



**MINUTES**  
**REGULAR CITY COUNCIL**  
**TUESDAY, JUNE 26, 2007, 7:00 P. M.**  
**COUNCIL CHAMBERS, 245 E. BONITA AVE.**

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**PRESENT:**

Mayor Curtis W. Morris  
Mayor Pro Tem Jeff Templeman  
Councilmember Emmett Badar  
Councilmember Denis Bertone  
Councilmember John Ebner

City Manager Michaelis  
City Attorney Brown  
City Clerk Rios  
Assistant City Manager of Development Services Stevens  
Assistant City Manager Duran  
Public Works Director Patel  
Parks and Recreation Director Bruns  
Planning Manager Hensley  
Senior Engineer Garwick

**1. CALL TO ORDER**

Mayor Morris called the regular meeting to order at 7:08 p.m. and led the flag salute.

**2. RECOGNITIONS**

- ❖ Graduates from Los Angeles County Sheriff's Department's Fourteenth Regional Community Academy

**Chris MacKenzie**, San Dimas Sheriff's Station, stated that the Community Academy covers all Sheriff's Stations in Region III and holds twelve-week courses that cover Deputy training. Attendees leave with the knowledge of Sheriff Deputies' duties and hopefully become volunteers. Mrs. MacKenzie said all students participated in ride-a-longs with local deputies and went on a jail tour of the Twin Towers Jail in Los Angeles. Ten of the graduating students are now with the San Dimas Sheriff's Department as volunteers and one is a Reserve Deputy Sheriff.

Certificates were read and presented by Mayor Morris to **Sheryl Brazina, Sylvia Chapman, Callie Ellis, Susan Flores, Felicia Majewski, Jane Rundle, and Lorna Sapp**. Mayor Morris congratulated the graduates of the Los Angeles County Sheriff's Department's Fourteenth Regional Community Academy for completing the twelve week courses. **Laura Dodds** and **Raul Flores** were unable to attend the meeting to accept their certificates.

Mayor Pro Tem Templeman said the Sheriff Boosters had their annual dinner recognizing volunteers such as the recent graduates and recognizes all volunteer efforts that come from the San Dimas Station. He said for 2006, volunteers donated over 31,000 hours, saving the Sheriffs nearly \$1/2 million. He stated that San Dimas is fortunate to have over 100 volunteers, including the Posse, Reserves, Disaster Communications, Citizens on Patrol, and everyone who helps out. He extended his sincere appreciation to each of the volunteers.

### 3. ORAL COMMUNICATIONS

(For anyone wishing to address the City Council on an item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. Speakers are limited to three minutes for a 30 minute time period.)

#### a. Members of the Audience

1) **Galen Gillotte**, Children's Library, San Dimas Library, is happy to report that the Library is full of readers since they started the summer reading program. She announced the upcoming programs and said all could be viewed on the link on the City's website.

2) **Craig Meyers** said he had a positive discussion with staff regarding the Northwoods Tract improvement, although some neighbors are opposed to continuing the assessment. He commended Dan Hargis for contacting neighbors and getting petitions signed. Mr. Meyers urged Council to let the residents of the Tract vote on whether or not to continue the special Assessment District, and if it is approved, he would like to be considered for the Board, and if it does not pass, residents would take care of their own properties. He thanked City Manager Michaelis and Director Bruns for meeting with him.

3) **Sid Maksoudian** addressed the City Council on the Chamber of Commerce activities and installation of the Board of Directors. He also reminded the Council of his question concerning his obligation to report illegal activity in town.

### 4. CONSENT CALENDAR

(All items on the Consent Calendar are considered to be routine and will be enacted by one motion unless a member of the City Council requests separate discussion.)

Mayor Morris removed item 4(e) for separate discussion.

Councilmember Ebner requested amendment to page 12 of the April 10, 2007 minutes, to reflect "Councilmember Ebner would also like to be appointed to the Ad Hoc Committee."

Councilmember Ebner requested removal of April 24, 2007 minutes for consideration at the next meeting.

It was moved by Councilmember Bertone, seconded by Councilmember Badar, and carried to accept, approve, or act on the consent calendar, as amended, as follows:

#### a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:

(1) **No. 07-46**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF JUNE, 2007.

#### b. Ordinances read by title, further reading waived, passage and adoption recommended as follows:

(1) **No. 1167**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING TITLE 18 OF THE SAN DIMAS MUNICIPAL CODE TO PROHIBIT THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES AND OTHER SIMILAR USES. **SECOND READING**

(2) **No. 1168**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA DESCRIBING THE SAN DIMAS REDEVELOPMENT AGENCY'S PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN WITH RESPECT TO THE REDEVELOPMENT PLAN FOR THE CREATIVE GROWTH REDEVELOPMENT PROJECT AREA. **SECOND READING**

(3) **No. 1169**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA DESCRIBING THE SAN DIMAS REDEVELOPMENT AGENCY'S PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN WITH RESPECT TO THE REDEVELOPMENT PLAN FOR THE RANCHO SAN DIMAS REDEVELOPMENT PROJECT AREA. **SECOND READING**

- c. Approval of minutes for regular City Council meeting of April 10, 2007
- d. Closure of Bonita Avenue, east of Cataract Avenue, west of San Dimas Avenue from 5:00 a.m. to 4:00 p.m. Sunday, July 29, 2007, for the 14th Annual San Dimas Car Show.
- f.
  - 1) Appropriation of \$8,554 from street lighting funds, Fund 07, for Cash Contract 2006-06 Street Lighting Project.
  - 2) Award of Cash Contract No. 2006-06 to New West Signal, in the amount of \$40,769.00, for Street Light Conduit Installation on Second Street between Eucla Avenue and Cataract Avenue.

#### END OF CONSENT CALENDAR

Items removed for separate consideration:

- 4.c. Minutes of April 24, 2007 were removed for consideration at the July 10, 2007 meeting.
- 4.e.
  - 1) Appropriation of \$13,900.00 from Proposition C funds, Fund 73 for Cash Contract 2007-06 "Channel Modification at Via Verde Country Club."
  - 2) Award of Cash Contract No. 2007-06 to Newtech Engineering & Construction, in the amount of \$57,900.00, for Channel Modification at Via Verde County Club.

Public Works Director Patel amended the title of item 4.e.1 to reflect "Appropriation of \$13,900 from the General Fund" instead of Proposition C funds.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember Ebner, to approve item 4(e) as amended. The motion carried 5.0.

#### 5. OTHER MATTERS

- a. Northwoods Maintenance District - review and approve the Engineer's Report and plan for an interim assessment district for 2007-08.

**RESOLUTION NO. 07-47**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING THE ENGINEER'S REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2007-2008 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND FIXING A TIME AND PLACE FOR HEARING OBJECTIONS FOR OPEN SPACE MAINTENANCE DISTRICT NO. 1, ANNEXATION NO. 3, (TRACT NO. 32841).

City Manager Michaelis presented an interim plan to allow the Northwoods Maintenance District to continue for one more year at the existing rate of \$630 per year contingent upon a majority of residents' consent to the assessment, and to allow time for the residents to put together a more effective and supportable long term plan of action for maintaining the property. Mr. Michaelis stated that if the interim plan is approved, property owners would have until July 13, 2007 to submit their votes, which would be presented to the City Council at their July 24, 2007 meeting to determine whether or not to implement the assessment. In an effort to achieve good will, staff recommends as part of the interim plan, consideration of up to \$2,500 for priority tree maintenance in the District and appropriation of \$5,000 toward repair of the common irrigation system in the District. Staff recommends approval of the interim plan; and adoption of Resolution No. 07-47.

In response to Mayor Pro Tem Templeman, Assistant City Attorney Steres replied that if residents want to maintain the assessment at the same level, there is no requirement to get a vote approval from the District members prior to imposing the same assessment amount. He said the materials mailed to property owners is considered an advisory statement to see if there is interest to continue for one more year at \$630.00 per parcel, to provide additional information for Council consideration on July 24, 2007.

In response to Councilmember Badar, City Manager Michaelis stated that there has been a lack of confidence in the City and the administration of the District funds, which has been difficult with the amount of money available. He said the allocation of funds is a good faith effort on behalf of the City to help with the transition.

Mayor Morris stated that the City is spending more than the amount of the assessment every year. He invited members of the audience to comment on the Northwoods Maintenance District.

**Danny Hargis** said residents have been paying \$630.00 every year and do not understand where the money has gone, and the irrigation system should have been updated. He said the residents want to negotiate with the City to get bids for the irrigation replacement and new maintenance contract. He submitted a petition signed by his neighbors in favor of voting on the interim proposal.

**Linda Roswell**, new resident, loves the open space and greenery. She expressed concern that if maintenance is turned over to homeowners, it would be detrimental to the look of the entire area if landscaping is not maintained consistently.

In response to Council, Director Bruns stated that on May 2, 2007, staff met with residents of the Northwoods Tract. She said of 38 properties, 20 properties were represented and possibly five additional properties were represented that did not sign in. She further replied that in the letter, language was "letter of commitment committing to the 2007-08 interim plan" not to a permanent assessment. She stated that residents would be notified of Council's decision and that a greater plan might be accomplished through greater cooperation among residents.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Ebiner, to waive further reading and adopt **RESOLUTION NO. 07-47**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING THE ENGINEER'S REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2007-2008 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972; AND FIXING A TIME AND PLACE FOR HEARING OBJECTIONS FOR OPEN SPACE MAINTENANCE DISTRICT NO. 1, ANNEXATION NO. 3, (TRACT NO. 32841). The motion carried unanimously.

It was moved by Councilmember Bertone, seconded by Councilmember Ebiner, to approve staff's seven step recommendation, taking into consideration comments by Councilmembers to make language as clear as possible on what residents are voting. The motion carried 5.0.

Director Bruns announced and invited participation at the public hearing on July 24, 2007.

## 6. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 7:57 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:20 p.m. with all members present.

## 7. ORAL COMMUNICATIONS

- a. Members of the Audience (Speakers are limited to five-minutes or as may be determined by the Chair.)

1) **Maurice Cuellar**, Advocates for Healthy Living, sponsor of the Farmer's Market, invited the community to listen to Blues with Music in the Park, and said the Farmer's Market would feature a classic rock band. He commented that there is no promotion on the City's website for the July 4th Farmer's Market, paying tribute to 70's band, Disco night. He noticed that city hall would be closed that day and requested that restrooms be available.

2) **Sid Maksoudian** stated that he and Paul Kirby wanted to attend the installation of the new Board of Directors at the Sheraton Fairplex, but were told tickets were not available. Additionally, he mentioned that the Chamber did not invite a prominent business, who refused to become a Chamber member, to a recent event, but used his facilities.

3) **Mike Hall** stated he was at the great mixer, and all businesses were there. He invited the community and their families to come early to the Farmer's Market, and stay for the 15th season of Music in the Park starting Wednesday, June 27. He said Music in the Park would be closed on July 4th.

- b. City Manager

No report.

- c. City Attorney

Assistant City Attorney Steres reported that at their April 24, 2007 meeting, the City of San Dimas City Council voted in favor of adding their name to the amicus participation in the appeal case of *Save Tara v. West Hollywood*, and the California Supreme Court recently granted review. He said the City Attorney for West Hollywood sent out a thank you for support in getting their petition reviewed.

- d. Members of the City Council

- 1) Councilmembers' report on meetings attended at the expense of the local agency.

a) Mayor Pro Tem Templeman mentioned he attended meetings at no cost to the City. He was Emcee for the Sheriff's Boosters meeting; he represented Mayor Morris at the Chamber of Commerce Installation Dinner, and it was his understanding that Mr. Maksoudian placed a call the day before the event to request tickets; the period for reserving a seat had closed by several days. He stated that the Chamber Mixer, held between Subway and the courtyard by CVS and Smokin' Jacks, was held for and attended by Chamber members. He mentioned that the manager of Smokin' Jacks is a good friend and would welcome the use of his facilities. He added that the Chamber would welcome new memberships.

Mr. Maksoudian came forward and stated that the facts are misrepresented.

Mayor Morris explained that items discussed in oral communications are not on the agenda and pursuant to the Brown Act, cannot be discussed. He stated that Mr. Maksoudian already made his comments

during the audience participation; and this is the opportunity for Councilmembers to comment; this is not a matter for debate.

Mr. Maksoudian persisted in being heard and subsequently asked when he would be allowed to correct misrepresented facts.

Mayor Morris said Mr. Maksoudian could come to the next oral communications to say he disagreed with Mr. Templeman; although oral communications is not a time for arguments, and right now Mr. Maksoudian is out of order because this is not the time for oral communications from the public.

b) Councilmember Bertone said at no cost to the city, he went on the Los Angeles County Sanitation District boat trip out of San Pedro to learn where our sewages go. He described the process to purify it; take it to the ocean; and conduct the lab study to verify no harm is done to sea life. He recommends that the entire Council take their families on this trip.

c) There were no meetings attended by Councilmembers at the expense of the local agency.

2) Direction on Planning Commissioner Appointments.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember Badar, to reappoint David Bratt, Stephen Ensberg, and M. Yunus Rahi to the Planning Commission, for two year terms. The motion carried unanimously.

3) Councilmember Badar reported receiving several complaints against Verizon. He said there is engineering graffiti and debris on the roadway and Via Verde residents are concerned about property values. He said Scott Yanagihara is very attentive and if anyone has any complaints, they could contact Mr. Yanagihara.

Director Patel said residents could call (909) 934.6240, and staff will respond to the complaint.

4) Councilmember Badar said he attended City crew's safety meeting last week at 6:00 a.m. and after listening, believes staff is the first line of defense, fixing roads, lights, and keeping the city going.

5) Councilmember Bertone invited the Community to San Dimas Day at the Los Angeles County Fair on September 14, 2007, starting with lunch, a parade, a community expo, a race named after the City of San Dimas, and Community Hero celebration.

6) Mayor Morris invited the community to Music in the Park on Wednesday night.

7) In response to Councilmember Badar, Director Bruns said staff has been scheduled to open restrooms on July 4 for the Farmer's Market.

8) Councilmember Ebner did not feel that one hour or 1.5 hours was sufficient time for the study session regarding SP-4 and suggested continuing after the regular meeting on July 10.

9) Mayor Morris said "Ask the Mayor" show would be conducted on Thursday Night.

**8. ADJOURNMENT**

Mayor Morris adjourned the meeting at 8:48 p.m. The next meeting is July 10, 2007, 6:00 p.m. Study Session regarding William Holt Report - SP 4 issues raised by Richard Rauseo.

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Curtis W. Morris Mayor of the City of San Dimas

ATTEST:

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Ina Rios, CMC, City Clerk