



## **AGENDA**

### **REGULAR MEETINGS OF THE ROCKLIN CITY COUNCIL, ROCKLIN PUBLIC FINANCING AUTHORITY AND SUCCESSOR AGENCY**

**October 25, 2016**

**TIME: 6:00 PM**

**PLACE: Council Chambers, 3970 Rocklin Road**

**[www.rocklin.ca.us](http://www.rocklin.ca.us)**

#### **MANNER OF ADDRESSING THE COUNCIL**

Citizens may address the City Council on any item on the agenda at the time the item is considered. Citizens wishing to speak may request recognition from the Mayor by raising their hand and stepping to the podium when requested to do so. Speakers will usually be allowed five (5) minutes; however, the Mayor may set shorter time limits. Speakers are asked to identify themselves by stating their name and the city they reside in for the official record.

#### **STANDARDS OF DECORUM**

Any person who disrupts the meeting of the Council, may be barred by the presiding officer from further audience before the Council during that meeting, unless permission to continue be granted by majority vote of the Council.

All remarks shall be addressed to the Council as a body and not to any member thereof, or to staff, or to the public. No person, other than a member of the Council, the City Manager or the City Attorney and the person having the floor, shall be permitted to enter into any discussion without the permission of the presiding officer.

For items not on the agenda, and for non-hearing items on the agenda the person addressing the Council shall be limited to five minutes, unless the time is adjusted by the presiding officer.

Whenever any group of persons wishes to address the Council on the same subject matter, it shall be proper for the presiding officer to request that a spokesman be chosen by the group to address the Council and, in case additional matters are to be presented at the time by any member of the group, to limit the number of persons so addressing the Council, so as to avoid unnecessary repetition.

As a courtesy to all, please turn off cell phones and other electronic devices during the meeting.

#### **WRITINGS RECEIVED AFTER AGENDA POSTING**

Any writing related to an agenda item for the open session of this meeting distributed to the City Council, Public Financing Authority or Successor Agency less than 72 hours before this meeting is available for inspection at City Hall, 3970 Rocklin Road, Rocklin, during normal business hours. These writings will also be available for review at the council meeting in the public access binder located on the table at the back of the Council Chambers. If you have questions related to this agenda, please call 916-625-5588.

## AMERICANS WITH DISABILITIES ACT

In compliance with the Americans with Disabilities Act, the City of Rocklin encourages those with disabilities to participate fully in the public hearing process. If you have a special need in order to allow you to attend or participate in our public meeting and public hearing processes, including receiving notices, agendas, and other writings in appropriate alternative formats, please contact our office at (916) 625-5588 well in advance of the public meeting or public hearing you wish to attend so that we may make every reasonable effort to accommodate you.

## ELECTRONIC PRESENTATIONS

All persons with electronic presentations for public meetings will be required to bring their own laptop or other form of standalone device that is HDMI or VGA compatible. It is further recommended that presenters arrive early to test their presentations. The City is not responsible for the compatibility or operation of non-city devices or the functionality of non-city presentations.

## POSTING OF AGENDA

In accordance with Government Code Section 54954.2(a) this agenda was posted on the City's bulletin board at City Hall, 3970 Rocklin Road, Rocklin, and City of Rocklin website at [www.rocklin.ca.us](http://www.rocklin.ca.us).

## AGENDA

### INTRODUCTION

1. Meeting called to order at
2. Pledge of Allegiance
3. Roll Call:
  - A. Councilmembers:
  - B. City Personnel:
  - C. Commissioners:

### COUNCIL REPORTS

### AGENDA REVIEW

4. Agenda Modifications

### CONSENT CALENDAR

The following routine matters can be acted upon by one motion. Individual items may be removed by the Council for separate discussion. The title is deemed to be read and further reading waived of any ordinance listed on the Consent Calendar for introduction or adoption.

5. [City Council, Public Financing Authority & Successor Agency Meeting Minutes of October 11, 2016](#)

6. [Resolution of the City Council of the City of Rocklin Accepting the Public Work Known as 2016 Roadway Resurfacing Project \(High Density Mineral Bond\) Approving the Notice of Completion Thereof, and Authorizing and Directing the Execution and Recordation of Said Notice on Behalf of the City \(Sierra Nevada Construction, Inc.\)](#)

Staff Presentation by Justin Nartker

7. [Resolution of the City Council of the City of Rocklin Amending Resolution No. 2016-214 Making Appointments to the Various Boards and Commissions to Appoint a Member of the Planning Commission](#)

Staff Presentation by Barbara Ivanusich

## **OATH OF OFFICE**

8. Swear In New Planning Commissioner

## **CITIZENS ADDRESSING THE CITY COUNCIL**

Members of the public may address the City Council at this time on any item of business of interest to the public that is not on the agenda. Speakers are limited to five minutes unless the time is extended by the presiding officer. Council members may briefly respond to statements made or questions asked by a speaker, but may not make any decisions or take action on any item not on the agenda.

9. NAME AND CITY

## **PUBLIC HEARINGS**

Written Material Introduced Into the Record: Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the City Clerk prior to the public hearing date so that the material may be distributed to the City Council prior to the public hearing.

Court challenges to any public hearing items may be limited to only those issues which are raised at the public hearing described in the notice or in written correspondence delivered to the City at or prior to the public hearing.

10. CONTINUED FROM SEPTEMBER 13, 2016 - Placer Creek Corporate Center Community Facilities District No. 1 Annexation No. 52
  - A. Resolution of the City Council of the City of Rocklin of Annexation of Territory to Community Facilities District No. 1 (52nd Annexation), Authorizing the Levy of a Special Tax and Submitting Levy of Tax to Qualified Electors (Placer Creek Corporate Center)
  - B. Resolution of the City Council of the City of Rocklin Declaring Results of Special Annexation Election, Determining Validity of Prior Proceedings, and Directing Recording of Amended Notice of Special Tax Lien Pertaining to Community Facilities District No. 1 (52nd Annexation) (Placer Creek Corporate Center)

**THIS ITEM IS BEING CONTINUED TO JANUARY 10, 2017**

11. CONTINUED FROM SEPTEMBER 13, 2016 - Placer Creek Corporate Center Community Facilities District No. 5 Annexation No. 40
  - A. Resolution of the City Council of the City of Rocklin of Annexation of Territory to Community Facilities District No. 5 (40th Annexation), Authorizing the Levy of a Special Tax, and Submitting Levy of Tax to Qualified Electors (Placer Creek Corporate Center)
  - B. Resolution of the City Council of the City of Rocklin Declaring Results of Special Annexation Election, Determining Validity of Prior Proceedings, and Directing Recording of Amended Notice of Special Tax Lien Pertaining to Community Facilities District No. 5 (40th Annexation) (Placer Creek Corporate Center)

**THIS ITEM IS BEING CONTNUED TO JANUARY 10, 2017**

12. CONTINUED FROM SEPTEMBER 13, 2016 - Resolution of the City Council of the City of Rocklin Declaring Results of Assessment Ballot Proceeding, Finding no Majority Protest, and Authorizing Levy of Increased Assessments (Landscaping and Lighting District No. 2 ZOB 84) (Placer Creek Corporate Center))

**THIS ITEM IS BEING CONTINUED TO JANUARY 10, 2017**

## **ORDINANCES**

13. [Prohibiting Marijuana Use on Public Property](#)
  - A. [Ordinance of the City Council of the City of Rocklin Adding Chapter 8.34 to the Rocklin Municipal Code Prohibiting Marijuana Use on Public Property to be Effective Immediately as an Urgency Measure](#)
  - B. [First Reading & Publication: Ordinance of the City Council of the City of Rocklin Adding Chapter 8.34 to the Rocklin Municipal Code Prohibiting Marijuana Use on Public Property](#)

Staff Presentation by DeeAnne Gillick

## **BID ACTION**

14. [ADA Ramp Upgrades](#)
  - A. [Resolution of the City Council of the City of Rocklin Approving a Notice of Exemption \(ADA Ramps Repair Project: Various Locations Citywide\)](#)
  - B. [Resolution of the City Council of the City of Rocklin Authorizing the City Manager to Award the Bid for the ADA Ramp Upgrades](#)

Staff Presentation by Justin Nartker

15. [Police Department Parking Lot Extension](#)

- A. [Resolution of the City Council of the City of Rocklin Approving a Notice of Exemption \(Police Department Parking Lot Extension\)](#)
- B. [Resolution of the City Council of the City of Rocklin Authorizing the City Manager to Award the Bid for the Police Department Parking Lot Extension](#)

Staff Presentation by Justin Nartker

16. [Whitney Community Park Backstop Pole Replacement](#)

- A. [Resolution of the City Council of the City of Rocklin Approving a Notice of Exemption \(Whitney Community Park Backstop Pole Replacement\)](#)
- B. [Resolution of the City Council of the City of Rocklin Authorizing the City Manager to Award the Bid for the Whitney Community Park Backstop Pole Replacement](#)

Staff Presentation by David Mohlenbrok

**REPORTS FROM CITY OFFICIALS/DISCUSSION AND POTENTIAL ACTION ITEMS**

- 17. Announcements/Brief Reports
- 18. [City Manager Report](#)
- 19. City Attorney Communications (Verbal)

**FUTURE AGENDA ITEMS**

**FUTURE STRATEGIC PLANNING ITEMS**

**PUBLIC FINANCING AUTHORITY**

- 20. No Action Required

**CITY COUNCIL ACTING AS SUCCESSOR AGENCY**

- 21. No Action Required

**CLOSED SESSION (Read Closed Session Items - Ask for Public Comment)**

- 22. Conference with Legal Counsel – Existing Litigation  
Under Government Code Section 54956.9(d)(1)  
Contos v. City of Rocklin, Placer County Superior Court Case No. SCV0037018

**ADJOURNMENT**

- 23. Meeting Adjourned at



**MINUTES**  
**REGULAR MEETINGS OF THE**  
**ROCKLIN CITY COUNCIL,**  
**ROCKLIN PUBLIC FINANCING AUTHORITY**  
**AND SUCCESSOR AGENCY**

**October 11, 2016**

**TIME: 6:00 PM**

**PLACE: Council Chambers, 3970 Rocklin Road**

[www.rocklin.ca.us](http://www.rocklin.ca.us)

NOTE: CLOSED SESSION BEGINS AT 5:15 P.M.  
THE REGULAR MEETING WILL BEGIN AT 6:00 P.M.

The Regular Meeting of the City Council convened at 5:15 p.m. Mayor Janda presiding.

Roll Call: Ken Broadway, George Magnuson, Scott Yuill, Mayor Greg Janda

Dave Butler arrived at 5:35 p.m.

**CLOSED SESSION (Read Closed Session Items - Ask for Public Comment)**

Mayor Janda asked for public input. There being none, Mayor Janda called for the Closed Session at 5:16 p.m.

1. Conference with Legal Counsel – Existing Litigation  
Under Government Code Section 54956.9(d)(1)  
Nebraska Huggins v. City of Rocklin, et al.  
Eastern District Court No. 2:15-CV-01424-WBS-CKD
2. Under Government Code Section 54957  
Public Employee Performance Evaluation: City Manager
3. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6  
City Designated Representative: Mayor Janda  
Position: City Manager

The Closed Session ended for Item No. 1 at 6:05 p.m. with no report. Item Nos. 2 and 3 will be heard at the end of the meeting.

**INTRODUCTION**

4. The Regular Meeting of the Rocklin City Council, Rocklin Public Financing Authority and Successor Agency convened at 6:07 p.m. Mayor Janda presiding.
5. Ken Broadway led the Pledge of Allegiance

**6. Roll Call:**

- A. Councilmembers: Ken Broadway, Dave Butler, George Magnuson, Scott Yuill, Mayor Greg Janda
- B. City Personnel:
  - Ricky A. Horst, City Manager
  - DeeAnne Gillick, Interim City Attorney
  - Kim Sarkovich, Administrative Services
  - Marc Mondell, Community Development
  - Mary Rister, Administrative Services
  - Jason Johnson, Administrative Services
  - Justin Nartker, Public Services
  - Chad Butler, Police
  - Troy Holt, City Manager's Office
  - Karen Garner, Recreation, Arts & Event Tourism
  - Dave Mohlenbrok, Public Services
  - Barbara Ivanusich, City Clerk
- C. Commissioners: None

**COUNCIL REPORTS**

Vice Mayor Butler reported on attendance at the League of California Cities' Conference.

Councilmember Yuill reported on attendance at the Placer County Transportation Planning Agency Board Meeting.

**AGENDA REVIEW****7. Agenda Modifications**

Item Nos. 14 and 16 were pulled from the Consent Calendar for discussion.

**CONSENT CALENDAR**

- 8. City Council, Public Financing Authority & Successor Agency Meeting Minutes of September 27, 2016
- 9. Quarterly Building Report
- 10. Resolution No. 2016-229 of the City Council of the City of Rocklin Declaring the Month of October as Domestic Violence Awareness Month
- 11. Resolution No. 2016-230 of the City Council of the City of Rocklin Declaring October 23-31, 2016 as Red Ribbon Week

12. Resolution No. 2016-231 of the City Council of the City of Rocklin Accepting the Public Work Known as Community Center and Finnish Temperance Hall HVAC Replacement Project Approving the Notice of Completion Thereof, and Authorizing and Directing the Execution and Recordation of Said Notice on Behalf of the City (Cooper Oates Air Conditioning, Inc.)
13. Resolution No. 2016-232 of the City Council of the City of Rocklin Approving and Directing Execution of a Landscaping Maintenance Agreement (JRS Rocklin Partners, LLC)
14. Pulled for discussion.
15. Resolution No. 2016-234 of the City Council of the City of Rocklin of Intention to Annex Territory to Rocklin Community Facilities District No. 5 (43rd Annexation) and to Authorize the Levy of Special Taxes Therein (The James Apartments)
16. Pulled for discussion.

Motion to approve Item Nos. 8-13 and 15 on the Consent Calendar by Councilmember Butler, seconded by Councilmember Magnuson. Passed by the following vote:

Ayes:	Butler, Magnuson, Broadway, Yuill, Janda
Noes:	None
Absent:	None
Abstain:	None

14. Resolution No. 2016-233 of the City Council of the City of Rocklin Approving and Authorizing the City Manager to Execute a Consultant Services Agreement for Payment of Cost of Preparation of an Environmental Impact Report (EIR) and Execute a Consultant Services Agreement

David Mohlenbrok explained that the property is known as the Quarry Row Subdivision and is located at the corner of Grove Street and Pacific Street.

Motion to approve Item No. 14 by Councilmember Magnuson, seconded by Councilmember Butler. Passed by the following vote:

Ayes:	Magnuson, Butler, Broadway, Yuill, Janda
Noes:	None
Absent:	None
Abstain:	None

16. Resolution No. 2016-235 of the City Council of the City of Rocklin Authorizing the City Attorney to Sign an Informed Written Consent Waiving Potential Conflicts of Interest and Adopting a Procedure to Provide Informed Consent

DeeAnne Gillick presented the staff report.

Council requested notice to City Council when a waiver is signed.

Minutes of **October 11, 2016**

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Motion to approve Item No. 16 amended to include Council notice when waivers are signed by Councilmember Yuill, seconded by Councilmember Butler. Passed by the following vote:

Ayes:	Yuill, Butler, Broadway, Magnuson, Janda
Noes:	None
Absent:	None
Abstain:	None

**SPECIAL PRESENTATIONS**

17. Present Council Resolution Declaring October as Domestic Violence Awareness Month - Stand Up Placer

Mayor Janda presented Jenny Davidson and Laura Chavez from Stand Up Placer with a resolution declaring October as Domestic Violence Awareness Month.

**CITIZENS ADDRESSING THE CITY COUNCIL**

18. NAME AND CITY – none.

**REPORTS FROM CITY OFFICIALS/DISCUSSION AND POTENTIAL ACTION ITEMS**

19. Request for City Council Study Session. Proposed Dates and Times: Friday, October 21st or 28th at 8:30 a.m.

Topics: (1) WAM Traffic Survey and Staff Recommendations; (2) Quarry Park Development; (3) City Council may have other topics that they wish to put forward

October 28 at 9:00 a.m. was selected as the Study Session date.

Vice Mayor Butler suggested Paul Griffith from Placer County be invited to provide a presentation on the Sunset Industrial Area plan.

20. Commemoration Wall Concept

Councilmember Scott Yuill presented the report.

Councilmembers Yuill and Broadway were appointed to a committee to explore the concept.

21. Parks, Recreation and Arts Commission Public Art Action - Report for Information Only.

Karen Garner reported the Recreation Commission approved public art near Rocklin Crossings and that action is being reported to the City Council.

A suggestion was made to amend the Arts Master Plan to incorporate the same design/art criteria in the districts to match the core district concepts coming forward.

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The district concepts will be presented to the Planning Commission for their consideration and then to City Council for approval.

## 22. Announcements/Brief Reports

Councilmember Magnuson reported the Waste Management Authority is having a meeting on October 13 to lay out plans for the future.

Vice Mayor Butler announced that the City of Rocklin is hosting the Placer County Elected Officials dinner at Finn Hall on October 27.

## 23. City Manager Report

Rick Horst provided information related to a Committee Action Report for Placer County Air Pollution Control District and Emergency Shelter Proposed Zoning Text Amendments.

## 24. City Attorney Communications (Verbal)

DeeAnne Gillilck reported six applications have been received to date for the recruitment of City Attorney.

## FUTURE AGENDA ITEMS

### 25. Cancel December 27, 2016 Council Meetings due to Holiday

Due to the Thanksgiving holiday, it was suggested that the November 22, 2016 Council Meeting be moved to November 29, 2016.

Motion to move the November 22, 2016, Council Meeting to November 29, 2016, by Councilmember Magnuson, seconded by Councilmember Yuill. Passed by the following vote:

Ayes:	Magnuson, Yuill, Butler, Broadway, Janda
Noes:	None
Absent:	None
Abstain:	None

Motion to cancel the December 27, 2016, by Councilmember Magnuson, seconded by Councilmember Broadway. Passed by the following vote:

Ayes:	Magnuson, Broadway, Butler, Yuill, Janda
Noes:	None
Absent:	None
Abstain:	None

**FUTURE STRATEGIC PLANNING ITEMS – none.**

**PUBLIC FINANCING AUTHORITY**

26. No Action Required

**CITY COUNCIL ACTING AS SUCCESSOR AGENCY**

27. No Action Required

**CLOSED SESSION**

2. Under Government Code Section 54957  
Public Employee Performance Evaluation: City Manager
3. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6  
City Designated Representative: Mayor Janda  
Position: City Manager

Mayor Janda called for and asked for public comment on the Closed Session Item Nos. 2 and 3 at 7:08 p.m.

The Closed Session ended at 9:15 p.m. with no report.

**ADJOURNMENT**

28. Meeting Adjourned at 9:15 p.m.

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Gregory A. Janda, Mayor

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Barbara Ivanusich, City Clerk



BACK TO AGENDA

## City Council Report

**Subject:** Resolution of the City Council of the City of Rocklin Approving a Resolution Accepting the Public Works Known as the 2016 Roadway Resurfacing Project (High Density Mineral Bond), Approving a Notice of Completion Thereof, and Authoring and Directing the Execution and Recordation of Said Notice on Behalf of the City and Sierra Nevada Construction, Inc., Contractor

**Submitted by:** Rick Forstall, Director of Public Services  
Justin Nartker, Deputy Director, Public Services (Presenter)

**Date:** October 25, 2016

**Department:** Public Services

### Staff Recommendation:

It is recommended that the City Council of the City of Rocklin approve a resolution accepting the Public Works known as the 2016 Roadway Resurfacing Project (High Density Mineral Bond), Approving a Notice of Completion Thereof, and Authorizing and Directing the Execution and Recordation of Said Notice on Behalf of the City and Sierra Nevada Construction, Inc., Contractor

### BACKGROUND

On July 12, 2016, the City Council approved Resolution No. 2016-191, awarding the bid for the 2016 Roadway Resurfacing Project (High Density Mineral Bond) in the amount of \$704,648.40. The project consists of resurfacing various streets throughout the city as shown on the attached Exhibit B. The work consisted of resurfacing and re-stripping various streets throughout the City as shown on the attached Exhibit A. All work occurred within the existing right-of way.

### FINDINGS, CONCLUSIONS & RECOMMENDATIONS

#### Findings:

- Staff went out to bid for this project on June 9, 2016 and received one bid in the amount of \$704,648.40.
- The City Manager's change order authority was established at 15%.
- Work commenced on July 25, 2016. The project was completed, including all punch list items, on September 30, 2016.
- There was one change order which decreased the bid amount by \$9,100.00. The following is a financial summary of the project:

<b>Bid Award Amount:</b>	\$704,648.40
<b>Change Order No. 1</b>	<u>-\$ 9,100.00</u>
<b>Final Construction Cost:</b>	\$695,548.40

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**Conclusion & Recommendations:**

- It is recommended that the City Council of the City of Rocklin approve and authorize the recordation of the attached Notice of Completion.

**Fiscal Impact:**

- Funding for this project is included in the FY 16-17 budget using the reserve fund (fund 120).



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Ricky A. Horst, City Manager  
Reviewed for Content



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DeeAnne Gillick, Interim City Attorney  
Reviewed for Legal Sufficiency

**Attachments:**

- Exhibits A and B – 2016 Roadway Resurfacing Project (High Density Mineral Bond) Neighborhood Overview Map

Map showing the 2016 HDMB Resurfacing Project Location 1 in the Blue Oaks area. The map displays a network of streets and parcels. The project location is highlighted in black, and the parcels are shown in white. The map includes a legend and a scale indicator.

**Legend:**

- 2016 HDMB Resurfacing Project Location 1
- Parcels

**Map Labels:**

- W OAKS BL
- LONETREE BL
- BLUE OAKS BL
- SANDHILL DR
- TURNSTONE WY
- REDWOOD DR
- OLYMPIC DR
- TAFT DR
- MCKINLEY ST
- CAMELLIA CI
- PRESTON CI
- AZALEA WY
- CASSIA WY
- ALBATROSS WY
- SONORA PASS WY
- GREAT DIVIDE WY
- COLLET QUARRY DR
- TIMBERLINE WY
- SUNSET BL
- MERIDIAN WY
- SAMMY WY
- HANNAH WY
- SURFBIRD LN
- ARNOLD DR
- BIG SKY DR

**Map Scale:** NOT TO SCALE

[illegible]

## RESOLUTION NO. 2016-

RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF ROCKLIN ACCEPTING THE PUBLIC WORK KNOWN  
AS 2016 ROADWAY RESURFACING PROJECT (HIGH DENSITY MINERAL BOND)  
APPROVING THE NOTICE OF COMPLETION THEREOF, AND AUTHORIZING AND  
DIRECTING THE EXECUTION AND RECORDATION OF  
SAID NOTICE ON BEHALF OF THE CITY  
(SIERRA NEVADA CONSTRUCTION, INC.)

The City Council of the City of Rocklin does resolve as follows:

Section 1. The attached Notice of Completion relative to that public work known as 2016 Roadway Resurfacing Project (High Density Mineral Bond) is hereby approved and the public work accepted.

Section 2. The City Manager is authorized and directed to execute said Notice on behalf of the City of Rocklin.

Section 3. The City Clerk is authorized and directed to record said Notice in the Office of the Placer County Recorder when fully executed and notarized and within ten (10) days of Council approval.

PASSED AND ADOPTED this 25th day of October, 2016, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

\_\_\_\_\_  
Gregory A. Janda, Mayor

ATTEST:

\_\_\_\_\_  
Barbara Ivanusich, City Clerk

d:\legal\engineering\public works\notice completion (rev. 031908)

Recording Requested by and Return to:

No Fee Per Gov't Code §27383

City Clerk  
City of Rocklin  
3970 Rocklin Road  
Rocklin, CA 95677

**NOTICE OF COMPLETION**

NOTICE IS HEREBY GIVEN that the public work known as 2016 Roadway Resurfacing Project (High Density Mineral Bond) is complete. The location of said project is indicated on the attached map, marked as Exhibits A and B. The Contractor on said project with Sierra Nevada Construction, Inc. The surety on said project was Liberty Mutual Insurance Company. The owner of said project is the City of Rocklin. The date of completion was September 30, 2016.

I, Ricky A. Horst, being first duly sworn, depose and say: I am the City Manager of the City of Rocklin, a general law city in the State of California, owner of the property described in the above Notice. I am duly authorized to make this verification for and on behalf of the City of Rocklin. I have read the Notice of Completion, and know its contents and the facts stated therein are true.

City of Rocklin

ATTEST:

\_\_\_\_\_  
Ricky A. Horst, City Manager, City of Rocklin

\_\_\_\_\_  
Barbara Ivanusich, City Clerk

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

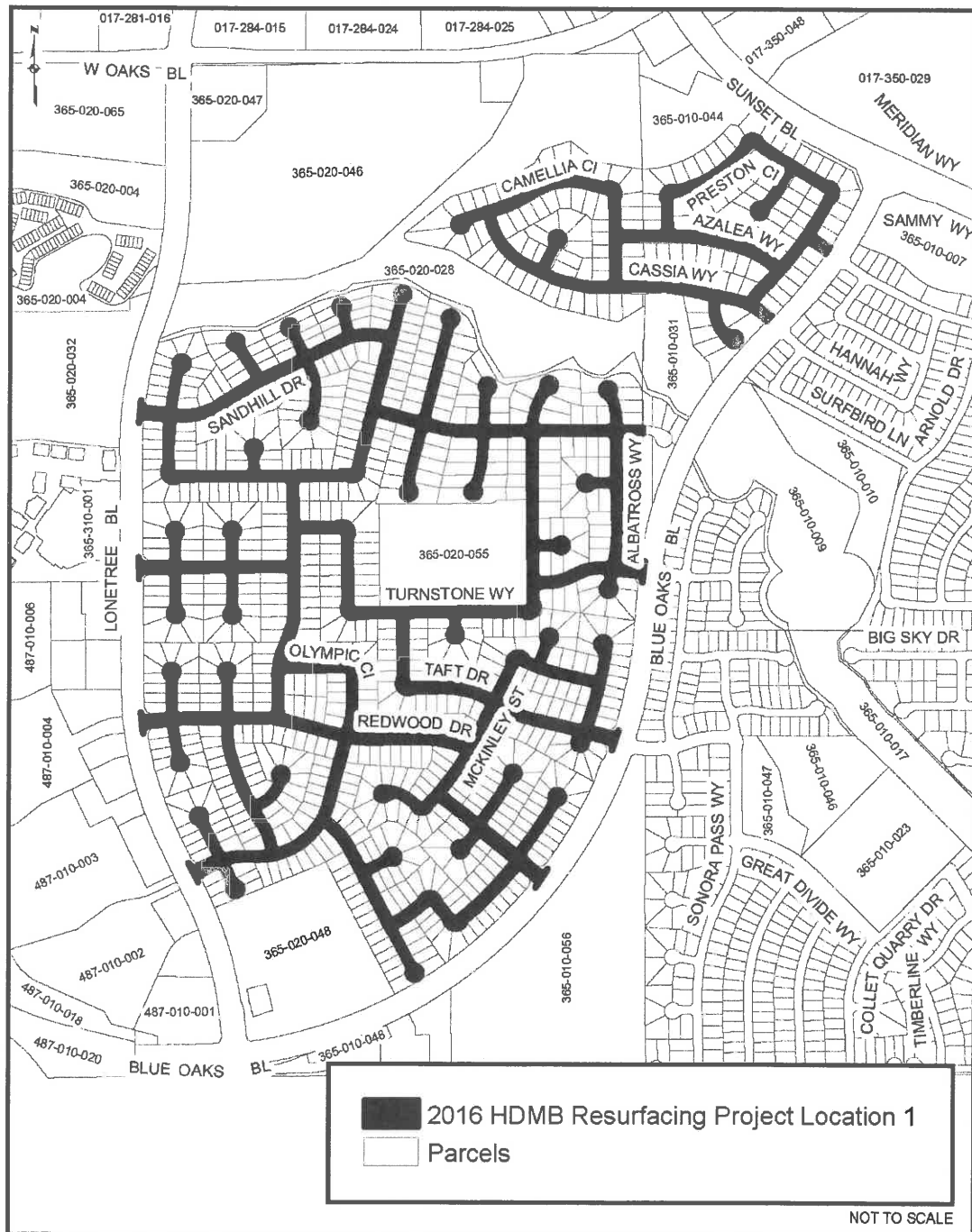
Date: \_\_\_\_\_

Signature: \_\_\_\_\_

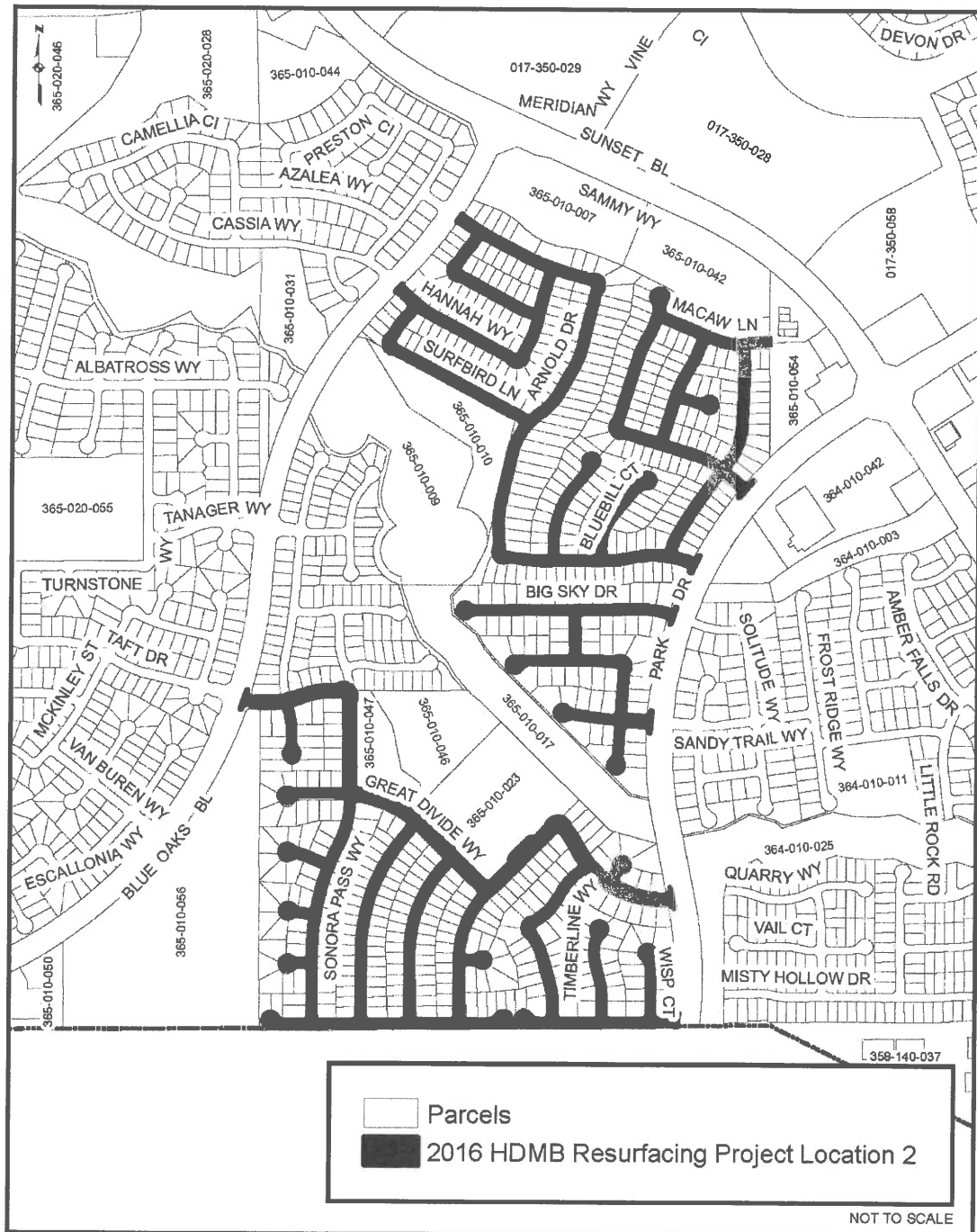
Rocklin, California

Page 1 of Exhibit A  
to Attachment to  
Reso. No. 2016-

# Exhibit A



## Exhibit B





BACK TO AGENDA

## City Council Report

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**Subject:** Resolution of the City Council of the City of Rocklin Amending Resolution No. 2016-214 Making Appointments to the Various Boards and Commissions to Appoint a Member of the Planning Commission

**Submitted by:** Barbara Ivanusich, City Clerk

**Date:** October 17, 2016

**Department:** City Manager's Office

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It is anticipated that the City Council will make a decision on the appointment of a Planning Commissioner at its October 20, 2016 Special Meeting. If a decision is made that evening, the resolution will be finalized with the appropriate name and posted to the website as a "post agenda blue item."

RESOLUTION NO. 2016-  
  
RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ROCKLIN  
AMENDING RESOLUTION NO. 2016-214  
MAKING APPOINTMENTS TO THE VARIOUS  
BOARDS AND COMMISSIONS  
TO APPOINT A MEMBER OF THE PLANNING COMMISSION

The City Council of the City of Rocklin does resolve as follows:

Section 1. The City Council of the City of Rocklin amends Resolution No. 2016-214 making appointments to the various boards and commissions to appoint a member of the Planning Commission as set forth in Exhibit A, attached hereto and hereby incorporated herein by this reference.

PASSED AND ADOPTED this 25<sup>th</sup> day of October, 2016, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

\_\_\_\_\_  
Gregory A. Janda, Mayor

ATTEST:

\_\_\_\_\_  
Barbara Ivanusich, City Clerk

## EXHIBIT A

<b>PLANNING COMMISSION</b> <b>RMC Chapter 2.36 &amp; 2.40.040</b> <b>Resident of City/Four Year Term</b>	
<b>Appointee</b>	<b>Term Expires</b>
	6/30/18
Carl Sloan	6/30/18
Pierre Martinez	6/30/18
Brian Whitmore	6/30/20
Gregg McKenzie	6/30/20

<b>PARKS, RECREATION AND ARTS COMMISSION</b> <b>RMC Chapter 2.36 &amp; 2.44.050</b> <b>Resident of City/Four Year Term</b>	
<b>Appointee</b>	<b>Term Expires</b>
Chris Anderson	6/30/18
Nancy Hartwell	6/30/18
Twiana Armstrong-Bryant	6/30/20
Jaime Richey	6/30/20
Susanne Stockton	6/30/20
Aliena Pitts (Youth, One Year Term)	6/30/17

<b>BOARD OF APPEALS</b> <b>Reso. No. 81-34</b> <b>Four Year Term</b>		
<b>Appointee</b>	<b>Qualifications</b>	<b>Term Expires</b>
Christopher Smith	Construction Experience	6/30/18
Theresa Parsley	Construction Experience	6/30/18
Paul Ruhkala	Construction Experience	6/30/18
Bret Hunter	Construction Experience	6/30/20
Wijaya Perera	Construction Experience	6/30/20

<b>MOBILE HOME RENT REVIEW</b> <b>RMC Chapter 2.36 &amp; 2.46 Article XII</b> <b>Resident of City/Four Year Term</b>	
<b>Appointee</b>	<b>Term Expires</b>
<b>CURRENTLY INACTIVE</b>	



## City Council Report

**Subject:** Ordinance Adding Chapter 8.34 to the Municipal Code Prohibiting Marijuana Use on Public Property

**Submitted by:** DeeAnne Gillick, Interim City Attorney  
Barbara Ivanusich, City Clerk

**Date:** October 25, 2016

**Department:** Legislative

**Staff Recommendation:** It is recommended that the City Council of the City of Rocklin take action to:

- (1) Approve the Urgency Ordinance of the City Council of the City of Rocklin adding Chapter 8.34 to the Rocklin Municipal Code prohibiting Marijuana Use on Public Property to be effective immediately as an urgency measure; and
- (2) Waive the first reading and introduce an Ordinance of the City Council of the City of Rocklin adding Chapter 8.34 to the Rocklin Municipal Code prohibiting Marijuana Use on Public Property.

### BACKGROUND:

The Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA") appears on the November ballot as Proposition 64. If passed, AUMA will legalize the nonmedical use of marijuana and the personal cultivation of up to six marijuana plants. AUMA would create a state regulatory and licensing system for the commercial cultivation, testing, and distribution of nonmedical marijuana and the manufacturing of nonmedical marijuana plants. AUMA would allow local control and regulation in certain areas.

### DISCUSSION:

In preparation of the possible passage of AUMA staff has evaluated existing City ordinances and recommends one area for immediate action by the City. The following is a review of the potential local regulations as a result of AUMA.

1. Commercial Nonmedical Marijuana Activity.

Under AUMA, California will have a comprehensive state regulatory system for nonmedical marijuana. All nonmedical marijuana businesses will require a state license. State licenses would be

required from the following state agencies: (1) the Department of Consumer Affairs for the transportation, storage distribution and sale of marijuana; (2) the Department of Food and Agriculture for marijuana cultivation; and (3) the Department of Public Health for marijuana manufacturers and testing laboratories. It is anticipated that if AUMA passes the state regulatory licenses will not be issued until late 2017. The agencies would be required to begin issuing licenses by January 1, 2018.

AUMA allows for local jurisdictions to adopt local ordinances regulating or completely prohibiting state-licensed marijuana businesses. Nonmedical marijuana businesses would not be legal until the State issues the required state licenses, which is not likely until late 2017. If AUMA becomes law, City staff will evaluate if local regulation or prohibition of marijuana businesses is recommended and bring that matter to the Council for consideration prior to the issuance of any state licenses.

2. Personal Cultivation.

AUMA allows for cities to completely ban personal outdoor cultivation of marijuana. The City already bans outdoor cultivation of marijuana within the City pursuant to section 17.81.030 of the Rocklin Municipal Code. This City ordinance would remain valid after passage of AUMA and would continue to prohibit all outdoor cultivation of marijuana within the City.

AUMA provides that cities may reasonably regulate, but cannot ban, personal indoor cultivation of up to six living marijuana plants within the person's private residence. The City regulates indoor cultivation of marijuana pursuant to Chapter 17.81 of the Rocklin Municipal Code. It appears at this time that Chapter 17.81 regulates indoor cultivation is consistent with the requirements of AUMA and would be valid, local regulations of indoor cultivation. If AUMA becomes law and as it is implemented, City staff will further evaluate Chapter 17.81 and provide recommendations if any minor amendments to Chapter 17.81 are warranted related to regulating indoor cultivation of marijuana.

3. Personal Nonmedical Marijuana Use.

AUMA would make it legal for persons 21 years of age or older to: (1) smoke or ingest marijuana or marijuana products; (2) possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older, without any compensation, 28.5 grams of marijuana, or 8 grams of concentrated marijuana, including as contained in marijuana products; and (3) possess, plant, cultivate, harvest, dry or process up to six living marijuana plants for personal use.

Although persons 21 years of age or older can use and possess nonmedical marijuana under AUMA, there are some limitations. AUMA prohibits the use of marijuana: (1) in any "public place" with limited exceptions; (2) where smoking of tobacco is prohibited, such as in an indoor place of employment; (3) within 1,000 feet of a school, day care center, or youth center while children are present; and (4) while driving, or riding in the passenger seat of, any vehicle used for transportation.

AUMA further provides that cities may prohibit the possession and smoking in buildings owned, leased, or occupied by the city, and that employers, including cities, may maintain a drug and alcohol

free workplace by prohibiting the use, consumption, possession, transfer, transportation, sale, display or growth of marijuana in the workplace.

AUMA does not define a “public place” for which marijuana use would be prohibited. Staff recommends the adoption of an ordinance prohibiting the use of marijuana in buildings and property owned, leased, or occupied by the City, and specifying that a public place includes City streets, sidewalks, buildings, parks, recreational areas, and sports arenas.

## **FINDINGS, ALTERNATIVES & RECOMMENDATIONS:**

### **Findings:**

- An urgency ordinance may be adopted by a four-fifths vote of the Council for the immediate preservation of the public peace, health or safety.
- This ordinance is an urgency ordinance, necessary for the public peace, health and safety, to become effective immediately upon its adoption. The facts constituting the urgency are the proposed added statute language regarding “public place” is vague and that the use, ingestion or smoking of marijuana on public property could have a significantly adverse effect on people lawfully using the City of Rocklin’s public property. While some people will seek to use marijuana if Proposition 64 passes, many will not and will not wish to be exposed to the effects of marijuana, risk contact exposure, allergic reactions, or for many other personal reasons. It is in the best interests of the residents and businesses of the City of Rocklin to prohibit the use, ingestion and smoking of marijuana on property owned or controlled by the City of Rocklin.
- The potential adverse secondary effects of people being exposed to marijuana against their own free will on property owned or controlled by the City of Rocklin presents a danger to the immediate preservation of the public peace, health, and safety of the community. Currently, the City has no rules or regulations governing the use, ingestion or smoking of marijuana on publicly owned or controlled property.

### **Alternatives:**

- Council may take no action.
- Council may adopt both ordinances or either ordinance.
- The ordinance may be enacted to be effective immediately necessary for public peace, health and safety, or the ordinance may be enacted after its second reading to be effective thirty days from approval. Both ordinances with the differing effective dates may be adopted by Council.

### **Fiscal Impact:**

- The cost of amending an ordinance is approximately \$150 for the publication costs.

### **Recommendations:**

- Approval of the ordinance prohibiting marijuana use on public property, including City streets, sidewalks, Public Property, Recreational Areas and Sports Arenas.

- 
- The simultaneous approval of the urgency ordinance and a regular ordinance, which is effective thirty days following the second reading, in the event the urgency ordinance is challenged as not necessary for the immediate preservation of the public peace, health or safety.



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Ricky A. Horst, City Manager  
Reviewed for Content



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DeeAnne Gillick, Interim City Attorney  
Reviewed for Legal Sufficiency



ORDINANCE NO. \_\_\_\_\_

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN  
 ADDING CHAPTER 8.34 TO THE ROCKLIN MUNICIPAL CODE  
 PROHIBITING MARIJUANA USE ON PUBLIC PROPERTY  
 TO BE EFFECTIVE IMMEDIATELY AS AN URGENCY MEASURE

The City Council of the City of Rocklin does ordain as follows:

Section 1.      Findings. The City Council of the City of Rocklin finds and determines that:

A.      Proposition 64 appears on the November 2016 General Election ballot. This proposition addresses many topics related to the legalization of marijuana for personal consumption and commercial sales. If passed Proposition 64 becomes effective immediately. One provision of the Proposition adds Section 11362.3 to the Health and Safety Code in part, as follows “(a) Nothing in Section 11362.1 shall be construed to permit any person to: (1) Smoke or ingest marijuana or marijuana products in any public place, except in accordance with Section 26200 of the Business and Professions Code.” “Public place” is not defined in the statute proposed to be added. Section 11362.4 provides it is an infraction to violate Section 11362.3. The City Council for the City of Rocklin desires to control, regulate and prohibit the use of marijuana by smoking or otherwise ingesting or using marijuana on its public property.

B.      This ordinance is adopted as an urgency ordinance, necessary for the public peace, health and safety, to become effective immediately upon its adoption. The facts constituting the urgency are the proposed added statute language regarding “public place” is vague and that the use, ingestion or smoking of marijuana on public property could have a significantly adverse effect on people lawfully using the City of Rocklin’s public property. While some people will seek to use marijuana if Proposition 64 passes, many will not and will not wish to be exposed to the effects of marijuana, risk contact exposure, allergic reactions, or for many other personal reasons. It in the best interests of the residents and businesses of the City of Rocklin to prohibit the use, ingestion and smoking of marijuana on property owned or controlled by the City of Rocklin.

C.      The potential adverse secondary effects of people being exposed to marijuana against their own free will on property owned or controlled by the City of Rocklin presents a danger to the immediate preservation of the public peace, health, and safety of the community. Currently, the City has no rules or regulations governing the use, ingestion or smoking of marijuana on publicly owned or controlled property. This Urgency Ordinance is not intended to grant rights to use, ingest or smoke marijuana in other “public places” or to otherwise contradict the provisions of existing state law or Proposition 64 should it be approved by the voters. This ordinance both complies with applicable state law, as well as imposes reasonable rules and regulations protecting the public health, safety and welfare of Rocklin residents and businesses.

D. By making this ordinance effective immediately, no person shall use, ingest or smoke marijuana as provided in this Urgency Ordinance. This ordinance is hereby declared to be an urgency measure and shall take effect immediately.

E. This ordinance is hereby found to be categorically exempt from environmental review pursuant to CEQA guidelines Section 15061 (b)(3).

Section 2. Chapter 8.34 – Prohibiting Marijuana Use on Public Property, is hereby added to the Rocklin Municipal Code to read in its entirety as follows:

**8.34.010 - Applicability.**

A. This chapter adopts regulations associated with publicly owned, leased and rented properties in the City of Rocklin. This chapter shall not apply to private property.

**8.34.020 - Findings.**

The City Council hereby finds as follows:

A. Smoking marijuana is likely to have the same, similar or worse health consequences as use of other smoking products and it is known that smoking tobacco products is one of the largest single preventable causes of death and disability for persons in the United States. On average, compared to people who have never smoked, smokers suffer more health problems and disability due to their smoking and ultimately lose more than a decade of life.

B. Exposure to secondhand smoke is a leading cause of preventable death, after smoking and alcohol. It has been found by the United States Environmental Protection Agency to be a Class A Carcinogen, known to cause cancer in humans, and one out of three cancer deaths are reportedly caused by smoking. There is no risk-free level of exposure to secondhand smoke.

C. The City is aware of findings associated with tobacco smoke and is aware of studies that suggest or state that smoking of marijuana has many harmful effects and other studies, including the National Institute on Drug Abuse show that marijuana use can be hazardous to memory, brain function, pregnant women, juveniles, those with respiratory diseases, cause higher rates of cancer than tobacco and other harmful effects. Hazards known as a result of tobacco smoke which are likely to carry over to marijuana smoke include:

1. Secondhand smoke causes numerous health problems in infants and children, including more frequent and severe asthma attacks, respiratory infections, ear infections, and sudden infant death syndrome (SIDS).

2. Smoking is one of the largest single preventable causes of death and disability for persons in the United States.

3. Employees subject to prolonged exposure to secondhand smoke in the workplace experience a loss of job productivity and may be forced to take periodic sick leave because of reactions to secondhand smoke. Higher costs to the employer are associated with smoke in the workplace due to increase in absenteeism, accidents, and the cost of medical care, insurance, loss of productivity, and cleaning and maintenance requirements. Smoke-free workplaces are associated with an increase in the success rate of smokers who are attempting to quit.

D. Smoking, including marijuana in public places can be a major cause of fires and damage to merchandise and equipment as well as costly maintenance and repairs to furniture and fixtures.

F. Many people may be very opposed to being exposed to marijuana smoke due to sobriety, job related drug testing and other personal reasons. People frequenting or using Public Property in the City may not wish to be exposed to marijuana smoke and should not be otherwise exposed against their free will.

E. Proposition 64 on the November 2016 ballot includes a provision (Health and Safety Code Section 11362.3) that states that nothing in that law permits a person to smoke or ingest marijuana in a “public place” but no definition of “public place” is provided. The City seeks to make clear that smoking of or ingestion of marijuana on all its City streets, sidewalks, Public Property, Recreational Areas and Sports Arenas is prohibited.

#### **8.34.030 - Purpose.**

This chapter is enacted for the purpose of restricting, regulating and preventing the smoking and use of marijuana on property owned, leased or rented by the City of Rocklin or other public entities in the City of Rocklin in order to reduce the hazards and nuisance which marijuana use and smoking causes to those who are involuntarily exposed.

#### **8.34.040 - Definitions.**

As used in this chapter, those terms identified in this section shall, unless the context indicates otherwise, be ascribed the meaning contained in this section:

“City” means the City of Rocklin.

“Entity in Control” means any person or entity that is under contract or other agreement to lawfully lease, rent or use Public Property.

“Marijuana” means all parts of the plant *Cannabis sativa* L. as defined in Health and Safety Code Section 11018.

“Public Property” means any property owned, leased, used, rented or controlled by the City of Rocklin, including but not limited to public streets and sidewalks, parks, city facilities, open space, bike and walking trails, and Recreational Areas and Sports Arenas .

“Recreation Area” means any area in the City that is publicly owned or publicly operated for recreational purposes, whether enclosed or unenclosed and open to the general public regardless of any fee or age requirements. “Recreation Area” includes parks, picnic areas, playgrounds, sports fields, open space, walking or hiking paths or trails, bike trails, outdoor pavilions, outdoor art spaces, outdoor space for the public to congregate, benches and similar shelters for bus stops or outdoor seating areas and similar areas designed and/or used for outdoor recreational activities.

“Smoking” means inhaling, exhaling, burning or carrying any lighted combustible substance containing Marijuana in any manner or in any form and use of electronic devices with electrical ignition or vaporization (e-cigarettes/cigars or similar devices) with Marijuana or its by products in the device.

“Sports Arena” means public owned or operated sports pavilions, sports facilities, gymnasiums, health spas, boxing arenas, swimming pools, roller rinks, and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports events.

“Use” means any method of ingestion of Marijuana including not limited to edible products, liquids, lotions or other means to use Marijuana by a person.

#### **8.34.050 - Prohibition of Smoking or Use of Marijuana**

Smoking or the Use of Marijuana in any form is prohibited in the following places:

- A. All Public Property, Recreational Areas and Sports Arenas.
- B. Any Special Event or activity occurring on Public Property, Recreational Areas and Sports Arenas shall be conditioned consistent with this Chapter.

#### **8.34.60 - Construing with State Law**

A. Proposition 64 on the November 2016 ballot includes a provision (Health and Safety Code Section 11362.3) that states that nothing in that law permits a person to smoke or ingest Marijuana in a “public place”, but no definition of “public place” is provided. Section 11362.4 provides it is an infraction to violate Section 11362.3. The City seeks to make clear that smoking of or ingestion of Marijuana on all its City streets, sidewalks, Public Property, Recreational Areas and Sports Arenas is prohibited.

B. Nothing in this Chapter shall be construed to permit smoking or ingesting of Marijuana in any other “public place” not addressed by this ordinance. This ordinance is designed and intended to specifically address Public Property, Recreation Areas and Sports Arenas as defined herein.

#### **8.34.060 - Enforcement**

A. Notice of these regulations shall be given to all applicants for a Special Event or other permit to use Public Property, Recreational Areas and Sports Arenas.

B. In addition to the Police Department, the following positions are authorized to enforce the provisions of this chapter:

1. The Fire Marshal or designee of the fire department.
2. The City's Code Enforcement Officers.

#### **8.34.070 - Violations and penalties.**

A. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any Public Property, Recreational Areas and Sports Arenas subject to regulation under this chapter to fail to comply with any of its provisions.

B. It is unlawful for any person to smoke or use Marijuana in any area where Smoking or Use is prohibited by the provisions of this chapter.

C. Any person who violates any provision of this chapter shall be guilty of an infraction, punishable by:

1. A fine not exceeding one hundred dollars for a first violation;
2. A fine not exceeding two hundred dollars for a second violation of this chapter within one year;
3. A fine not exceeding five hundred dollars for each additional violation of this chapter within one year.

D. Violation of the provisions of this chapter is declared to be a public nuisance which may be abated by appropriate civil action.

E. The remedies provided by this section are cumulative, and are in addition to any other remedy existing at law or in equity.

#### **8.34.080 - Other applicable laws.**

A. This chapter shall not be interpreted or construed to permit smoking or use of marijuana or other substances where it is otherwise restricted by other applicable laws or permit conditions, including but not limited to the fire code, OSHA regulations, the California Code of Regulations.

### 8.34.090 - Severability

A. It is declared to be the intention of the City Council that the sections, subsections, paragraphs, sentences, clauses and phrases of the ordinance codified herein and the code hereby adopted are severable and if any phrase, clause, sentence, paragraph, section or subsection of said ordinance and the code hereby adopted are declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, sections and subsections of this chapter or the code hereby adopted.

Section 3. Within fifteen days of passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Councilmembers voting for and against the ordinance, to be published in the Placer Herald. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within fifteen days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Councilmembers voting for and against the ordinance, to be published in the Placer Herald, and shall post in the office of the City Clerk a certified copy of the City Councilmembers voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code section 36933(c)(1) are met.

PASSED AND ADOPTED as an Urgency Ordinance at a regular meeting of the City Council of the City of Rocklin held on October 27, 2016, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

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Gregory A. Janda, Mayor

ATTEST:

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Barbara Ivanusich, City Clerk



ORDINANCE NO. \_\_\_\_\_

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN  
 ADDING CHAPTER 8.34 TO THE ROCKLIN MUNICIPAL CODE  
 PROHIBITING MARIJUANA USE ON PUBLIC PROPERTY

The City Council of the City of Rocklin does ordain as follows:

Section 1.      Findings. The City Council of the City of Rocklin finds and determines that:

A.      Proposition 64 appears on the November 2016 General Election ballot. This proposition addresses many topics related to the legalization of marijuana for personal consumption and commercial sales. If passed Proposition 64 becomes effective immediately. One provision of the Proposition adds Section 11362.3 to the Health and Safety Code in part, as follows “(a) Nothing in Section 11362.1 shall be construed to permit any person to: (1) Smoke or ingest marijuana or marijuana products in any public place, except in accordance with Section 26200 of the Business and Professions Code.” “Public place” is not defined in the statute proposed to be added. Section 11362.4 provides it is an infraction to violate Section 11362.3. The City Council for the City of Rocklin desires to control, regulate and prohibit the use of marijuana by smoking or otherwise ingesting or using marijuana on its public property.

B.      The proposed added statute language of Proposition 64 regarding “public place” is vague and that the use, ingestion or smoking of marijuana on public property could have a significantly adverse effect on people lawfully using the City of Rocklin’s public property. While some people will seek to use marijuana if Proposition 64 passes, many will not and will not wish to be exposed to the effects of marijuana, risk contact exposure, allergic reactions, or for many other personal reasons. It in the best interests of the residents and businesses of the City of Rocklin to prohibit the use, ingestion and smoking or marijuana on property owned or controlled by the City of Rocklin.

C.      The potential adverse secondary effects of people being exposed to marijuana against their own free will on property owned or controlled by the City of Rocklin presents a danger to the immediate preservation of the public peace, health, and safety of the community. Currently, the City has no rules or regulations governing the use, ingestion or smoking of marijuana on publicly owned or controlled property. This ordinance is not intended to grant rights to use, ingest or smoke marijuana in other “public places” or to otherwise contradict the provisions of existing state law or Proposition 64 should it be approved by the voters. This ordinance both complies with applicable state law, as well as imposes reasonable rules and regulations protecting the public health, safety and welfare of Rocklin residents and businesses.

D.      This ordinance is hereby found to be categorically exempt from environmental review pursuant to CEQA guidelines Section 15061 (b)(3).

Section 2. Chapter 8.34 – Prohibiting Marijuana Use on Public Property, is hereby added to the Rocklin Municipal Code to read in its entirety as follows:

**8.34.010 - Applicability.**

A. This chapter adopts regulations associated with publicly owned, leased and rented properties in the City of Rocklin. This chapter shall not apply to private property.

**8.34.020 - Findings.**

The City Council hereby finds as follows:

A. Smoking marijuana is likely to have the same, similar or worse health consequences as use of other smoking products and it is known that smoking tobacco products is one of the largest single preventable causes of death and disability for persons in the United States. On average, compared to people who have never smoked, smokers suffer more health problems and disability due to their smoking and ultimately lose more than a decade of life.

B. Exposure to secondhand smoke is a leading cause of preventable death, after smoking and alcohol. It has been found by the United States Environmental Protection Agency to be a Class A Carcinogen, known to cause cancer in humans, and one out of three cancer deaths are reportedly caused by smoking. There is no risk-free level of exposure to secondhand smoke.

C. The City is aware of findings associated with tobacco smoke and is aware of studies that suggest or state that smoking of marijuana has many harmful effects and other studies, including the National Institute on Drug Abuse show that marijuana use can be hazardous to memory, brain function, pregnant women, juveniles, those with respiratory diseases, cause higher rates of cancer than tobacco and other harmful effects. Hazards known as a result of tobacco smoke which are likely to carry over to marijuana smoke include:

1. Secondhand smoke causes numerous health problems in infants and children, including more frequent and severe asthma attacks, respiratory infections, ear infections, and sudden infant death syndrome (SIDS).

2. Smoking is one of the largest single preventable causes of death and disability for persons in the United States.

3. Employees subject to prolonged exposure to secondhand smoke in the workplace experience a loss of job productivity and may be forced to take periodic sick leave because of reactions to secondhand smoke. Higher costs to the employer are associated with smoke in the workplace due to increase in absenteeism, accidents, and the cost of medical care, insurance, loss of productivity, and cleaning and maintenance requirements. Smoke-free workplaces are associated with an increase in the success rate of smokers who are attempting to quit.

D. Smoking, including marijuana in public places can be a major cause of fires and damage to merchandise and equipment as well as costly maintenance and repairs to furniture and fixtures.

F. Many people may be very opposed to being exposed to marijuana smoke due to sobriety, job related drug testing and other personal reasons. People frequenting or using Public Property in the City may not wish to be exposed to marijuana smoke and should not be otherwise exposed against their free will.

E. Proposition 64 on the November 2016 ballot includes a provision (Health and Safety Code Section 11362.3) that states that nothing in that law permits a person to smoke or ingest marijuana in a “public place” but no definition of “public place” is provided. The City seeks to make clear that smoking of or ingestion of marijuana on all its City streets, sidewalks, Public Property, Recreational Areas and Sports Arenas is prohibited.

#### **8.34.030 - Purpose.**

This chapter is enacted for the purpose of restricting, regulating and preventing the smoking and use of marijuana on property owned, leased or rented by the City of Rocklin or other public entities in the City of Rocklin in order to reduce the hazards and nuisance which marijuana use and smoking causes to those who are involuntarily exposed.

#### **8.34.040 - Definitions.**

As used in this chapter, those terms identified in this section shall, unless the context indicates otherwise, be ascribed the meaning contained in this section:

“City” means the City of Rocklin.

“Entity in Control” means any person or entity that is under contract or other agreement to lawfully lease, rent or use Public Property.

“Marijuana” means all parts of the plant Cannabis sativa L. as defined in Health and Safety Code Section 11018.

“Public Property” means any property owned, leased, used, rented or controlled by the City of Rocklin, including but not limited to public streets and sidewalks, parks, city facilities, open space, bike and walking trails, and Recreational Areas and Sports Arenas .

“Recreation Area” means any area in the City that is publicly owned or publicly operated for recreational purposes, whether enclosed or unenclosed and open to the general public regardless of any fee or age requirements. “Recreation Area” includes parks, picnic areas, playgrounds, sports fields, open space, walking or hiking paths or trails, bike trails, outdoor pavilions, outdoor art spaces, outdoor space for the public to congregate, benches and similar shelters for bus stops or outdoor seating areas and similar areas designed and/or used for outdoor recreational activities.

“Smoking” means inhaling, exhaling, burning or carrying any lighted combustible substance containing Marijuana in any manner or in any form and use of electronic devices with electrical ignition or vaporization (e-cigarettes/cigars or similar devices) with Marijuana or its by products in the device.

“Sports Arena” means public owned or operated sports pavilions, sports facilities, gymnasiums, health spas, boxing arenas, swimming pools, roller rinks, and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports events.

“Use” means any method of ingestion of Marijuana including not limited to edible products, liquids, lotions or other means to use Marijuana by a person.

#### **8.34.050 - Prohibition of Smoking or Use of Marijuana**

Smoking or the Use of Marijuana in any form is prohibited in the following places:

- A. All Public Property, Recreational Areas and Sports Arenas.
- B. Any Special Event or activity occurring on Public Property, Recreational Areas and Sports Arenas shall be conditioned consistent with this Chapter.

#### **8.34.60 - Construing with State Law**

A. Proposition 64 on the November 2016 ballot includes a provision (Health and Safety Code Section 11362.3) that states that nothing in that law permits a person to smoke or ingest Marijuana in a “public place”, but no definition of “public place” is provided. Section 11362.4 provides it is an infraction to violate Section 11362.3. The City seeks to make clear that smoking of or ingestion of Marijuana on all its City streets, sidewalks, Public Property, Recreational Areas and Sports Arenas is prohibited.

B. Nothing in this Chapter shall be construed to permit smoking or ingesting of Marijuana in any other “public place” not addressed by this ordinance. This ordinance is designed and intended to specifically address Public Property, Recreation Areas and Sports Arenas as defined herein.

#### **8.34.060 - Enforcement**

A. Notice of these regulations shall be given to all applicants for a Special Event or other permit to use Public Property, Recreational Areas and Sports Arenas.

B. In addition to the Police Department, the following positions are authorized to enforce the provisions of this chapter:

- 1. The Fire Marshal or designee of the fire department.

2. The City's Code Enforcement Officers.

**8.34.070 - Violations and penalties.**

A. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any Public Property, Recreational Areas and Sports Arenas subject to regulation under this chapter to fail to comply with any of its provisions.

B. It is unlawful for any person to smoke or use Marijuana in any area where Smoking or Use is prohibited by the provisions of this chapter.

C. Any person who violates any provision of this chapter shall be guilty of an infraction, punishable by:

1. A fine not exceeding one hundred dollars for a first violation;

2. A fine not exceeding two hundred dollars for a second violation of this chapter within one year;

3. A fine not exceeding five hundred dollars for each additional violation of this chapter within one year.

D. Violation of the provisions of this chapter is declared to be a public nuisance which may be abated by appropriate civil action.

E. The remedies provided by this section are cumulative, and are in addition to any other remedy existing at law or in equity.

**8.34.080 - Other applicable laws.**

A. This chapter shall not be interpreted or construed to permit smoking or use of marijuana or other substances where it is otherwise restricted by other applicable laws or permit conditions, including but not limited to the fire code, OSHA regulations, the California Code of Regulations.

**8.34.090 - Severability**

A. It is declared to be the intention of the City Council that the sections, subsections, paragraphs, sentences, clauses and phrases of the ordinance codified herein and the code hereby adopted are severable and if any phrase, clause, sentence, paragraph, section or subsection of said ordinance and the code hereby adopted are declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, sections and subsections of this chapter or the code hereby adopted.

Section 3. Within fifteen days of passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Councilmembers voting for and against the ordinance, to be published in the Placer Herald. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within fifteen days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Councilmembers voting for and against the ordinance, to be published in the Placer Herald, and shall post in the office of the City Clerk a certified copy of the City Councilmembers voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code section 36933(c)(1) are met.

INTRODUCED at a regular meeting of the City Council of the City of Rocklin held on \_\_\_\_\_, 20\_\_, by the following vote:

AYES: Councilmembers:  
 NOES: Councilmembers:  
 ABSENT: Councilmembers  
 ABSTAIN: Councilmembers

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Rocklin held on \_\_\_\_\_, 20\_\_, by the following roll call vote:

AYES: Councilmembers:  
 NOES: Councilmembers:  
 ABSENT: Councilmembers:  
 ABSTAIN: Councilmembers:

\_\_\_\_\_  
 Gregory A. Janda, Mayor

ATTEST:

\_\_\_\_\_  
 Barbara Ivanusich, City Clerk

First Reading:  
 Second Reading:  
 Effective Date:



## City Council Report

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**Subject:** Resolution of the City Council of the City of Rocklin Accepting a Resolution Accepting a Notice of Exemption for ADA Ramp Upgrades.

Resolution of the City Council of the City of Rocklin Approving and Authorizing the City Manager to Award the Bid for ADA Ramp Upgrades.

**Submitted by:** Rick Forstall, Director  
Justin Nartker, Deputy Director

**Date:** October 25, 2016

**Department:** Public Services

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**Staff Recommendation:** It is recommended that the City Council of the City of Rocklin approve the following:

- Resolution of the City Council of the City of Rocklin Accepting a Resolution Accepting a Notice of Exemption for ADA Ramp Upgrades.
  - Resolution awarding the bid for ADA Ramp Upgrades to PBM Construction, Inc.
- 

### BACKGROUND:

On March 8, 2016, the City Council approved and adopted the City's updated Americans with Disabilities Act (ADA) Transition Plan (Resolution No. 2016-53). In addition, the City's Strategic Plan includes, 1.3 – Implement the ADA Transition Plan. The ADA Transition Plan is a living document that identifies barriers within City facilities, parks, roadways/medians, and is required per Section 504 of the Rehabilitation Act of 1973. The four elements to the plan are:

- List of physical barriers
- Outline of methods to be utilized to remove and make areas accessible
- Name of the official responsible for implementation
- Schedule for achieving compliance.

If the time period for achieving compliance is longer than one year, the plan should identify interim steps that will be taken each year of the transition period.

One of the items identified in the Capital Investment Plan and budgeted for in Fiscal Year 2016-17 is the removal of trip hazards at various locations with a budgeted amount of \$200,000.00 from the CDBG Grant (257). On September 22, 2016, staff went out to bid for removing and replacing existing concrete curb ramps within the City to comply with the ADA and in keeping with the City's Strategic Plan.

## FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

### Findings:

- The ADA Ramp Upgrades project was advertised on September 1<sup>st</sup> and September 8<sup>th</sup>, with the bid opening on September 22, 2016. Five (5) bids were received as listed below. PBM Construction, Inc. came in with the lowest responsive base bid plus alternate in the amount of \$259,651 (the price will be reduced, not to exceed \$200,000).
- The bid amount is based on a total cost per the number of ramps being upgraded (e.g. 1-5, 6-10, etc.). This will allow staff to identify areas to be upgraded throughout the year with payment on a per ramp per area basis.
- Staff will identify the locations for the ramp upgrades and estimate that between 40- 50 ramps will be upgraded in an amount not to exceed the current FY 16-17 funding of \$200,000.00. The number of ramps may increase should additional funding become available.
- On September 22, 2016, five (5) bids were received as follows:

<u>Bidder's Name</u>	<u>Base Bid Amount</u>
PBM Construction, Inc.	\$259,651 (Project not to exceed \$200,000)
B&M Builders	\$281,200
NFB Engineering	\$360,388
Sierra National Construction	\$376,700
Central Valley Engineering	\$413,150

- Staff has reviewed all the bids for sufficiency and is recommending that Council approve and award the bid to PBM Construction, Inc.
- The resolution establishes the City Manager's change order authority at 15%.
- These bid prices are good for Fiscal Year 2016-17 with the ability to extend the prices for up to two years. This will allow other departments and divisions to utilize this pricing where sidewalk ramp replacement dollars have been budgeted (i.e. fund 100, 210).
- The City of Rocklin's Environmental Coordinator has reviewed ADA Ramp Upgrades and determined that it is exempt from review under the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations Section 15301 & 15302 and has prepared a Notice of Exemption.

### Conclusion & Recommendation:

- Staff recommends that the City Council award the bid to the lowest responsible bidder, PBM Construction, Inc.
- City shall begin work upon receipt of all necessary contract documents.

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**Fiscal Impact:**

- The ADA Transition Plan Project is currently funded for Fiscal Year 2016-17 using the CDBG Grant (fund 257) in the amount of \$200,000. Costs for this project will not exceed \$200,000.



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Ricky A. Horst, City Manager  
Reviewed for Content



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DeeAnne Gillick, Interim City Attorney  
Reviewed for Legal Sufficiency

**Attachments:**

Exhibit A – Bid Summary

Exhibit B – PBM Schedule of Values

## CITY OF ROCKLIN



## BID SUMMARY

PROJECT: ADA Ramp Upgrades

DATE: September 22, 2016

TIME: 10:00am

Name/Address/Phone of Bidder	Bid Amount	Alt. Bid Amt	Addendum(S) Acknowledged	Bid Bond / Cashier Check
1. Sierra National Construction 5433 El Camino Ave. Suite 4 Carmichael CA 95608	\$ 376,700	\$	✓	✓
2 NFB Engineering 1978 Pacific Ave Rio Oso, CA 95674	\$ 360,388	\$	✓	✓
3 B & M Builders 11330 Sunrise Park Dr. Ste C Rancho Cordova, CA 95742	\$ 281,200	\$	✓	✓
4 Central Valley Engineer, Inc. Asphalt. 216 Kenroy Ln, Roseville, CA 95678	\$ 413,150	\$	✓	✓
5 PBM Construction Inc. 4500 Yankee Hill Ct Ste A Rocklin, CA 95677	\$ 259,651	\$	✓	✓
6	\$	\$		
7	\$	\$		
8	\$	\$		
9	\$	\$		
10	\$	\$		

Finance  
  
 Deputy City Clerk

9/22/16  
 Date  
 9/22/16  
 Date

**EXHIBIT B  
PBM CONSTRUCTION**

**CITY OF ROCKLIN  
PUBLIC SERVICES DEPARTMENT**

**BASE BID ITEMS FOR  
ADA RAMP UPGRADES**

Item No.*	Item Description	Unit	Estimated Quantity	Unit Price	Total Amount
1	Retrofit 1 to 5 Curb Ramps per Area	EA	3	4563 <sup>-</sup>	13689 <sup>-</sup>
2	Retrofit 6 to 10 Curb Ramps per Area	EA	8	4225 <sup>-</sup>	33800 <sup>-</sup>
3	Retrofit 11 to 15 Curb Ramps per Area	EA	13	4056 <sup>-</sup>	52728 <sup>-</sup>
4	Retrofit 16 to 20 Curb Ramps per Area	EA	18	4056 <sup>-</sup>	73008 <sup>-</sup>
5	Retrofit 2+ Curb Ramps per Area	EA	21	4056 <sup>-</sup>	85176 <sup>-</sup>
6	Price per Sq. Ft. of additional concrete. If it is necessary to remove/replace more than 22 lineal feet, additional concrete placed will be paid on a per square foot basis.	SF	100	12 <sup>50</sup>	1250 <sup>-</sup>

Total Bid (Items 1 thru 6) \$ 259,651<sup>00</sup>

**NOTES:**

1. Failure to transfer the Total Bid amount shown on this form to Page 1 of the Bid Form may result in disqualification.
2. The quantities given in the proposal and contract are approximate only, being given as a basis for the comparison of bids. The City does not, expressly or by implication, agree that the actual amount of work will correspond therewith, and reserves the right to increase or decrease the amount of any class or portion of the work, or to omit portions of the work, as may be deemed necessary or advisable by the Project Manager. If any quantities are found to be incorrect, the Contractor must notify the Project Manager prior to submitting the bids. Contractor's proposal is for the installation of the correct quantities of materials necessary to complete the work.
3. Contractor's attention is directed to the Special Provisions. The Special Provisions contain a detailed description of each bid item.
4. Contractor must submit bids for all base bid items. No response or a response of zero on any bid items **will** be deemed a non-responsive bid.

**SUBMIT THIS SHEET AS PART OF YOUR BID**



RESOLUTION NO. 2016-

RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ROCKLIN  
APPROVING A NOTICE OF EXEMPTION  
(ADA Ramps Repair Project: Various Locations Citywide)

WHEREAS, the City of Rocklin's Environmental Coordinator has reviewed the ADA Ramps Repair Project: Various Locations Citywide Project ("Project") and determined that it is exempt from review under the California Environmental Quality Act pursuant to California Code of Regulations Section 15301 – Existing Facilities and 15302 – Replacement or Reconstruction; and

WHEREAS, a Notice of Exemption has been prepared for the Project.

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

Section 1. Based on the review and determination of the Environmental Coordinator, the City Council of the City of Rocklin finds that the Project is exempt from review under the California Environmental Quality Act.

Section 2. A Notice of Exemption is approved for the Project.

Section 3. Upon approval of the Project by the City Council, the Environmental Coordinator may file the Notice of Exemption with the County Clerk of Placer County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of Section 21152(b) of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.

PASSED AND ADOPTED this 25th day of October, 2016, by the following vote:

AYES: Councilmembers:  
NOES: Councilmembers:  
ABSENT: Councilmembers:  
ABSTAIN: Councilmembers:

\_\_\_\_\_  
Gregory A. Janda, Mayor

ATTEST:

\_\_\_\_\_  
Barbara Ivanusich, City Clerk

## NOTICE OF EXEMPTION

<b>TO:</b> <input type="checkbox"/> County Clerk, County of Placer 2954 Richardson Blvd. Auburn, CA 95604-5228	<b>FROM:</b> City of Rocklin ECD Department 3970 Rocklin Road Rocklin, CA 95677
--	--

**Project Title:** ADA Ramps Repair Project: Various Locations Citywide

**Project Location - Specific:** The proposed project location for the ADA ramps repair is on various selected roadway locations throughout the City of Rocklin, with the determination of which roadways will receive the ADA ramps repairs being made on an annual basis. All of the work associated with the ADA ramps repairs will occur within the existing improved rights-of-way.

**Project Location - City:** Rocklin, CA; **County:** Placer

**Description of Nature, Purpose and Beneficiaries of Project:** The proposed project would involve repairing the ADA ramps along various selected roadways throughout the City of Rocklin. The determination of which ADA ramps will receive the repairs is made on an annual basis. All the work would occur within the existing improved rights-of-way and there would be no expansion of the roadways.

**Name of Public Agency Approving Project:** City of Rocklin

**Name of Person or Agency Carrying Out Project:** City of Rocklin Public Services, Attn: Justin Nartker, 4081 Alvis Court, Rocklin, CA 95677, (916) 625-5500

**Exempt Status (Check one)**

- ☒ X Categorical Exemption (California Code of Regulations Sec. 15300 et seq.): Section 15301 – Existing Facilities and Section 15302 – Replacement or Reconstruction

**Reasons why the project is exempt.** The project involves repairing the ADA ramps on various selected roadways throughout the City of Rocklin, as further described above. Class 1 exemptions consist of the operation, repair, maintenance, permitting, leasing, licensing or alteration of existing public or private structures, facilities, mechanical equipment, or topographic features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Examples include existing highways and streets, gutters, bicycle and pedestrian trails and similar facilities. Class 2 exemptions consist of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to: (c) replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity. The project as proposed is consistent with the exemption class descriptions noted above and is exempt pursuant to Classes 1 and 2 of the CEQA Guidelines.

**Contact Person:** Rick Forstall, Public Services Director

**Date received for Filing:** \_\_\_\_\_

**Signature:** \_\_\_\_\_  
 Rick Forstall, Public Services Director

## RESOLUTION NO. 2016-

RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ROCKLIN AUTHORIZING THE CITY MANAGER TO AWARD THE BID FOR  
THE ADA RAMP UPGRADES

The City Council of the City of Rocklin does resolve as follows:

WHEREAS, bids were opened on September 22, at 10:00 A.M. and examined and found to be in compliance with all applicable specifications; and

WHEREAS, the lowest responsible bid was determined to be \$259,651.

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

Section 1. The City Council awards the bid to PBM Construction, Inc.

Section 2. The City Manager is hereby authorized to execute the Agreement attached hereto as Exhibit A and incorporated herein by this reference, for the ADA Ramp Upgrades.

Section 3. The City Council hereby establishes the City Manager's Change Order Authority in the amount of \$15%.

PASSED AND ADOPTED this 25th day of October, 2016, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

\_\_\_\_\_  
Gregory A. Janda, Mayor

ATTEST:

\_\_\_\_\_  
Barbara Ivanusich, City Clerk



## EXHIBIT A

## CITY OF ROCKLIN

**AGREEMENT FOR THE CONSTRUCTION OF THE  
ADA Ramp Upgrades**

THIS AGREEMENT, made and entered into this 25<sup>th</sup> day of October, 2016, by and between the CITY OF ROCKLIN, a municipal corporation, (hereinafter referred to as "City"), and PBM Construction, Inc., a corporation duly organized and existing under the laws of the State of California, (hereinafter referred to as "Contractor").

**RECITALS**

WHEREAS, the City Council of the City of Rocklin has awarded a contract to Contractor for performance of the work set forth herein.

**AGREEMENTS****SECTION 1 - SCOPE OF WORK**

Contractor agrees to furnish all tools, equipment, apparatus, facilities, labor and materials necessary to perform and complete in a good and workmanlike manner, and in strict accordance with the Contract Documents as defined in section 7 hereof, the work of:

**ADA Ramp Upgrades**

City of Rocklin, Placer County, California, as called for in the drawings and specifications adopted by the City, which drawings and specifications have been executed by the parties to this agreement. It is understood and agreed that said tools, equipment, apparatus, facilities, labor and materials shall be furnished, and said work performed and completed as required in the Contract Documents, under the direction and supervision of, and subject to the approval of the City and its duly authorized representatives.

**SECTION 2 - TIME OF COMPLETION**

The work shall be commenced upon issuance of the City's "Notice to Contractor to Proceed". This is an annual contract awarded for an initial one-year period and will be renewable on a year-to-year basis for two additional one-year terms at the City's option, pursuant to the Contract Documents.

Time is of the essence of this agreement.

### **SECTION 3 - CONTRACT PRICE**

City shall pay Contractor for the full and complete performance of this contract the sum not to exceed Two Hundred Thousand DOLLARS (\$200,000.00), subject to adjustments as provided in the Contract Documents.

### **SECTION 4 - MONTHLY PROGRESS PAYMENTS**

Monthly progress payments shall be made in accordance with Article 23 of the General Conditions of these Contract Documents.

### **SECTION 5 - FINAL PAYMENT**

Final payment shall be made in accordance with Article 25 of the General Conditions of these Contract Documents.

### **SECTION 6 - ACCEPTANCE OF FINAL PAYMENT AS RELEASE**

The acceptance by the Contractor of final payment shall be and shall operate as a release to the City of any and all claims and all liability to the Contractor for all things done or furnished in connection with this work and for every act and/or neglect of the City or others relating to or arising from the work. No payment, however, final or otherwise, shall operate to release the Contractor or his sureties from any obligations under this contract or the performance and payment bonds required by this contract.

### **SECTION 7 - CONTRACT DOCUMENTS**

The complete contract between the parties hereto shall consist of the following documents herein referred to as the "Contract Documents", on file in the Public Services Department:

- Notice and Information to Bidders
- Bid Form
- Designation of Subcontractors
- This Agreement
- Bidder's Bond
- Performance Bond
- Payment Bond
- General Conditions
- Special Provisions
- Contract Drawings and Plans
- Technical Specifications

Duly Issued addenda  
Duly Issued interpretations  
Supplemental Drawings issued pursuant to Article 4 of the General Conditions  
Shop Drawings and Manufacturers' Instructions approved pursuant to Article 5  
of the General Conditions  
Approved Change Orders  
Contractor's Guarantee and Warranty & Maintenance Bond

Such documents, collectively referred to herein as the Contract Documents, hereby are incorporated herein by this reference and made a part hereof.

**SECTION 8 – CONTRACTOR REGISTERED AND QUALIFIED TO PERFORM PUBLIC WORK**

A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5 of the Labor Code. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 of the Labor Code at the time the contract is awarded.

IN WITNESS WHEREOF, the parties hereto executed this agreement the day and year first above written.

CITY OF ROCKLIN

By: \_\_\_\_\_  
Ricky A. Horst, City Manager

Contractor:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Official Title)

\_\_\_\_\_  
(Business Address)

\_\_\_\_\_  
(License Number)

APPROVED AS TO FORM:

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DeeAnne Gillick, Interim City Attorney

ATTEST:

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Barbara Ivanusich, City Clerk

d:\legal\engineering\public works\public works bid documents\construction agr 01/23/15



## City Council Report

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**Subject:** Resolution of the City Council of the City of Rocklin Accepting a Notice of Exemption for the Police Department Parking Lot Extension.

Resolution of the City Council of the City of Rocklin Approving and Authorizing the City Manager to Award the Bid for the Police Department Parking Lot Extension

**Submitted by:** Rick Forstall, Director  
Justin Nartker, Deputy Director - Presenter

**Date:** October 25, 2016.

**Department:** Public Services

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**Staff Recommendation:** It is recommended that the City Council of the City of Rocklin approve the following:

- Resolution of the City Council of the City of Rocklin Accepting a Notice of Exemption for the Police Parking Lot Extension.
  - Resolution of the City Council of the City of Rocklin Approving and Authorizing the City Manager to Award the Bid for the Police Department Parking Lot Extension
- 

### BACKGROUND:

On June 28, 2016, the City Council approved the Fiscal Year 2016-2017 budget along with Resolution No. 2016-167 which approved the 2016-2020 Capital Investment Plan. Included in the plan was the "Police Department Parking Lot Extension," adding additional parking adjacent to the Police Department. This will also add additional ADA parking and access and speaks to Strategic Plan Objective 1.3 – Implement ADA Transition Plan.

The existing parking located at the Police Department and adjacent to Quarry Park is limited. This new parking area will provide additional parking for:

- Citizens conducting business with the Police Department
- Staff parking during business hours
- Special events held at the Quarry Park
- Additional ADA parking

This project consists of two options; Option A will add parking adjacent to the existing parking lot across the driveway in the vacant lot. Option B will extend the existing parking lot to Winding Way by removing

landscape along the wall and replacing with parking spaces. On September 15, 2016 this project, including both options, was advertised with the bid opening on October 4, 2016.

## FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

### Findings:

- The Police Department Parking Lot Extension was advertised on September 15th and September 22nd with the bid opening on October 4, 2016.
- The bid included Option A as the base bid and Option B as Alternate 1. The bid will be awarded to the lowest base bid received.
- Four (4) bids were received as listed below.

<b>Bidder's Name</b>	<b>Base Bid Amount</b>	<b>Alternate</b>
Western Engineering Contractors, Inc.	\$ 82,650	\$30,950
Sierra Asphalt Inc.	\$ 90,000	\$50,700
Gabe Mendez Inc.	\$ 92,000	\$46,000
McGuire & Hester	\$101,700	\$59,700

- Staff has reviewed all the bids for sufficiency and is recommending that Council approve and award the bid to Western Engineering Contractors, Inc.
- The resolution establishes the City Manager's change order authority at 15%.
- The bid amount including Alternate 1 of \$113,600 plus a contingency of \$17,040 of the project cost to an amount not to exceed \$130,640.
- Upon approval construction will commence in October and take approximately one month.
- The City of Rocklin's Environmental Coordinator has reviewed Police Department Parking Lot Extension and determined that it is exempt from review under the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations Section 15303 & 15311 and has prepared a Notice of Exemption.

### Conclusion & Recommendation:

- Staff recommends that the City Council award the bid to the lowest responsible bidder, Western Engineering Contractors, Inc. plus a contingency in the amount of \$17,040 for a total amount not to exceed \$130,640.
- City shall begin work upon receipt of all necessary contract documents.

### Fiscal Impact:

- The amount budgeted for this Project is \$115,000 and is funded out of the COP Bond fund (312) and is included in the Fiscal Year 2016-2017 budget. This project may necessitate that a budget amendment be brought separately to Council for approval later in the fiscal year.



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Ricky A. Horst, City Manager  
Reviewed for Content



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DeeAnne Gillick, Interim City Attorney  
Reviewed for Legal Sufficiency

Attachments: Exhibit A – Bid Summary

Exhibit A

CITY OF ROCKLIN



BID SUMMARY

PROJECT: Police Department Parking Lot Extension

DATE: October 4, 2016

TIME: 10:00am

Name/Address/Phone of Bidder	Bid Amount	Alt. Bid Amt	Addendum(S) Acknowledged	Bid Bond / Cashier Check
1. Sierra Asphalt Inc. 3755 Omec Cir. Unit #2 Rancho Cordova, CA 95742	\$ 90,000	\$ 50,700	✓ 3	✓
2 Western Engineering 3171 Rippey Road P.O. Box 1387, Loomis, CA 95650	\$ 82,650	\$ 30,950	✓ 3	✓
3 Gabe Mendez Inc. 9390 Ridge Rd Newcastle, CA 95658	\$ 92,000	\$ 46,000	✓ 3	✓
4 m'Gine Hester 1016 N. Maricat Blvd Ste 20 Sacramento, CA 95834	\$ 101,700	\$ 59,700	✓ 3	✓
5	\$	\$		
6	\$	\$		
7	\$	\$		
8	\$	\$		
9	\$	\$		
10	\$	\$		

Finance

Date

Deputy City Clerk

Date



RESOLUTION NO. 2016-  
RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ROCKLIN  
APPROVING A NOTICE OF EXEMPTION  
(Police Department Parking Lot Extension)

WHEREAS, the City of Rocklin’s Environmental Coordinator has reviewed the Police Department Parking Lot Extension Project (“Project”) and determined that it is exempt from review under the California Environmental Quality Act pursuant to California Code of Regulations Section 15303 – New Construction or Conversion of Small Structures and 15311 – Accessory Structures; and

WHEREAS, a Notice of Exemption has been prepared for the Project.

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

Section 1. Based on the review and determination of the Environmental Coordinator, the City Council of the City of Rocklin finds that the Project is exempt from review under the California Environmental Quality Act.

Section 2. A Notice of Exemption is approved for the Project.

Section 3. Upon approval of the Project by the City Council, the Environmental Coordinator may file the Notice of Exemption with the County Clerk of Placer County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of Section 21152(b) of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.

PASSED AND ADOPTED this 25th day of October, 2016, by the following vote:

AYES: Councilmembers:  
NOES: Councilmembers:  
ABSENT: Councilmembers:  
ABSTAIN: Councilmembers:

\_\_\_\_\_  
Gregory A. Janda, Mayor

ATTEST:

\_\_\_\_\_  
Barbara Ivanusich, City Clerk

## NOTICE OF EXEMPTION

<b>TO:</b> <input type="checkbox"/> County Clerk, County of Placer 2954 Richardson Blvd. Auburn, CA 95604-5228	<b>FROM:</b> City of Rocklin ECD Department 3970 Rocklin Road Rocklin, CA 95677
--	--

**Project Title:** Police Department Parking Lot Extension

**Project Location - Specific:** The proposed project location for the parking lot extension is at the Rocklin Police Department located at 4080 Rocklin Road.

**Project Location - City:** Rocklin, CA; **County:** Placer

**Description of Nature, Purpose and Beneficiaries of Project:** The proposed project would involve adding additional parking, including additional ADA parking, adjacent to the existing Rocklin Police Department parking area.

**Name of Public Agency Approving Project:** City of Rocklin

**Name of Person or Agency Carrying Out Project:** City of Rocklin Public Services, Attn: Rick Forstall, 4081 Alvis Court, Rocklin, CA 95677, (916) 625-5500

**Exempt Status (Check one)**

☒ **Categorical Exemption (California Code of Regulations Sec. 15300 et seq.):** Section 15303 – New Construction or Conversion of Small Structures and Section 15311 – Accessory Structures

**Reasons why the project is exempt.** The project involves adding additional parking adjacent to the existing Rocklin Police Department parking area, as further described above. Class 3 exemptions consist of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. Class 11 exemptions consist of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to: (b) Small parking lots. The project as proposed is consistent with the exemption class descriptions noted above and is exempt pursuant to Classes 3 and 11 of the CEQA Guidelines.

**Contact Person:** Rick Forstall, Public Services Director

**Date received for Filing:** \_\_\_\_\_

**Signature:** \_\_\_\_\_  
 Rick Forstall, Public Services Director

P:\PUBLIC PLANNING FILES\DavidM\EXEMPTIONS\PD Parking Lot NOE and Reso (2016).docx



RESOLUTION NO. 2016-

RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ROCKLIN AUTHORIZING THE CITY MANAGER TO AWARD THE BID FOR  
THE POLICE DEPARTMENT PARKING LOT EXTENSION

The City Council of the City of Rocklin does resolve as follows:

WHEREAS, bids were opened on October 4, 2016, at 10:00 A.M. and examined and found to be in compliance with all applicable specifications; and

WHEREAS, the responsible bid was determined to be \$113,600.

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

Section 1. The City Council awards the bid to Western Engineering Contractors, Inc.

Section 2. The City Manager is hereby authorized to execute the Agreement attached hereto as Exhibit A and incorporated herein by this reference, for the Police Department Parking Lot Extension.

Section 3. The City Council hereby establishes the City Manager's Change Order Authority at 15%.

PASSED AND ADOPTED this 25th day of October, 2016, by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:
ABSTAIN:	Councilmembers:

\_\_\_\_\_  
Gregory A. Janda, Mayor

ATTEST:

\_\_\_\_\_  
Barbara Ivanusich, City Clerk

## EXHIBIT A

**CITY OF ROCKLIN  
AGREEMENT FOR THE CONSTRUCTION OF THE  
Police Department Parking Lot Extension**

THIS AGREEMENT, made and entered into this 25<sup>th</sup> day of October, 2016, by and between the CITY OF ROCKLIN, a municipal corporation, (hereinafter referred to as "City"), and Western Engineering Contractors, Inc., a corporation duly organized and existing under the laws of the State of California, (hereinafter referred to as "Contractor").

**RECITALS**

WHEREAS, the City Council of the City of Rocklin has awarded a contract to Contractor for performance of the work set forth herein.

**AGREEMENTS**

**SECTION 1 - SCOPE OF WORK**

Contractor agrees to furnish all tools, equipment, apparatus, facilities, labor and materials necessary to perform and complete in a good and workmanlike manner, and in strict accordance with the Contract Documents as defined in section 7 hereof, the work of:

**Police Department Parking Lot Extension**

City of Rocklin, Placer County, California, as called for in the drawings and specifications adopted by the City, which drawings and specifications have been executed by the parties to this agreement. It is understood and agreed that said tools, equipment, apparatus, facilities, labor and materials shall be furnished, and said work performed and completed as required in the Contract Documents, under the direction and supervision of, and subject to the approval of the City and its duly authorized representatives.

**SECTION 2 - TIME OF COMPLETION**

The work shall be commenced on the date specified in the City's "Notice to Contractor to Proceed," and shall be fully completed no later than 30 calendar days thereafter, or such additional time as may have been provided by change order, pursuant to the Contract Documents.

Time is of the essence of this agreement.

**SECTION 3 - CONTRACT PRICE**

City shall pay Contractor for the full and complete performance of this contract the sum of One Hundred-Thirteen Thousand and Six Hundred Dollars (\$113,600.00), subject to adjustments as provided in the Contract Documents.

**SECTION 4 - MONTHLY PROGRESS PAYMENTS**

Monthly progress payments shall be made in accordance with Article 23 of the General Conditions of these Contract Documents.

**SECTION 5 - FINAL PAYMENT**

Final payment shall be made in accordance with Article 25 of the General Conditions of these Contract Documents.

**SECTION 6 - ACCEPTANCE OF FINAL PAYMENT AS RELEASE**

The acceptance by the Contractor of final payment shall be and shall operate as a release to the City of any and all claims and all liability to the Contractor for all things done or furnished in connection with this work and for every act and/or neglect of the City or others relating to or arising from the work. No payment, however, final or otherwise, shall operate to release the Contractor or his sureties from any obligations under this contract or the performance and payment bonds required by this contract.

**SECTION 7 - CONTRACT DOCUMENTS**

The complete contract between the parties hereto shall consist of the following documents herein referred to as the "Contract Documents," on file in the Public Services Department:

- Notice and Information to Bidders
- Bid Form
- Designation of Subcontractors
- This Agreement
- Bidder's Bond
- Performance Bond
- Payment Bond
- General Conditions
- Special Provisions
- Contract Drawings and Plans
- Technical Specifications
- Duly Issued addenda

Duly Issued interpretations  
 Supplemental Drawings issued pursuant to Article 4 of the General Conditions  
 Shop Drawings and Manufacturers' Instructions approved pursuant to Article 5  
 of the General Conditions  
 Approved Change Orders  
 Contractor's Guarantee and Warranty & Maintenance Bond

Such documents, collectively referred to herein as the Contract Documents, hereby are incorporated herein by this reference and made a part hereof.

**SECTION 8 – CONTRACTOR REGISTERED AND QUALIFIED TO PERFORM PUBLIC WORK**

A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5 of the Labor Code. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 of the Labor Code at the time the contract is awarded.

IN WITNESS WHEREOF, the parties hereto executed this agreement the day and year first above written.

CITY OF ROCKLIN

By: \_\_\_\_\_  
 Ricky A. Horst, City Manager

Contractor:

\_\_\_\_\_  
 (Name)

\_\_\_\_\_  
 (Official Title)

\_\_\_\_\_  
 (Business Address)

\_\_\_\_\_  
 (License Number)

APPROVED AS TO FORM:

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DeeAnne Gillick, Interim City Attorney

ATTEST:

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Barbara Ivanusich, City Clerk

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## City Council Report

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**Subject:** Resolution of the City Council of the City of Rocklin Accepting a Notice of Exemption for the Whitney Community Park Backstop Pole Replacement

Resolution of the City Council of the City of Rocklin Approving and Authorizing the City Manager to Award the Bid for the Whitney Community Park Backstop Pole Replacement

**Submitted by:** Rick Forstall, Director

**Date:** October 25, 2016

David Mohlenbrok, Environmental Services Manager - Presenter

**Department:** Public Services

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**Staff Recommendation:** It is recommended that the City Council of the City of Rocklin approve the following:

- Resolution Accepting a Notice of Exemption for the Whitney Community Park Backstop Pole Replacement.
  - Resolution awarding the bid for the Whitney Community Park Backstop Pole Replacement to Crusader Fence Company, Inc.
- 

### BACKGROUND:

On May 20, 2016, strong winds were felt throughout the Sacramento and Placer County areas. While the City experienced mostly minor damage, e.g., broken tree limbs, ballfield #3 at Whitney Community Park suffered significant damage when wind gusts up to 35 mph ripped the sun screens and noticeably bent six (6) of the backstop poles. The poles were inspected and determined to be unsalvageable in their current condition.

Staff worked with our Risk Management Department and submitted a claim to the City's insurance company, Alliant Insurance, for this incident. On August 23, 2016, the Finance Department advised staff that the loss would be covered. Alliant Insurance will cover the cost of the repair minus the City's \$5,000 deductible.

### FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

#### Findings:

- On May 20, 2016, wind gusts of up to 35 mph were experienced throughout the Sacramento and Placer County areas.

- 
- Ballfield #3 at Whitney Community Park suffered significant damage when winds ripped the sun screens and bent six (6) backstop poles beyond repair.
  - A claim was submitted to Alliant Insurance and staff received word that the insurance company would cover the replacement cost minus the City's deductible of \$5,000.
  - The Whitney Community Park Backstop Pole Replacement was advertised on September 1<sup>st</sup> and September 8th with the bid opening on September 29, 2016. One (1) bid was received from Crusader Fence Company, Inc. in the amount of \$45,989.
  - Staff has reviewed the bid for sufficiency and is recommending that Council approve and award the bid to Crusader Fence Company, Inc.
  - The resolution establishes the City Manager's change order authority at 15%.
  - The bid amount of \$45,989 plus a contingency of \$6,898 brings the cost to an amount not to exceed \$52,887.
  - The City of Rocklin's Environmental Coordinator has reviewed Whitney Community Park Backstop Pole Replacement and determined that it is exempt from review under the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations Section 15301 & 15302 and has prepared a Notice of Exemption.

**Conclusion & Recommendation:**

- Staff recommends that the City Council award the bid to Crusader Fence Company, Inc. plus a contingency in the amount of \$6,898, for a total amount of \$52,887.
- City shall begin work upon receipt of all necessary contract documents.

**Fiscal Impact:**

- The project costs will be submitted to the City's insurance company, Alliant Insurance, for reimbursement. The City will be responsible for paying a \$5,000 deductible from the CFD 5 Fund (232).



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Ricky A. Horst, City Manager  
Reviewed for Content



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DeeAnne Gillick, Interim City Attorney  
Reviewed for Legal Sufficiency

**Attachments:**

Exhibit A –Bid Summary

Exhibit A

CITY OF ROCKLIN



BID SUMMARY

PROJECT: Whitney Community Park Backstop Pole Replacement

DATE: September 29, 2016

TIME: 10:00am

Name/Address/Phone of Bidder	Bid Amount	Alt. Bid Amt	Addendum(S) Acknowledged	Bid Bond / Cashier Check
1. Crusader Fence Co 3115 Gold Valley Dr. # B Rancho Cordova CA 95742	\$ 45,989.00	\$ N/A	nta ✓	✓
2	\$	\$		
3	\$	\$		
4	\$	\$		
5	\$	\$		
6	\$	\$		
7	\$	\$		
8	\$	\$		
9	\$	\$		
10	\$	\$		

Finance

*Barbara L. Williams*  
Deputy City Clerk

Date

9/29/16

Date

9/29/16



RESOLUTION NO. 2016-  
RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ROCKLIN  
APPROVING A NOTICE OF EXEMPTION  
(Whitney Community Park Backstop Pole Replacement)

WHEREAS, the City of Rocklin's Environmental Coordinator has reviewed the Whitney Community Park Backstop Pole Replacement Project ("Project") and determined that it is exempt from review under the California Environmental Quality Act pursuant to California Code of Regulations Section 15301 – Existing Facilities and 15302 – Replacement or Reconstruction; and

WHEREAS, a Notice of Exemption has been prepared for the Project.

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

Section 1. Based on the review and determination of the Environmental Coordinator, the City Council of the City of Rocklin finds that the Project is exempt from review under the California Environmental Quality Act.

Section 2. A Notice of Exemption is approved for the Project.

Section 3. Upon approval of the Project by the City Council, the Environmental Coordinator may file the Notice of Exemption with the County Clerk of Placer County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of Section 21152(b) of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.

PASSED AND ADOPTED this 25th day of October, 2016, by the following vote:

AYES: Councilmembers:  
NOES: Councilmembers:  
ABSENT: Councilmembers:  
ABSTAIN: Councilmembers:

\_\_\_\_\_  
Gregory A. Janda, Mayor

ATTEST:

\_\_\_\_\_  
Barbara Ivanusich, City Clerk

## NOTICE OF EXEMPTION

**TO:** ☐ County Clerk, County of Placer  
2954 Richardson Blvd.  
Auburn, CA 95604-5228

**FROM:** City of Rocklin  
ECD Department  
3970 Rocklin Road  
Rocklin, CA 95677

**Project Title:** Whitney Community Park Backstop Pole Replacement

**Project Location - Specific:** The proposed project location for the backstop pole replacement is at Field #3 at Whitney Community Park located at 1801 Whitney Ranch Parkway.

**Project Location - City:** Rocklin, CA; **County:** Placer

**Description of Nature, Purpose and Beneficiaries of Project:** The proposed project would involve the replacement of six (6) backstop poles and associated fencing and wood backboards located within Whitney Community Park at ballfield #3.

**Name of Public Agency Approving Project:** City of Rocklin

**Name of Person or Agency Carrying Out Project:** City of Rocklin Public Services, Attn: Rick Forstall, 4081 Alvis Court, Rocklin, CA 95677, (916) 625-5500

**Exempt Status (Check one)**

☒ X Categorical Exemption (California Code of Regulations Sec. 15300 et seq.): Section 15301 – Existing Facilities and Section 15302 – Replacement or Reconstruction

**Reasons why the project is exempt.** The project involves replacing damaged backstop poles and fencing at Field #3 at Whitney Community Park, as further described above. Class 1 exemptions consist of the operation, repair, maintenance, permitting, leasing, licensing or alteration of existing public or private structures, facilities, mechanical equipment, or topographic features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Examples include restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood. Class 2 exemptions consist of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to: (c) replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity. The project as proposed is consistent with the exemption class descriptions noted above and is exempt pursuant to Classes 1 and 2 of the CEQA Guidelines.

**Contact Person:** Rick Forstall, Public Services Director

**Date received for Filing:** \_\_\_\_\_

**Signature:** \_\_\_\_\_  
Rick Forstall, Public Services Director

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RESOLUTION NO. 2016-

RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ROCKLIN AUTHORIZING THE CITY MANAGER TO AWARD THE BID FOR  
THE WHITNEY COMMUNITY PARK BACKSTOP POLE REPLACEMENT

The City Council of the City of Rocklin does resolve as follows:

WHEREAS, bids were opened on September 22, 2016, at 10:00 A.M. and examined and found to be in compliance with all applicable specifications; and

WHEREAS, the responsible bid was determined to be \$45,989.

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

Section 1. The City Council awards the bid to Crusader Fence Company, Inc.

Section 2. The City Manager is hereby authorized to execute the Agreement attached hereto as Exhibit A and incorporated herein by this reference, for the Whitney Community Park Backstop Pole Replacement.

Section 3. The City Council hereby establishes the City Manager's Change Order Authority at 15%.

PASSED AND ADOPTED this 25th day of October, 2016, by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:
ABSTAIN:	Councilmembers:

\_\_\_\_\_  
Gregory A. Janda, Mayor

ATTEST:

\_\_\_\_\_  
Barbara Ivanusich, City Clerk

**EXHIBIT A****CITY OF ROCKLIN  
AGREEMENT FOR THE CONSTRUCTION OF THE  
Whitney Community Backstop Pole Replacement**

THIS AGREEMENT, made and entered into this 25<sup>th</sup> day of October, 2016, by and between the CITY OF ROCKLIN, a municipal corporation, (hereinafter referred to as "City"), and Crusader Fence Company, Inc., a corporation duly organized and existing under the laws of the State of California, (hereinafter referred to as "Contractor").

**RECITALS**

WHEREAS, the City Council of the City of Rocklin has awarded a contract to Contractor for performance of the work set forth herein.

**AGREEMENTS****SECTION 1 - SCOPE OF WORK**

Contractor agrees to furnish all tools, equipment, apparatus, facilities, labor and materials necessary to perform and complete in a good and workmanlike manner, and in strict accordance with the Contract Documents as defined in section 7 hereof, the work of:

**Whitney Community Park Backstop Pole Replacement**

City of Rocklin, Placer County, California, as called for in the drawings and specifications adopted by the City, which drawings and specifications have been executed by the parties to this agreement. It is understood and agreed that said tools, equipment, apparatus, facilities, labor and materials shall be furnished, and said work performed and completed as required in the Contract Documents, under the direction and supervision of, and subject to the approval of the City and its duly authorized representatives.

**SECTION 2 - TIME OF COMPLETION**

The work shall be commenced on the date specified in the City's "Notice to Contractor to Proceed," and shall be fully completed no later than 45 working days thereafter, or such additional time as may have been provided by change order, pursuant to the Contract Documents.

Time is of the essence of this agreement.

**SECTION 3 - CONTRACT PRICE**

City shall pay Contractor for the full and complete performance of this contract the sum of Forty-Five Thousand, Nine Hundred and Eighty-Nine Dollars (\$45,989.00), subject to adjustments as provided in the Contract Documents.

**SECTION 4 - MONTHLY PROGRESS PAYMENTS**

Monthly progress payments shall be made in accordance with Article 23 of the General Conditions of these Contract Documents.

**SECTION 5 - FINAL PAYMENT**

Final payment shall be made in accordance with Article 25 of the General Conditions of these Contract Documents.

**SECTION 6 - ACCEPTANCE OF FINAL PAYMENT AS RELEASE**

The acceptance by the Contractor of final payment shall be and shall operate as a release to the City of any and all claims and all liability to the Contractor for all things done or furnished in connection with this work and for every act and/or neglect of the City or others relating to or arising from the work. No payment, however, final or otherwise, shall operate to release the Contractor or his sureties from any obligations under this contract or the performance and payment bonds required by this contract.

**SECTION 7 - CONTRACT DOCUMENTS**

The complete contract between the parties hereto shall consist of the following documents herein referred to as the "Contract Documents," on file in the Public Services Department:

- Notice and Information to Bidders
- Bid Form
- Designation of Subcontractors
- This Agreement
- Bidder's Bond
- Performance Bond
- Payment Bond
- General Conditions
- Special Provisions
- Contract Drawings and Plans
- Technical Specifications
- Duly Issued addenda
- Duly Issued interpretations

Supplemental Drawings issued pursuant to Article 4 of the General Conditions  
 Shop Drawings and Manufacturers' Instructions approved pursuant to Article 5  
 of the General Conditions  
 Approved Change Orders  
 Contractor's Guarantee and Warranty & Maintenance Bond

Such documents, collectively referred to herein as the Contract Documents, hereby are incorporated herein by this reference and made a part hereof.

**SECTION 8 – CONTRACTOR REGISTERED AND QUALIFIED TO PERFORM PUBLIC WORK**

A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5 of the Labor Code. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 of the Labor Code at the time the contract is awarded.

IN WITNESS WHEREOF, the parties hereto executed this agreement the day and year first above written.

CITY OF ROCKLIN

By: \_\_\_\_\_  
 Ricky A. Horst, City Manager

Contractor:

\_\_\_\_\_  
 (Name)

\_\_\_\_\_  
 (Official Title)

\_\_\_\_\_  
 (Business Address)

\_\_\_\_\_  
 (License Number)

APPROVED AS TO FORM:

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DeeAnne Gillick, Interim City Attorney

ATTEST:

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Barbara Ivanusich, City Clerk

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# CITY MEMORANDUM

**DATE:** October 25, 2016  
**TO:** Mayor Greg Janda and Members of the Rocklin City Council  
**FROM:** Ricky A. Horst, City Manager  
**SUBJECT:** City Manager Report

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1. I-80 Auxiliary Lane Approval: Caltrans has signed off on the Project Report providing approval and environmental clearance for the I-80 Auxiliary Lane project. The project will provide one additional lane eastbound on I-80 from the Highway 65 on ramp to the Rocklin Road exit. It also includes an additional lane westbound from Douglas Blvd. to Riverside Avenue. If Measure "M" passes on November 8<sup>th</sup>, PCTPA will move forward with the design phase.
2. City of Rocklin Officials Meet with Local Veterans: On Thursday, Oct. 13 the City of Rocklin met with the leaders of three local veterans groups including the Rocklin American Legion Post 620, Veterans of Foreign Wars Placer Foothills Post 904, and the William Jessup University Veterans Club.

The City is seeking feedback from veterans regarding plans to relocate "Memorial Park" from its current location. The planned development of Quarry Park, including additional entertainment and business uses, may not coincide with visitors seeking to honor veterans with a quiet moment at the memorial. The City presented concepts for a relocated memorial that would be more independent of other uses with additional amenities and increased visibility. Veteran's leaders were asked to provide their thoughts on the preliminary plans, and to offer ideas for the memorial's relocation and development. Ideas could then be vetted and the best feasible options incorporated. The veteran's representatives were supportive of a new memorial relocation and agreed to submit ideas in support of the project.

The City also wishes to step up its involvement with veterans groups, and asked representatives to consider ideas for an annual project in which the city and veterans could partner. The project could take many forms. Ideas discussed at the meeting included a veteran's volunteer day, a parade tied

October 25, 2016

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to a holiday honoring military personnel, or possibly an event held at Quarry Park incorporating the new amphitheater. The veterans groups raised the topic of the need for improved facilities for veterans in Rocklin, and requested assistance in identifying and securing a more “permanent” location. This unidentified location would act as a designated gathering space where veterans could access resources and support offered by the local veteran groups. The City is already vetting options for improved facilities dedicated to use by veterans and plans to share that work when ready.

Veterans Day Activities were also discussed, with veterans relating a desire to collaborate on the day’s activities and to work with the City to develop increased activities in 2017. Smaller events to support participation in the veterans groups by other veterans in the community were also discussed, including events or partnerships with the Rocklin Police Department, and the Recreation, Arts and Event Tourism Department. Information about the Veterans organizations will be added to the City’s web site. A standing quarterly meeting will be scheduled to continue partnership development between the City and veterans organizations.

3. City of Rocklin Sales Tax Update: Rocklin’s receipts from April through June were 1.8% below the second sales period in 2015. Excluding reporting aberrations, actual sales were up 11.0%. One time payments that temporarily inflated last year’s allocation from the general consumer goods sector were primarily responsible for the current decrease. A decline in gasoline and diesel fuel prices depressed returns from service stations. The losses were somewhat mitigated by higher receipts from home furnishings retailers and several categories of the business and industry sector. Recent additions helped boost returns from sporting goods, garden/agricultural supplies and several restaurant categories.
4. California Retail Survey 2016 Report: Rocklin was listed with a Performance Ranking of “1”. Performance ranking is a ranking of the percentage of growth in retail sales from the most recent year that data is available. The ranking range from 1 (highest) to 5 (lowest). By comparison, Roseville and Folsom both came in with a Performance Rank of “4”. Likewise Rocklin ranked well in Growth Persistence, an evaluation of a city’s ability to consistently out-perform statewide growth trends.<sup>1</sup>
5. Housing Shortage is predicted to Continue: While Rocklin continues to see strong housing construction, a shortage of housing inventory may be getting worse. There is a 17% drop in inventory from a year ago according to

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<sup>1</sup> California Retail Survey, 2016

October 25, 2016

Page 3

Coldwell Banker Residential Mortgage. During the same time, median prices rose by 11%. The average listing period prior to a sale is 1.8 months.

6. Placer County Facility Impact Fees Adjusted: Pursuant to Resolution 2000-108 and Placer County Code Section 15.30.09, Capital Facility Impact fees are adjusted annually in July each year based on the change in the CIP. Effective October 1, 2016, fees were adjusted to reflect a 2.065% increase. A complete schedule of fees is available online or in person at the City offices.