



MINUTES
REGULAR CITY COUNCIL
TUESDAY, JUNE 9, 2009, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

PRESENT:

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 Tony Canzoneri
City Clerk Ina Rios
Assistant City Manager of Community Development Larry Stevens
Assistant City Manager Ken Duran
Director of Development Services Dan Coleman
Director of Public Works Krishna Patel
Director of Parks and Recreation Theresa Bruns

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 7:00 p.m. and led the flag salute.

2. RECOGNITIONS

➤ **RECOGNIZE DISTINGUISHED SERVICE TO YOUTH AWARD RECIPIENTS**

Parks and Recreation Director Bruns provided a brief background of the program and recognized Parks and Recreation Commission Chair Maurice Kane and Commissioners Susan Davis and Georgia Florentine. She read the proclamation and bios of each recipient being presented a proclamation in three categories: Volunteer Service, the J. Michael Dutton Award; Professional Service; Group or Organization Service.

Mayor Morris welcomed and thanked the honorees selected to receive the 2009 Distinguished Service to Youth Award for rendering outstanding service to the youth of San Dimas. He congratulated and presented proclamations to recipients in the Volunteer Category (J. Michael Dutton Memorial) to **Diana Bermudez, Shannon Tubbs, Cathy Sinaki, and Tony Martinez**; in the Professional Category to **Leslie Johnson and LaRee Martin**; and in the Group Category to **Crescenta Valley Gymnastics Club of San Dimas**.

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 the Summer Library Reading program; Book Party; Bjlane's unique painting demonstration; jewelry making workshop for teens; magic show; refreshments will be served at game day Saturday; and a comedy workshop for teens. Ms. Ho is seeking volunteers ages 12-17, for the Summer Read Program who must attend orientation on Saturday, from 10:00-11:00 a.m.

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) **Sid Maksoudian** reported on the outcome of the court case against the Wine Shop.

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 requests separate discussion.)

Mayor Morris said the City Clerk reported a change to the May 18, 2009 Minutes to add text under the Federal Stimulus Energy Block Grant application on page 9.

b. Approval of minutes for City Council/Staff Retreat of May 18, 2009.

It was moved by Mayor Pro Tem Bertone, seconded by Councilmember Badar to approve the amended minutes of May 18, 2009. The motion carried unanimously.

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

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

(1) **RESOLUTION NO. 09-25, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTHS OF MAY AND JUNE, 2009.**

b. Approval of minutes for regular City Council meeting of May 26, 2009.

c. Award of Cash Contract 2008-10, Street Light Conduit Installation on Third Street between Cataract Avenue to San Dimas Avenue, to Pro-Tech Engineering Corp., in the amount of \$25,250.00.

d. Authorize the Mayor to sign an MOU with the City of Los Angeles to receive \$35,744.67 in Justice Assistance Grant Funds.

END OF CONSENT CALENDAR

6. **PUBLIC HEARINGS**

(The following items have been advertised and/or posted. The meeting will be opened to receive public testimony.)

a. Recommending the Assessment Rate be confirmed for District 1 (Boulevard, Tract 32818) and District 1, Annexation No. 3 (Northwoods, Tract 32841), pursuant to the Landscape and Lighting Act of 1972 and subject to the procedures and approval process of Section 4 of Article XIID of the California Constitution.

RESOLUTION NO. 09-26: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2009-2010 FOR OPEN SPACE DISTRICT NO. 1 (TRACT 32818, BOULEVARD DEVELOPMENT.)

RESOLUTION NO. 09-27: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2009-2010 FOR OPEN SPACE DISTRICT NO. 1, ANNEXATION NO. 3 (TRACT 32841, NORTHWOODS.)

Director of Parks and Recreation Bruns reported that at their April 28, 2009 meeting, the City Council approved the Engineer's Report with the scope of work to include general landscape maintenance, water, and electricity, with no increase in the assessment rate for fiscal year 2009-10 for Open Space Maintenance District No. 1 (Tract 32818 - Boulevard) and Open Space Maintenance District No. 1, Annexation No. 3 (Tract 32841, Northwoods). She said a notice of public hearing was published and mailed to each property owner within the District and recommended the City Council conduct the public hearing and consider adopting Resolution No. 09-26 and Resolution No. 09-27 confirming the assessments, with no increase in the assessment rate.

Mayor Morris opened the public hearing and invited testimony from residents of Open Space Maintenance District No. 1 (Tract 32818 - Boulevard), Open Space Maintenance District No. 1, Annexation No. (Tract 32841 - Northwoods,) and the audience. There being no one wishing to speak, the public hearing was closed.

After the title was read, it was moved by Mayor Pro Tem Bertone, seconded by Councilmember Badar, to waive further reading and adopt **RESOLUTION NO. 09-26**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2009-2010 FOR OPEN SPACE MAINTENANCE DISTRICT NO. 1, (TRACT NO. 32818 - BOULEVARD). The motion carried by the following vote:

AYES: Councilmembers Badar, Bertone, Ebner, Morris, Templeman
NOES: None
ABSENT: None
ABSTAIN: None

After the title was read, it was moved by Mayor Pro Tem Bertone, seconded by Councilmember Templeman, to waive further reading and adopt **RESOLUTION NO. 09-27**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2009-2010 FOR OPEN SPACE MAINTENANCE DISTRICT NO. 1, ANNEXATION NO. 3 (TRACT NO. 32841 - NORTHWOODS). The motion carried by the following vote:

AYES: Councilmembers Badar, Bertone, Ebner, Morris, Templeman
NOES: None
ABSENT: None
ABSTAIN: None

7. OTHER MATTERS

a. 2009-2010 Annual City Budget

1) Adoption of 2009-2010 Annual Capital and Operating Budget.

Assistant City Manager Duran presented an overview of the budget process, summarized the recommended changes, and provided a general background of the 2009-10 City Budget and new loans and schedules from General Fund 01 and Walker House LLC Fund 03. He said the budget was developed very cautiously and conservatively because of the general state of the economy. Staff recommended approval of the 2009-10 Annual Capital and Operating Budget and adoption of associated Resolution Number 09-28.

City Manager Michaelis said if the State's budget adjustment affects cities, Proposition 1A can be activated and the State can borrow funds from local government on a three-year payback schedule. He said when the State's numbers are identified, staff's approach is to consider making a loan from the City's reserves with the payback schedule.

Councilmember Templeman said the budget study session was agendized for a public meeting; however, historically there's a low public turnout. He said there are no reductions in law enforcement, parks and recreation, planning, or public works services.

Mayor Morris noted that every year the San Dimas Employees Association negotiates for increases or benefits; however, this year, the SDEA asked for nothing, and said they want to reciprocate when economic times are difficult. Mayor Morris said we have an outstanding relationship between the city employees, management, and the City Council.

1) It was moved by Councilmember Templeman to contribute \$50,000 to the Chamber of Commerce. The motion was seconded by Councilmember Ebiner, and carried 4.1; Mayor Pro Tem Bertone abstained as he serves as a member of the Chamber of Commerce Board.

2) It was moved by Councilmember Ebiner, seconded by Councilmember Badar, to adopt the 2009-10 Annual Capital and Operating Budget as set forth, with the exception of the contribution to the Chamber of Commerce. The motion carried 5.0.

Councilmember Templeman expressed interest in adding to the School Resource Officer program. He said the SRO is assigned to eight schools and has a burdensome number of calls for service. He suggested watching out for grants or other forms of financial participation.

2) **RESOLUTION NO. 09-28**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADOPTING AN APPROPRIATIONS LIMIT FOR FISCAL YEAR 2009-2010.

After the title was read, it was moved by Councilmember Ebiner, seconded by Mayor Pro Tem Bertone, to waive further reading and adopt **RESOLUTION NO. 09-28**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING AN APPROPRIATIONS LIMIT FOR FISCAL YEAR 2009-2010 AND APPROPRIATE EXCESS REVENUES. The motion carried 5.0.

3) New Loans and Schedules from General Fund 01 and Walker House LLC Fund 03.

City Manager Michaelis provided an overview of the Walker House project expenditures paid through the Redevelopment Agency project fund 30 and covered by tax increment revenue and transfers from the General Fund. He explained that 2.5 years ago staff had set up a potential loan from the City's General

Fund in the estimated amount of \$7.3 million to the Redevelopment Agency to cover costs of the renovation project. He said staff was successful in getting revenue in the form of grants and contributions to help offset the projected loan, reducing the loan requirements to \$6,523,256. He added that The Agency also qualified to receive additional funds through the Historic Tax Credit program (named Walker House LLC Fund 03) which allows for an investor to receive tax credit for being a partner in the historic restoration project. This program was expected to bring in \$1.3 million, instead brought in \$1.8 million of additional funds that, combined with grants and contributions, allowed the purchase of period furnishings, and other amenities. Staff recommended the City Council approve by minute action the new loan from the General Fund 01 to the SDRA Fund 30 in the amount of \$6,523,256 and approve the payment schedule as listed with the first payment due June 30, 2009. Additionally, staff recommends the City Council approve by minute action the new loan from the Walker House LLC Fund 03 to the SDRA Fund 30 in the amount of \$1,650,000 and approve the payment schedule as listed with the first payment due June 30, 2009.

4) It was moved by Mayor Pro Tem Bertone, seconded by Councilmember Ebner, to approve by minute action the new loan from the General Fund 01 to the SDRA Fund 30 in the amount of \$6,523,256 and approve the payment schedule as listed with the first payment due June 30, 2009; and to approve by minute action the new loan from the Walker House LLC Fund 03 to the SDRA Fund 30 in the amount of \$1,650,000 and approve the payment schedule as listed with the first payment due June 30, 2009. The motion carried 5.0.

- b. Update from the Heroes organization regarding the banner recognition program and memorial project. Confirm the concept, location and give direction regarding the proposed design of the memorial. Request for the city to contribute \$8,000 more toward the banner program.

Assistant City Manager Duran reported that the City has made a total of \$10,000 in contributions toward the purchase of brackets and installation of banners since inception of the banner program. He said the actual cost to purchase brackets and install the banners is \$13,500 and San Dimas Heroes organization is requesting an additional \$8,000 toward the installation of banners. He provided on the dais a memo and ledger sheets reflecting the breakdown of funds spent and monies deposited into the account.

Mr. Duran responded to Council's questions that as custodians of the account, finance staff deposits and prepares checks based upon requests by San Dimas Heroes, and all contributions made to San Dimas Heroes are deposited into one account.

In response to Councilmember Badar, Mayor Morris stated there is no written agreement between the City and San Dimas Heroes for the City's participation.

Janie Graef said they are spokespeople for San Dimas Heroes, and reported that 75 banners were hung since the program started. She said five banners were removed and presented to discharged veterans at City Council meetings. She reported that the organization has grown to 24 members, comprised of veterans, their relatives, and parents of individuals currently serving; others are citizens interested in seeing a permanent monument built.

Gary Enderle reviewed the expense report including contributions from various sources and expenditures to date. He said the breakdown also reflects the names of veterans, organizations and individuals who donated, as well as a list of committee members who are working with them to accomplish the program.

In response to Councilmember Badar, Ms. Graef explained the application process and said banners are hung for individuals serving on active duty in the States or deployed elsewhere. She said banners are removed and presented to discharged individuals, or the intent was the banners would be removed once the permanent monument is built.

In response to Councilmember Badar, Mr. Enderle said it was their understanding that after the initial \$5,000 contribution by the City, the organization had the option of coming back to request additional funds for that use. He added that funds are commingled into one account, but a list is kept of contributions made for the permanent memorial or banner purchase. He expressed appreciation for the City's support and said they are anxiously looking for a permanent site for the memorial.

Councilmember Ebner felt this was a worthwhile cause and the request is modest. He moved appropriation of \$8,000 toward the banner recognition program. The motion was seconded by Councilmember Badar and carried 5.0.

Councilmember Templeman expressed concern about making a decision on the permanent location for the memorial. He said the Architect is working on plans for the city hall expansion and should be included in discussions for the memorial.

Mayor Pro Tem Bertone supported the memorial, however, he felt the Heroes organization should get input from the City Council on the location before they spend funds on design.

- c. Presentation from Golden State Water Company - Water Conservation Plan for the City of San Dimas.

Assistant City Manager Duran said staff had previously reported that Golden State Water had proposed a plan to the Public Utilities Commission for a mandatory water conservation program. He said confirmation was received this week that the plan had been filed with the PUC. He said staff has been unsuccessful in receiving a complete package of recommendations from Golden State Water for a practical and effective Water Conservation Plan for the community to address the restricted water allocations effective July 1, 2009. He introduced Alice Shiozawa, District Manager, Golden State Water to give an overview of what the plan entails and how it will be implemented in the community.

Alice Shiozawa, District Manager, Golden State Water Company, said in May, Metropolitan Water District declared a level 2 water supply shortage, which is about 10%. Golden State Water Company and other water purveyors started developing their own response for water conservation pursuant to Public Utility Commission guidelines. She stated that the Water Conservation Program is only in effect during times of mandatory conditions and the City's ordinance would take precedence during times of voluntary conditions. She said the Plan includes an appeals process. She fully expects in times of mandatory conservation that Golden State Water Company will conduct investigations issuing warnings and reminders to users that we are facing a water shortage. If there is no compliance, flow restrictors will be installed on meters or penalties assessed. She invited the community to a public meeting on Tuesday, June 16, 2009, at 6:30 p.m. in the Senior Citizens/Community building, to discuss in depth the water conservation plan and answer questions. Also, a free high-efficiency toilet distribution will be conducted Saturday, June 13, 2009 at San Dimas High School. Customers must be residents of San Dimas and pre-register.

Councilmember Templeman felt the 10% cut across the board was not equitable. He expressed concern that the State is mandating the construction of additional homes in San Dimas.

District Manager Shiozawa said there would have to be regulations imposed to require installation of high-efficiency toilets, limit landscaping, install devices to minimize water usage, and someone would have to monitor it.

In response to Councilmember Ebner, Ms. Shiozawa explained the appeals process and said the average figure is 10,000 gallons per person, per household, per month. However, as time passes, more stringent measures may be implemented. She will provide to the City Council copies of the Tariffs - rates, rules

and regulations, maps master distribution list outlining the levels of conservation and measures that will go into effect.

Councilmember Badar expressed concern that the City is receiving a verbal report on something that drastically affects the community in less than three weeks. He would like to sit down with staff and Ms. Shiozawa in the very near future to discuss this issue.

Mayor Pro Tem Bertone agreed that a meeting should be held and thought a written report should be provided. He would also like the City Attorney to report if the City is in a position to deny developers new construction until the City has an adequate water supply for its residents.

Mayor Morris said the determination of whether there's enough water is the responsibility of the water purveyor.

City Attorney Canzoneri said the City Council is not here to discuss tonight a moratorium on building houses based on water availability; however, the City Attorney's office can provide a report related to ramifications if the water purveyor informs the City there is not adequate water and they cannot give a "will serve" letter to a proposed builder.

In response to Council, Ms. Shiozawa replied that Golden State Water Company is the water utility and water purveyor for San Dimas. MWD declared the level of conservation in May, and later Three Valleys filed and made a determination they also were going to a 10% level. She said since they are governed by the PUC, they have to wait for that declaration to conduct an analysis to see what the impact is to Golden State Water Company and how it impacts the different areas. She said part of the delay is that each area has to be customized to the PUC with their filing.

In response to Councilmember Templeman, Ms. Shiozawa stated that notices were mailed to each resident announcing the public hearing to discuss impacts and specific elements of the Plan.

Mr. Duran said each customer is given a baseline based upon 2004-06 usage and the concern is how that baseline is going to be conveyed to each customer and if there will be an appeals process explained prior to any type of penalty or warnings.

In response to Council, Ms. Shiozawa replied that the invoice will reflect total allocation bill period by bill period and explain goals for the next month.

Councilmember Ebner commented that a complaint based system has merit, however, he did not like the idea of cultivating a culture of informing on different people in the neighborhood.

Ms. Shiozawa replied that field personnel would take a proactive approach in reporting violations and initiate an investigative process. She added that customers would be provided a copy of Rule 14.1.

In response to Mayor Morris, Ms. Shiozawa explained Rule 14.1 and Schedule 14.1 and said copies would be provided to the City Council.

8. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 8:45 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:48 p.m.

9. ORAL COMMUNICATIONS

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

1) **Gary Enderle** said today is the 14th anniversary of Glendora Police Officer Louis Pompei's death. He thanked city staff who worked so hard to bring the memorial site up to standards and thanked the City for support and willingness to maintain the site.

2) **Gary Enderle** praised the excellent job on the sidewalk being installed on Puente Street.

3) **Paul Kirby** commended City Council and staff on the new lights on Bonita Avenue at the Hardware Store and Bank of America intersections. He objects to the City contributing funds to the Chamber of Commerce and said it is befitting that Heidi Daniels be removed from the Chamber of Commerce Board of Directors.

4) **Sid Maksoudian** commended staff for diligently working on the Heidi Daniels case.

- b. City Manager

There were no comments.

- c. City Attorney

There were no comments.

- d. Members of the City Council

- 1) Reappointments to Planning Commission.

Mayor Morris said three Planning Commissioners' terms expire at the end of August. He said there are no term limits for the Planning Commission and the three Commissioners have expressed a desire to be reappointed.

It was moved by Mayor Pro Tem Bertone, seconded by Councilmember Badar, to reappoint David Bratt, Stephen Ensberg, and Yunus Rahi to the Planning Commission for a two year term expiring August 31, 2011. The motion carried 5.0.

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

There were no comments.

- 2) Individual Members' comments and updates.

1) Councilmember Templeman reported a water truck tagged with graffiti at the demo site on Avenida Loma Vista area. Mr. Stevens said the contractor was noticed to remove three pieces of construction equipment left over from the demo project and has failed to do so. Staff will decide whether or not to have the truck impounded. Mr. Stevens said staff is making arrangements for removal of graffiti on one building and the construction equipment. He further replied that Sheriffs and staff police the area. He added that it was intended to have Park Rangers through RMC make periodic patrols, however, with the current State budget, they are unable to do so. He said there is a physical presence there and staff will be out there regularly to check the property and respond to complaints if other activity is noted.

- 2) Councilmember Templeman said he attended the young Girl Scout's Bronze Academy and was impressed with 13 Fifth Grade girl scouts from San Dimas who received the highest Girl Scout award.
- 3) Councilmember Badar said Saturday, San Dimas High School Boys' Baseball Team participated in CIF Finals at Angels Stadium and came home victorious as the CIF Champions; and the Girls' Softball took Second Place against Whittier Christian at the CIF Championship game.
- 4) Councilmember Badar said he attended the 14th Anniversary memorial for Glendora Police Officer Louis Pompei who died protecting our communities. He spoke to the leadership from City of Glendora and they are looking forward to jointly participating in a larger ceremony next year. They are impressed with what the City of San Dimas has done around the memorial. He commended the City Manager for sending a floral arrangement.
- 5) Mayor Pro Tem Bertone would like on the next agenda discussion on equestrian fencing on the north side of Puente Street at Avenida Monte Vista.
- 6) Mayor Morris said Contract Cities are in a war with the County over whether cities should pay for sex crimes of Sheriff's Deputies and Sergeants. He said cities are being asked to sign a new four-year contract, and Contract Cities advised cities to not sign. The Sheriff has indicated they will continue to provide services as long as cities pay under the old contract; however, the Board majority stated they will deprive him of funding to provide services to police our cities. He said the County rejected a one-year extension of police services after July 1, 2009, other than 911. At a meeting downtown with the Sheriffs, Supervisors, Acting County Council, and representatives of the CCCA Negotiating Committee, an agreement to extend the policing contract from July 1 until August 31, 2009 was accomplished. He said a counter proposal will be presented soon.

10. ADJOURNMENT

Mayor Morris adjourned the meeting at 9:16 p.m. The next meeting is on June 23, 2009, 5:30 p.m. for a study session on SB375 background impacts and issues; and direction regarding a revised cell antenna site in the northeast corner of Via Verde Park.

Respectfully submitted,



Ina Rios, CMC, City Clerk