



UPLAND CITY COUNCIL

AGENDA

**October 28, 2019
City Council Chamber**

**DEBBIE STONE, MAYOR
JANICE ELLIOTT, MAYOR PRO TEM
RICKY FELIX, COUNCILMEMBER
RUDY ZUNIGA, COUNCILMEMBER
BILL VELTO, COUNCILMEMBER**

**ROSEMARY HOERNING, INTERIM CITY MANAGER
STEVEN FLOWER, INTERIM CITY ATTORNEY**

DISRUPTION OF MEETINGS

Individuals who demonstrate disruptive conduct during City Council meetings that prevent the City Council from conducting its meeting in an orderly manner are guilty of a misdemeanor as stated in PC403, disrupting a public meeting, and are subject to removal from the chamber or arrest.

*** * * * ***

6:00 PM - Closed Session

- 1. CALL TO ORDER AND ROLL CALL**
- 2. ADDITIONS-DELETIONS TO AGENDA**
- 3. ORAL COMMUNICATIONS**

This is a time for any citizen to comment on item listed on the closed session agenda only. Anyone wishing to address the legislative body is requested to submit a speaker card to the City Clerk at or prior to speaking. The speakers are requested to keep their comments to no more than three (3) minutes. The use of visual aids will be included in the time limit.

- 4. CLOSED SESSION**

A. GOVERNMENT CODE SECTION 54957.6 - CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Interim City Manager Rosemary Hoerning

Employee organizations: Upland Police Officers Association

7:00 PM

5. INVOCATION

Deacon Richard Simpson, St. Anthony's Catholic Church

6. PLEDGE OF ALLEGIANCE

7. PRESENTATIONS

Presentation of Lemon Festival Grant Awards to Grant Recipients

Proclamation declaring Saturday, November 30, 2019 as Small Business Saturday, accepted by the Historic Downtown Upland Merchant's Association

8. CITY ATTORNEY

9. ORAL COMMUNICATIONS

This is a time for any citizen to comment on any item listed on the agenda only. Anyone wishing to address the legislative body is requested to submit a speaker card to the City Clerk at or prior to speaking. The speakers are requested to keep their comments to no more than three (3) minutes. Speakers will be given five (5) minutes during public hearings. The use of visual aids will be included in the time limit.

10. COUNCIL COMMUNICATIONS

11. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine and will be enacted by one roll call vote. There will be no separate discussion of these items unless members of the legislative body request specific items be removed from the Consent Calendar for separate action.

A. APPROVAL OF MINUTES

Approve the Regular Meeting Minutes of October 14, 2019 and the Special Joint Workshop Minutes of October 21, 2019. (Staff Person: Keri Johnson)

B. ANNUAL MEETING OF THE POMONA VALLEY PROTECTIVE ASSOCIATION (PVPA)

Appoint Rosemary Hoerning as proxy to vote all shares at the annual shareholder's meeting of the Pomona Valley Protective Association. (Staff Person: Rosemary Hoerning)

C. INCREASE THE DEVELOPMENT/TRAFFIC ENGINEERING DEPARTMENT BUDGET FOR TKE ENGINEERING SERVICES

Approve the use of fund balance in order to increase the FY 2019-20 adopted budget by \$180,000 for map and improvement plan checking

services for a total budgeted amount of \$200,000. (Staff Person: Rosemary Hoerning)

12. PUBLIC HEARINGS

13. COUNCIL COMMITTEE REPORTS

14. BUSINESS ITEMS

A. RESOLUTION FOR SENATE BILL 2 PLANNING GRANTS PROGRAM FUNDS

Adopt a Resolution authorizing the application for, and receipt of, Senate Bill 2 (SB 2) Planning Grants Program funds. (Staff Person: Robert Dalquest)

B. CONSIDERATION OF SOLICITING PROFESSIONAL CITY ATTORNEY SERVICE PROPOSALS

Direct the City Manager to solicit professional City Attorney service proposals. (Staff Person: Rosemary Hoerning)

C. APPROVAL OF MOTOR CONTROL CENTER AND BOOSTER STATION MAINTENANCE & UPGRADE WORK AT PLANT 6

Approve an agreement with KSM Electric, Inc. for the maintenance replacement and upgrade of 15th Street electrical equipment (Plant 6) for \$241,712.70 and authorize a contingency of in the amount of \$8,287.30 for a total authorized amount of \$250,000. (Staff Person: Rosemary Hoerning)

15. ORAL COMMUNICATIONS

This is a time for any citizen to comment on any item not listed on the agenda. Anyone wishing to address the legislative body is requested to submit a speaker card to the City Clerk at or prior to speaking. The speakers are requested to keep their comments to no more than three (3) minutes. The use of visual aids will be included in the time limit. Public comments and questions for the purpose of hearing current matters of concern in our community and to provide citizens a method for the public to hear those concerns in an open venue is encouraged. However, under the provisions of the Brown Act, the City Council is prohibited from discussion of items not listed on the agenda, and therefore, the City Council, City Manager, or City Attorney will take communications under advisement for consideration and appropriate response or discussion at a later time.

16. CITY MANAGER

17. ADJOURNMENT

The next regularly scheduled City Council meeting is Monday, November 11, 2019.

NOTE: If you challenge the public hearing(s) or the related environmental determinations in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Upland, at, or prior to, the public hearing.

All Agenda items and back-up materials are available for public review at the Upland Public Library, downstairs reference desk at 450 North Euclid Avenue, the City Clerk's Office at 460

North Euclid Avenue and the City website at www.ci.upland.ca.us, subject to staff's ability to post the documents before the meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office, 931-4120. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II]

POSTING STATEMENT: On October 23, 2019 a true and correct copy of this agenda was posted on the bulletin boards at 450 N. Euclid Avenue (Upland Public Library) and 460 N. Euclid Avenue (Upland City Hall).

**MINUTES OF THE REGULAR MEETING OF THE
UPLAND CITY COUNCIL
OCTOBER 14, 2019**

OPENING

The regular meeting of the Upland City Council was called to order by Mayor Debbie Stone at 6:00 p.m. in the Council Chamber of the Upland City Hall.

1. ROLL CALL

Present: Mayor Debbie Stone, Council Members Janice Elliott, Ricky Felix, Bill Velto, and Rudy Zuniga

Staff: Interim City Manager Rosemary Hoerning, City Attorney James L. Markman, and City Clerk Keri Johnson

2. ADDITIONS/DELETIONS TO AGENDA None

3. ORAL COMMUNICATIONS

A number of individuals spoke in support of the Council seeking a new City Attorney, stated dissatisfaction with the current City Attorney, and suggested the City Council direct staff to issue a request for proposals for legal services. The following spoke:

Irmalinda Osuna, Upland
Mark Walters, Upland
Cindy Phillips, Upland
Lisa Nicely, Upland
Marjorie Mikels, Upland

Lois Sicking Dieter
Terri D.
Natasha Walton, Upland
Steve Bierbaum

City Attorney Markman responded to public comment.

4. CLOSED SESSION

At 6:31 p.m. Mayor Stone announced the City Council would recess to Closed Session pursuant to Government Code Section

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (WORKER'S COMP CLAIM)

(Paragraph (1) of subdivision (d) of California Government Code Section 54956.9)

Claimant: Anthony Kabayan
Agency: City of Upland

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of California Government Code Section 54956.9)

Case Name: Simpson v. City of Upland
San Bernardino County Superior Court of California Case No. CIV-DS-180-9093

C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of California Government Code Section 54956.9)

Case Name: Yoakum v. City of Upland
San Bernardino County Superior Court of California Case No. CIV-DS-181-7026

- D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of California Government Code Section 54956.9)

Case Name: Yoakum v. City of Upland
San Bernardino County Superior Court of California Case No. CIV-DS-172-1778

- E. PUBLIC EMPLOYEE PERFORMANCE EVALUATION AND CONSIDERATION OF
PUBLIC EMPLOYEE DISMISSAL AND RELATED ACTIONS pursuant to California
Government Code Section 54957

Title: City Attorney

The City Council reconvened in open session at 7:18 p.m. with Assistant City Attorney present in place of City Attorney James L. Markman.

5. **INVOCATION** Zayneb Shakely, City of Knowledge School

6. **PLEDGE OF ALLEGIANCE** Mayor Stone

7. **PRESENTATIONS**

A presentation was given by San Bernardino County Fire Emergency Services Officer Klasha Ray on the Great ShakeOut and Earthquake Safety.

Certificates of Completion were presented to the Upland Community Emergency Response Team (CERT).

Fairplex Director of Engagement Tammy Roush presented the City with the Lemon Festival Grant Award.

8. **CITY ATTORNEY**

Assistant City Attorney Steven Flower announced that the City Council took action only on the following during Closed Session: Item 4E, the City Council unanimously approved a motion by Councilmember Elliott, seconded by Councilmember Velto, to accept the resignation of City Attorney James L. Markman and appoint Assistant City Attorney Steven Flower as the Interim City Attorney. The Council further directed staff to place the discussion of a request for proposal of City Attorney services on the next public agenda.

9. **ORAL COMMUNICATIONS** None

10. **COUNCIL COMMUNICATIONS**

Councilmembers announced various activities throughout the community, including providing an update on the meetings they attended.

11. **CONSENT CALENDAR**

Mayor Stone removed Consent Calendar Item 11G for separate action. Motion by Mayor Stone to approve the remainder of the Consent Calendar, seconded by Councilmember Felix, and carried unanimously.

A. APPROVAL OF MINUTES

Approved the Special Meeting Minutes of September 23, 2019, the Regular Meeting Minutes of September 23, 2019, and the Special Meeting Minutes of October 1, 2019.

B. APPROVAL OF WARRANT AND PAYROLL REGISTERS SEPTEMBER, 2019

Approved the September Warrant Registers and Direct Disbursements (check numbers 26950-27278) totaling \$4,766,257.11 and Payroll Registers totaling \$1,220,929.87 (check Numbers 160848-160870 and EFTs 16963-17451). (Staff Person: Londa Bock-Helms)

C. TREASURER'S REPORT AUGUST 2019

Received and filed the August 2019 Treasurer's Report.

D. OFFICE OF TRAFFIC SAFETY GRANT

Accepted the grant funds and authorize the appropriation of \$166,200 (OTS Grant #PT20131).

E. DISPOSAL OF SURPLUS EQUIPMENT

Declared items as surplus, and authorize the Interim City Manager to initiate disposal of the surplus equipment.

F. ACCEPTANCE OF IMPROVEMENT BY RANCHO MONTE VISTA ANNEX, LLC

Accept the public improvements for the Rancho Monte Vista Annex, LLC (CUP 16-35), and reduce the cash surety to fifty percent (50%) or \$52,185 for this project.

ITEMS REMOVED FOR SEPARATE ACTION

G. BUDGET AMENDMENT TO ACCEPT AND APPROPRIATE THE LEMON FESTIVAL PROCEEDS

Recreation Services Manager Story presented the staff report, which is on file in the City Clerk's office.

There was discussion on the grant application outreach, application timeline, and services provided to the community by the grant recipients.

Motion by Mayor Stone to approve the budget amendment of \$74,760 to receive and appropriate the proceeds from the Upland Lemon Festival, seconded by Councilmember Zuniga, and carried unanimously.

12. PUBLIC HEARINGS

A. FORMATION OF A RESIDENTIAL PERMIT PARKING ZONE

Interim City Manager Hoerning presented the staff report, which is on file in the City Clerk's office.

Mayor Stone opened the public hearing.

Marjorie Mikels, questioned if there was a cost to residents for the parking permits, the number of permits issued per residence, and if visitors would be able to park on the street.

Interim City Manager Hoerning provided information on the permit process for residents.

There being no other speakers, Mayor Stone closed the public hearing.

Motion by Councilmember Zuniga to adopt Resolution No. 6509 establishing residential permit parking on south 2nd Avenue at 163 through 185 on the west side and 176 through 188 on the east side, including 208 east 8th Street; and authorize its implementation, seconded by Councilmember Velto, and carried unanimously.

B. APPROVAL OF THE CITIZEN PARTICIPATION PLAN IN CONNECTION WITH THE CITY'S FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Development Services Director Dalquest introduced Housing Coordinator Brito who presented the staff report, which is on file in the City Clerk's Office.

Mayor Stone opened the public hearing and hearing no testimony, closed the public hearing.

Motion by Councilmember Felix to adopt Resolution No. 6510 approving the Citizen Participation Plan in connection with the City's Federal Community Development Block Grant Program; and authorize the Interim City Manager or her designee to execute any and all necessary and related documents to implement the Plan, seconded by Councilmember Elliott, and carried unanimously.

13. COUNCIL COMMITTEE REPORTS

A. PUBLIC WORKS COMMITTEE, OCTOBER 8, 2019

Recreation Services Manager Story provided a recap of the meeting, which is on file in the City Clerk's Office.

There were suggestions regarding extending the hours of the skate park, the use of security cameras at the facility, rules and enforcement, and liability.

This was for information only and no action was required.

14. BUSINESS ITEMS

Mayor Stone requested items 4A through 4D be taken in one action.

- A. APPROVAL OF LABOR AGREEMENT WITH UPLAND CITY EMPLOYEES ASSOCIATION
- B. APPROVAL OF LABOR AGREEMENT WITH UPLAND MID-MANAGEMENT EMPLOYEES ASSOCIATION
- C. APPROVAL OF LABOR AGREEMENT WITH UPLAND POLICE MANAGEMENT ASSOCIATION
- D. ADOPTION OF A RESOLUTION AMENDING THE COMPENSATION AND BENEFIT PLAN FOR EXECUTIVE EMPLOYEES

Interim City Manager Hoerning presented the staff reports for Business Items 4A through 4D, which is on file in the City Clerk's office. She then provided the City Council with the changes to each Memorandum of Understanding and the changes in compensation and benefits for the executive employees.

There was discussion regarding the financial impacts of the agreements, the need for employee retention, and the need to maintain current service levels.

Motion by Councilmember Felix to adopt Resolution No. 6511 approving a Memorandum of Understanding with the Upland City Employees Association; and adopt Resolution No. 6512 approving a Memorandum of Understanding with the Upland Mid Management Employees Association; and adopt Resolution No. 6513 approving a Memorandum of Understanding with the Upland Police Management Association; and to adopt Resolution No. 6514 amending the compensation and benefit plan for Executive Management employees, seconded by Councilmember Zuniga, and carried with Mayor Stone opposed.

15. ORAL COMMUNICATION (items not on the agenda)

Marjorie Mikels, Upland spoke in opposition of the sale of Memorial Park land to San Antonio Regional Hospital.

Allen Nicely, Upland, requested the City Council move forward with the appointment process to fill positions on the Planning Commission.

Bob Cable, Upland, stated issues he has experienced with the City while completing a project on Cable Airport property.

Lois Sicking Dieter, requested the City Council move forward with the appointment process to fill positions on the Planning Commission.

Moe Duran, stated that the Police Department has worked hard to clean up vagrancy, blight, and crime issues and it is important to retain employees to maintain that progress.

James Breitling, Upland, provided information on proper recycling practices.

David Wade, thanked the City Council for their responsiveness and requested the sale of park land be stopped.

Natasha Walton, Upland, spoke in opposition of the sale of Memorial Park land to San Antonio Regional Hospital.

Mark Walters, Upland, questioned why a water leak in his neighborhood had not been repaired.

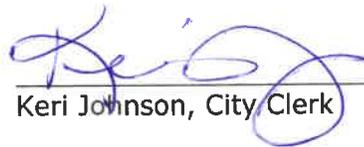
16. CITY MANAGER

Interim City Manager Hoerning announced the next Open Government Workshop and informed residents of an upcoming community survey.

17. ADJOURNMENT

At 9:32 p.m. Mayor Stone adjourned the meeting in honor of all those affected by breast cancer. The next regularly scheduled City Council meeting is Monday, October 28, 2019.

SUBMITTED BY



Keri Johnson, City Clerk

APPROVED

October 28, 2019

**MINUTES OF A SPECIAL JOINT WORKSHOP OF THE
UPLAND CITY COUNCIL, THE PLANNING COMMISSION,
AND THE AIRPORT LAND USE COMMITTEE
OCTOBER 21, 2019**

1. CALL TO ORDER AND ROLL CALL OF THE CITY COUNCIL

The special meeting of the Upland City Council was called to order by Mayor Debbie Stone at 6:30 p.m. in the Council Chamber of the Upland City Hall.

Present: Mayor Debbie Stone, Council Members Janice Elliott, Ricky Felix, Bill Velto, and Rudy Zuniga

2. CALL TO ORDER AND ROLL CALL OF THE PLANNING COMMISSION AND AIRPORT LAND USE COMMITTEE

The special meeting of the Upland Planning Commission and Airport Land Use Committee was called to order by Chairperson Robin Aspinall at 6:31 p.m. in the Council Chamber of the Upland City Hall.

Present: Chair Robin Aspinall, Vice-Chair Gary Schwary, Commissioners/Committee Members Alexander Novikov and Yvette Walker. Committee Member Howard Bunte

Absent: Commissioner/Committee Members Carolyn Anderson and Linden Brouse. Committee Member Ron Campbell

Staff: Interim City Manager Rosemary Hoerning, Interim City Attorney Steven Flower, and City Clerk Keri Johnson

3. ORAL COMMUNICATIONS

Natalie Garrett, Upland, stated concerns regarding potential truck traffic in her neighborhood.

Justin Cadzow, stated concerns regarding the size of the development, potential future occupants, and the impact of truck traffic on the streets.

Bob Cable, Upland, stated he met with Bridge Development and supported the changes made to the project. He also voiced concerns regarding whether there were plans for potential future expansion.

Bill Behjat, Upland, expressed concerns regarding truck traffic, air pollution, and the impacts on the health of residents in the surrounding areas.

Jim McJoynt, Upland, stated he is opposed to large commercial businesses north of Foothill Boulevard and requested an Environmental Impact Report (EIR) be required for the project.

Steve Bierbaum, Upland, requested that an EIR be required for the project.

Thomas Ruiz, San Bernardino, spoke in support of the project and stated that he is a member of a local labor union, and the project would provide wages for local construction workers in the area.

Peter Lopez, Upland, stated that the project would result in jobs for labor union members.

Van Brown, Ontario, stated the project would provide an opportunity for labor union members to provide for their families.

Barnabe Juarez, Upland, stated the project would provide an opportunity for labor union members to provide for their families.

Natasha Walton, Upland, stated concerns regarding loss of groundwater recharge and requested an EIR to address groundwater concerns.

Barbara Alejo, Upland, spoke in opposition of the project and expressed concerns about the impact that traffic and air pollution would have on the residents.

Bernie Rollins, Upland, expressed concerns about ingress and egress from the property, traffic impacts to the roads, and requested a full EIR for the project.

Shannan Maust, questioned whether future occupants would provide sales tax revenue to the City and felt that employees working at the facility would not generate additional tax revenue and their disposable income would be spent elsewhere.

Lois Sicking Dieter, spoke in opposition of the project and questioned the parking requirements, number of truck trips to the facility each day, and requested a full EIR for the project.

Larry Abramson, Upland, spoke in opposition to the project and questioned the impact that truck traffic would have on Upland and surrounding cities.

Chris Garcia, Upland, stated concerns about traffic congestion in the area and questioned whether the truck traffic could be limited during peak hours.

4. PRESENTATION OF A PROPOSED DEVELOPMENT BY BRIDGE DEVELOPMENT PARTNERS, LLC.

Development Services Director Dalquest presented the staff report, along with a PowerPoint, which is on file in the City Clerk's office.

There was discussion regarding the differences between a Mitigated Negative Declaration and an Environmental Impact Report, and the public review periods required for each.

Heather Crossner Senior Vice President, Angela Noah Manager of Development and Brendan Kotler Vice President of Development with Bridge Development Partners, Inc. then provided a PowerPoint presentation and a detailed overview of changes to the proposed development that were made based on input received at the June 2019 workshop.

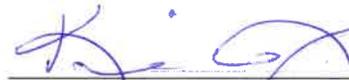
There was discussion on the maximum number of trucks entering and exiting the facility each day, potential conditions of approval, future occupants of the facility, groundwater recharge, and another community workshop during the public review period of environmental documents.

SPECIAL JOINT WORKSHOP MINUTES
UPLAND CITY COUNCIL, PLANNING COMMISSION,
AND AIRPORT LAND USE COMMITTEE
OCTOBER 21, 2019
PAGE 3

5. ADJOURNMENT

Mayor Stone adjourned the meeting at 8:50 p.m. The next regular meeting of the City Council is Monday, October 28, 2019. The Planning Commission meeting scheduled for October 23, 2019 has been cancelled. The next regular meeting of the Planning Commission is Wednesday, November 13, 2019.

SUBMITTED BY:



Keri Johnson, City Clerk

APPROVED:

October 28, 2019



STAFF REPORT

ITEM NO. 11.B.

DATE: October 28, 2019
TO: MAYOR AND CITY COUNCIL
FROM: ROSEMARY HOERNING, INTERIM CITY MANAGER
PREPARED BY: ROSEMARY HOERNING, INTERIM CITY MANAGER
SUBJECT: ANNUAL MEETING OF THE POMONA VALLEY PROTECTIVE ASSOCIATION (PVPA)

RECOMMENDED ACTION

It is recommended that the City Council appoint Rosemary Hoerning as proxy to vote all shares at the annual shareholder's meeting of the Pomona Valley Protective Association.

GOAL STATEMENT

The proposed action supports the City's goal to maintain reasonable water rates that allow for recovery of costs by implementing management and financial controls.

BACKGROUND

The Pomona Valley Protective Association (PVPA) was incorporated in 1910 to protect the rights of the water producers in the Claremont, Pomona, Upland, and La Verne areas. PVPA owns and operates spreading facilities on approximately 800 acres of association owned land located along the San Antonio and Thompson Creeks for the purpose of recharging groundwater basins.

PVPA spreading facilities receive runoff from several canyons in the San Gabriel Mountains, including San Antonio, Thompson, and Live Oak Canyons, in addition to a number of smaller canyons. Captured runoff percolates into the ground and replenishes the Six Basins groundwater aquifer. PVPA is identified in the Six Basins judgment as the party responsible for spreading and recharge operations to replenish the Six Basin groundwater basin. In the fall of 1998, the parties and PVPA entered into a stipulated judgement. Since the implementation of the judgment PVPA has recharged over 20,000 million gallons of water in the Six Basins for use as a local water supply.

The City of Upland owns 939.47 shares (1.6% of all shares) of PVPA, a private nonprofit company dedicated to water conservation. A nine member Board of Directors governs the Association.

ISSUES/ANALYSIS

Each year the Association holds an annual shareholder's meeting in November to elect the Board of Directors for the upcoming year and conduct other annual business. The City must authorize a person to carry the City's proxy and to vote at the annual meeting.

FISCAL IMPACTS

There is no fiscal impact associated with this action.

ALTERNATIVES

Provide alternative direction to staff.

ATTACHMENTS:

PVPA 2019 Proxy Annual Mtg

PROXY TO THE POMONA VALLEY PROTECTIVE ASSOCIATION

CITY OF UPLAND

DOES HEREBY APPOINT

As its authorized representative or agent to represent said organization and its 939.47 shares of PVPA stock at any and all meetings of the **shareholders of the Pomona Valley Protective Association**, the annual meeting of said Shareholders to be held November 13, 2019 which will address the items identified in the attached agenda, and any adjourned or specially called meetings thereof. The above-mentioned organization also appoints the above-mentioned individual to act as its agent or representative for any and all meetings of PVPA's consumers on the above-mentioned date.

By _____

Dated _____

Please return proxy to:

Stephen M. Yoss, Secretary/Treasurer
Pomona Valley Protective Association
675 W. Foothill Blvd., Ste. 310
Claremont, Ca. 91711



STAFF REPORT

ITEM NO. 11.C.

DATE: October 28, 2019
TO: MAYOR AND CITY COUNCIL
FROM: ROSEMARY HOERNING, INTERIM CITY MANAGER
PREPARED BY: ROSEMARY HOERNING, INTERIM CITY MANAGER
PONCE YAMBOT, PRINCIPAL ENGINEER
SUBJECT: INCREASE THE DEVELOPMENT/TRAFFIC ENGINEERING
DEPARTMENT BUDGET FOR TKE ENGINEERING SERVICES

RECOMMENDED ACTION

It is recommended that the City Council approve the use of fund balance in order to increase the FY 2019-20 adopted budget by \$180,000 for map and improvement plan checking services for a total budgeted amount of \$200,000.

GOAL STATEMENT

The proposed action supports the City Council's objective of providing reliable, timely and efficient engineering, mapping, and development related services by the City and paying City obligations in a timely manner.

BACKGROUND

On December 11, 2017, the City Council approved the professional services agreement with TKE Engineering, Inc. (TKE). The professional services to be provided are map checking, improvement plan checking, and staff augmentation among others. The original contract amount was for an amount not to exceed one hundred thousand dollars.

On July 23, 2018, the City Council approved an amendment to the professional services agreement with TKE increasing the annual maximum amount to \$200,000 and extending the duration of the agreement.

On June 10, 2019, the City Council approved the second amendment to the professional services agreement with TKE by \$100,000. This increase was necessary to fund special projects in the water and sewer enterprise funds

ISSUES/ANALYSIS

The services provided by TKE are dependent on development activity. Based on the activity level in FY 2018-19, it was more appropriate to establish the professional services agreement for \$200,000 in the General Fund in order to ensure adequate capacity to pay the vendor in a timely manner.

Unfortunately, FY 2019-20's approved budget did not reflect the amended annual agreement allowance of \$200,000. It only included a budget of \$20,000. Funds are expected to be recovered through the development process. During FY 2018-19, actual revenue earned by the Development/Traffic Engineering department exceeded budgeted revenue by \$514,000 which is the source of fund balance being used for this FY 2019-20 budget amendment.

FISCAL IMPACTS

Increase the Development/Traffic Engineering FY 2019-20 professional services budget by \$180,000.

ALTERNATIVES

Provide alternative direction to staff.

ATTACHMENTS:

No Attachments Available



STAFF REPORT

ITEM NO. 14.A.

DATE: October 28, 2019
TO: MAYOR AND CITY COUNCIL
FROM: ROSEMARY HOERNING, INTERIM CITY MANAGER
PREPARED BY: ROBERT D. DALQUEST, DEVELOPMENT SERVICES DIRECTOR
SUBJECT: RESOLUTION FOR SENATE BILL 2 PLANNING GRANTS PROGRAM FUNDS

RECOMMENDED ACTION

It is recommended that the City Council adopt a Resolution authorizing the application for, and receipt of, Senate Bill 2 (SB 2) Planning Grants Program funds.

GOAL STATEMENT

The proposed action supports the City's goal of providing adequate housing, a suitable living environment, and expanded economic opportunities principally for low-and moderate-income persons.

BACKGROUND

In 2017, Governor Brown signed Senate Bill 2 (SB 2), titled the "Building Homes and Jobs Act". SB 2 was adopted as part of a 15-Bill housing legislation aimed at addressing the State's housing shortage. SB 2 specifically establishes a permanent, on-going source of funding dedicated to promoting and facilitating affordable housing development. The source of funding is secured through a \$75.00 fee imposed at the time of the recording of every real estate instrument, paper or notice for each single real estate transaction on a parcel of property. The fee became effective January 1, 2018, and is projected to generate \$200 million in annual revenue statewide.

The law prescribes that the revenue collected for the 2018 calendar year be deposited into two funds: a.) 50% of the revenue is to be placed in a fund made available to local governments for planning grants; and b.) 50% of the revenue is to be placed in a fund made available to the State Department of Housing and Community Development (HCD) to assist persons experiencing or at risk of homelessness. The local government share of this revenue is to be dispersed through a grant program administered by HCD. Revenues collected after January 1,

2019 are directed to be used to implement planning policies and more directly “facilitate the production of affordable housing throughout California”.

SB 2 Planning Grants Program

On March 28, 2019, HCD released a Notice of Funding Availability (NOFA) for approximately \$123 million in revenue earmarked for local government planning grants. Under this grant program, local governments are provided an eligibility allowance based on community population. The City of Upland falls within the “medium localities” category, which is eligible for up to \$310,000 in grant funding. The purpose of the SB 2 Planning Grants Program is to provide financial and technical assistance to local governments for updating of planning documents:

- Accelerate housing production;
- Streamline the approval of housing developments affordable to owner and renter households at all income levels;
- Facilitate housing affordability for all income groups;
- Promote development consistent with the State Planning Priorities (Government Code Section 65041.1)(See Exhibit 2); and
- Ensure geographic equity in the distribution and usage of the funds

SB 2 Planning Grants Program details are attached as Exhibit 3 for the City Council’s reference. Administration of the Planning Grants Program is governed by guidelines developed by HCD.

Applications for grant funding are being accepted through November 30, 2019. During this period, local government agencies can file an application for grant funding for eligible activities that demonstrate a nexus to accelerating housing production. HCD anticipates that the time frame for awarding the grant is approximately two to three months from the date of application filing. The projects/programs included in the grant application must be completed/implemented by June 30, 2022.

The Planning Grants Program will provide grants through a non-competitive process to eligible local governments (cities and counties) who meet the following requirements:

- Have an HCD-compliant housing element;
- Have submitted a recent Annual Progress Report;
- Demonstrate a nexus to accelerating housing production; and
- Demonstrate that the applicant is consistent with State Planning Priorities (Government Code Section 65041.1) or other planning priorities.

ISSUES/ANALYSIS

As indicated previously, the City of Upland is eligible to receive up to \$310,000 from the SB 2 Planning Grants Program. Staff is proposing to allocate the funds to the activities listed below. The proposed activities fall within “Priority Policy Areas” that HCD has defined, and can be viewed on Page 4 of the SB 2 Planning Grants Program Guidelines (Exhibit 3). Local government applications that propose priority policy areas are not required to demonstrate a nexus to accelerating housing production and are automatically deemed to meet this criterion without any documentation.

Upon City Council approval of the attached resolution, staff will finalize the grant application and execute any necessary grant agreements between the City and HCD. Staff has reviewed the below proposed activities with PlaceWorks (the State’s consultant hired to help cities with the process and grant applications). PlaceWorks has indicated that these activities meet the requirements of the Planning Grants Program. Therefore, staff is recommending that the following activities be included in the grant application to be submitted to HCD.

1. **Housing Element Update and CEQA Compliance (\$175,000)** – The City is required to update its Housing Element (part of the General Plan) by October 2021. Part of the Housing Element is the City’s implementation of the Regional Housing Needs Allocation (RHNA), which looks at sites with appropriate zoning to support a range of housing needed to meet the needs of residents. This effort includes a site inventory identifying sites that implement RHNA, as well as, completing the necessary project-level environmental review to streamline the development of this housing. The Housing Element and RHNA are State mandates.
2. **New ADU Ordinance (\$25,000).** The City’s Accessory Dwelling Unit (ADU) ordinance does not comply with current State Law and is null and void. Staff will need to amend Chapter 17.37 (Secondary Dwelling Units) of the Zoning Code to be in full compliance with recent changes to State Government Code Section 65852.2.
3. **ADU Assessment, Workbook and Website (\$60,000).** Encouraging the development of Accessory Dwelling Units (ADUs) is one of several ways to increase housing production in the City. ADUs assist the City in meeting its affordability goals under RHNA. This activity will include an assessment that will be looking at ADU capacity within the City, which includes a threshold analysis to understand implications of the new State laws. It would also include up to four (4) pre-approved construction plans to facilitate development of ADUs, which will reduce the cost to property owners. This activity would provide examples of floor plans, useful videos, a list of local regulations, and a cost calculator to assist homeowners in developing ADUs. Once complete, staff can refer property owners to these tools which will encourage and assist in developing ADUs in Upland.
4. **Downtown Housing Related Infrastructure Financing Analysis and Strategies (\$50,000).** Downtown Upland has aging and deficient infrastructure. An infrastructure needs assessment of the Downtown area was conducted by the Public Works Department in 2018. It concluded that approximately 11 Million dollars was needed to address all of the infrastructure needs. The deficient or aging infrastructure in the Downtown area is a barrier to facilitating the development of housing in this area. This is a critical component of revitalizing the Downtown area. The analysis will develop and implement approaches to local, regional or sub-regional housing related infrastructure financing. It will create plans and programs to finance and increase infrastructure with accompanying enhanced housing capacity, such as enhanced infrastructure financing districts (EIFD). The analysis may also include rationalization approaches, such as reassessing fees to adhere to best practices in reducing costs, deferrals or proportionate impact fees for transit-oriented and infill developments, or fee transparency measures including publicly available fee calculators.

ENVIRONMENTAL DETERMINATION

The grant application is not a project pursuant to Section 13578 of the California Environmental Quality Act (CEQA) Guidelines. Individual planning projects occurring from the grant program will be evaluated for CEQA compliance on a case-by-case basis.

FISCAL IMPACTS

There is no fiscal impact associated with this action. The SB 2 Grant will provide funding for the direct costs associated with the identified activities and will reduce the General Fund obligation towards these efforts.

ALTERNATIVES

The City Council could choose to not apply for the grant funds; however, staff does not recommend this action as this type of funding is not often available, and completion of the

Housing Element Update is a State mandate. Furthermore, the other programs are important in implementing the Housing Element and the RHNA.

ATTACHMENTS:

Resolution for SB 2 Planning Grants Program

Exhibit 2 - Government Code Section 65041.1

Exhibit 3 - SB2 Grant Guidelines, December 2018

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
UPLAND AUTHORIZING THE APPLICATION FOR, AND
RECEIPT OF, SENATE BILL 2 (SB 2) PLANNING GRANTS
PROGRAM FUNDS

Intent of the Parties and Findings

(i) The State of California, Department of Housing and Community Development (Department) has issued a Notice of Funding Availability (NOFA) dated March 28, 2019, for its Planning Grants Program (PGP); and

(ii) The City Council of the City of Upland desires to submit a project application for the PGP program to accelerate the production of housing and will submit a 2019 PGP grant application as described in the Planning Grants Program NOFA and SB 2 Planning Grants Program Guidelines released by the Department for the PGP Program; and

(iii) The Department is authorized to provide up to \$123 million under the SB 2 Planning Grants Program from the Building Homes and Jobs Trust Fund for assistance to Counties (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB 2)) related to the PGP Program.

NOW, THEREFORE, the City Council hereby finds, determines and resolves as follows:

Section 1. The City Council is hereby authorized and directed to apply for and submit to the Department the 2019 Planning Grants Program application released March 28, 2019 in the amount of \$ 310,000.00

Section 2. In connection with the PGP grant, if the application is approved by the Department, the City Manager is authorized to enter into, execute, and deliver a State of California Agreement (Standard Agreement) for the amount of \$ 310,000.00, and any and all other documents required or deemed necessary or appropriate to evidence and secure the PGP grant, the City's obligations related thereto, and all amendments thereto (collectively, the "PGP Grant Documents").

Section 3. The City shall be subject to the terms and conditions as specified in the Standard Agreement, the SB 2 Planning Grants Program Guidelines, and any applicable PGP guidelines published by the Department. Funds are to be used for allowable expenditures as specifically identified in the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application will be enforceable through the executed Standard Agreement. The City Council hereby agrees to use the funds for eligible uses in the manner presented in the application as approved by the Department and in accordance with the Planning Grants NOFA, the Planning Grants Program Guidelines, and 2019 Planning Grants Program Application.

Section 4. The City Manager is authorized to execute the City of Upland Planning Grants Program application, the PGP Grant Documents, and any amendments thereto, on behalf of the City as required by the Department for receipt of the PGP Grant.

Section 5. This Resolution shall take effect immediately upon its adoption.

Section 6. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED and ADOPTED this 28th day of October, 2019.

Debbie Stone, Mayor

I, Keri Johnson, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 28th day of October, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

ATTEST:

Keri Johnson, City Clerk

State of California

GOVERNMENT CODE

Section 65041.1

65041.1. The state planning priorities, which are intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety in the state, including in urban, suburban, and rural communities, shall be as follows:

(a) To promote infill development and equity by rehabilitating, maintaining, and improving existing infrastructure that supports infill development and appropriate reuse and redevelopment of previously developed, underutilized land that is presently served by transit, streets, water, sewer, and other essential services, particularly in underserved areas, and to preserving cultural and historic resources.

(b) To protect environmental and agricultural resources by protecting, preserving, and enhancing the state's most valuable natural resources, including working landscapes such as farm, range, and forest lands, natural lands such as wetlands, watersheds, wildlife habitats, and other wildlands, recreation lands such as parks, trails, greenbelts, and other open space, and landscapes with locally unique features and areas identified by the state as deserving special protection.

(c) To encourage efficient development patterns by ensuring that any infrastructure associated with development, other than infill development, supports new development that does all of the following:

- (1) Uses land efficiently.
- (2) Is built adjacent to existing developed areas to the extent consistent with the priorities specified pursuant to subdivision (b).
- (3) Is located in an area appropriately planned for growth.
- (4) Is served by adequate transportation and other essential utilities and services.
- (5) Minimizes ongoing costs to taxpayers.

(Amended (as added by Stats. 2002, Ch. 1016) by Stats. 2002, Ch. 1109, Sec. 1. Effective January 1, 2003.)

Senate Bill 2 Planning Grants Program Year 1 Guidelines



**State of California
Governor Edmund G. Brown Jr.**

**Alexis Podesta, Secretary
Business, Consumer Services and Housing Agency**

**Ben Metcalf, Director
Department of Housing and Community Development**

**Zachary Olmstead, Deputy Director
Department of Housing and Community Development
Division of Housing Policy Development**

**2020 West El Camino Avenue, Suite 500
Sacramento, CA 95833**

December 2018

The matters set forth herein are regulatory mandates, and are adopted in accordance with the authorities set forth below:

Quasi-legislative regulations ... have the dignity of statutes ... [and]... delegation of legislative authority includes the power to elaborate the meaning of key statutory terms...

Ramirez v. Yosemite Water Co., 20 Cal. 4th 785, 800 (1999)

In consultation with stakeholders, the California Department of Housing and Community Development (Department) may adopt Guidelines to implement this section, including determining allocation methodologies. Any guideline, rule, policy, or standard of general application employed by the Department in implementing this chapter shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Gov. Code).

NOTE: Authority Cited: Health and Safety Code section 50470, subdivision (d).

The Department reserves the right, at its sole discretion, to suspend or amend the provisions of these Guidelines, including, but not limited to, grant award amounts.

INTRODUCTION

Chapter 354, Statutes of 2017 (SB 2, Atkins) was part of a 15 bill housing package signed by Governor Brown that was aimed at addressing the state's housing shortage and high housing costs. Specifically, it establishes a permanent source of funding intended to increase the affordable housing stock in California. The revenue from SB 2 will vary from year to year, as revenue is dependent on real estate transactions with fluctuating activity. The legislation directs the California Department of Housing and Community Development (Department) to use 50 percent of the revenue in the first year to establish a program that provides financial and technical assistance to local governments to update planning documents and zoning ordinances in order to streamline housing production, including, but not limited to, general plans; community plans; specific plans; implementation of sustainable communities strategies; and local coastal programs. Eligible uses also include new environmental analyses that eliminate the need for project-specific review and local process updates that improve and expedite local permitting.

Guidelines for the SB 2 Planning Grants program are organized into seven Articles as follows:

Article I. General provisions: This Article includes information on the purpose of the Guidelines, program objectives, and definitions used throughout the document.

Article II. Eligibility and threshold criteria: This Article describes the eligibility requirements for applicants and proposals in order to apply for funds under the SB 2 Planning Grants program.

Article III. Eligible activities and uses: This Article describes eligible uses for the SB 2 Planning Grants funds, including priority policy areas and ineligible uses.

Article IV. Award amounts and distribution: This Article describes award amounts and geographic distribution.

Article V. Application review: This Article describes the application review process.

Article VI. Administration: This Article describes administrative functions such as terms, non-performance remedies and reporting requirements.

Article VII. Technical assistance: This Article describes technical assistance.

SB 2 Planning Grants Program: Year 1 Guidelines

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ARTICLE I. GENERAL PROVISIONS

Section 100. Purpose and Scope

- (a) These Guidelines (hereinafter “Guidelines”) implement, interpret, and make specific the Chapter 364, Statutes of 2017 (SB 2, Atkins) (hereinafter “SB 2”) as authorized by Health and Safety Code section 50470.
- (b) These Guidelines establish terms, conditions, and procedures for a local government to submit an application for planning grants funds to the Department.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 101. Program Objectives

- (a) The principal goal of this program is to make funding available to all local governments in California for the preparation, adoption and implementation of plans that streamline housing approvals and accelerate housing production.
- (b) This grant program is meant to facilitate planning activities that will foster an adequate supply of homes affordable to Californians at all income levels. It is designed to help local governments meet the challenges of preparing and adopting land use plans and integrating strategies to promote housing development.
- (c) Funded activities are intended to achieve the following program objectives:
 - Accelerate housing production
 - Streamline the approval of housing development affordable to owner and renter households at all income levels
 - Facilitate housing affordability for all income groups
 - Promote development consistent with the State Planning Priorities (Government Code section 65041.1)
 - Ensure geographic equity in the distribution and expenditure of allocated funds

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d) and Government Code section 65041.1. Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 102. Definitions

All terms not defined below shall, unless their context suggests otherwise, be interpreted in accordance with the meanings of terms described in Health and Safety Code section 50470.

- (a) “Accelerating Housing Production” means improving the timing, cost, feasibility, approval and amount of development through various mechanisms such as zoning incentives (e.g., increased density and heights, reduced parking requirements), upzoning, zoning amendments to permit residential in non-residential zones, corridor planning, development standards modifications, non-discretionary review, financing strategies, sliding scale fee modifications, facilitating adequate infrastructure to support development, approval streamlining that addresses quickness and ease of entitlements, and other mechanisms that promote production or remove or mitigate regulatory barriers.
- (b) “Affordability” means a housing unit that satisfies at least one of the following criteria:
 1. It is available at an “affordable rent” as that term is used and defined in Section 50053 of the Health & Safety Code;
 2. It is offered at an “affordable housing cost”, as that term is used and defined in Section 50052.5 of the Health & Safety Code; or
 3. It is available at an “affordable rent” or an “affordable housing cost” according to the alternative percentages of income for agency-assisted rental and cooperative housing developments pursuant to Department regulations adopted under Health and Safety Code section 50462(f).
- (c) “Annual Progress Report” (APR) means the housing element Annual Progress Report required by Government Code section 65400 on the prior year’s activities and due to the Department April 1 of each year.
- (d) “Department” means the California Department of Housing and Community Development.
- (e) “Disaster Recovery Area” means a locality experiencing a state or federally declared disaster in the last five years, where proposed planning activities will significantly address the present and future housing needs of the disaster, including climate adaptation.
- (f) “Fund” means the Building Homes and Jobs Trust Fund pursuant to Health and Safety Code section 50470.
- (g) “High-quality transit corridor” means an existing corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. An existing stop along a high-quality transit corridor may include a stop currently in service or a planned and funded stop that is included in an adopted regional transportation improvement program.
- (h) “Housing” means any development that satisfies both of the following criteria:

1. At least two-thirds of the square footage of the development must be designated for residential use; and
2. Includes a house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied as separate living quarters, or, if vacant, is intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other individuals in the building and which have a direct access from the outside of the building or through a common hall.

Note: accessory dwelling units (ADU) and junior accessory dwelling units (JADU) pursuant to Gov. Code sections 65852.2 and 65852.22 meet the definition above.

- (i) “Local government” or “Locality” means any city, including a charter city, county, including a charter county or city and county, including a charter city and county.
- (j) “Location Efficient” means either of the following definitions (1) within one half of a mile of a major transit stop or high-quality transit corridor, or (2) where the household per capita vehicle miles traveled is below the regional average per capita vehicle miles travelled, as determined by a regional travel demand model.
- (k) “Lower-Income” means households whose incomes are less than 80 percent of area median income pursuant to Health and Safety Code section 50079.5.
- (l) “Lower-income Community” means a locality with a median household income at or below 80 percent of the state median income.
- (m) “Major Transit Stop” means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with frequencies of service intervals of 15 minutes or less during the morning and afternoon peak-commute periods. An existing “Major Transit Stop” may include a planned and funded stop that is included in an adopted regional transportation improvement program.
- (n) “Moderate-Income” means households whose income is above 80 percent of area median income but does not exceed 120 percent of area median income pursuant to Health and Safety Code section 50093.
- (o) “Objective zoning standard”, “objective subdivision standard”, and “objective design review standard” means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. “Objective design review standards” means only objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, which are broadly applicable to development within the jurisdiction.

- (p) “Other Planning Priorities” means planning, policies, programs or investments to promote housing choices and affordability to lower and moderate income households, the encouragement of conservation of the existing affordable housing stock and efforts to take into account current and future impacts of climate change, including hazard mitigation.
- (q) “Priority Policy Areas” means any of the following:
1. Rezone to Permit By-right: Rezoning for additional housing capacity without or lesser discretionary review or establishing zoning to permit residential development by-right, particularly multifamily, without discretionary action pursuant to Government Code Section 65583.2(h) and (i).
 2. Objective design and development standards: Developing objective design standards or pre-approved site and architectural plans that facilitate non-discretionary permitting.
 3. Specific plans or Form Codes coupled with CEQA streamlining: Designating and rezoning for additional housing capacity or preparing specific plans or form codes that include zoning and development standards and plan-level environmental analysis that can be used to streamline future housing projects and facilitate affordability.
 4. Accessory Dwelling Units and other innovative building strategies: Encouraging ADUs and other innovative building types through ordinances, outreach, fee waivers, pre-approved plans, website zoning clearance assistance, and other homeowner tools or finance tools.
 5. Expedited processing: Speeding up approvals and permit processing, including instituting programs that streamline or consolidate the review process or create a separate process for expedited review of housing projects.

NOTE: Priority policy areas are subject to change and will be defined in the Notice of Funding Availability (NOFA).

- (r) “Program” means the program developed to implement the first year of the Fund pursuant to Health and Safety Code section 50470(b)(1)(A).
- (s) “State Planning Priorities” means priorities which are intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety in the state, including in urban, suburban, and rural communities pursuant to Gov. Code Section 65041.1.
- (t) “Streamlined Housing Production” means improving the entitlement process through actions such as removing, mitigating or minimizing local regulatory requirements, reforming the local approval process to reduce processing times, the number of local discretionary approvals and permits needed for projects, improving

approval certainty, establishing non-discretionary processes, modifying development standards such as reducing parking requirement and increasing height limits or other efforts such as taking the fullest advantage of existing streamlining mechanisms provided in state law.

(u) “Under-resourced Localities” means

1. Lower-income community that meets either of the following criteria: (1) a population less than 25,000 (2018 Department of Finance (DOF) population estimate, report E-5) and two or less planners (as reported to the Office of Planning and Research (OPR) in 2018) or (2) a population less than 50,000 and three or less planners.

or

2. A locality demonstrating to the Department a significant lack of planning capacity based on population size, poverty levels, median household incomes relative to the state median incomes, unemployment rates, number of planners, and budget size.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470.5 and 50470, subdivision (b)(1)(A).

ARTICLE II. ELIGIBILITY AND THRESHOLD CRITERIA

The Program does not use a competitive process to award funds. All localities that meet the eligibility requirements outlined below will be funded as provided in these Guidelines.

Section 200. Eligible Applicants

- (a) Eligible applicants are limited to local governments.
- (b) Local governments may partner through legally binding agreements with other forms of governments or entities where the proposal will have a direct effect on land-use or development within the locality. This includes, but is not limited to, partnerships with other localities, regional governments, housing authorities, school districts, special districts, community based organizations, or any duly constituted governing body of an Indian Reservation or Rancheria. Multi-jurisdictional partnerships between local governments are encouraged to coordinate with regional governments, leverage regional and state investment, promote consistency with the sustainable communities strategy, and affirmatively further fair housing.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 201. Threshold Criteria

Applicants must meet all the following threshold requirements for participation in the Program:

- (a) **Housing element compliance:** The applicant must have a housing element that has been adopted by the jurisdiction's governing body by the deadline specified in the NOFA and subsequently determined to be in substantial compliance with state housing element law pursuant to Gov. Code Section 65585.
1. The jurisdiction's adopted housing element will be deemed to have met this requirement if the adopted element is received by the Department on or prior to the date specified in the NOFA and the Department subsequently determines the adopted housing element to be in substantial compliance pursuant to Gov. Code Section 65585 without further amendment.
 2. However, applicants not meeting housing element requirements may be considered to meet this threshold requirement at the discretion of the Department and based on factors such as significant progress in meeting housing element requirements (e.g., a draft found to meet statute, rezoning near completion), proposing activities to meet housing element requirements (e.g., rezoning to accommodate housing needs pursuant to Gov. Code Section 65583(c)(1)) and adoption of a compliant element prior to the award of funds.
 3. No documentation is necessary to meet this threshold requirement if an adopted housing element has been found in substantial compliance by the Department.

A jurisdiction's current housing element compliance status can be obtained by referencing the Department's website at <http://www.hcd.ca.gov/community-development/housing-element/index.shtml> or by contacting Paul McDougall at paul.mcdougall@hcd.ca.gov.

- (b) **Annual Progress Report (APR) on the housing element:** The applicant must submit the APR to the Department as required by Gov. Code section 65400 for the current or prior year by the date established in the NOFA.
1. Charter cities are not exempt from this specific Program requirement and must submit an APR to be eligible for the Program.
 2. Please be advised that the Department will not accept other reports in lieu of the APR. Housing Authority Financial Reports, Redevelopment Reports, and other similar reports will not be accepted as meeting this requirement. If uncertain of the status of the report submittal for a jurisdiction, please contact the Department for more information.
 3. The proposed use of the planning grant shall be included in the locality's funding plan and annual progress reports pursuant to Gov. Code section 50470(b)(2)(B)(ii)(II) and (III).

4. No documentation is necessary to meet this threshold requirement.

- (c) **Nexus to accelerating housing production:** The applicant must propose and document plans or processes that accelerate housing production. The application must demonstrate a significant positive effect on accelerating housing production through timing, cost, approval certainty, entitlement streamlining, feasibility, infrastructure capacity, or impact on housing supply and affordability. An application not utilizing priority policy areas must include an explanation and documentation of the nexus plans or processes impact on accelerating housing production based on a reasonable and verifiable methodology and must utilize the Department's form (see Attachment 1). A verifiable methodology may include a statement of support from a non-profit or for-profit developer that is active in the locality.

Applicants proposing priority policy areas do not require a nexus demonstration and are automatically deemed to accelerate housing production without any documentation.

- (d) **State Planning and Other Planning Priorities:** Applicants must demonstrate that the locality is consistent with State Planning or Other Planning Priorities. Consistency may be demonstrated through activities (not necessarily proposed for SB 2 funding) that were completed within the last five years. Applicants must self-certify utilizing the Department's form (see Attachment 2).

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

ARTICLE III. ELIGIBLE ACTIVITIES AND USES

Section 300. Eligible Activities

- (a) Eligible activities must demonstrate a nexus to accelerating housing production.
- (b) Eligible activities may include:
1. Updates to general plans, community plans, specific plans, local planning related to implementation of sustainable communities strategies, or local coastal plans;
 2. Updates to zoning ordinances;
 3. Environmental analyses that eliminate the need for project-specific review; and
 4. Local process improvements that improve and expedite local planning.

Applicants proposing priority policy areas are automatically deemed to accelerate housing production without any documentation or demonstration to the Department.

- (c) Eligible activities are not necessarily jurisdiction-wide and may include a smaller geography with a significant impact on housing production. For example, eligible activities may include a housing development-related project with a significant community level impact or planning or process improvement for a project with an ongoing community impact beyond the project. Eligible activities also include an overlay district, project level specific plan or development standards modifications proposed for significant areas of a locality, such as corridors, downtown or priority growth areas.
- (d) Eligible activities may include the creation or enhancement of a housing sustainability district pursuant to AB 73 (Chapter 371, Statutes of 2017), workforce housing opportunity zone pursuant to SB 540 (Chapter 369, Statutes of 2017), zoning for by-right supportive housing, pursuant to Government Code section 65651 (Chapter 753, Statutes of 2018), zoning incentives for housing for persons with special needs, including persons with developmental disabilities, rezoning to meet requirements pursuant to Government Code Section 65583.2(c) and other rezoning efforts to facilitate supply and affordability, rezoning for multifamily housing in high resource areas (according to Tax Credit Allocation Committee/Housing Community Development Opportunity Area Maps), pre-approved architectural and site plans, regional housing trust fund plans, SB 2 funding plans, and infrastructure financing plans.
- (e) Eligible activities may include environmental hazard assessments, data collection on permit tracking, feasibility studies, site analysis, or other background studies that are ancillary and part of the proposed activity.
- (f) Eligible activities may be part of a larger planning effort (e.g., a comprehensive zoning code update) if proposed activities have not been completed prior to the NOFA date, are distinct, and demonstrate a nexus to accelerating housing production.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 301. Ineligible Activities

- (a) Activities unrelated to housing production.
- (b) Activities that obstruct or hinder housing production, e.g. moratoriums, downzoning, planning documents with conditional use permits that significantly impact approval certainty and timing, planned development, or other similarly constraining processes.
- (c) The Department may consider proposals that include activities under subdivisions (a) and (b) if a significant housing component is also present and the net effect on accelerating housing production is positive. For example, an applicant may propose combining an open-space designation, downzoning, or anti-displacement measures with by-right upzoning that has a significant net gain in housing capacity.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 302. Eligible Uses

- (a) Grant funds shall be used for the costs of preparing and adopting the proposed activity.
- (b) Program grant funds may not be used for administrative costs of persons employed by the grantee for activities not directly related to the preparation and adoption of the proposed activity.
- (c) A jurisdiction that receives funds under this Program may use a subcontractor. The subcontract shall provide for compliance with all the requirements of the Program. The subcontract shall not relieve the jurisdiction of its responsibilities under the Program.
- (d) Applicants will enter into a State Standard Agreement (Standard Agreement) for distribution of funds. Program grant funds must be spent by the anticipated end of the grant term (June 30, 2022).
- (e) Unless otherwise noted, no costs incurred prior to the execution date of the Standard Agreement may be charged to Program funds. After the contract has been executed by the state, eligible expenditures may be incurred and expended for the project(s) subject to the terms and conditions of the Standard Agreement.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

ARTICLE IV. AWARD AMOUNTS AND DISTRIBUTION

Section 400. Award Amounts

- (a) The minimum award is \$25,000.
- (b) The maximum award amount is a sliding scale based on population estimates from the Department of Finance (DOF) (2018 DOF Population Estimates, E-5), as follows:
 - 1. \$500,000 for large localities (greater than 200,000 people)
 - 2. \$250,000 for medium localities (60,000 to 200,000 people)
 - 3. \$125,000 for small localities (less than 60,000 people)

For a link to the 2018 DOF Population Estimates, E-5, see <http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>.

- (c) Applicants seeking partnerships with other local governments will be additive. For example, two large localities could submit a proposal for up to \$1,000,000.
- (d) The maximum or minimum award amounts may be adjusted based on the amount collected in the Fund.
- (e) The maximum or minimum awards may be adjusted in the event the Department considers a supplemental round of funding.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 401. Geographic Distribution

- (a) The Department will ensure geographic equity in the distribution and expenditure of funds through marketing, outreach and technical assistance to potential applicants.
- (b) In the event of a supplemental round of funding, the Department will ensure geographic equity through criteria such as minimum set-asides, under-resourced localities, disaster recovery, and location efficient communities (e.g., access to transportation).

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(C).

ARTICLE V. APPLICATION REVIEW AND AWARD

Section 500. Application Review

- (a) The Program will not initially utilize a competitive process to award funds. Funds will be available to eligible applicants upon request (“over the counter”).
- (b) Funds will be available for an eight-month over-the-counter period, commencing from the date of the NOFA.
- (c) The Department may extend the over-the-counter period.
- (d) Applicants must submit an application to be eligible for funding. An application form will be available upon release of the NOFA and will include forms to demonstrate meeting threshold requirements, a proposed budget and timeline, and a request for letters of support from key stakeholders and decision-makers in the adoption process.
- (e) The Department may request additional information to complete the initial application for funding.

- (f) Applications recommended for funding are subject to conditions specified by the Department. Applicants will receive an official letter of award after the Department approves funding recommendations.
- (g) If funds are not fully awarded at the conclusion of the over-the-counter period, the Department may consider a supplemental funding round.
 1. The supplemental funding round will be available to prior applicants and localities that have not submitted a request for funding. The supplemental funding round will either use the initial complete application for funding, a new application where localities have not submitted a request for funding, or a new application and NOFA.
 2. Localities that have not submitted a previous request for funding will receive top priority in the supplemental funding round, subject to the minimum and maximum award amounts described in Section 400. All other applicants for the supplemental funding round will be subject to scoring criteria. Scoring criteria will include priority policy areas, under-resourced localities, disaster recovery, and location efficient. A tiebreaker will use factors such as impact on housing supply and affordability, level of housing need, and affirmatively furthering fair housing.
 3. The Department may adjust scoring criteria to accommodate changes in conditions and circumstances, such as the results of the initial funding round and equitable geographic distribution.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

ARTICLE VI. ADMINISTRATION

Section 600. Grant Execution and Term

- (a) The Department will notify the grantee if they have been selected for a grant award.
- (b) After the Standard Agreement and attachments have been finalized, the grantee will be provided instructions for signing all required documents. The grantee must submit all supporting materials and a signed Standard Agreement within the timeline provided in the instructions or risk forfeiting the grant award.
- (c) The grant term begins on the day the Department and the grantee have both signed the completed Standard Agreement. The Department will notify the grantee and partners when work may proceed.
- (d) The end of the grant term will be determined by the state based on the availability of grant funds and the administrative requirements for liquidation. The anticipated grant term runs through June 30, 2022.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 601. Payment and Accounting of Grant Funds

- (a) Grant funds cannot be disbursed until the Standard Agreement has been fully executed.
- (b) The grantee will be responsible for compiling and submitting all invoices and reporting documents. Grantees will submit for reimbursements to the Department based on actual cost incurred.
- (c) The grantee must bill the state based on clear deliverables outlined in the Standard Agreement. Only approved and eligible costs incurred for work after the NOFA date, continued past the date of the Standard Agreement and completed during the grant term will be reimbursable. Approved and eligible costs incurred prior to the NOFA date are ineligible.
- (d) Work must be completed prior to requesting reimbursement.
- (e) Grant fund payment will be made on a reimbursement basis; advance payments are not allowed. The grantee and partners must have adequate cash flow to pay all grant-related expenses prior to requesting reimbursement from the Department. Project invoices will be submitted to the Department by the grantee on a quarterly basis.
- (f) In unusual circumstances, the Department may consider alternative arrangements to reimbursement and payment methods based on documentation demonstrating cost burdens, including the inability to pay for work.
- (g) Supporting documentation may include, but is not limited to: purchase orders, receipts, progress payments, subcontractor invoices, time cards, etc.
- (h) Invoices must be accompanied by reporting materials where appropriate. Invoices without the appropriate reporting materials will not be paid. The Department may withhold 10 percent of the grant until grant terms have been fulfilled.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 602. Accounting Records and Audits

- (a) The grantee must establish a separate ledger account for receipts and expenditures of grant funds and maintain expenditure details in accordance with the attached Work Plan and Budget. Separate bank accounts are not required.

- (b) The grantee shall maintain documentation of its normal procurement policy and competitive bid process (including the use of sole source purchasing), and financial records of expenditures incurred during the course of the project in accordance with generally accepted accounting principles.
- (c) The grantee agrees that the state or designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of the Standard Agreement.
- (d) The grantee agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated.
- (e) Subcontractors employed by the grantee and paid with moneys under the terms of this Standard Agreement shall be responsible for maintaining accounting records as specified above.
- (f) At any time during the term of the Standard Agreement, the Department may perform or cause to be performed a financial audit of any and all phases of the award. At the Department's request, the awardee shall provide, at its own expense, a financial audit prepared by a certified public accountant. The State of California has the right to review project documents and conduct audits during project implementation and over the project life.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 603. Remedies of Non-performance

- (a) In the event that it is determined, at the sole discretion of the state, that the grantee is not meeting the terms and conditions of the Standard Agreement, immediately upon receiving a written notice from the Department to stop work, the grantee shall cease all work under the Standard Agreement. The Department has the sole discretion to determine that the grantee meets the terms and conditions after a stop work order, and to deliver a written notice to the grantee to resume work under the Standard Agreement.
- (b) Both the grantee and the Department have the right to terminate the Standard Agreement at any time upon 30 days written notice. The notice shall specify the reason for early termination and may permit the grantee or the Department to rectify any deficiency(ies) prior to the early termination date. The grantee will submit any requested documents to the Department within 30 days of the early termination notice.
- (c) There must be a strong implementation component for the funded activity through this Program, including, where appropriate, agreement by the locality to formally adopt the completed planning document. Localities that do not formally adopt the funded activity could be subject to repayment of the grant.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 604. Reporting

- (a) During the term of the Standard Agreement, and according to the annual deadline identified in the Standard Agreement, the awardee shall submit, upon request of the Department, a performance report that demonstrates satisfaction of all requirements identified in the Standard Agreement.
- (b) Upon completion of all deliverables within the Standard Agreement, the awardee shall submit a close out report. See Attachment 3.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b).

ARTICLE VII. TECHNICAL ASSISTANCE

Section 700. Method

- (a) Five percent of the SB 2 planning funds will be available for the Department and the Governor's Office of Planning and Research (OPR) to provide technical assistance to localities requesting grant funds to update planning documents, zoning ordinances, environmental analyses, or local processes to meet the objectives of the Program.
- (b) Technical assistance provided by the Department and OPR to localities will include at least three phases, including assistance in meeting threshold requirements, providing tools, models and best practices to supplement proposed activities related to accelerating housing production, and direct assistance to applicants.
- (c) The Department will coordinate with OPR on technical assistance related to the SB 2 planning funds.
- (d) With minor exceptions and accounting for equitable geographic distribution, technical assistance will be used on priority policy areas.
- (e) Technical assistance will incorporate the Department's responsibility to affirmatively further fair housing.

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Section 701. Geographic Distribution

- (a) The Department will prioritize geographic distribution in the provision of technical assistance to potential applicants.
- (b) Geographic distribution considerations include minimum set-asides, under-resourced localities, disaster recovery, or location efficiency (e.g., access to jobs and a variety of transportation modes).

NOTE: Authority cited: Health and Safety Code section 50470, subdivision (d). Reference cited: Health and Safety Code section 50470, subdivision (b)(1)(A).

Attachment 1
Nexus to Accelerating Housing Production
Form
(Only for proposals not using the priority policy
areas)

Locality: _____

Planned Activity: _____

Applicants shall demonstrate how the application includes a nexus to accelerating housing production. Applicants selecting priority policy areas are automatically deemed to demonstrate a nexus to accelerating housing production and do not need to complete this form. Please complete the following chart by providing information about the current conditions and expected outcomes with respect to the planned activity and housing production.

Application Nexus to Accelerating Housing Production				
Type (Select At least One)	Baseline*	Projected**	Difference***	Additional notes
Timing (e.g., reduced number of days of processing)				
Development cost (e.g., land, fees, financing, construction costs per unit)				
Approval certainty and reduction in discretionary review (e.g., prior versus proposed standard and level of discretion)				
Entitlement streamlining (e.g., number of approvals)				
Feasibility of development				
Infrastructure Capacity (e.g, number of units)				
Impact on housing supply and affordability (e.g., number of units)				
Other				
<small>* Baseline – Current conditions in the jurisdiction (e.g. 6-month development application review) **Projected – Expected conditions in the jurisdiction because of the planning grant actions (e.g. 2-month development application review) ***Difference – Potential change resulting from the planning grant actions (e.g., 4-month acceleration in permitting, creating a more expedient development process)</small>				

Attachment 2

State Planning and Other Planning Priorities Form

Locality: _____

Applicants shall report on meeting state objectives by showing activities completed prior to application submittal in one or more of the State Planning Priorities (i.e., Infill and Equity, Resource Protection, Efficient Development Patterns) or Other Planning Priorities (i.e., Affordability, Conservation, Climate Change)

Please select one or more of the areas in the following chart by marking X in the completed box and describe the action and completion date.

STATE PLANNING PRIORITIES		
(Select one or more)		
Action	Completed	Describe Action and Completion Date
Promote Infill and Equity		
Rehabilitating, maintaining, and improving existing infrastructure that supports infill development and appropriate reuse and redevelopment of previously developed, underutilized land that is presently served by transit, streets, water, sewer, and other essential services, particularly in underserved areas.		
Seek or utilize funding or support strategies to facilitate opportunities for infill development.		
Other (describe how this meets subarea objective)		
Promote Resource Protection		
Protecting, preserving, and enhancing the state's most valuable natural resources, including working landscapes such as farm, range, and forest lands; natural lands such as wetlands, watersheds, wildlife habitats, and other wildlands; recreation lands such as parks, trails, greenbelts, and other open space; and landscapes with locally unique features and areas identified by the state as deserving special protection.		

Actively seek a variety of funding opportunities to promote resource protection in underserved communities.		
Other (describe how this meets subarea objective)		
Encourage Efficient Development Patterns		
<p>Ensuring that any infrastructure associated with development, other than infill development, supports new development that does the following:</p> <ul style="list-style-type: none"> (1) Uses land efficiently. (2) Is built adjacent to existing developed areas to the extent consistent with environmental protection. (3) Is located in an area appropriately planned for growth. (4) Is served by adequate transportation and other essential utilities and services. (5) Minimizes ongoing costs to taxpayers. 		
Other (describe how this meets subarea objective)		

OTHER PLANNING PRIORITIES

(Select one or more)

Action	Completed	Describe Action and Completion Date
Affordability and Housing Choices		
Incentives and other mechanisms beyond State Density Bonus Law to encourage housing with affordability terms.		
Efforts beyond state law to promote accessory dwelling units or other strategies to intensify single-family neighborhoods with more housing choices and affordability.		
Upzoning or other zoning modifications to promote a variety of housing choices and densities.		
Utilizing surplus lands to promote affordable housing choices.		
Efforts to address infrastructure deficiencies in disadvantaged communities pursuant to Government Code Section 65302.10.		
Other (describe how this meets subarea objective)		
Conservation of Existing Affordable Housing Stock		
Policies, programs or ordinances to conserve stock such as an at-risk preservation ordinance, mobilehome park overlay zone, condominium conversion ordinance and acquisition and rehabilitation of market rate housing programs.		
Policies, programs and ordinances to protect and support tenants such as rent stabilization, anti-displacement strategies, first right of refusal policies, resources to assist tenant organization and education and "just cause" eviction policies.		
Other (describe how this meets subarea objective)		

Climate Adaptation		
Building standards, zoning and site planning requirements that address flood and fire safety, climate adaptation and hazard mitigation.		
Long-term planning that addresses wildfire, land use for disadvantaged communities, and flood and local hazard mitigation.		
Community engagement that provides information and consultation through a variety of methods such as meetings, workshops, and surveys and that focuses on vulnerable populations (e.g., seniors, people with disabilities, homeless, etc.).		
Other (describe how this meets subarea objective)		

I certify under penalty of perjury that all of the information contained in this SB 2 Planning Grants State Planning and Other Planning Priorities Form is true and correct.

Certifying official's name: _____

Certifying official's title: _____

Certification date: _____

Certifying official's signature: _____

Attachment 3

Close Out Reporting Form

SB 2 Planning Close Out Reporting Template

Brief Summary

- Overview of the project
- Project start date and duration
- Project goals and relevance to SB 2 Planning Grants Program goals
- Outcomes

Lead Agency and Partnerships

- List lead agency and partnerships (including names, titles, organizations, and roles and responsibilities of each)
- What did those collaborative relationships and processes look like?

Drivers

- Did any local, state, or federal legislation or mandates drive the project? (SB 35, AB 1397, etc.)
- Was it a community driven effort?
- Were there additional funding opportunities present?

Engagement Process

- Who were your stakeholders?
- What did the engagement process look like?
- What role did stakeholders play in the process? (Keep in mind: training, education, council formation, technical assistance, etc.)
- What were the outcomes of the engagement process?

Challenges

- What challenges were encountered?
- What solutions were encountered or created?
- Are there areas for improvement of policy alignment at the state or federal level to help achieve this project more easily?

Outcomes

- What are the current or projected outcomes? Benefits?
- Were outcomes as anticipated?
- Have new opportunities arisen as a result of this project?
- What are the next steps?

SB 2 Planning Close Out Reporting Template

Replicability

- What aspects of the project could be replicated in other communities?
- Useful resources and tools? For a specific region or sector?

Additional Resources

- Links to the project itself
- Links to resources used throughout and any other relevant resources

Further Information

- Who can be reached to ask more questions about this project?
 - o Name
 - o Number and/or email



STAFF REPORT

ITEM NO. 14.B.

DATE: October 28, 2019
TO: MAYOR AND CITY COUNCIL
FROM: ROSEMARY HOERNING INTERIM CITY MANAGER
PREPARED BY: ROSEMARY HOERNING, INTERIM CITY MANAGER
SUBJECT: CONSIDERATION OF SOLICITING PROFESSIONAL CITY ATTORNEY SERVICE PROPOSALS

RECOMMENDED ACTION

It is recommended that the City Council direct the City Manager to solicit professional City Attorney service proposals.

GOAL STATEMENT

The proposed action supports the City's goal of periodically reviewing and retaining professional City Attorney legal services.

BACKGROUND

On October 14, 2019, City Attorney James L. Markman resigned his position and the City Council appointed Steven Flower as Interim City Attorney. At this meeting, the City Council directed the City Manager to place an item on the agenda for the next regularly scheduled City Council meeting to consider the solicitation of City Attorney professional service proposals.

ISSUES/ANALYSIS

Pursuant to the Upland Municipal Code (UMC), the City Council makes the appointment of the City Attorney. The City Council has appointed an Interim City Attorney from the office of Richards, Watson, & Gershon. The City Council is considering soliciting a request for professional City Attorney legal service proposals for evaluation and possible selection.

FISCAL IMPACTS

City Attorney services are included in the City's adopted budget.

ALTERNATIVES

Provide alternative direction to staff.

ATTACHMENTS:

No Attachments Available



STAFF REPORT

ITEM NO. 14.C.

DATE: October 28, 2019
TO: MAYOR & CITY COUNCIL
FROM: ROSEMARY HOERNING, INTERIM CITY MANAGER
PREPARED BY: ROSEMARY HOERNING, INTERIM CITY MANAGER
JOHN ROBLES, CHIEF WATER TREATMENT OPERATOR
SUBJECT: APPROVAL OF MOTOR CONTROL CENTER AND BOOSTER STATION
MAINTENANCE & UPGRADE WORK AT PLANT 6

RECOMMENDED ACTION

It is recommended that the City Council approve an agreement with KSM Electric, Inc. for the maintenance replacement and upgrade of the 15th Street electrical equipment (Plant 6) for \$241,712.70 and authorize a contingency in the amount of \$8,287.30 for a total authorized amount of \$250,000.

GOAL STATEMENT

The proposed action supports the City's goal to ensure reliable water service is maintained and provided to the community.

BACKGROUND

The Motor Control Center, electrical system, and booster units at the 15th Street and Campus Avenue water facility (Plant 6) is in need of maintenance, replacement, and upgrade to ensure this facility will continue to operate in a reliable manner. KSM Electrical, Inc. (KSM) provides full specialized electrical and instrumentation service to the City to ensure facilities continue to provide essential operations. KSM is familiar with the City water system operations and can complete the work with minimal operational interruption of service.

ISSUES/ANALYSIS

The Plant 6 facility is an essential water facility. Plant 6 receives water from the Southern pressure zone, imported water supply, and San Antonio Water Company groundwater sources. These sources are blended together and disinfection treatment is provided. Water can be gravity fed or boosted as necessary to meet the demands of the eastern area of the

City. Performing this work over the winter period will ensure that facility reliability is intact to meet the higher summer demand requirements. This work will also include noise mitigation as concerns have been reported by residents from the adjoining neighborhood.

FISCAL IMPACTS

The cost for performing this work is reasonable and can be performed in a timely manner. Sufficient funds are budgeted for this work and no additional appropriation is required.

ALTERNATIVES

Provide alternative direction to staff.

ATTACHMENTS:

Agreement
Project Location Map

AGREEMENT

KNOW ALL MEN BY THESE PRESENTS: The following Agreement is made and entered into, in duplicate, as of the date executed by the City Manager, by and between **KSM Electric, Inc.** hereinafter referred to as the "CONTRACTOR" and the CITY OF UPLAND, hereinafter referred to as "CITY."

A. Recitals.

- (i) WHEREAS, Pursuant to the City's Request for Quotation, quotations were received, opened, and declared on October 8, 2019; and,
- (ii) WHEREAS, CITY did accept the bid of CONTRACTOR as the lowest responsible bidder; and,
- (iii) CITY has authorized the City Manager to enter into a written contract with CONTRACTOR for furnishing labor, equipment, and material for the installation of **Job No. 9135: Plant 6 Motor Control Center and Booster Station Maintenance** ("the job" hereinafter).

B. Terms.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed:

1. **GENERAL SCOPE OF WORK:** CONTRACTOR shall furnish all necessary labor, tools, materials, appliances, and equipment for installation of **Job No. 9135: Plant 6 Motor Control Center and Booster Station Maintenance** ("Job"). The job shall be performed by Contractor in accordance with Request for Quotation, Permits, and Bidder's Response as set forth in the Exhibit A. Contractor shall complete the tasks according to the schedule of performance which is also set forth in Exhibit A.

2. **INCORPORATED DOCUMENTS TO BE CONSIDERED COMPLEMENTARY:** Request for Quotation, Permits, and Bidder's Response are incorporated herein by reference thereto and made a part hereof with like force and effect as if all of said documents were set forth in full herein. Said documents, the Request for Quotation, together with this written Agreement, shall constitute the contract between the parties. This contract is intended to require a complete and finished piece of work and anything necessary to complete the work properly and in accordance with the law and lawful governmental regulations shall be performed by the CONTRACTOR whether set out specifically in the contract or not. Should it be ascertained that any inconsistency exists between the aforesaid documents and this written Agreement, the provisions of this written Agreement shall control.

3. **TERMS OF CONTRACT:**

a. The CONTRACTOR agrees to execute the contract within ten (10) calendar days from the date of notice of award of the contract and to complete his portion of the job within **one hundred eighty (180) calendar days** from the execution of the first contract. CONTRACTOR agrees further to the assessment of liquidated damages in the amount of **\$250.00** dollars for each calendar day the job remains incomplete beyond the expiration of the completion date. CITY may deduct the amount thereof from any moneys due or that may become due to the CONTRACTOR

under this Agreement. Progress payments made after the scheduled date of completion shall not constitute a waiver of liquidated damages.

4. **INSURANCE:** The CONTRACTOR shall not commence work under this contract until he has obtained all insurance required hereunder in a company or companies acceptable to CITY nor shall the CONTRACTOR allow any subcontractor to commence work on his subcontract until all insurance required of the subcontractor has been obtained. The CONTRACTOR shall take out and maintain at all times during the life of this contract the following policies of insurance:

a. **Compensation Insurance:** Before beginning work, the CONTRACTOR shall furnish to the Engineer a policy of insurance or proper endorsement as proof that he has taken out full compensation insurance for all persons whom he may employ directly or through subcontractors in carrying out the work specified herein, in accordance with the laws of the State of California. Such insurance shall be maintained in full force and effect during the period covered by this contract.

In accordance with the provisions of § 3700 of the California Labor Code, every contractor shall secure the payment of compensation to his employees. CONTRACTOR, prior to commencing work, shall sign and file with CITY a certification as follows:

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

b. For all operations of the CONTRACTOR or any subcontractor in performing the work provided for herein, insurance with the following minimum limits and coverage:

- (1) Public Liability - Bodily Injury (not auto) \$1,000,000 each person; \$2,000,000 each accident.
- (2) Public Liability - Property Damage (not auto) \$500,000 each accident; \$1,000,000 aggregate.
- (3) Contractor's Protective - Bodily Injury \$1,000,000 each person; \$2,000,000 each accident.
- (4) Contractor's Protective - Property Damage \$500,000 each accident; \$1,000,000 aggregate.
- (5) Automobile - Bodily Injury \$1,000,000 each person; \$1,000,000 each accident.
- (6) Automobile - Property Damage \$500,000 each accident.

c. The policy of insurance provided for in subparagraph a. shall contain an endorsement which:

- (1) Waives all right of subrogation against all persons and entities specified in subparagraph 4.d.(2) hereof to be listed as additional insured in the policy of insurance provided for in paragraph b. by reason of any claim arising out of or connected with the operations of CONTRACTOR or any subcontractor in performing the work provided for herein;
 - (2) Provides it shall not be canceled or altered without thirty (30) days' written notice thereof given to CITY by registered mail.
- d. Each such policy of insurance provided for in paragraph b. shall:
- (1) Be issued by an insurance company approved in writing by CITY, which is admitted and licensed to do business in the State of California and which is rated "A" or better according to the most recent A.M. Best Company Rating Guide;
 - (2) Name as additional insured the CITY, its officers, agents and employees, and any other parties specified in the bid documents to be so included;
 - (3) Specify it acts as primary insurance and that no insurance held or owned by the designated additional insured shall be called upon to cover a loss under said policy;
 - (4) Contain a clause substantially in the following words:

"It is hereby understood and agreed that this policy may not be canceled nor the amount of the coverage thereof reduced until thirty (30) days after receipt by CITY of a written notice of such cancellation or reduction of coverage as evidenced by receipt of a registered letter."
 - (5) Otherwise be in form satisfactory to CITY.
- e. The CONTRACTOR shall at the time of the execution of the contract present the original policies of insurance required in paragraphs a. and b., hereof, or present an endorsement of the insurance company, showing the issuance of such insurance, and the additional insured and other provisions required herein.

5. PREVAILING WAGE: Notice is hereby given that in accordance with the provisions of California Labor Code, Division 2, Part 7, Chapter 1, Articles 1 and 2, the CONTRACTOR is required to pay not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work. In that regard, the Director of the Department of Industrial Relations of the State of California is required and has determined such general prevailing rates of per diem wages. Copies may be obtained from the California Department of Industrial Relations' Internet web site at <http://www.dir.ca.gov>. CONTRACTOR shall provide a copy of prevailing wage rates to any staff or subcontractor hired, and shall pay the adopted prevailing wage rates as a minimum.

CONTRACTOR also shall cause a copy of such determinations to be posted at the job site.

CONTRACTOR shall forfeit, as penalty to CITY, not more than the amount prescribed by California Labor Code Section 1775 for each laborer, workman, or mechanic employed for each calendar day or portion thereof, if such laborer, workman, or mechanic is paid less than the general prevailing rate of wages hereinbefore stipulated for any work done under the attached contract, by him or by any subcontractor under him, in violation of the provisions of said Labor Code and Davis-Bacon Act.

6. APPRENTICESHIP EMPLOYMENT: In accordance with the provisions of § 1777.5 of the Labor Code, as amended, and in accordance with the regulations of the California Apprenticeship Council, properly indentured apprentices may be employed in the prosecution of the work.

Attention is directed to the provisions in §§ 1777.5 and 1777.6 of the Labor Code concerning the employment of apprentices by the CONTRACTOR or any subcontractor under him.

§ 1777.5, as amended, requires the CONTRACTOR or subcontractor employing tradesmen in any apprenticeable occupation to apply to the joint apprenticeship committee nearest the site of the public works job and which administers the apprenticeship program in that trade for a certificate of approval. The certificate will also fix the ratio of apprentices to journeymen that will be used in the performance of the contract. The ratio of apprentices to journeymen in such cases shall not be less than one to five except:

- a. When unemployment in the area of coverage by the joint apprenticeship committee has exceeded an average of 15 percent in the 90 days prior to the request for certificate, or
- b. When the number of apprentices in training in the area exceeds a ratio of one to five, or
- c. When the trade can show that it is replacing at least 1/30 of its membership through apprenticeship training on an annual basis statewide or locally, or
- d. When the CONTRACTOR provides evidence that he employs registered apprentices on all of his contracts on an annual average of not less than one apprentice to eight journeymen.

The CONTRACTOR is required to make contributions to funds established for the administration of apprenticeship programs if he employs registered apprentices or journeymen in any apprenticeable trade on such contracts and if other contractors on the public works site are making such contributions.

The CONTRACTOR and subcontractors under him shall comply with the requirements of §§ 1777.5 and 1777.6 in the employment of apprentices.

Information relative to apprenticeship standards, wage schedules, and other requirements may be obtained from the Director of Industrial Relations, *ex-officio* the

Administrator of Apprenticeship, San Francisco, California, or from the Division of Apprenticeship Standards and its branch offices.

7. LEGAL HOURS OF WORK: Eight (8) hours of labor shall constitute a legal day's work for all workmen employed in the execution of this contract, and the CONTRACTOR and any subcontractor under him shall comply with and be governed by the laws of the State of California having to do with working hours set forth in Division 2, Part 7, Chapter 1, Article 3 of the Labor Code of the State of California as amended.

The CONTRACTOR shall forfeit, as a penalty to CITY, twenty-five dollars (\$25.00) for each laborer, workman, or mechanic employed in the execution of the contract, by him or any subcontractor under him, upon any of the work hereinbefore mentioned, for each calendar day during which said laborer, workman, or mechanic is required or permitted to labor more than eight (8) hours in violation of said Labor Code.

8. TRAVEL AND SUBSISTENCE PAY: CONTRACTOR agrees to pay travel and subsistence pay to each workman needed to execute the work required by this contract as such travel and subsistence payments are defined in the applicable collective bargaining agreements filed in accordance with Labor Code § 1773.8.

9. CONTRACTOR'S LIABILITY: The City of Upland and its respective officers, agents and employees shall not be answerable or accountable in any manner for any loss or damage that may happen to the job or any part thereof, or for any of the materials or other things used or employed in performing the job; or for injury or damage to any person or persons, either workmen, employees of the CONTRACTOR or his subcontractors or the public, whatsoever arising out of or in connection with the performance of the Job. The CONTRACTOR shall be responsible for any damage or injury to any person or property resulting from defects or obstructions or from any cause whatsoever, except the sole negligence or willful misconduct of CITY, or its employees, servants, or independent contractors who are directly responsible to CITY during the progress of the Job or at any time before its completion and final acceptance.

The CONTRACTOR will indemnify CITY against and will hold and save CITY, its officers, officials, employees and volunteers harmless from any and all actions, claims, demands, losses, damages to persons or property, penalties, obligations, or liabilities including attorneys' fees and expert witness expenses that may be asserted or claimed by any person, firm, entity, corporation, political subdivision, or other organization arising out of or in connection with the work, operation, or activities of the CONTRACTOR, his agents, employees, subcontractors, or invitees provided for herein, whether or not there is concurrent passive or active negligence on the part of CITY, but excluding such actions, claims, damages to persons or property, penalties, obligations, or liabilities arising from the sole negligence or willful misconduct of CITY, its employees, servants, or independent contractors who are directly responsible to CITY, and in connection therewith:

- a. The CONTRACTOR will defend any action or actions filed in connection with any of said claims, damages, penalties, obligations, or liabilities and will pay all costs and expenses, including attorneys' fees incurred in connection therewith.
- b. The CONTRACTOR will promptly pay any judgment or award rendered against the CONTRACTOR or CITY covering such claims, damages, penalties, obligations, and liabilities arising out of or in

connection with such work, operations, or activities of the CONTRACTOR hereunder or reasonable settlement in lieu of judgment or award, and the CONTRACTOR agrees to save and hold the CITY harmless therefrom.

- c. In the event CITY is made a party to any action or proceeding filed or prosecuted against the CONTRACTOR for damages or other claims arising out of or in connection with the job, operation, or activities of the CONTRACTOR hereunder, the CONTRACTOR agrees to pay to CITY any and all costs and expenses incurred by CITY in such action or proceeding together with reasonable attorneys' fees.

Any money due to the CONTRACTOR under and by virtue of this Agreement as shall be considered necessary by CITY may be retained by CITY until disposition has been made of such actions or claims for damage as aforesaid.

10. DEFAULT BY CONTRACTOR: In addition to any other remedy provided by law, the City may require CONTRACTOR to obtain a bond in the amount determined by the City for completion of the Job.

11. INDEPENDENT CONTRACTOR:

- a. CONTRACTOR is and shall at all times remain as to the City a wholly independent contractor. The personnel performing the services under this Agreement on behalf of CONTRACTOR shall at all times be under CONTRACTOR's exclusive direction and control. Neither City nor any of its officers, employees, agents, or volunteers shall have control over the conduct of CONTRACTOR or any of CONTRACTOR's officers, employees, or agents except as set forth in this Agreement. CONTRACTOR shall not at any time or in any manner represent that it or any of its officers, employees or agents are in any manner officers, employees or agents of the City. CONTRACTOR shall not incur or have the power to incur any debt, obligation or liability whatever against City, or bind City in any manner.
- b. No employee benefits shall be available to CONTRACTOR in connection with the performance of this Agreement. Except for the fees paid to CONTRACTOR as provided in the Agreement, City shall not pay salaries, wages, or other compensation to CONTRACTOR for performing services hereunder for City. City shall not be liable for compensation or indemnification to CONTRACTOR for injury or sickness arising out of performing services hereunder.
- c. PERS Eligibility Indemnification: In the event that CONTRACTOR or any employee, agent, or subcontractor of CONTRACTOR providing services under this Agreement claims or is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of the City, CONTRACTOR shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of CONTRACTOR or its employees, agents, or subcontractors, as well

as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

Notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary, CONTRACTOR and any of its employees, agents, and subcontractors providing service under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in PERS as an employee of City and entitlement to any contribution to be paid by City for employer contribution and/or employee contributions for PERS benefits.

12. NONDISCRIMINATION: No discrimination shall be made in the employment of persons upon public works because of the race, color, sex, sexual preference, sexual orientation, or religion of such persons, and every contractor for public works violating this section is subject to all the penalties imposed for a violation of Division 2, Part 7, Chapter 1 of the Labor Code in accordance with the provisions of § 1735 of said Code.

13. INELIGIBLE SUBCONTRACTORS: The CONTRACTOR shall be prohibited from performing work on this job with a subcontractor who is ineligible to perform on the job pursuant to §§ 1777.1 and 1777.7 of the Labor Code.

14. CONTRACT PRICE AND PAYMENT: CITY shall pay to the CONTRACTOR for furnishing the material and doing the prescribed work the unit prices set forth in accordance with Contractor's Proposal dated April 3, 2018 and resent October 8, 2019.

15. WAIVER: The delay or failure of either party at any time to require performance or compliance by the other of any of its obligations or agreements shall in no way be deemed a waiver of those rights to require such performance or compliance. No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought. The waiver of any right or remedy in respect to any occurrence or event shall not be deemed a waiver of any right or remedy in respect to any other occurrence or event, nor shall any waiver constitute a continuing waiver.

16. CONSTRUCTION: The parties have participated jointly in the negotiation and drafting of this Agreement. In the event an ambiguity or question of intent or interpretation arises with respect to this Agreement, this Agreement shall be construed as if drafted jointly by the parties and in accordance with its fair meaning. There shall be no presumption or burden of proof favoring or disfavoring any party by virtue of the authorship of any of the provisions of this Agreement.

17. COSTS: Each party shall bear its own costs and fees incurred in the preparation and negotiation of this Agreement and in the performance of its obligations hereunder except as expressly provided herein.

18. ATTORNEYS' FEES: In the event that any action or proceeding is brought by either party to enforce any term or provision of this Agreement, the prevailing party shall recover its reasonable attorneys' fees and costs incurred with respect thereto.

19. RELEASE OF INFORMATION:

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

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

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

To City: City of Upland
460 North Euclid Avenue
Upland, California 91786
Attention: City Manager

To CONTRACTOR: KSM Electric, Inc.
1090 5th Street, Unit 114
Calimesa, CA 92320
(909) 795-8886
Contact: Kevin McDonald

Additionally, CONTRACTOR shall provide an emergency phone number to the City where its point of contact may be reached at any time by City in the event of an emergency.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed with all the formalities required by law on the respective dates set forth opposite their signatures.

State of California
Contractor's License No. 815589

KSM Electric, Inc.
1090 5th Street, Unit 114
Calimesa, CA 92320
(909) 795-8886
Contact: Kevin McDonald

Date 10/22/2019



By Kevin MacDonald

Secretary
Title

Contractor's
Business Phone (909) 795-8886

Emergency Phone at which
Contractor can be reached
at any time (909) 519-1657

CITY OF UPLAND,
A Municipal Corporation

Date

By: _____
Mayor

By: _____
City Clerk

Approved as to form:

City Attorney

KSM Electric Inc.

1090 5th Street Unit 114
 Calimesa, Ca. 92320
 Phone # (909)795-8886 Fax # (909)795-8884

Quote

Date	Quote #
4/3/2018	443

Name / Address
City of Upland Water Department 1370 North Benson Ave Upland, CA 91786

Ship To
City of Upland Water Department Plant 6 15th Street Upland CA.

Terms	FOB	Project
Net 30	Job Site	Plant 6

Description	Qty	Rate	Total
Resent 10/08/2019 Quote Plant 6 Electrical Equipment Replacement. Quote to Include: Supply and install new Utility Transformer Pad, Primary and Secondary Conduits. Install underground conduits from proposed New Motor Control Center to existing booster pumps, Pressure switches, Pump control valves. Pressure Transducers and flow meter. Install concrete pad for Motor Control Center. Supply and install new 1200 amp 480/277 3 phase 4 wire Utility Meter Main Supply and install new 8 section Motor Control Center Motor Control Center to include: Section 1 Incoming Lug and Power Monitor. Section 2 15 KVA transformer, 24 Circuit Lighting Panel, 80 amp 480 volt feeder breaker for reservoirs south of 15th Street and Feeder breaker for existing CL2 Room. Section 3, 4, 5, 6, & 7. Booster Pump Soft Starters control sections with valve control. Section 8 & 9 Future control section Section 10 SCADA section (Mount existing SCADA equipment in new section. Supply and install new pressure switches (2 per pump 1 Low Suction - 1 High Discharge). Supply and install new limit switches on each Level pump control valve (5) Supply and install new Seal Tight Flex to all Valves, Motors, Pressure Switches, Pressure Transducers and Flow Meter Provide AutoCad drawings for all site electrical upgraded equipment. Supply Edison drawings and submittal information required by Edison Motor Control Center Utility Meter Main		89,652.00 22,121.00	89,652.00 22,121.00

Thank you for your business.

Total

KSM Electric Inc.

1090 5th Street Unit 114
 Calimesa, Ca. 92320
 Phone # (909)795-8886 Fax # (909)795-8884

Quote

Date	Quote #
4/3/2018	443

Name / Address
City of Upland Water Department 1370 North Benson Ave Upland, CA 91786

Ship To
City of Upland Water Department Plant 6 15th Street Upland CA.

Terms	FOB	Project
Net 30	Job Site	Plant 6

Description	Qty	Rate	Total
Conduit and Wire		23,253.00	23,253.00
Concrete transformer pad and Motor Control Center pad	1	13,562.00	13,562.00
DESIGN / DRAWINGS / PANEL WIRING	80	80.00	6,400.00
Field Service Labor	325	110.00	35,750.00
Adder to supply and install new 480 volt 100 amp feed, Transformer and 200 amp Lighting panel for reservoirs south of 15th Street.	1	36,621.00	36,621.00
Trenching, Back Fill and asphalt repair across 15th street to be done by the City. of Upland.			
Sales Tax		7.75%	14,353.70

Thank you for your business.

Total	\$241,712.70
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PROJECT LOCATION MAP

