



**MINUTES**  
**REGULAR CITY COUNCIL**  
**TUESDAY, MAY 26, 2009, 7:00 P. M.**  
**COUNCIL CHAMBERS, 245 E. BONITA AVE.**

---

**COUNCIL:**

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

City Manager Blaine Michaelis  
City Attorney J. Kenneth Brown  
City Clerk Ina Rios  
Assistant City Manager of Community Development Larry Stevens  
Director of Development Services Dan Coleman  
Director of Public Works Krishna Patel  
Director of Parks and Recreation Theresa Bruns

**ABSENT:**

Assistant City Manager Ken Duran

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Morris called the meeting to order at 7:01 p.m. and led the flag salute.

**2. RECOGNITIONS**

- Recognize participants of the 2009 *Every 15 Minutes* alcohol awareness event at San Dimas High School on May 19, 2009

Mayor Morris welcomed and thanked the participants of the Every 15 Minutes program.

Councilmember Templeman explained that the two-day program focuses on high school juniors and seniors, and challenges them to think about drinking, driving, personal safety, and the responsibility of making mature decisions and the impact their decisions have on family, friends, and many others. The program brings together local agencies, law enforcement, the Department of Alcoholic Beverage Control, California Highway Patrol, local hospitals, emergency medical responders, schools, businesses, and service clubs, and validates the importance of working together to ensure a healthy community. He expressed appreciation to all the students who participated and maintained their role.

**Rita Kear**, Vice Principal, San Dimas High School, thanked the City of San Dimas for partnering with the District, hospital, and Sheriffs on this project that allows them to make an impact on kids. She said one student expressed he didn't know the City cared so much about youth and the decisions they make. She also thanked the students who participated.

Mayor Morris and Councilmember Templeman presented a proclamation to each of the students present for participating in the two-day "Every 15 Minutes" Program on May 19, 2009. Proclamations will be delivered to students and teachers who were unable to attend.

Councilmember Templeman acknowledged Albert Cisneros, Regional Manager for Cole-Schaefer, who is present in the audience.

### 3. ANNOUNCEMENTS

- Pui-Ching Ho, Librarian, San Dimas Library

**Pui-Ching Ho**, Library Manager, San Dimas Library, highlighted the special and regular programs at the Library, including Joy of Chinese Cooking Class with food tasting; Book Party; Flamenco dance presentation by Susana Elena; art exhibit, painting demonstration and reception. Ms. Ho is seeking volunteers ages 12-17, for the Summer Reading Program.

Councilmember Badar mentioned that while at the California Contract Cities Conference, he spoke with the representative of the Los Angeles County Library who commented that San Dimas has one of the finest libraries and head librarian in the County system.

**4. ORAL COMMUNICATIONS** (Members of the audience are invited to address the City Council on any 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. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time or asked to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

a. Members of the Audience

**1) Ted Powl**, President,/CEO, Chamber of Commerce, announced that the Installation Awards Dinner will be held at 6:00 p.m. on June 3, 2009, at Sheraton Suites FairPlex to honor business people for the work done in the community. This year Business of the Year is the Gas Company; Business Man of the Year is Dr. Bennett Jeong; Business Women of the Year are Theresa and Amanda Becker of Heartbreaker Fashions; New Business of the Year is Five Doors Down - The Salon; New Commercial Building of the Year is Costco; Improved Commercial Building of the Year is Linco Custom Picture Framing; and the Notable Renovated Building of the Year is the Walker House. He said volunteers are also recognized and Volunteers of the Year are Denis and Diana Bertone; and the first Ambassador of the Year is Margie Green.

Mr. Powl said at the same event, they will be installing their Board of Directors for 2010 as follows: Chairman Joe Fransen of Awards by Champion; Vice-Chair/Chair-Elect Margie Green; Secretary Mitchell Crawford; Treasurer Nancy Hasbach; and Immediate Past Chair Carolyn Anderson. To join in the event, contact the Chamber at 909/592-3818.

Mr. Powl mentioned that the Chamber of Commerce also certifies Certificates of Origin for exporters who are exporting goods to other countries.

**2) Susan Crawford**, praised our wonderful Librarian, and said the Library also has a genealogy research available on their computers.

### 5. 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 or member of the audience requests separate discussion.)

City Manager Michaelis explained that item 5a(2) was placed on the consent as a last minute item and a staff report was unavailable; however, he said this item was replaced by item 5h. He explained the criteria and said the City is eligible for approximately \$62,000 in Community Development Block Grant-Recovery funds. He recommended that the City utilize CDBG-R funds for the purpose of alternative fuel vehicles and the remainder toward the preparation of an energy plan necessary for further grant funds.

Councilmember Ebiner reported on item 5e. He mentioned that there was an outdated copy of the bill in the packet and the City Clerk provided an amended copy clarifying the options and intent of AB715 to give cities the option of posting adopted ordinances on the City's website in lieu of publishing the ordinance in a newspaper.

It was moved by Mayor Pro Tem Bertone, seconded by Councilmember Ebiner, and unanimously carried to accept, approve and act upon the consent calendar, as presented, as follows:

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
  - (1) **RESOLUTION NO. 09-23**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF MAY, 2009.
  - ~~(2) RESOLUTION NO. 09-25, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO COUNTY OF LOS ANGELES COMMUNITY DEVELOPMENT COMMISSION FOR FUNDING UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (CDBG-R).~~
- b. Approval of minutes for regular meeting of May 12, 2009 and special meetings of April 28, 2009 and May 12, 2009.
- c. Award of Cash Contract No. 2009-06, Bonita Avenue from Cataract Avenue to San Dimas Avenue Street Lighting Phase 1B project, to Protech Engineering, in the amount of \$44,405.00.
- d. Award of Cash Contract No. 2009-05, Reconstruction of Briarwood Lane and Smokewood Lane to I.C.E. Engineering, Inc., in the amount of \$95,765.00.
- e. Support AB715 (Caballero) to eliminate the requirement to publish ordinances.
- f. Letter of Commitment for a Cooperative Partnership with Bonita Unified School District for American Reinvestment and Recovery Act( ARRA) funding application for CNG fueling facility at the District yard and vehicles for the City .
- g. Approve a public mural project by San Dimas High School Art Students.
- h. **AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO COUNTY OF LOS ANGELES COMMUNITY DEVELOPMENT COMMISSION FOR FUNDING UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (CDBG-R).**

END OF CONSENT CALENDAR

Mayor Morris said one item approved on the consent calendar authorizes San Dimas High School to paint four additional parts to the mural at the city yard. He encouraged everyone to see the painted wall art at the city yard.

## 6. PUBLIC HEARINGS

*(The following item has been advertised and/or posted. The meeting will be opened to receive public testimony.)*

- a. Setting the Special City-wide parcel tax for Fiscal Year 2009-2010.

**RESOLUTION NO. 09-24**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, SETTING THE SPECIAL CITYWIDE PARCEL TAX FOR FISCAL YEAR 2009-2010 TO BE USED FOR LANDSCAPE MAINTENANCE PURPOSES.

City Manager Michealis reported that in November 1997, voters approved Ordinance No. 1086 adopting a special parcel tax to be levied against properties in San Dimas and included an annual adjustment to reflect changes in the Consumer Price Index. He said the April 2009 CPI was -1.3%, therefore, no CPI adjustment is warranted. Staff recommended adoption of Resolution No. 09-24 with no increase for the upcoming year.

Mayor Morris opened the public hearing and asked if anyone wished to speak regarding the citywide parcel tax approved by the voters in 1997. There being no one wishing to speak, the public hearing was closed.

After the title was read, it was moved by Councilmember Badar, seconded by Councilmember Ebiner, to waive further reading and adopt **RESOLUTION NO. 09-24**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, SETTING THE SPECIAL CITYWIDE PARCEL TAX FOR FISCAL YEAR 2009-2010 TO BE USED FOR LANDSCAPE MAINTENANCE PURPOSES. The motion carried unanimously.

Councilmember Templeman stated that the amount of revenue raised does not pay for all landscaping, but it is a great assistance to public right of ways.

## 7. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 7:36 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 7:53 p.m.

## 8. ORAL COMMUNICATIONS

- a. Members of the Audience (Speakers are limited to five (5) minutes or as may be determined by the Chair.)

**Charles McCants** invited the community to support the cure for cancer at Relay for Life at Horsethief Canyon Park from 9:00 a.m. Saturday, May 30th until 9:00 a.m. Sunday, May 31, 2009. He said the fundraiser for cancer research will feature a lot of fun activities, including the dunk tank and several City Councilmembers have volunteered to be dunked. He thanked the City for putting up the banner and thanked the San Dimas High School for the marquee message.

- b. City Manager

There were no comments.

- c. City Attorney

There were no comments.

d. Members of the City Council

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

Mayor and Councilmembers attended the California Contract Cities Association 50th Annual Municipal Seminar on May 14-27, 2009 at Indian Wells.

- 1) Councilmember Badar thanked Susan & Mitchell Crawford for supporting their City Council in Indian Wells. He said he was not impressed with the five State legislators' discussion of "Working Across the Aisle".

- 2) Mayor Pro Tem Bertone said it was beneficial to meet City Council and staff from other cities and thought the most interesting topic was Budget Reform that moves California forward. He indicated that a gentlemen, Fred Silva, said one reason there are problems is the State's inability to manage revenue.

- 3) Councilmember Ebner thought it was fascinating to hear Disney Imagineering Executive Designer & Vice President Joseph Rohde speak about collaboration on a project at Walt Disney World. Councilmember Ebner thought the same principles can apply to local government.

- 4) Councilmember Templeman mentioned that 1) there is some movement to strengthen local government's ability to deal with clustering of group homes. 2) He said local government has given billions to the State and now the State is looking to take more -- \$700,000 from San Dimas. He stated the League of California Cities has a new speaker who is spearheading "Save Your City" and encouraging cities to confront the State by saying "Stop taking our money." 3) Councilmember Templeman also attended another interesting session about inter-operability radio, a public safety emergency radio sharing program.

- 5) Mayor Morris said the State legislators are undecided about how to resolve the State's mounting problems and he has no doubt the State will raid the Cities' coffers. He mentioned a constitution amendment passed by voters that requires the State to repay local government in three years; however, with such a gap in their budget, he does not feel funds could ever be repaid. 2) Mayor Morris also heard a presentation about legal action against the County, which will be discussed by the City Council in closed session later tonight.

- 2) Individual Members' comments and updates.

- 1) Councilmember Templeman thanked Captain Hartshorne and asked for additional assistance from code enforcement to keep illegal vendors away from the freeways. 2) Councilmember Templeman said he attended an event at the Walker House and had the opportunity to show off the house to descendents of Jack Carruthers who were attending their family reunion and they seemed pleased with the restoration.

- 2) Councilmember Badar said Public Works Director Patel stated that sidewalk work would commence Wednesday on Puente Street from Via Verde to the city limits and would be completed within the next two weeks.

- 3) Mayor Pro Tem Bertone said 1) the City Manager was asked to look into allegations stated in an anonymous letter the Mayor received from Charter Oak Mobilehome Park. 2) Senate Bill 375 which deals with green house gases was passed by the assembly and will affect our transportation and housing. He said it is very important that the City Council and staff attend the San Gabriel Valley Council of Governments' (SGVCOG) workshop from 4:00-6:00 p.m. on Thursday, June 11, 2009; 3) He said the SGVCOG praised Assistant City Manager Stevens' expertise.

4) Mayor Morris suggested placing an ad in Charter Oaks Mobilehome Park's publication requesting that the anonymous letter writer identify themselves so their issues can be addressed. Mayor Morris said they can write to him at home or his law office. 2) Mayor Morris announced a Household Hazardous Waste Collection on August 1, 2009 at San Dimas High School Parking Lot. He said this is a free opportunity to get rid of everything from paint, lye based or acid based cleaners, batteries, and many more items.

#### **9. RETREAT (continued from May 18, 2009)**

Mayor Morris recessed the regular meeting at 8:17 p.m. to convene the City Council/Staff Retreat in the City Council Conference Room. The regular meeting was reconvened at 9:40 p.m.

#### **10. CLOSED SESSION**

Mayor Morris recessed at 9:40 p.m. to a City closed session pursuant to Government Code Section 54956.9 (c)

- a. The City Council is meeting to consider possible legal action with the County of Los Angeles regarding Liability Trust Fund Expenditures.
- b. Report of Closed Session Action:

The City Council convened in closed session to discuss the potential litigation against the County of Los Angeles as identified in the agenda. After reconvening in open session, Councilmember Bertone moved and Councilmember Badar seconded that the City:

- Approve and authorize the execution of an agreement with the County of Los Angeles extending the present law enforcement agreement for an additional year; and
- If the County of Los Angeles does not approve the extension of the law enforcement agreement and enter into a tolling agreement, then the City approves and authorizes joining with the other members of the California Contract Cities Association in litigation against the County of Los Angeles.
- Approve and authorize the City Manager and City Attorney to work with other contract cities in developing an agreement for legal services on behalf of the City if the litigation goes forward.

This motion was unanimously approved.

#### **11. ADJOURNMENT**

Mayor Morris adjourned the meeting at 9:48 p.m. The next meeting is June 9, 2009, City Hall Lobby for a 6:30 p.m. reception for Distinguished Service to Youth Awards. Regular meeting at 7:00 p.m.

Respectfully submitted,

---

Ina Rios, CMC, City Clerk