



AGENDA
REGULAR CITY COUNCIL /
REDEVELOPMENT AGENCY MEETING
TUESDAY, OCTOBER 13, 2009, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

CITY COUNCIL:

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

1. CALL TO ORDER AND FLAG SALUTE

2. RECOGNITIONS

- ❖ Proclaim October 2009 as Fire Prevention Month

3. PRESENTATIONS

- a. Pui-Ching Ho, Library Manager, San Dimas Library

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

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.)

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **Resolution No. 09-45**, A Resolution of the City Council of the City of San Dimas Approving certain demands for the months of September and October, 2009.
 - (2) **Resolution No. 09-46**, A Resolution of the City Council of the City of San Dimas, County of Los Angeles, State of California, approving Administrative Penalties.
- b. Ordinances read by title, further reading waived, and introduction recommended as follows:
 - (1) **Ordinance No. 1191**, An Ordinance of the City of San Dimas regarding abatement of nuisance and amending the San Dimas Municipal Code. **FIRST READING AND INTRODUCTION**

- c. Approval of minutes for September 22, 2009 regular City Council meeting and September 22, 2009 Special City Council meeting.
- d. Award of Cash Contract No. 2009-010, Swim & Racquet Club Swimming Pool Filter Replacement and Smart Pump Control System Project to California Commercial Pools, in the amount of \$121,700.00.
- e. Award of Cash Contract No. 2009-04, Reconstruction, Rehabilitation & Landscape Median Project on San Dimas Avenue in the City of San Dimas from Foothill Boulevard to Gladstone Street (ESPL-5367 (006) EA No. 07-933288) to Excel Paving Company, in the amount of \$1,827,282.50.
- f. Approval of the revised PAVECO Construction, Inc. Asphalt Maintenance Contract for Asphalt Repairs at Various Citywide Locations.

END OF CONSENT CALENDAR

6. SAN DIMAS REDEVELOPMENT AGENCY

- a. Oral Communications *(This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.)*
- b. Approval of minutes for September 22, 2009 meeting.
- c. Executive Director
- d. Members of the Agency

7. ORAL COMMUNICATIONS

- a. Members of the Audience *(Speakers are limited to five (5) minutes or as may be determined by the Chair.)*
- b. City Manager
- c. City Attorney
- d. Members of the City Council
 - 1) Councilmembers' report on meetings attended at the expense of the local agency.
 - 2) Individual Members' comments and updates.
 - 3) Appointment to Equestrian Commission

8. ADJOURNMENT

The next meeting is on October 27, 2009, 7:00 p.m.

AGENDA STAFF REPORTS: COPIES OF STAFF REPORTS AND/OR OTHER WRITTEN DOCUMENTATION PERTAINING TO THE ITEMS ON THE AGENDA ARE ON FILE IN THE OFFICE OF THE CITY CLERK AND ARE AVAILABLE FOR PUBLIC INSPECTION DURING THE HOURS OF 8:00 A.M. TO 5:00 P.M. MONDAY THROUGH FRIDAY. INFORMATION MAY BE OBTAINED BY CALLING (909) 394-6216. CITY COUNCIL MINUTES AND AGENDAS ARE ALSO AVAILABLE ON THE CITY'S HOME PAGE ON THE INTERNET:
<http://www.cityofsandimas.com>

SUPPLEMENTAL REPORTS: AGENDA RELATED WRITINGS OR DOCUMENTS PROVIDED TO A MAJORITY OF THE SUBJECT BODY AFTER DISTRIBUTION OF THE AGENDA PACKET SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION AT THE CITY CLERK'S OFFICE AT 245 EAST BONITA AVENUE DURING NORMAL BUSINESS HOURS. [PRIVILEGED AND CONFIDENTIAL DOCUMENTS EXEMPTED]

HEARING ASSISTANCE: THE CITY OF SAN DIMAS CITY COUNCIL CHAMBERS IS EQUIPPED WITH A HEARING ASSISTANCE SYSTEM. PLEASE CONTACT THE CITY CLERK (909) 394-6216 TO CHECK OUT A RECEIVER.

POSTING STATEMENT: ON OCTOBER 9, 2009, A TRUE AND CORRECT COPY OF THIS AGENDA WAS POSTED ON THE BULLETIN BOARDS AT 245 EAST BONITA AVENUE (SAN DIMAS CITY HALL) 145 NORTH WALNUT AVENUE (LOS ANGELES COUNTY PUBLIC LIBRARY, SAN DIMAS BRANCH); AND 300 EAST BONITA AVENUE (UNITED STATES POST OFFICE) AND THE CITY'S WEBSITE AT www.cityofsandimas.com.

RESOLUTION NO. 09-45

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN DIMAS, CALIFORNIA, APPROVING
CERTAIN DEMANDS FOR THE MONTHS OF
SEPTEMBER AND OCTOBER 2009

WHEREAS, the following listed demands have been audited by the Director of Finance;
and

WHEREAS, the Director of Finance has certified as to the availability of funds for
payment thereto; and

WHEREAS, the register of audited demands have been submitted to the City Council for
approval.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Dimas
does hereby approve Prepaid Warrant Register: 09/30/09; 20662 through 20707; in the amount
of \$947,516.04; Warrant Register: 10/15/09; 128650 through 128864; in the amount of
\$1,068,075.04.

PASSED, APPROVED AND ADOPTED THIS 13th DAY OF OCTOBER, 2009.

Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

Ina Rios, CMC, City Clerk

I HEREBY CERTIFY that the foregoing Resolution was adopted by vote of the City
Council of the City of San Dimas at its regular meeting of October 13, 2009, by the following
vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ina Rios, CMC, City Clerk

52(1)



***THE WARRANT DISBURSEMENT
JOURNAL IS NOT AVAILABLE TO
VIEW THROUGH LASERFICHE***

***A PAPER COPY IS AVAILABLE IN THE
FINANCE DEPARTMENT***

SORRY FOR ANY INCONVENIENCES.

DOCUMENT IMAGING DEPT.



Agenda Item Staff Report

TO: Mayor and Members of the City Council
For the Meeting of October 13, 2009

FROM: Dan Coleman, Director of Development Services 

SUBJECT: **ADOPTION OF ADMINISTRATIVE PENALTY AND HEARING COSTS FOR VIOLATIONS OF THE SAN DIMAS MUNICIPAL CODE.**

SUMMARY

On September 8, 2009, the City Council adopted Ordinance No. 1189 establishing administrative citation procedures, consistent with State law, for enforcing the City's Municipal Codes. The Ordinance requires City Council to adopt a Resolution setting forth the administrative penalties and appeal hearing cost.

As authorized by California Government Code Section 53069.4, the City Council has adopted Ordinance No. 1189 which made any violation of the San Dimas Municipal Code subject to "an administrative civil penalty, and administrative hearing costs, if any, as set forth by separate resolution of the City Council per each day of offense." State law mandates that the administrative penalty not exceed those adopted by the City for infractions; therefore, the attached Resolution matches our infraction penalties:

- \$100 for first violation
- \$200 for the second violation of the same ordinance within one year
- \$500 for each additional violation of the same ordinance within one year

The Resolution would also establish that the administrative hearing cost to be the actual cost incurred by the City of San Dimas in hiring an appeal hearing officer, plus 15 percent for overhead to administer the contract. The hearing officer must be independent (not a City employee). Independent hearing officers are typically retired judges or police officers and charge up to \$200 per hour. Hearings usually last 15-30 minutes; however, much of the hearing officer cost involves preparation of their written decision. Should the appeal be successful, and the violation determined to be invalid, no cost shall be charged.

Staff recommends that these become effective on January 4, 2010.

Attachment: Resolution

5a(2)

RESOLUTION NO. 09-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING ADMINISTRATIVE PENALTIES

WHEREAS, the City of San Dimas is a general law city; and

WHEREAS, California Government Code Section 53069.4 authorizes the City Council to adopt an ordinance which makes any violation of the San Dimas Municipal Code subject to an administrative fine or penalty; and

WHEREAS, on September 8, 2009, the City Council adopted their Ordinance No. 1189 establishing administrative penalties; and

NOW, THEREFORE, the City Council of the City of San Dimas does hereby resolve as follows:

Section 1. Administrative Civil Penalty. Every violation of a provision of the San Dimas Municipal Code defined as an "infraction" or "misdemeanor" in Chapter 1.12 of this Code shall be subject to an administrative civil penalty of \$100 for the first violation, \$200 for the second violation of the same ordinance within one year, and \$500 for each additional violation of the same ordinance within one year.

Section 2. Administrative Hearing Costs. Upon the filing of an appeal, the appellant shall be charged the cost of the hearing officer and added to the administrative penalty should the appeal be denied. The cost shall be the actual cost plus 15 percent for administrative overhead incurred by the City of San Dimas. Should the appeal be successful, and the violation determined to be invalid, no cost shall be charged.

Section 3. The above administrative civil penalty and administrative hearing costs shall become effective January 4, 2010.

APPROVED AND ADOPTED THIS 13TH DAY OF OCTOBER 2009.

Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

Ina Rios, CMC, City Clerk

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Resolution No. 09-46 was passed and adopted at the regular meeting of the City Council held on the 13th day of October 2009, by the following vote-to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ina Rios, CMC, City Clerk

Albany
Atlanta
Brussels
Denver
Los Angeles

**McKenna Long
& Aldridge**^{LLP}
Attorneys at Law

300 South Grand Avenue • 14th Floor • Los Angeles, CA 90071-3124
Tel: 213.687.2100 • Fax: 213.687.2149
www.mckennalong.com

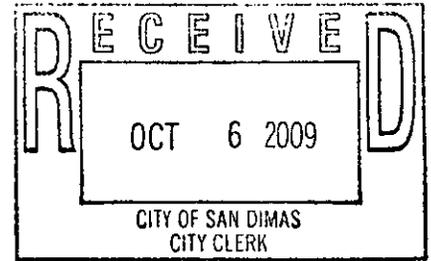
New York
Philadelphia
San Diego
San Francisco
Washington, D.C.

J. KENNETH BROWN
(213) 687-2101

EMAIL ADDRESS
kbrown@mckennalong.com

October 1, 2009

Mr. Blaine Michaelis
City Manager
City of San Dimas
245 East Bonita Avenue
San Dimas, CA 91773



Re: Amendment to SDMC Section 1.12.060

Dear Blaine:

There may be times when the City seeks to use a civil procedure such as an injunction, restraining order, etc., in an appropriate circumstance. I noted that the existing provisions of Section 1.12.060 do not expand on the abatement options available. I, therefore, provided the modest amendment which is attached and suggest that the City Council amend Section 1.12.060 to specify some of the civil proceedings that are available to it in an appropriate circumstance. If you have any questions about this, please call me.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Kenneth Brown".

J. Kenneth Brown

JKB:rls
Enclosure
cc: Ina Rios, City Clerk

5b(1)

**McKenna Long
& Aldridge**
Attorneys at Law

300 South Grand Avenue • 14th Floor • Los Angeles, CA
90071

Tel: 213.687.2100 • Fax: 213.687.2149
www.mckennalong.com

MEMORANDUM

TO: Honorable Mayor and Members of the San Dimas City Council
FROM: J. Kenneth Brown, City Attorney
DATE: October 1, 2009
RE: Abatement of Public Nuisance

Violations of the San Dimas Municipal Code, in addition to being subject to the penalties that are set forth in the Municipal Code, are also declared to be a public nuisance and can be abated summarily by the City. The attached ordinance amends the existing San Dimas Municipal Code to provide that the abatement includes civil proceedings such as restraining orders, civil injunctions, abatement proceedings or the like.

It is recommended that the City Council waive further reading and introduce Ordinance 1191 to amend Section 1.12.060 of the San Dimas Municipal Code.

Respectfully submitted,


J. Kenneth Brown

JKB:rls

ORDINANCE NO. 1191

**AN ORDINANCE OF THE CITY OF SAN DIMAS REGARDING ABATEMENT OF
NUISANCE AND AMENDING THE SAN DIMAS MUNICIPAL CODE**

The City Council of the City of San Dimas does hereby ordain as follows:

Title 1, Chapter 1.12, Section 1.12.060 of the San Dimas Municipal Code is hereby amended to read as follows:

1. Violations deemed a public nuisance.

In addition to the penalties provided in Section 1.12.010 any condition caused or permitted to exist or any act or activity done or caused or permitted to be done in violation of the provisions of this code or any ordinance of the city or any rule, regulation or order promulgated pursuant thereto, is a public nuisance and may be abated by civil proceedings such as restraining orders, civil injunctions, abatement proceedings or the like.

2. Publication.

This Ordinance shall take effect 30 days after its final passage, and within 15 days after its passage the City Clerk shall cause it to be published in the Inland Valley Daily Bulletin, a newspaper of general circulation in the City of San Dimas hereby designated for that purpose.

Passed, approved and adopted this _____ day of October, 2009.

MAYOR OF THE CITY OF SAN DIMAS:

Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

Ina Rios, CMC, City Clerk



MINUTES
REGULAR CITY COUNCIL
TUESDAY, SEPTEMBER 22, 2009, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem Denis Bertone
Councilmember Emmett 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
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 regular meeting to order at 7:02 p.m. and led the flag salute.

2. ANNOUNCEMENTS

- a. Pui-Ching Ho, Library Manager, San Dimas Library

Pui-Ching Ho, Library Manager, San Dimas Library, highlighted events at the Library such as electronic resources for school assignments; Book Party Group on Monday October 5, at the Senior Citizens/Community Center - the Book for October is the "Daughter of Fortune". She invited innovative and energetic teens, grades 6-12 to join the Teen Advisory Board to make the Library a great place for teens in the community. The Bookmark making program will be held on Saturday, October 10, 2009 and art supplies will be provided. Richard Wade will present the Last Days of the Dinosaur on October 14, at 6:30 p.m. and The Friends of the Library book sale will be held at San Dimas Library on Friday-Sunday, October 2-4, 2009.

- 3. 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) David Harbin, Vice President, San Dimas Historical Society, thanked the City Council and the community for providing over 40 years of support; he thanked the membership of over 300 members for providing several display cabinets installed in the Walker House. He provided a brief update of upcoming historical social events and the relocation of the Historical Society operations to the Walker House. He said tours are conducted on the second Saturday of each month every ten minutes between 10:00 to 10:50 a.m. The next walking tour of historic downtown will be held on November 21, 2009, at 9:00 a.m. To learn more about events, or make reservations for tours, call the Historical Society at (909) 592-1190 or access their website at www.sandimashistorical.org.

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2) **Ted Powl**, President/CEO, Chamber of Commerce, invited the community to Western Days for a great, fun filled weekend on October 3-4, 2009. He said there is still an opportunity to join 12 bands and participate in the Community Parade to promote a business, nonprofit organization, church, or individuals. There will be arts and craft vendors, Business Expo, Native American Pow Wow, Fire Department Expo, Lil Miss San Dimas, lots of games and entertainment, and a wide variety of food.

3) **Zach Nemcek**, ASB President, Lone Hill Middle School, provided an update on scholastic, athletic and cultural art activities. He invited the City Council and staff to the Red Ribbon Week Rally on Thursday, October 29, and said if anyone is interested in becoming a speaker, they can contact him, Principal Ritchie, or ASB Director Sandoval.

4) **Kenny Ritchie**, Principal, Lone Hill Middle School, said he has the privilege of working with the ASB class in a number of events and is impressed with the way they take control to build culture on high expectations. This is his first year as Principal at Lone Hill Middle School and feels privileged to take on that role. He is working with Dan Harden and the Big Yellow Bus program to provide students a field trip to an education-packed day at the Fair. He appreciates the Council's support and looks forward to working with the City to accomplish great things.

5) **Theresa Bruns**, Director of Parks and Recreation, invited the community to attend the City's annual 5K run and 1 mile family fun run on Saturday, September 26, 2009. She said registration and check-in begins at 6:30 a.m.; the 5K will begin at 7:30 a.m. and the 1 mile fun run at 8:30 a.m. In conjunction with the event, they are also having a Family Fitness Fair and a healthy breakfast will be included.

6) **Ted Powl**, Inland Valley Hope Partners, a nonprofit agency servicing the communities of Rancho Cucamonga to San Dimas to Chino, to provide food and emergency shelter for the less fortunate members of the community. He said if anyone needs that food support, food distribution sites are held at San Dimas Community Church, as well as in Pomona, Ontario and Claremont. He is looking for walkers and sponsors for their 36th Annual Walk for the Hungry fundraiser on October 11, 2009, at Chaffey High School in Ontario. He said Joe Fransen will provide music and the In-N-Out Burgers truck will be there and will donate a portion of their proceeds to support this effort. For additional information, call Mr. Powl at (909) 592-3818.

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 said item 4c will be removed for specific discussion.

Councilmember Templeman recognized Jody Roberto, representative for Senator Huff.

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

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

(1) **No. 09-44**, A Resolution of the City Council of the City of San Dimas approving certain demands for the month of September 2009.

b. Approval of minutes for regular meeting of September 8, 2009.

END OF CONSENT CALENDAR

- 4c. Approve Jackie Bristow Memorial 5K and 1 Mile running road race on January 9, 2010.
Restricted closure of certain streets within the downtown area on Saturday, January 9, 2010 from 6:00 a.m. to 12:00 p.m.

Director of Public Works Patel presented a brief summary of the initial request and provided a supplemental staff report outlining the request from the Race staff and organizers that City staff provide traffic control services for their 2nd Annual Jackie Bristow Memorial 5K and 1 Mile Running Road Race on Saturday, January 9, 2010. Director Patel compared Hi Way Safety Rental, Inc.'s labor costs with City staff's labor costs to provide traffic control and said it is Council's decision to consider approving City staff to provide traffic control services or request that St. Lucy's Priory High School retain a private contractor to provide all traffic control services for their Annual Race.

Director Patel responded to Council that the City will be reimbursed for traffic control services.

It was moved by Mayor Pro Tem Bertone, seconded by Councilmember Templeman, to authorize city staff to provide and be reimbursed for traffic control services for the Jackie Bristow Memorial 5K and 1 Mile Running Road Race on Saturday January 9, 2010. The motion carried unanimously.

5. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 7:31 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 7:32 p.m..

6. ORAL COMMUNICATIONS

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

There were no comments.

- 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 Morris, Mayor Pro Tem Bertone, and Councilmembers Badar and Templeman attended the League of California Cities Annual Conference in San Jose on September 16-18, 2009.

- 1) Mayor Pro Tem Bertone said the conference allows Council to interact and network with other Councilmembers to find out what other cities are doing; vendors shared new equipment and supplies; and Council attended city-related workshops. He said a representative from the Governor's office spoke about housing and the State is mandating that cities construct dense housing. Another workshop attended by the City Manager dealt with city financing. Mr. Bertone said San Dimas is very conservative in their financing endeavors.

2) Councilmember Templeman said State Housing is mandating cities build more houses and requiring that we reduce water consumption by 20%. He hears the same problems and no solution. He attended an emergency management session and said the City has a similar program in the event of a catastrophe. The Great Shakeout Drill will be held on October 15 to practice aspects of our emergency plan. He attended a redevelopment session and said a lawsuit has been filed against the State for taking billions of dollars from local communities and specifically \$2.5 million from San Dimas. He also attended the Prequalification of Contractors session.

3) Councilmember Badar said he attended the General Session and voted to authorize the League of California Cities to enter into a lawsuit with Redevelopment Agencies against the State. He said last year, the Agency was successful in their lawsuit against the State, however, the State is appealing that ruling. He said the Cities of San Jose and San Fernando expanded the Neighborhood Watch concept to get to know your neighbors and assist when needed.

4) Mayor Morris said although there was not good news from the State, it was a good conference. He mentioned that a City of Barstow Councilmember commented that their Junior High School participates in the Western Days Parade.

2) Individual Members' comments and updates.

1) Councilmember Templeman praised staff who participated in the 5:00 p.m. study session and provided an outstanding overview of the City's 2008-2009 fiscal year end financial condition. He said San Dimas is one of the few cities to close with a substantial amount of money.

2) Councilmember Ebner said the high points showed that San Dimas, through conservative fiscal management, came out looking good last year and if the State continues to take money from the City, the City has plans to offset losses and still come out even. All in all, he looks forward to the continuation of good projects, programs, and service to citizens.

3) Councilmember Badar said last Friday, he attended San Dimas High School football game and every branch of the military was represented and introduced. He said the School is taking on the world of being a community leader and with Mr. Richie he sees Lone Hill Middle School as a great team.

4) Mayor Morris mentioned that Councilmember Badar's daughter is getting married this weekend and he is sworn to making it a nice event.

3) Appointment to Equestrian Commission

This item was deferred to the next meeting on October 13, 2009.

7. ADJOURNMENT

Mayor Morris adjourned the meeting at 7:46 p.m. The next meeting is on October 13, 2009, 5:30 p.m. for a study session to receive a presentation and provide direction on the Guaranteed Maximum Price for the Civic Center Plaza and Plummer Building renovation and expansion project. Mayor Morris said the City Council is not making a final decision until February 2010, but if anyone is interested in this major step for the city, the public is welcome to attend the public meetings to comment and ask questions.

Respectfully submitted,



MINUTES
SPECIAL MEETING OF
CITY COUNCIL/SAN DIMAS
REDEVELOPMENT AGENCY
TUESDAY, SEPTEMBER 22, 2009, 5:00 P. M.
CITY COUNCIL CONFERENCE ROOM
245 E. BONITA AVE.

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem Denis Bertone
Councilmember Emmett 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
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

Mayor Morris called the meeting to order at 5:14 p.m.

2. ORAL COMMUNICATIONS

(For anyone wishing to address the City Council on an item on this 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 or as may be determined by the Chair.)

- a. Members of the Audience

There were no comments.

3. STUDY SESSION

City Manager Michaelis said the two items would be discussed out of order - first, direction is requested on the Civic Center Plaza/Plummer Building renovation and expansion plan.

- b. Civic Center Plaza and Plummer Building renovation and expansion plan - provide direction regarding relocating the entire city hall function to an off site location to save time and project costs

City Manager Michaelis said the originally planned project was to be built in two phases within approximately 17-18 months. An alternative was to move out of city hall so the contractor could construct everything at once which would save about \$600,000 in project costs. He said \$250,000 has been set aside and there are two options available - locate a building in town or rent trailers and park them on city owned property adjacent to Pioneer Park for approximately 12 months.

It was the consensus of the City Council to approve the alternative to move out of city hall for approximately 12 months. Councilmember Templeman recommended proper signage and notification.

Mr. Michaelis said he would contact the Architect to locate a suitable site.

In response to Councilmember Templeman, Mr. Michaelis said before he speaks to employees he is waiting for the guaranteed maximum price which is coming forward in November.

a. Financial Update of the City's fiscal yearend closing.

City Manager Michaels said staff will report on four financial objectives for the City - 1) the 2008-09 fiscal year-end closing; 2) Impacts of the State Budget; 3) Strategies in the event the City experiences a decline in projected revenue and 4) the financial condition of the Redevelopment Agency.

2008-09 FISCAL YEAR-END CLOSING

Assistant City Manager Duran distributed a detailed report on the 2008-09 Fiscal Year End and the Impacts of the State Budget on the City's Budget. He said the auditors completed their audit and did not find any significant deficiencies. He summarized the City's financial condition and provided year-end balance and year-end summary of significant revenue and expenditure categories and said the City's general fund cash reserves at year-end, including repayment of loans to the Redevelopment Agency and interest from the Golf Course, total \$33.6 million.

In response to Council, Mr. Duran stated that \$16.9 million is the ending fund balance in the General Fund, but does not include debt owed. City Manager Michaelis added that the additional year-end fund balance is \$666,474. He said revenues were higher and expenditures were lower than expected.

In response to Mayor Morris, Mr. Duran said the City invests in Local Agency Investment Fund (LAIF). Mayor Morris suggested contacting the Joint Powers Insurance Authority Finance Managers.

Mr. Duran said the acquisition of the Vista Verde property for over \$1 million was the only unbudgeted expense and most general fund expenditures came in close to or under budget.

STATE BUDGET IMPACTS

Assistant Manager Duran explained the impacts of the State budget on the City's budget and reported on the present course of action to protect our local revenues and continue city services. He outlined the impacts to the City that include Prop 1A property tax loan to the State in the amount of \$670,000; payable in two installments. He said the State must repay the loan with interest, the rate to be determined. Staff's recommendation is to proceed with the loan to the State.

In response to Council, Mr. Duran said until funds are repaid, the State cannot borrow property tax revenue in the future for three years.

Mr. Duran reported that in order to offset the State's obligation for local education, the State is taking Redevelopment Agency tax in the amount of \$2,083,560 in May 2010 and \$428,968 in May, 2011. He said last year, the State attempted a similar raid on Redevelopment Agency funds, however, Agencies were successful in their suit against the State. The Agencies are preparing a similar lawsuit challenging the take. He said the Redevelopment Agency does not have funds available and would have to borrow from the general fund or may be able to borrow from housing set-aside, which would have to be repaid within three years or the 20% low-moderate requirement increases to 25% for the life of the project areas.

Mr. Duran said there was a lot of discussion at the State level concerning the taking of this year's allocation of State Gas Tax (HUTA) however, when their budget was adopted, the Gas Tax was not included. Nevertheless, payment of the Gas Tax was deferred until January 2010. He said Gas Tax

revenue is approximately \$671,000 and staff is concerned that this revenue may be vulnerable when the State revisits the budget mid-year. Staff stated that some projects have been identified and recommended deferral of gas tax funded projects until after January 2010.

STRATEGIES

Mr. Duran outlined strategies to address future revenue loss due to the continued economic condition and identified \$255,000 in savings that do not impact services or programs. He reiterated that some projects and gas tax projects have been deferred until the first of the year.

Councilmember Templeman expressed concern with deferring hazardous sidewalk repairs. Mr. Duran replied that only one-half of the budgeted funds were deferred.

Mayor Morris felt the city-wide pavement maintenance should be completed with reserve funds.

REDEVELOPMENT AGENCY FINANCIAL CONDITION

Mr. Duran provided an overall financial summary of the Redevelopment Agency and said the City's annual tax increment is projected at \$5.3 million, which is used to pay off the Agency's debt and project undertakes. He stated that last year, the tax increment was reduced by \$1.3 million to retroactively pay other taxing agencies.

City Manager Michaelis reviewed a detailed chart of Redevelopment Agency total revenue and debt obligations. He mentioned that a lawsuit is pending against the County for charging fees to administer property tax revenue. The fees for San Dimas are \$250,000. He stated that the Cities did not prevail in the first round of the lawsuit, which is being appealed.

Mr. Michaelis responded to Council's questions regarding the Agency's debt capacity and said the State's issues do not impact the City's reserves.

Mr. Michaelis mentioned that Council will have a decision to make at their October 13 meeting to authorize Griffin Structures Inc. to prepare the bid process on the guaranteed maximum price for the renovation of city hall, civic center, and community building. He said the bids will go out in November and be opened in January, at which time the Council will have the opportunity to decide whether or not to accept the bids to proceed with the project.

4. ADJOURNMENT

There being no further business, Mayor Morris adjourned the meeting at 6:52 p.m. The next City Council meeting is Tuesday, September 22, 2009, 7:00 p.m.

Respectfully submitted,

Ina Rios, CMC, City Clerk



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of October 13, 2009

FROM: Blaine Michaelis, City Manager

INITIATED BY: Karon De Leon, Facilities Manager

SUBJECT: Award of Cash Contract 2009-10, San Dimas Swim & Racquet Club Swimming Pool Filter Replacement and Smart Pump Control System Project

SUMMARY

A request for the City Council to award Cash Contract 2009-10, San Dimas Swim & Racquet Club Swimming Pool Filter Replacement and Smart Pump Control System Project in the amount of \$121,700.00.

BACKGROUND

Sealed bids were received by the City Clerk and publicly opened on Friday, October 2, 2009 at 11:00 a.m. for Cash Contract 2009-10, San Dimas Swimming Pool Filter Replacement and Smart Pump Control System Project.

The bid results were as follows:

1.	California Commercial Pools.	\$121,700.00
2.	Condor Inc.	\$126,100.00
3.	Horizon Mechanical	\$140,646.00
4.	Nadar, Inc.	\$145,300.00

Two bids were also submitted for substitute equipment. These submittals were reviewed by a third party engineering firm, and after analysis of the information submitted, it was determined that the substitute equipment is not equivalent to the specified equipment.

The bids for substituted equipment were as follows:

1.	Condor Inc.	\$ 89,600.00
2.	JM Pool & Spa, Inc.	\$102,300.00

5d

ANALYSIS

The project consists of removal and disposal of current filter tanks and associated plumbing, installation of new filter tanks and associated plumbing, and the installation of a Smart Pump Control System. The project specifications provide for the contract documents to be returned to the City within 15 calendar days of the award of contract, for work to commence within 10 calendar days of the execution of the contract. However the successful bidder has been notified and agrees to delay the commencement of the work until our December maintenance period, and to complete the work within 21 calendar days of commencement.

Staff has reviewed the bid proposal, bid bond and references provided by the low bidder, California Commercial Pools, and verified that the contractor's bid bond is issued by an admitted surety (Insurance Company of the West) as required by the Public Contract Code 20170. The State Contractor's License Board has confirmed that the Contractor's License #415172 is current and active.

A total of \$134,900.00 was allocated in the 2009-10 fiscal year Community Park Development Fund budget for this project.

RECOMMENDATION

Staff recommends award of Cash Contract 2009-10, San Dimas Swimming Pool Filter Replacement and Smart Pump Control System Project to California Commercial Pools for the total contract price of \$121,700.00.

Respectfully Submitted,



Karon L. De Leon, Facilities Manager



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the Meeting of October 13, 2009

From: Public Works Department *ML*

Subject: **Award of Cash Contract No. 2009-04, "Reconstruction, Rehabilitation, and Landscape Median Project on San Dimas Avenue from Foothill Boulevard to Gladstone Street ESPL-5367 (006), EA NO. 07-933288L" to Excel Paving Company for the amount of \$1,827,282.50**

Summary

The request is for the City Council to award Cash Contract No. 2009-04, "Reconstruction, Rehabilitation, and Landscape Median Project on San Dimas Avenue from Foothill Boulevard to Gladstone Street ESPL-5367 (006), EA NO. 07-933288L" to Excel Paving Company for the amount of \$1,827,282.50. This project is partially funded by the American Recovery and Reinvestment Act (ARRA), commonly known as economic stimulus funds.

BACKGROUND

In the 2009-10 budget, a total of \$2.5 million for the San Dimas Avenue Street and Landscape Project has been budgeted. The project funding allocation is \$200,000 from the Gas Tax funds (Fund 2), \$1,430,713 million from the Infrastructure fund (Fund 12) and \$800,000 from Prop C funds (Fund 73). A portion of this project is also offset by the American Recovery and Reinvestment Act (ARRA) or commonly known as economic stimulus funds in the amount of \$1.085 million.

The nearly ¾-mile improvement project includes the following: The construction of a new 18-foot wide landscaped raised median between Gladstone Street and Allen Avenue. The replacement and enhancement of the existing landscape medians between Allen Avenue and Foothill Boulevard with hardscape and xeriscape landscape improvements. Removal of existing asphalt pavement and aggregate/native soils at a depth of approximately 20 inches to be replaced with new recompact aggregate base 14 to 15 inches thick and asphalt pavement 6 inches thick. ADA concrete upgrade of existing wheelchair ramps and minor removal/replacement of broken and hazardous concrete sidewalk, curbs, and gutters. Addition of left-turn signal phasing for north and southbound traffic at Allen Avenue. Per the contract documents, the contractor is required to start work no later than November 2nd.

Public Works has already started a dialogue with certain businesses, the School District, churches, and residents that would be severely impacted by the street project. A formal public outreach meeting was held on September 24, 2009. Once the project is awarded, Public Works plans on having another public outreach meeting with the contractor present to assist in addressing concerns that may arise.

DISCUSSION

Sealed bids were received by the City Clerk on Tuesday, October 6, 2009 and publicly opened for Cash Contract No. 2009-04, "Reconstruction, Rehabilitation, and Landscape Median Project on San Dimas Avenue from Foothill Boulevard to Gladstone Street."

The bid results are as follows:

1. Excel Paving Company	\$ 1,827,282.50
2. All American Asphalt	\$ 1,848,000.00
3. Gentry Brothers Inc.	\$ 1,850,050.00
4. Pima Corporation	\$ 1,888,200.00
5. Imperial Paving Co., Inc.	\$ 1,966,240.00
6. Sully Miller Contracting Co	\$ 1,977,329.50
7. Elite Bobcat Service, Inc.	\$ 1,978,487.00
8. Shawnan	\$ 2,083,350.00
9. C.S. Legacy Construction, Inc.	\$ 2,127,871.00
10. Laird Construction Co., Inc.	\$ 2,242,242.00

Since the funding is partially offset by federal stimulus funds, the project will also require following stringent federal requirements. Complying with these federal requirements is extremely complicated and the cumbersome paperwork associated is intensive and time consuming. Contracting with a consultant that is familiar with federal requirements will not only assist with the federal compliance but will also free Staff to focus on other aspects of this and other projects.

In order to be eligible for reimbursement with federal funds, the use agency-furnished materials is not allowed. To avoid jeopardizing our federal funding, the relocation of the City owned trumpet tree (currently stored at the City Yard) will need to be done on a separate contract by a separate landscape contractor. In addition, the landscape portion of this project is substantial and will require extensive inspections. Contracting with a consultant that is familiar with the landscape and irrigation aspects of the construction project will ensure the plans are followed and that the landscaping is completed to the City's satisfaction.

Incorporating the lowest bid, the project budget would be as follows:

Excel Paving Construction Contract Cost	\$ 1,827,282.50
Contingency (~10% of Contract Amount)	\$ 183,000.00
Construction Survey & Monumentation Services	\$ 50,000.00
Soil Testing & Independent Assurance Testing	\$ 60,000.00
Federal Compliance Assistance Services	\$ 24,300.00
Landscape Inspection Services & Tree Relocation	\$ 15,000.00
Project Budget	\$ 2,159,582.50

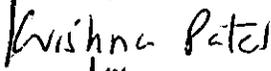
Staff has reviewed the bid proposal and bid bond provided by the lowest responsible bidder, Excel Paving Company. The bid contained an irregularity in regard to the submittal of the bid bond where the principal of the company had inadvertently overlooked the signing of the bid bond. However, the principal had signed six out of seven required areas of the bid document. This irregularity was also reviewed by the City Attorney's Office who concluded that the irregularity was deemed to be a minor administrative irregularity and as such it would not be atypical for Council to waive the bid irregularity. However, should Council desire, it can dismiss the low bidder's proposal because of the specific irregularity and consider awarding the project to the second lowest bidder.

The contractor's bid bond is issued by an admitted surety, as required by Public Contract Code 20170. Staff confirmed through the State Contractor's License Board that the contractor's license number 688659, Class A expires on 05/31/2010. Based on the contractor's history the contractor is competent in this type of work. In addition, Excel Paving Company has performed satisfactory work for the City of San Dimas on previous projects.

RECOMMENDATION

Staff recommends the City Council consider awarding Cash Contract No. 2009-04, "Reconstruction, Rehabilitation, and Landscape Median Project on San Dimas Avenue from Foothill Boulevard to Gladstone Street ESPL-5367 (006), EA NO. 07-933288L" to Excel Paving Company for the amount of \$1,827,282.50.

Respectfully submitted,



Steven Barragan
Associate Engineer

sb/10-09-22



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the Meeting of October 13, 2009

From: Krishna Patel, Director of Public Works *KRP*

Subject: **Approval of the revised Paveco Construction, Inc. Asphalt Maintenance Contract for Asphalt Repairs at Various Citywide Locations**

SUMMARY

Council to consider and approve revised Paveco Construction, Inc. asphalt maintenance contract for FY 2009-10.

BACKGROUND

In FY 2008-09, the Governor signed a legislation delaying local Gasoline Tax revenue payments to the City in order to manage State cash flow troubles. This year the delay in deferral payments (\$671,000) to San Dimas meant placing certain gas tax funded "projects" on hold after they were already approved and budgeted for construction in FY 2009-10.

At the September 22nd City Council Study Session, Council was updated on the City's financial report for fiscal year end 2008-09 as well as the impacts of the State budget on the City's 2009-10 budget. Including, the impact on Gas Tax funded Projects due to the State deferring payments to City until January 2010. To soften the impact of this delay on the City budget, staff had recommended that the following budgeted projects be either reduced to 50% of the budgeted amount or temporarily suspended until we are able to reassess the impact of the State withholding the City's Redevelopment and General Funds.

Pavement Preservation		\$260,000
Hazardous Sidewalk Repair Programs	½ budget	50,000
Citywide Pavement Maintenance		80,000
Town Core Sidewalk Repairs		30,000

It was the consensus of the Council not to defer or delay projects that compromised sidewalk or asphalt pavement maintenance programs. The Council considered these programs to be a high priority in maintaining and preserving our public infrastructure as these vital maintenance improvements minimize and reduce our liability exposures.

With the Council's consensus to not place on hold the Citywide Pavement Maintenance Program or sidewalk maintenance programs until January 2010. Therefore, this action allowed Staff to proceed with renewing and amending an existing contract with Paveco Construction, Inc.

58

DISCUSSION

In September 2006, the City entered into a two-year maintenance contract with Paveco Construction, Inc. to provide a wide range of routine asphalt and emergency repairs. Due to Paveco's work record, in July 2008, the City entered into another two-year maintenance contract. Over the last three years, the City has been well served by this type of contract that allows for large and small-scale asphalt work to be done promptly in a cost effective manner. Paveco and City Staff have developed an excellent working relationship over the years and Paveco understands the City's expectation for high quality work. At the same time, Paveco has risen to the challenge and has provided the City with quality service. Therefore, in recognizing the working relationship and the recessionary economic climate, in July 2009, staff contacted Paveco to consider ways to lower their operating costs in these declining economic times. Below are Paveco's suggestions for ways to reduce City costs:

- o No cost-of-living adjustment requested for FY 2009-10.
- o Decrease unit rates to the original rates bid in September 2006. Since that time CPI went up approximately 22% (Attachment 1).
- o Waiver or reduction of the four-hour minimum charge in labor and equipment to one-hour. This reduction provides for considerable cost savings, especially when we have small jobs that don't require a full day's working labor (Attachment 2).
- o Time, material, and work increases to be reduced from 15% to 10%. However, the labor rate as determined by the Union increased (Attachment 3).
- o Continue to provide project-to-project discounts to keep project costs down.

The above reductions provided by Paveco are very equitable considering the current economic climate. In addition to the reductions, Paveco's contract also includes some of the following provisions:

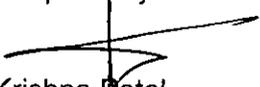
- o Upon notification by the City of San Dimas, a five-day response time to perform repair work is required.
- o Emergency repairs are to begin within two days or less of notice (emergency repairs are determined by City staff).
- o Most types of asphalt repairs are covered as part of this contract.
- o Contract cancellation for poor performance or insolvency.

The budget for this contract is in Fund 02, Citywide Pavement Maintenance, as well as funds in the Annual Pavement Preservation section, Concrete Repairs, with allocations up to \$160,000.

RECOMMENDATION

Staff recommends that City Council approve a revised contract for the Asphalt Maintenance Contract with Paveco Construction, Inc. For FY 2009-10 that reflect the above negotiated changes.

Respectfully submitted,


Krishna Patel
Director of Public Works

kp/gdh/10-09-20

Attachments: 1) Asphalt Repair Schedule Reflecting the 2006 Rate
2) Revised Schedule for 2009-10
3) Labor Rates

ATTACHMENT #1

5049 Bleecker Street
 Baldwin Park, CA 91708
 E-mail: paveco@pavecoinc.com



PAVECO

CONSTRUCTION, INC.

Lic. No. 515002

Union Contractor

CPUC Certified WBE #90AS3014



Phone (626) 337-5589
 Phone (818) 242-1733
 Fax (626) 337-0549

**2006 ASPHALT REPAIR SCHEDULE RATES THAT WILL BE APPLICABLE TO THE
 2009 - 2010 CONTRACT**

ASPHALT REPAIR SCHEDULE

(Note: All items are considered on a per location basis.)

	<u>Remove and Replace 4" Depth</u>	<u>Remove and Replace 6" Depth</u>
Up to 100 S.F.	\$ 8.20/S.F.	\$9.80/S.F.
101 S.F. up to 200 S.F.	\$7.00/S.F.	\$8.60/S.F.
201 S.F. up to 500 S.F.	\$6.25/S.F.	\$7.85/S.F.
501 S.F. and Up	\$5.20/S.F.	\$6.80/S.F.
Additional Thickness	\$.80/S.F.	\$.65/S.F./IN.

ATTACHMENT #2

5049 Bleecker Street
Baldwin Park, CA 91706
E-mail: paveco@pavecoinc.com



PAVECO

CONSTRUCTION, INC.

Lic. No. 515002

Union Contractor

CPUC Certified WBE #90AS3014



Phone (626) 337-5589
Phone (818) 242-1733
Fax (626) 337-0549

BARE RENTAL RATES**FOR CONTRACT PERIOD 2009 - 2010****ONE HOUR MINIMUM**

EQUIPMENT	CODE	PRICE
Pick Up Truck	T&TT 00-06	\$16.34
Box Truck (van)	T&TT 12-20	\$25.18
Spray Rig Emulsion	TRMD 00-08	\$50.42
Dump Truck >30000# GUW	TRUON 2AXL	\$42.53
10 Wheeler Dump Truck	TRUON 3AXL	\$55.71
Knucklebone Crane (ie. Morgan)		
Mounted on 10 Wheeler Dump Truck	NO MATCH	\$69.27
Skidsteer w/breaker and bucket	TRACS >50 A	\$28.03
Skidsteer w/sweeper attachment	NO MATCH	\$40.81
Skidsteer w/30" grinder	NO MATCH	\$51.41
Backhoe 430D Cat	CAT 1866	\$38.74
Skiploader	FORD 3054	\$27.88
Lee Boy Paver 8815 8'-15' skreed	(B-K) 1750	\$108.85
Air Compressor 100CFM	PORT 004-016	\$14.70
Jack Hammer 90#	ATOL 60	\$1.18
Vibratory Plates/Jumping Jacks	COMPO-250	\$3.11
Paving Sled	NO MATCH	\$24.91
Walk Behind Vibratory Roller 30"	ESIK V30WR	\$8.70
Ride on Vib. Roller 3-5 ton DD22/34	IR 3565	\$34.00
Push Saw	ABOP 10-20	\$5.83
Self Propelling Saw	ABOP 33-45	\$13.36
Trailers	LB-A	\$12.50
Cement Mixer	SORP 06-11	\$3.21
Arrowboards	FLAS TM	\$2.75
Traffic Cones	A100 2TC	\$6.73

PRICE + 10%

*Note: Used Equivalent as best as possible

ATTACHMENT #3

5049 Bleecker Street
Baldwin Park, CA 91706
E-mail: paveco@pavecoinc.com



PAVECO
CONSTRUCTION, INC.
Lic. No. 516002
Union Contractor
CPUC Certified WBE #90AS3014



Phone (626) 337-5589
Phone (818) 242-1733
Fax (626) 337-0549

DATE: 07/22/08 **REVISED LABOR RATE SHEET 7/09-6/10**
TO: John Campbell FAX #: (909) 394-1271
COMPANY: City of San Dimas PHONE #: (909) 394-6270
NO. OF PAGES INCLUDING COVER PAGE: 2 CELL PHONE#: (909) 208-9431
FROM: Greg Fleming
COMPANY: **PAVECO CONSTRUCTION, INC.**
PHONE: (818) 242-1733 FAX: (626) 337-0549
RE: **REVISED UPDATED LABOR RATES FOR TIME AND MATERIAL JOBS:**
EFFECTIVE 7/1/09 - 6/30/10

Please find below a listing of revised, updated labor wage rates with applicable mark-ups and equipment rates.

<u>Classification</u>	<u>Reg Pay / Over Time</u>	<u>Wage Rate + Benefits</u>	<u>Labor Surcharge</u>	<u>General Liability, Profit & Overhead</u>	<u>Billable \$/s / hr</u>
Superintendent		N/A	N/A	N/A	\$ 90.00
Operator VIII (Paving Machine)	Reg OT	57.05 79.32	11% 11%	33% 33%	\$ 84.23 \$117.11
Operator IV (Backhoe)	Reg OT	56.71 78.81	11% 11%	33% 33%	\$ 83.72 \$116.35
Operator III (Skidsteer)	Reg OT	55.23 76.59	11% 11%	33% 33%	\$ 81.54 \$113.06
Laborer IV (Luteman)	Reg OT	44.07 59.85	11% 11%	33% 33%	\$ 65.06 \$ 88.35
Laborer II (Shoveler)	Reg OT	42.53 57.54	11% 11%	33% 33%	\$ 62.79 \$ 84.95
Laborer I (Helper)	Reg OT	41.43 55.89	11% 11%	33% 33%	\$ 61.17 \$ 82.51
Cement Mason (Journeyman)	Reg OT	48.04 62.03	11% 11%	33% 33%	\$ 70.92 \$ 91.57

Wage Rate + Benefits: Hourly Wage, Vacation, Pension, Apprentice, Health & Welfare, & Other
Labor Surcharge: Social Security, Medicare, FUTA, SUI, & Work Comp

If you have any questions please contact Greg Fleming at (818) 253-6483



CITY OF SAN DIMAS
MINUTES
SAN DIMAS REDEVELOPMENT AGENCY MEETING
TUESDAY, SEPTEMBER 22, 2009
COUNCIL CHAMBERS
245 E. BONITA AVENUE

PRESENT:

Chairman Curtis W. Morris
Vice Chairman Denis Bertone
Mr. Emmett G. Badar
Mr. John Ebiner
Mr. Jeffrey W. Templeman
Executive Director Blaine Michaelis
Agency Attorney Ken Brown
Secretary 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

CALL TO ORDER

Chairman Morris called the meeting to order at 7:31 p.m.

ORAL COMMUNICATIONS (This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.)

There were no comments.

APPROVAL OF MINUTES

It was moved by Mr. Ebiner, seconded by Mr. Templeman, to approve the minutes of the September 8, 2009 meeting. The motion carried unanimously.

EXECUTIVE DIRECTOR

There were no comments.

MEMBERS OF THE AGENCY

There were no comments.

ADJOURNMENT

Chairman Morris adjourned the meeting at 7:32 p.m..

Respectfully submitted,

Ina Rios, Secretary

62



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of October 13, 2009

From: Ken Duran, Assistant City Manager 

Initiated by: Ina Rios, CMC, City Clerk

Subject: Equestrian Commission Appointment

BACKGROUND

Commissioner Rebecca Molle's term on the Equestrian Commission expired on July 31, 2009 and she declined reappointment. The vacancy was recruited and three applications were received by the due date from the following:

Marca DeMonaco
Yvette Picconi
Rebecca Pike

Candidates were contacted and interviewed on Monday, September 21 and Tuesday October 6, 2009 by Mayor Morris, Councilmember Templeman, and Equestrian Commission Chair Reiss.

RECOMMENDATION

Pleasure of the Council.

7 d (3)



NOTICE INVITING BIDS

NOTICE IS HEREBY GIVEN that the City Council of the City of San Dimas, County of Los Angeles, State of California, hereby invites sealed proposals or bids for the following:

CASH CONTRACT NO. 2009-04

**RECONSTRUCTION, REHABILITATION & LANDSCAPE MEDIAN PROJECT
ON SAN DIMAS AVENUE IN THE CITY OF SAN DIMAS
FROM FOOTHILL BOULEVARD TO GLADSTONE STREET
ESPL-5367 (006)
EA NO. 07-933288**

**FEDERALLY FUNDED (AMERICAN RECOVERY REINVESTMENT ACT) PROJECT
SUBJECT TO DAVIS BACON REQUIREMENTS**

The work to be performed generally consists of street reconstruction, landscaping, traffic signal modifications, striping, and storm drain modifications. A portion of the work will be performed within the State's right of way on San Dimas Avenue at the 210 freeway.

Said proposals or bids shall be delivered to the City Clerk of the City of San Dimas on or before **11:00 A.M. on Tuesday, October 6, 2009**, at the office of the City Clerk, City Hall, 245 East Bonita Avenue, San Dimas, California. The City Clerk will at said time, in open session, publicly open, examine, and declare said bids.

All proposals shall be accompanied by a check payable to the City of San Dimas, and certified by a responsible bank for an amount which shall not be less than ten (10%) percent of the aggregate of the proposal, or by a bond for said amount and so payable, signed by the bidder and two sureties who shall justify before any officer competent to administer an oath, in double the said amount and over and above all statutory exemptions, or by a corporate Surety Bond to the satisfaction and approval of the City Council of the City of San Dimas.

The bid check, bond or Surety Bond of the successful bidder will be forfeited to said City in the event such successful bidder fails or refuses to enter into the required contract within ten (10) days after the written notice that said contract has been awarded to him for the work.

The successful bidder, simultaneously with the execution of the Contract Agreement, will be required to furnish a Labor and Materials Bond in an amount equal to one hundred (100%) percent of the contract price, and a Faithful Performance Bond equal to one hundred (100%) percent of the contract price.

The City of San Dimas hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation, and no discrimination shall be made on the grounds of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, or sex of such persons, except as provided for in Section 12940 of the Government Code of the State of California.

In accordance with the requirements of Section 22300 of the Public Contract Code of the State of

California, the contractor may elect to substitute securities for monies withheld by the City of San Dimas to ensure the contractor's performance by having earned retentions paid directly to an escrow agent at the expense of the Contractor.

BIDDERS ARE HEREBY NOTIFIED that, pursuant to the Labor Code of the State of California, the City Council has ascertained and determined the general prevailing rate of per diem wages and the general prevailing rate for legal holiday and overtime work in the locality in which said work is to be performed for each craft or type of workman needed to execute the contract for said work, which contract will be awarded to the successful bidder.

Copies of the plans and specifications may be obtained at the office of the CITY ENGINEER, Public Works Department, City Hall, 245 East Bonita Avenue, San Dimas, California, as follows:

**ONE SET OF PLANS AND SPECIFICATIONS FOR A
NON-REFUNDABLE FEE OF \$50.00 (FIFTY Dollars)
(Add \$10.00 if mailing is requested)**

The City Council reserves the right to reject any and all bids received and to compare the relative merits of the respective bids and to choose that which in the opinion of said City Council will best serve the interests or need of said City, and to take all bids received under advisement for a period of not to exceed sixty (60) days after the declaration thereof.

Each bidder in bidding shall state his California Contractor's License Number, as no bid will be accepted from a contractor who has not been licensed in accordance with the provisions of the laws of the State of California. It is a misdemeanor for any person to submit a bid in response to this invitation in the capacity of a contractor as stipulated in Section 7028.15 of the Business and Professions Code of the State of California. For this particular project, the contractor will be required to possess an "A" (General Engineering) Contractor's license or a "C12" (Earthwork and Paving) Contractor's license. **The Project has a 12% Race Conscious Underutilized Disadvantaged Business Enterprises (UDBE) and a 6% Race Neutral Annual Disadvantaged Business Enterprise (DBE) participation levels.**

PREVAILING WAGE RATE: As required by the California Labor Code, Section 1770 et seq. the City Council of the City of San Dimas incorporated herein by reference the general prevailing rate of per them wages as determined by the Director of Industrial Relation of the State of California as well as the attached wage determination issued by the U.S. Department of Labor under the Davis-Bacon and related Acts. When state and federal wage rates differ, the contractor is required to pay the higher of the two. Copies of the prevailing rate of per diem wages are on file in the office of the Clerk and will be made available to any interested party upon request. In accordance with the labor Code, no workman employed upon work under this contract shall be paid less than the above referenced prevailing wage rate. A copy of said rates shall be posted at each job site during the course of construction.

THIS NOTICE IS HEREBY GIVEN AND PUBLISHED by order of the City Council of the City of San Dimas, California, and is dated September 10, 2009

INA RIOS, CITY CLERK
CITY OF SAN DIMAS, CALIFORNIA

PUBLICATION THRICE:
Inland Valley Daily Bulletin
September 15, 22, and 29 of 2009

Permit Contract

Parks and Recreation Department

City of San Dimas
 245 East Bonita Avenue
 San Dimas, CA 91773
 Phone: (909) 394-6230
 FAX: (909) 394-6209
 E-mail: parksrecreation@ci.san-dimas.ca.us

Print

Permit #2705, Approved

Sep 22, 2009 4:21 PM



Customer Type: --
 Prepared By: Bernice Wilson

Agent: Ina Rios
 City Of San Dimas
 245 E. Bonita Avenue
 San Dimas, CA 91773

Work: (909) 394-6216

Charges	Taxes	Discounts	Total Charges	Total Payments	Refunds	Balance
0	0	0	0	0	0	0

▼ **RESERVATIONS**

Event	Resource	Center	
Equestrian Commission Intv. ~Rios Type: Meeting Attend/Qty: 6	CH - CC Conference Room	San Dimas City Hall 245 East Bonita Avenue San Dimas, CA 91773 (909) 394-6230	
Days Requested	Event Begins	Duration	Event Ends
Day Date			
Tuesday Oct 6, 2009	6:00 PM	1 hour	Oct 6, 2009 at 7:00 PM
Summary	Notes		
Total Number of Dates: 1 Total Time: 1 hour	--		

BIDDERS' LIST

**CITY OF SAN DIMAS
CASH CONTRACT 2009-04**

**RECONSTRUCTION, REHABILITATION AND LANDSCAPE MEDIAN PROJECT ON SAN DIMAS AVENUE
FROM FOOTHILL BOULEVARD TO GLADSTONE STREET IN THE CITY OF SAN DIMAS**

Bid Date: Tuesday, OCTOBER 6, 2009 at 11:00 AM

	<i>Company Name</i>	<i>Address</i>	<i>Addendum #X</i>	<i>Bid Bond</i>	
1	All American Asphalt	400 E. Sixth Str., P.O. Box 2229 Corona, CA 92878-2229	✓	✓	\$1,848
2	C.S. Legacy Construction, Inc.	13263 Yorba Ave. Chino, CA 91710	✓	✓	\$2,127
3	DMA Greencare Contracting, Inc.	3000 East Coronado Anaheim, CA 92806			
4	Dynalectric	4462 Corporate Center Drive Los Alamitos, CA 90720-2539			
5	EC Construction	2213 Chico Ave. So. El Monte, CA 91733			
6	Eco-Logic, Inc.	26043 Jefferson Ave., Ste. C Murrieta, CA 92589			
7	Elite Bobcat Inc.	1320 E. Sixth Str, Suite 100 Corona, CA 92879-1700	✓	✓	\$1,970
8	Elite Landscaping Inc.	2972 Larkin Ave. Clovis, CA 93612			
9	Excel Paving Company	2230 Lemon Long Beach, CA 90806	✓	✓	\$1,820
10	Gentry Brothers, Inc.	384 E. Live Oak Ave. Irwindale, CA 91706	✓	✓	\$1,850
11	Imperial Paving Co.	10715 Bloomfield Ave. Santa Fe Springs, CA 90670	✓	✓	\$1,960
12	Laird Construction Co., Inc.	9460 Lucas Ranch Road Rancho Cucamonga, CA 91730-5743	✓	✓	\$2,200
13	Lincoln Pacific	4501 Littlejohn Str., Baldwin Park, CA 91706			
14	Los Angeles Engineering	633 N. Barranca Ave. Covina, CA 91723			
15	Los Angeles Signal Constr, Inc	155 N. Eucla Ave. San Dimas, CA 91773			

16	McCain Operating Sales	2365 Oak Ridge Way Vista, CA 92081			
17	MNR Construction	1051 Calle Ortega San Dimas, CA 91773			
18	Ortiz Asphalt Paving	PO Box 883 Colton, CA 92324			
19	Pavewest Transport	401 S. Harbor Blvd., Ste F385 La Habra, CA 90631-5668			
20	Pavement Recycling Systems	10240 San Sevalne Way Mira Loma, CA 91752			
21	PIMA Corporation	2001 S. Barrington Ave., Suite 312 Los Angeles, CA 90025	✓	✓	\$ 1, 8
22	Rivera Irrigation, Inc.	2105 West Collins Avenue Orange, CA 92867			
23	S & M Landscape, Inc.	346 S. Motor Ave. Azusa, CA 91702-3229			
24	Shawnan	12240 Woodruff Ave. Downey, CA 90241	✓	✓	\$ 2, 0
25	SRD Engineering, Inc.	3578 E. Enterprise Dri. Anaheim, CA 92807			
26	Steiny & Co., Inc.	12907 E. Garvey Ave. Baldwin Park, CA 91706			
27	Steven's Tree Experts	2570 East Walnut Str. Pasadena, CA 91107			
28	Sully-Miller Contracting Co.	1100 E. Orangethorpe Ave., Ste 200 Anaheim, CA 92801-1144	✓	✓	\$ 1, 9