Seating Order

Following the Council reorganization, the City Clerk shall designate the seating order for the Council dais.

3.6 Representation at Ceremonial Functions

The Mayor shall represent the Council at ceremonial functions. The Mayor may, at his/her own discretion, ask another Council Member to represent the Council at the function.

Council Members shall be reimbursed for admission, meal expenses, and mileage to attend ceremonial functions, for which the Council Member was invited to represent the City, pursuant to the City of Lodi Travel and Business Expense Policy.

C H A P T E R 2

Menlo Park City Council: Powers and Responsibilities

City Council Generally

The powers of a city council in California to establish policy are quite broad. Essentially, councils may undertake any action related to city affairs other than those forbidden or preempted by state or federal law. Specifically, *the Council shall have the power, in the name of the city, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which are not specifically forbidden by the Constitution and laws of the State of California (California Government Code).*

It is important to note that the Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor and Mayor Pro Tem have some additional ceremonial and administrative responsibilities as described below, in the establishment of policies, voting and in other significant areas, all members are equal. It is also important to note that policy is established by at least a majority vote of the Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Council to a course of action. In turn, it is staff's responsibility to ensure the policy of the Council is upheld. Actions of staff to pursue the policy direction established by a majority of Council do not reflect any bias against Council members who held a minority opinion on an issue.

The City Council has occasionally debated whether it should take positions of a broader nature or limit itself to purely municipal functions. Historically, Menlo Park City Councils have chosen to not take positions on issues outside of their immediate authority to effect. The propensity of the City Council to involve itself in such issues reflects the personalities and outlooks of the members who make up the two-year Council sessions.

Limitations are imposed on a Council member's ability to serve on appointed boards of the city. State law expresses that no member of the Council shall serve as a voting member of any city board, committee, or commission, whether composed of citizen volunteers, city employees, or a combination of both. This is not construed as prohibiting members of the Council from serving on committees or subcommittees of the Council itself, or of agencies representing other levels of government. In fact, Council members often participate and provide leadership in regional and state programs and meetings. Council members are strongly encouraged to report to the Council on matters discussed at subcommittees and other regional or state board/agency/group activities in which they have been involved.

Role of Mayor & Mayor Pro Tempore

Mayor: As reflected in the Municipal Code, the Mayor is to preside at all meetings of the City Council and perform such other duties consistent with the office as may be imposed by the Council or by vote of the people. The Mayor does not possess any power of veto. As presiding officer of the Council, the Mayor is to faithfully communicate the will of the Council majority in matters of policy. The Mayor is also recognized as the official head of the city for all ceremonial purposes.

The Mayor, unless unavailable, shall sign all ordinances, and other documents that have been adopted by the City Council and require an official signature; except when the City Manager has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Mayor Pro Tempore's signature may be used.

Traditionally, the Mayor has also been assigned by the City Council to consult and coordinate with the City Manager in the development of agendas for meetings of the City Council. The scope of such review focuses on the timing of business items and the volume of business that can be considered at any one meeting. Such review does not allow for a unilateral unlimited delay of items to be considered by the Council or the introduction of new items not otherwise part of the Council's identified priorities or staff's work plan. Should any significant disagreement arise regarding the scheduling of items, these matters are to be resolved by the full City Council. The staff maintains a "tentative" Council Calendar that programs when matters will likely be considered at future meetings.

Mayor Pro Tempore: The City Council has specified that the Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability. The Mayor Pro Tempore shall serve in this capacity at the pleasure of the City Council. The Mayor Pro Tempore title is often abbreviated to Mayor Pro Tem; and a more common and contemporary title of Vice Mayor may be substituted as well.

Appointment of City Manager, City Attorney

The City Council appoints two positions within the city organization: the City Manager and City Attorney. Both positions serve at the will of the City Council. The City Manager is an employee of the City and has an employment agreement that specifies certain terms of employment including an annual evaluation by the City Council. The City Manager is responsible for all other personnel appointments within the City. The current City Attorney is a part-time employee, and a partner in a local law firm that has served the City for many years.

Role in Disaster

The City Council has some special, extraordinary powers in the case of a disaster. Some meeting restrictions and expenditure controls are eased in such extreme situations. In critical situations the Council may be directed by the City Manager/Emergency Services Director to assemble in the City's Emergency Operations Center (EOC), located within the Police Department, to provide policy guidance and to receive information in an emergency. Should the City Council not be available during an emergency, state law specifies a hierarchy of others who may serve in place of the City Council. The most likely scenario is that the County Board of Supervisors would serve in the place of the Council.

Appointment of Advisory Bodies

The city has a number of standing advisory bodies. Appendix C contains adopted policy #CC-01-0004 on the appointment, roles and responsibilities of the various Commissions. These procedures apply to all appointments and reappointments to standing advisory bodies.

In addition, resident committees and task forces are occasionally appointed by the City Council to address issues of interest. A task force or other ad hoc body is a body created by Council for a specific task. Council subcommittees, when used, are to help the Council do its job. Committees ordinarily will assist the Council by preparing policy alternatives and implications for Council deliberation. Council subcommittees will normally not have direct

CHAPTER 2 - ROLES

It is important to recognize that the City Council acts as a body. No member has extraordinary powers beyond those of other members. While the Mayor and Vice Mayor may have additional ceremonial and administrative responsibilities, in the establishment of policies, voting and in other significant areas, all members are equal. Policy is established and direction is given to City staff by a majority vote of the Council.

While individual Council members may disagree with decisions of the majority, a decision of the majority binds the Council to a course of action and provides staff with direction to follow. In turn, it is staff's responsibility to ensure the policy of the Council is implemented and upheld consistent with the wishes of the majority. Implementation of Council policy by staff does not reflect a bias against Council members who held a minority opinion on an issue.

MAYOR & VICE MAYOR

The Mayor is elected by the voters of the City of Elk Grove and serves a two-year term. The Vice Mayor is selected annually by the City Council and serves a one-year term.

The Mayor is the presiding officer at all meetings of the City Council and performs duties consistent with the ceremonial office as may be delegated by the City Council. Neither the Mayor nor Vice Mayor possesses the power of veto or any other policy making authority beyond that of the other Council members. As presiding officer at City Council meetings, the Mayor, or the Vice Mayor in his/her absence, is to faithfully communicate the will of the Council majority in matters of policy. The Mayor, or the Vice Mayor in his/her absence, is the official head of the City and recognized spokesperson for ceremonial purposes. Consistent with State law governing general law cities, the Mayor makes appointments to boards and commissions, subject to confirmation by the full Council.

The Mayor, whenever available, shall sign all ordinances, and other documents that have been adopted and authorized by the City Council and require an official signature; except when the City Manager or another City Official has been authorized by Council action to sign documents. In the event the Mayor is unavailable, the Vice Mayor shall sign in the Mayor's absence.

SUBJECT: Appointments to Commissions, Boards and Committees	POLICY NUMBER	100-10
	ADOPTED	8-10-83
	REVISED	1-16-02
	REVISED	2-13-08

It is the policy of the City Council that appointments to all City Boards, Committees, Commissions and special Task Forces shall be made by the Mayor with concurrence of the legislative body at an appropriate meeting. Every effort will be made to make appointments prior to Committee vacancies.

No person shall be appointed to any Committee, Commission or Board without first filing an application with the City Clerk. Appointments shall be limited to those individuals not then serving on any City Board, Committee, or Commission thereby providing equal opportunity for all to serve. However, applications may be submitted by an individual wishing to change from one City Board, Committee, or Commission to another. Ad hoc committees shall be excepted from this rule, as shall members serving on one City Board, Committee, or Commission as the designated representative of another.

Appointments to City Boards, Committees or Commissions shall be made in a manner to avoid actual or perceived conflicts of interest under the Political Reform Act, Government Code section 1090, the doctrine of incompatibility of offices and/or any common law conflict of interest. Such conflicts of interest may include, but are not limited to conflicts based upon family relationships, domestic relationships, or employment relationships. Where conflict of interest exists, a member is required to leave the dais. All nominees must pass a background check prior to being appointed.

Any Councilmember may make a nomination to a regional Board, Commission or Joint Powers Authority. The Mayor with the concurrence of the City Council shall make appointments to such bodies unless otherwise provided by statute (Government Code § 40605).

Regarding prospective appointments, no formal recommendation by a City Board, Committee, Commission or Task Force shall be solicited, accepted or considered; however, individual members may informally suggest appointments to individual Councilmembers.

The Mayor shall review Council liaison appointments to all City Boards, Committees and Commissions, and regional Boards, Commissions or Joint Powers Authorities annually in the month of December.

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100 SERIES CITY COUNCIL PROCEDURES

Policy No. 100-2 City Council and Mayoral Appointments to Boards, Commissions, and Committees

Effective Date: 10/09/12

BACKGROUND

In 1975 the State Legislature amended Government Code Section 54957 of the Brown Act, removing “public officer” from those appointees that the Council could consider in executive session. This action resulted in the requirement that all discussions and deliberations by the City Council regarding appointments or confirmation of appointments are to take place in public at regular or special meetings of the City Council as opposed to closed executive sessions. This amendment was placed into effect January 1, 1976.

To comply with this new requirement, the City Council on January 19, 1976 adopted Resolution No. 32,937 establishing procedures for interviewing and confirming appointments in open Council session. The resolution additionally incorporated the existing informal procedures of the City Council regarding such appointments.

On January 1, 1977, the Maddy Local Appointive List Act of 1975 (Section 54970 et seq. Government Code) became effective requiring, among other things, that:

On or before December 31st of each year, each legislative body shall prepare an appointments list of all regular and ongoing boards, commissions, and committees which are appointed by the legislative body of the local agency. The appointees’ list shall contain the following information:

1. A list of all appointive terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position.
2. A list of all boards, commissions, and committees whose members serve at the pleasure of the legislative body, and the necessary qualifications for each position.

These requirements are contained in this Council policy.

PURPOSE

To establish an orderly process to provide all citizens of Stockton equal access to specific and current

ATTACHMENT 3

information about the many regulatory and advisory boards, commissions, and committees appointed by the City Council and/or the Mayor, to provide for equal opportunity to be informed of vacancies which, from time to time, shall occur, and to provide for open sessions in the interview or confirmation appointment process. Hereafter, for sake of simplicity, all boards, commissions and committees appointed as set forth in the following "Policy/Procedure," and the Planning Commission, members of which are appointed by a City Councilmember subject to ratification by the City Council, shall be re-

ferred to as "Commission" or "Commissions." A member of a board, commission or committee shall be referred to as a "Commissioner."

POLICY/PROCEDURES

I. Appointments List

A. Each year, on or before December 31, the City Clerk shall prepare and provide to the City Council an appointments list of all regular and ongoing Commissions which are appointed by the Stockton City Council, a Stockton City Councilmember or by the Mayor. The appointment list shall set forth the following information:

A list of all current Commission vacancies and of all appointive terms which will expire during the next calendar year with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position.

B. The appointments list shall be made available to members of the public on the City's website for free or a hard copy for a reasonable fee as indicated on the City's Fee Schedule.

II. Vacancy Announcements, Applications, Applicants

A. Vacancy Announcements

In mid-January and mid-July, where a vacancy on a Commission exists or where by June 30 or December 31, respectively, a Commissioner's term of office will expire, the City Clerk shall announce through the news and social media, and post notice thereof on the City's website and in the Office of the City Clerk, that a vacancy exists or that a term of office will expire.

Announcements/postings shall indicate:

1. Title of the position;
2. Minimum qualifications;
3. Special residency requirements, if any;
4. Frequency of meetings of the Commission;
5. Remuneration, if any;
6. Where to submit an application;

7. Final date for submission of an application; and
8. Term of office.

B. Applications

1. All applicants for Commission membership, including persons currently serving on a Commission who seek to be reappointed, shall complete and submit a uniform public service application form to the City Clerk's Office prior to the final time and date for submission of the application. An applicant may submit for consideration to more than one Commission, depending on the applicant's qualifications and interest; provided, however, that no person may serve at one time on more than one Commission. A minimum of three weeks will be allowed to submit applications. No application will be accepted after the filing deadline as established by the City Clerk's Office.
2. The application shall identify the membership on the Commission or Commissions being sought, the applicant's background and qualifications and may include any additional material deemed relevant by the applicant. Additional material will not be accepted after the filing deadline.
3. If the City Clerk's Office receives applications the number of which is equal to or less than the number of vacancies for the Commission where the vacancy exists or where a term of office will expire within the recruiting period, the City Clerk shall readvertise within two weeks from the previous filing deadline. The readvertisement will provide the application period will remain open until the City Clerk has received one more application than the number of vacancies to be filled or 45 days from the date of the readvertisement, whichever comes earlier. If an insufficient number of applications is received following readvertisement, the City Clerk will postpone further advertising until the next recruitment period.
4. The City Clerk or other staff will review the applications to determine the applicant's compliance with this Policy and any other requirements specified in the Commission's Roster.
5. The City Clerk's office shall keep applications on file and applications shall be considered active for one year.
6. All applications shall be deemed to be public documents and shall be available for public inspection. Nothing herein shall preclude the Mayor or an individual Councilmember from requesting additional or clarifying information of an applicant prior to the Council's consideration of the applicants for appointment as provided in this Policy.

C. Applicants and Appointees – Stockton Residency Generally. Absent specific qualifying requirements to the contrary, all applicants and appointees to Commissions shall be residents of the City of Stockton during the term of their appointment.

D. City Employees Prohibited. Because of potential conflicts between City employment and an employee serving on City Commissions, no City employee shall be appointed to a Commission.

III. Interviews

A. Except as provided in subsections I, J and K of this Article III, this subsection A and subsections B through H will apply to the interview process for Commission applicants. The City department or affected agency that staffs a Commission for which there is a vacancy or for which a term of office will expire during the recruitment period shall prepare interview questions, reviewed and approved by the City Manager's Office, and forward the questions to the City Clerk. To the extent feasible, questions should be open-ended and limited to no more than five key queries. The City department or affected agency that staffs a Commission, in consultation with the City Manager's Office, will determine whether to provide the interview questions to the applicants ahead of the interview itself.

B. The City Clerk will notify the Council and the applicants regarding the date and time of the interviews. The interviews will be streamed live. This will allow the Council the opportunity to view the interviews live via streamed video or at any time prior to the date on which the Council will make its appointment. The video stream of the interviews will remain on the City's website only until the Council concludes the appointment process.

C. The City Clerk shall notify all applicants of the time and place of the interviews, the amount of time allowed for the interview and the method by which the Council appointment shall be made. If notifying the candidates by electronic mail, the City Clerk shall also follow up with a phone call to the applicant. Applicants who desire to withdraw from consideration shall notify the City Clerk, preferably in writing.

D. On the date and time of the interview, applicants will arrive at the designated location, date and time as set by the City Clerk.

E. Applicants will assemble in the designated location where the City Clerk/designee will provide the applicants with the following information:

1. Instructions regarding the interview procedure; and
2. The date and time of the meeting at which the Council will be voting on the appointment; applicants may be asked by the Council to appear at this meeting.

F. Applicants will be interviewed one at a time. Candidates yet to be interviewed will be instructed to wait in a lobby or other designated location until such time that s/he is invited to the location of the interview. Applicants not present for the interview will automatically be removed from further consideration for that recruitment period.

G. During the interview, the City Clerk/designee will give the opportunity for the applicant to make

ATTACHMENT

a two-minute opening statement; the City Clerk/designee will read each question aloud from the list of prepared questions. Each interview is timed and limited to no more than 10 minutes per applicant. Applicants will be excused at the end of the interview.

H. Interviews will be live video streamed, and posted on the City's website for viewing by the Council and the public. The interviews and the applications will remain posted on the website only until the Council makes the appointment.

I. Interviews for applicants to the Central Parking District Authority Board, Cultural Heritage Board and Public Art Advisory Committee shall be conducted by committees of the respective Boards or Committee and the committee's recommendation then considered by the full Boards and Committee. The Boards' and Committee's recommendations will be forwarded to the City Council for Council action. The City Council may appoint or not appoint the recommended applicant. An appointment to fill an unexpired term shall become effective immediately. Other appointments shall become effective as of July 1st or January 1st respectively. In the latter case, then serving Board or Committee members will continue to serve until the effective date of the new appointment. If the City Council does not appoint the recommended applicant, the Boards or Committee shall make another recommended appointment.

J. Appointments to the Stockton Youth Advisory Committee shall be made in the same manner as appointments to the Planning Commission as set forth in Article V.

K. The City Council shall not appoint the City Council Salary Setting Commission. Applicants for that Commission shall be interviewed by the Civil Service Commission which will make the appointment (as provided in subsection H of Article IV) and the Director of Human Resources shall notify the City Council of the appointment.

IV. City Council Appointments

A. Subsequent to the interviews, the City Clerk will immediately notify the Council that the interviews have been conducted. In order for the appointment process to continue as to any Commission, there must be at least one more applicant than the number of vacancies and/or number of expiring terms of office for that recruiting period. If not, the position will remain vacant and/or the Commissioner serving will continue to serve until his/her replacement has been appointed. If the appointment process continues, the City Clerk shall notify the Council of the date the Council will be voting on the appointments. The Council will have the opportunity to view the interviews during the live stream or may view the video stream at any time prior to the date set for Council appointment. Councilmembers shall limit conversation regarding the applicants amongst each other consistent with the Brown Act.

B. The City Clerk will prepare a staff report relative to the interviews conducted; this report will be placed on a regular meeting agenda for Council consideration on the date indicated to the applicants. The applicants are not required to appear at this meeting unless requested by a Councilmember before the appointment date. Any Councilmember may ask additional questions of the applicant(s) if the

applicant has been requested to appear and has appeared at the meeting.

C. At the meeting at which the City Clerk has prepared a staff report relative to the persons who have been interviewed for an appointment to a Commission, for each Commission on which there is a vacancy or for which a term of office will expire, the City Clerk will provide to the City Council a list of those persons who have been interviewed.

D. All discussions by the City Council regarding appointments or confirmation of appointments shall be conducted in compliance with the Brown Act. The appointment process shall not require a public hearing; however, persons desiring to comment on the applicants may do so prior to Council action. A Councilmember may ask questions or seek clarification from any applicant present at the meeting before the Council takes action.

E. From the list(s) so provided to the Council, each Councilmember, including the Mayor, will rank the applicants for each Commission such that the number of applicants that each Councilmember ranks will be one number greater than the number of vacancies and/or the number of Commission members whose terms will be expiring. (This will likely avoid tie votes.) For example, if there is only one vacancy or only one term expiring, the Councilmember's first choice for appointment will be ranked with the number "2" and the Councilmember's second choice with the number "1." If because of a vacancy and/or because of an expiring term, there is more than one appointment to a Commission, the Councilmember will assign to the Councilmember's first choice the higher (est) number and lesser number(s) to the Councilmember's other choice(s). For example, if there were one vacancy and one term expiring, each Councilmember would rank three applicants, assigning the number "3" to the Councilmember's first choice, the number "2" to the Councilmember's second choice and the number "1" to the third choice.

F. After the Council has ranked the applicants, the City Clerk will tally the rankings and the applicant(s) receiving the highest number(s) would, subject to Council ratification, be appointed. If there is a tie, then the process described in E above will be repeated only as to the applicants who are tied.

G. In instances where there are a vacancy and an expiring term and the term of the vacant office is less than the new term of office, the applicant with the highest number will serve the new term of office and the applicant with the next highest number will serve the lesser term.

H. An appointment to fill an unexpired term shall become effective immediately. Other appointments shall become effective as of July 1st or January 1st, respectively. In this latter case, then serving Commissioners will continue to serve until the effective date of the new appointments.

V. Appointments to the Planning Commission

~~As to the Planning Commission, where a vacancy exists or a term of office is expiring from a particular Councilmember's District, the Councilmember from that District shall make the appointment subject to City Council approval; for the at-large Planning Commissioner, the Mayor shall make the appointment~~

CHAPTER 4 - AGENDA

The following rules for the preparation of the agenda for the 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 upon to act. The City Council relies upon the members of the 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.

ORDER OF THE AGENDA

The Elk Grove City Council has established the order of business for City Council meetings (Res. No. 2010-24). Consideration of the public's interest shall be prioritized when considering the order of business on the agenda. When feasible, topics anticipated to be of greatest interest to the public will be placed at the beginning of the agenda.

DEVELOPMENT OF AGENDA

A "draft agenda" document is prepared by the City Clerk and is provided to staff and the Mayor every Friday. A copy of the draft agenda is reviewed by the City Manager, City Attorney, and other Executive Staff (Assistant City Manager, Police Chief, Human Resources Director, and Finance Director) at a standing meeting held each Monday morning.

City staff is required to submit reports for a Wednesday Council meeting:

- To the City Clerk by 5:00 p.m. on Wednesday **the week prior to the meeting;**
- To the City Manager by 5:00 pm on Monday **two weeks prior to the meeting;**
- To the Finance Department by 5:00 pm on Wednesday **three weeks prior to the meeting.**

Based on these deadlines, staff usually requires at least a month to properly prepare a matter for a Council agenda.

Agenda packets are ready for the Council on the Friday preceding regularly scheduled meetings.

The City Manager reviews and approves all items for the Council agenda. Agenda packets are compiled, photocopied, converted electronically, posted to the Web, and distributed through the City Clerk's Office, pursuant to the *Agenda Preparation & Staff Report Guidelines for City Council Meetings*.

Once the agenda packet has been delivered to the City Council, items may be added to an agenda only upon the concurrence of the Mayor and only as authorized by the Ralph M. Brown Act.

EXTERNAL AGENDA REQUESTS

A member of the public may request that an item be placed on a future agenda during public comment or through other communication with Council members. Upon approval by a majority of Council, the item will be agendized and a staff report prepared. The City Manager will inform the Council of the potential impact the request will have on established priorities or staff workload and seek approval by the City Council before authorizing the work or scheduling the item as appropriate. Again, based on the Finance Department, City Attorney, and City Clerk deadlines, staff usually requires at least a month to prepare a matter for a Council agenda.

COUNCIL MEMBER AGENDA REQUESTS

A Council member may request an item be considered on a future agenda and, upon agreement by a majority of Council, staff will prepare a staff report. Council members may make requests verbally during a meeting or may submit written requests. If the item is raised during the Council member comment section of a regular meeting, the City Manager shall prepare, for consideration at the next regular meeting, a brief staff report that provides a general outline of the steps to be taken. Before implementation of the steps, the full Council will then provide direction pursuant to that agenda item.

PRESENTATIONS

~~Most requests for presentations by civic groups and local organizations and requests for recognition of Eagle Scouts or for excellence in academics, athletics, etc. shall be honored as feasible and appropriate and placed under the "Presentations" segment of the agenda. All~~



City of Eastvale

City Council Meeting Agenda

Staff Report

MEETING DATE: JULY 10, 2013

TO: MAYOR AND COUNCIL MEMBERS

FROM: CAROL JACOBS, CITY MANAGER

SUBJECT: CONSIDERATION OF USE OF FACILITATOR

RECOMMENDATION: PROVIDE DIRECTION

BACKGROUND:

At the City Council meeting of June 26, 2013, the City Council requested staff to investigate the use of an outside facilitator to work with the City Council.

DISCUSSION:

City staff has discussed the use of facilitators with several consultants to determine what the goals and expectations and use of a facilitator. Many City Councils use an outside consultant to work with them to provide a set of expectations, norms and protocols for dealing not only with each other, but city staff and the public. These norms and protocols will set the stage for future Councils to set roles and responsibilities and consequences for failing to follow the established rules.

In order for any process to be successful, the participants must all be willing to participate and commit to the process. There are a number of methods in which a facilitator can work with the City Council. A typical approach is individual interviews with each City Council member, from that the creation of an agenda, and then a facilitated discussion of approximately a ½ or ¾ day with a resulting set of protocols on interacting with each other.

FISCAL IMPACT:

Should the City Council choose to engage a facilitator, it is estimated that the cost would be between \$7,000-\$10,000 depending on the final scope of work.



City of Eastvale

City Council Meeting Agenda

Staff Report

MEETING DATE: July 10, 2013

9. *COUNCIL COMMUNICATIONS*



City of Eastvale

City Council Meeting Agenda

Staff Report

MEETING DATE: July 10, 2013

10. CITY MANAGER'S REPORT



City of Eastvale
City Council Meeting Agenda
Staff Report

MEETING DATE: July 10, 2013

11. CLOSED SESSION

**11.1 PUBLIC EMPLOYEE PERFORMANC EVALUATION PURSUANT
TO SECTION 54957:**

Title: City Manager



City of Eastvale

City Council Meeting Agenda

Staff Report

MEETING DATE: July 10, 2013

12. ADJOURNMENT