



MINUTES
REGULAR CITY COUNCIL
WEDNESDAY, NOVEMBER 10, 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 7:05 p.m. and led the flag salute.

2. RECOGNITIONS

- Mitchell Montenegro, National Junior Olympics 10 and under Gold Medal Champion

Mayor Morris read and presented a certificate recognizing Mitchell Montenegro, the San Dimas member of the 10-and-under water polo team at Foothill Club that had a successful turnout at the National Junior Olympics in Atherton, California, on August 28, 2009. After a series of wins, the Team won a gold medal in its age group. Mayor Morris congratulated Mitchell for his amazing job coming in off the bench in some very tight games.

- Presentation of banners to military personnel recently discharged from active duty in the Armed Forces.

In deep appreciation of their extraordinary commitment and service to our nation and the citizens of San Dimas, Mayor Morris presented certificates of recognition to military persons who were recently discharged from service: **Jeffrey Horner**, United States Marine Corps; **Andrew Legolvan**, United States Navy; **Luke Orrin**, United States Marine Corps; and to Mrs. Bratt, mother to **Jeff Bratt**, United States Navy. **Eric Leos**, United States Army, was unable to attend the ceremony.

Gary Enderle and **Janie Graef**, San Dimas H.E.R.O.E.S. representatives, presented to **Jeffrey Horner**, United States Marine Corps; **Andrew Legolvan**, United States Navy; **Luke Orrin**, United States Marine Corps; and to Mrs. Bratt, mother to **Jeff Bratt**, United States Navy, a banner that was displayed on San Dimas Avenue. He thanked the City Council and staff for the great support and said Wednesday, November 11, 2009, is Veterans Day and Applebee's is offering military members and veterans a free meal.

- County of Los Angeles "Brag About Your Bag" campaign

Mayor Morris said the City of San Dimas has joined with the County of Los Angeles to support "Brag About Your Bag" campaign urging shoppers to reduce the number of single use bags in favor of reusable bags.

3. ANNOUNCEMENTS

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

Pui-Ching Ho, Library Manager, San Dimas Library, announced and congratulated winners of the annual Bookmark contest and said their artwork will be displayed in the Library. She encouraged parents to bring children 5-8 to the Library and get a canvas bag. Activities offered at the Library include: Free English Conservation Practice Program; Flower arrangement; Teen Book Club and Student Union; Special program on reptiles; and the Book Party - Book for December is *Angle of Repose*, by Wallace Stegner. For more information, call the Library at (909) 599-6738 or access their website www.co.la.publib.org.

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, said the annual Christmas Tree Lighting ceremony will begin at 6:00 p.m. on December 2, 2009, at the San Dimas Train Depot on Bonita Avenue/Monte Vista. Accompanying music by Ed Wolfe and cookies will be provided by Soroptimist International of San Dimas/La Verne. He invited participants in escorting Santa along the sidewalk at San Dimas Avenue. Santa will be joined by Mayor Morris and Lil Miss San Dimas in lighting the tree. Children who visited the Downtown Merchants will be eligible for cash drawings and the winner will be announced. Santa hats will be available for \$2 and the proceeds will go to Meals on Wheels.

2) **Breanna Celaya**, ASB President, San Dimas High School, thanked the City Council and Downtown Merchants for supporting their Homecoming Parade. She highlighted the athletic games schedule and thanked the military personnel who serve our country to give us freedom.

3) **Mike Kelly**, San Dimas High School Principal, thanked the City Council and staff for supporting their Homecoming Parade. He said students had a great time.

4) **Paul Kirby** praised everyone who participated in the city hall expansion project. He said the project is long overdue and issues need to be addressed.

5) **Norm Wiles** echoed Mr. Kirby's comments and said he appreciated efforts for the renovation of city hall. It is a worthwhile project and hopes everyone is behind the project.

6) **Margie Green**, Festival of Arts, invited the community to join the Festival of Arts at the Walker House on November 13, 14, and 20, 21, between 5:00-9:00 p.m., for Colorfields of Abstraction featuring

Artist Ken Sheffer. She added that Saffrons is now open and the San Dimas Historical Society is celebrating their grand opening on November 20th.

7) **Bill Emerson**, San Dimas Historical Society, said November 14th is the second Saturday of House Tours; next Friday, November 20, the Historical Society will open the museum upstairs in the north wing of the Walker House. The ribbon cutting is at 4:30 p.m. and the museum will be open until 9:00 p.m. Saturday and Sunday. On December 6, the Pomona Valley Hospital Auxiliary included the Walker House in the home tours.

8) **Tim Rowe**, President, Little League, announced the 53rd season of San Dimas Little League. Registration is being held on Saturday, November 14, 2009 from 10:00 a.m. until 5:00 p.m. Opening Day is March 6, 2010 and registration forms are available at sandimaslittleleague.com. He thanked Director Bruns and her staff for the new season contracts which helps them go forward. He announced that the Little League is undertaking a Challenge Division for Autistic children. For additional information, call (909) 599-8482.

9) **Bill Armstrong** voiced his support for the proposed Veterans Monument off San Dimas Avenue. He said this is a very visible important sign that will be of value to the City. He thanked the City Council for safeguarding our quality of life.

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.)

Councilmember Ebner said he was absent at the last meeting and would abstain from approval of the Minutes.

It was moved by Mayor Pro Tem Bertone, seconded by Councilmember Badar, and carried; with the abstention of Councilmember Ebner on item 5.b, 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) Consider approval of Warrant Register.
RESOLUTION NO. 09-50, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF OCTOBER AND NOVEMBER, 2009.
 - (2) Establishing Engineering Fees:
RESOLUTION NO. 09-51, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS CALIFORNIA, ESTABLISHING FEES FOR FILING CERTAIN APPLICATIONS OF ENGINEERING FEES AND SIMILAR MATTERS.
- b. Approval of minutes for the regular City Council meeting of October 27, 2009.
- c. Annual approval of amendments to Personnel Rules and Regulations

END OF CONSENT CALENDAR

6. OTHER MATTERS

- a. Request from San Dimas HEROES - City Council direction regarding their proposal to place a Veterans Memorial on the open area along San Dimas Avenue just east of the Park and Ride lot, north of Commercial Street.

City Manager Michaelis said this item is before the City Council for an initial reaction of the potential location for the Veterans monument. He said as San Dimas H.E.R.O.E.S. goes through the fundraising process, they would like to provide the location and design to potential donors. The Committee is requesting 18 months to allow them to explore support for the project at that location. If they are unable to secure sufficient response and support, they will withdraw the request. If sufficient support comes forward, they will proceed with the details of the project through the City's review process and return to the City Council for final approval.

Janie Graef, San Dimas H.E.R.O.E.S. representative, invited all Veterans to the Veterans Appreciation Reception to be held Saturday, November 14, 2009, from 1:00 p.m. to 3:00 p.m., at Atria Rancho Park. She said before the City Council is a general request that will enable the Committee to go forward with the Monument aspect of their program. She stated that the Committee is aware of a myriad of issues that need to be addressed, however, they are committed to constructing a Veterans Memorial that will make San Dimas proud. She said the true purpose of the Memorial is to honor the people who have served our country and fought for our freedom and way of life we all enjoy. She added that San Dimas has been home to thousands of Veterans from those who served in the Civil War to current heroes. She shared the history of three prominent San Dimas Heroes and said it is the Committee's goal to construct a Veterans Memorial to honor all Veterans.

Honorable Tom Nuss said he understands the City Council received material not only from staff but the HEROES organization and he would be happy to answer any questions.

Mayor Morris said Mr. Nuss served on the San Dimas City Council, is a retired Judge, and served in the Marine Corps with a distinguished service career.

Honorable Nuss respectfully requested that the City Council give initial consent to allow the Committee 18 months to develop a permanent Memorial to be constructed at the proposed location, subject to the City's review process.

Mayor Morris invited participation by the community. He said the proposal is for a Veterans Memorial in the open area to the southeast of the Park and Ride Lot, north of Commercial Street. There being no one wishing to speak, the matter was opened for Council's discussion and decision.

Mayor Pro Tem Bertone stated his supported for the proposed site.

Councilmember Badar supported the fact that the concept was to construct a community Memorial honoring all Veterans. He thought it a good idea that community organizations joined together to support this vision. He supports an 18-month time frame to allow the Committee to explore support for the project.

Councilmember Ebner supports the idea and expects staff to work with the Committee and bring back status reports.

Councilmember Templeman is very supportive of the location. He is open to discussion related to the design issues.

It was moved by Mayor Pro Tem Bertone, seconded by Councilmember Badar, to extend 18 months to San Dimas H.E.R.O.E.S. to plan a permanent monument to be constructed at the proposed location, subject to the City's review process, with no expectation or guarantee of approval. The motion carried unanimously.

- b. Renovation and expansion of the City Hall, Civic Center Plaza, and Stanley Plummer Community Building:
 - 1) Approve a Project Management Agreement with Griffin Structures Inc. to proceed with the process to secure competitive bids for this project. Authorize City Manager to execute said Agreement and issue notice to proceed. The Agreement for professional services is in an amount not to exceed \$775,000 - this expense is included within the proposed Guaranteed Maximum Price established for this project. Council consideration for awarding the bids to complete this project is tentatively scheduled for February 23, 2010.

City Manager Michaelis provided a brief history of the relationship with Nestor+Gaffney Architects and Project Managers Griffin Structures, Inc. as they move through the design elements. He presented the Project Management Agreement with Griffin Structures, Inc. to proceed with the process to secure competitive bids for the renovation and expansion of City Hall, Civic Center Plaza and Stanley Plummer Community Building project. He explained this approach for the benefit of the public and indicated that although this process differs from the traditional process for constructing public improvements, it has been utilized by a number of General Law Cities in the construction of similar Civic Center public improvements. Mr. Michaelis said bid recommendations would come before the City Council on February 23, 2010 for final consideration and approval. He said available tonight to answer questions are representatives from Griffin Structures, Inc. and Nestor+Gaffney Architects.

In response to Councilmember Templeman, City Manager Michaelis replied that 40% of the project cost is tied to code improvements and dealing with challenges of a 40-year old building. The balance represents additions and improvements to the Stanley Plummer Community Building and the Civic Center Plaza.

In response to Councilmember Ebner, City Manager Michaelis said if the City Council approves the Agreement tonight, staff will continue fine tuning the financing plan for Council's consideration and approval on February 23, 2010. Mr. Michaelis added that February 23, 2010 is the date of award of bid and the construction schedule is approximately 12 months once the building is vacated in March 2010.

In response to Councilmember Templeman, Director of Development Services Coleman clarified that the contract states if there are change orders that require City Council approval, the change orders would be brought to Council as the approving authority. Mr. Coleman qualified that the reason for this particular project delivery method is to minimize change order requests. He said by using the Guaranteed Maximum Price (GMP), Griffin Structures, Inc. and Swinerton Builders, Inc. are guaranteeing that the City's expense does not exceed the GMP and change orders are covered.

At the request of Mayor Morris, City Attorney Brown explained the traditional process for constructing public improvements. He said for this project, staff is recommending a different process, the Program Manager@Risk with a Guaranteed Maximum Price. This was initially discussed and was Phase II of the Agreement which the City approved in July 2008 with Griffin Structures, Inc. for this project. It is a process that has been utilized by a number of General Law Cities in constructing various municipal public facilities similar to those in this project. The City Manager and staff have visited some of these completed facilities and have spoken with other City Managers and Public Works staff members. Those other City Managers said that the Project Manager@Risk process resulted in completed projects in a timely manner, with minimum change orders and with savings to those cities. Mr. Brown said that he has been working with Griffin Structures, Inc. on prequalification documentation for all of the various subtrades. When completed, these will form the basis upon which bids would be received, publicly opened, and after review, recommended to the City Council for award at the City Council meeting in February. He added that the Agreement before the City Council has been the subject of considerable discussion and revision with Griffin Structures, Inc.. This agreement has been utilized by other General

Law Cities for various similar Civic Center projects. Mr. Brown further stated that Griffin Structures, Inc. has agreed to defend and indemnify the City against any challenge to this process or the Agreement.

It was moved by Councilmember Badar, seconded by Councilmember Templeman, to approve the Project Management Agreement with Griffin Structures, Inc. to proceed with the process to complete the competitive bidding process and if the bids are awarded, to perform project management services through the completion and final acceptance of the project.

Mayor Pro Tem Bertone praised the Architect's excellent design; however, he is going to vote against this project. Although he thought expanding the city hall was appropriate, he did not think the city population would grow further and he could not justify spending between \$13 million to \$24 million for the project.

Councilmember Templeman said the Plaza is in dire need of repairs and the remodel to the Stanley Plummer Community Building will make it a more useable space that will benefit the community. Councilmember Badar said the bidding process is more cost effective at this time and he felt it is the right time to move forward with this project.

Councilmember Ebner said financing is a concern that was discussed by the City Council at various meetings. He felt that in addition to making the building green and more efficient, making necessary improvements, connectivity with respect to communications and computers, and giving employees adequate space to perform their duties allows them to better serve the community. He said service to the community is paramount from any site. He will support the project.

Mayor Pro Tem Bertone said he is in favor of enlargening the building, making improvements, and addressing ADA concerns; however, he felt the project could be completed for approximately \$6 million.

Mayor Morris said this is an investment in one of our major resources and he supports the motion. He said staff has gone about this in a prudent manner and reserves have been accumulated to be able to construct projects like this as well as other projects. He added that funds are spent when absolutely necessary.

Councilmember Templeman explained that while inconvenient and frustrating, moving out of the city hall would save approximately five months of contractor logistics and roughly \$400,000 in costs.

The motion carried by the following vote:

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

c. Approval of the City's Annual Independent Audited Financial Statements.

Ken Duran said members of the Finance/Audit Committee met with Auditor Don Parker from Lance, Soll & Lunghard to discuss the annual audit and the financial statements. Pursuant to the Auditor's report on Internal Control over Financial Reporting and on Compliance and other matters based on an audit of financial statements performed in accordance with Government Auditing Standards, they did not identify any deficiencies in the City's internal controls or any material weaknesses, and results of tests performed disclosed no instances of noncompliance.

It was moved by Mayor Pro Tem Bertone, seconded by Councilmember Badar, to approve the City's Annual Independent Audited Financial Statements. The motion carried unanimously.

- d. Approval and appropriation of up to \$20,500 funding for Puente Street/Avenida Monte Vista Landscape Improvements and License Agreement.

Public Works Director Patel reported that it was the consensus of the City Council to enhance the entry to the Avenida Monte Vista/Avenida Loma Vista neighborhood. The City Council approved the relocation of the existing chain link fence between 3-4 feet back into Via Verde Country Club property and to landscape the strip. Mr. Dal Lee, owner of Via Verde County agreed to have the fence moved back and provide necessary irrigation to the strip, contingent upon the City agreeing to maintain and pay for associated improvements. Staff provided three options for Council's consideration:

Option A - appropriate \$15,500 from Infrastructure Funds to relocate and reinstall existing chain link fence and landscape;

Option B - Appropriate \$20,500 from Infrastructure Funds to replace, relocate, and reinstall with green vinyl fencing as necessary and complete landscape;

Option C - Appropriate \$3,000 from Infrastructure Funds to complete minimum landscape between existing chain link fence and back of sidewalk.

Mayor Pro Tem Bertone said he would support any of the three options; however, Option "B" would be his first preference.

Councilmember Templeman said he suggested and supports the green vinyl fence and anticipates in phase II some type of entry sign.

Assistant City Manager of Community Development Stevens said the sign is part of the wayfinding discussion listed in the study session agenda.

In response to Council, Director Patel said the irrigation system will be installed and maintained by the City and added that Mr. Dal Lee has agreed to provide the necessary water for irrigation at his expense.

It was moved by Mayor Pro Tem Bertone, seconded by Councilmember Badar, to approve Option B - Appropriate \$20,500 from Infrastructure Funds to replace, relocate, and reinstall with green vinyl fencing as necessary and complete landscape. The motion carried unanimously.

7. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 8:38 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:39 p.m..

8. ORAL COMMUNICATIONS

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

- 1) **Ed Gable** thanked the City Council for approving the Puente Street/Avenida Monte Vista Avenue Landscape improvements.

- 2) **Sid Maksoudian** thanked the City Council for their vision in approving the long overdue renovation of the city hall building.

b. City Manager

City Manager Michaelis announced that the *Call the Mayor* show will be broadcast live from city hall at 7:00 p.m. on Thursdays, beginning November 12th.

c. City Attorney

There were no comments.

d. Members of the City Council

Mayor Morris said the study session on downtown matters would reconvene after adjournment of the regular meeting and at the conclusion of the study session, the City Council would convene in closed session.

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

Councilmembers Badar and Templeman attended a meeting of the California Joint Powers Insurance Authority on October 28-30, 2009, in San Francisco, at the expense of the City.

1) Councilmember Templeman reported that in addition to examples of liability cases, he appreciated the mock trial with a jury presented by the City's Litigation Attorney Scott Grossberg.

2) Councilmember Badar said he has a better understanding of the court system with respect to cases settled out of court and a deeper appreciation for attorneys.

3) Mayor Morris stated he also attended the session but the only expense of the City was the cab fare and tickets on BART transportation.

2) Individual Members' comments and updates.

1) Councilmember Templeman said a caller expressed satisfaction with services by Field Inspector Myskewitz.

2) On behalf of his family, Councilmember Ebner thanked the Mayor, City Council, City staff and members of the community for their words of kindness in memory of his mother.

3) Councilmember Badar said tonight with the attendance of Veterans, tomorrow being Veterans Day, and today being the Marine Corps. Birthday, he received an article from a Marine magazine that he would like to share. He read that Seaman Jarrett D. Wilson, U. S. Marine Corps., knew he could find himself in the position of saving lives, however, he did not expect that it would be Afghan lives. Mr. Badar said Jarrett is a 21-year old San Dimas resident who, as he was maneuvering down a roadway looking for terrorist bombing, ran across a traffic accident which involved nine family members in one vehicle, two of which were dead, and went into action to rescue and protect the family members. Mr. Badar said Jarrett's banner is flying on San Dimas Avenue.

4) Mayor Pro Tem Bertone had three items for discussion:

a) He said the MTA must put any project that comes to Southern California into a long range plan and a couple of weeks ago, the MTA put the Foothill Gold Line on their long range plan. He said funds would come from Measure R. He said Phase I of the plan would go from Pasadena to Azusa and construction is expected to start in June 2010. He said the MTA also agreed to operate a line that would go from Azusa to Montclair, but did not pledge any money, however, directed their staff to research fund sources. The second phase, which includes San Dimas, means they would start an Environmental Impact Report in January 2010 and staff needs to nail down the location for the Gold Line if San Dimas plans to be involved.

b) The City participates in the Yellow Bus Program that busses elementary school students to the County Fair. \$5,000 comes from Proposition A Funds; however, the Committee was able to raise more than enough money to cover expenses and City funds were not used.

c) The Governor put a Bond issue on the next November State Ballot for a Water bond, but did not earmark any money for the San Gabriel Valley. Through the Council of Governments (COG) Board Members were able to get Assembly Members and State Senators to earmark \$75 million for water projects of the Rivers Mountain Conservancy, which includes the San Gabriel Valley. He added that this does not mean the COG endorses the Bond, but if the Bond is approved, the San Gabriel Valley will get its fair share of funds.

5) Mayor Morris commented that a unanimous vote is not necessary for the city hall renovation project. He commended Mayor Pro Tem Bertone for giving his absolute consideration and deciding and voting the way he felt was proper.

9. CLOSED SESSION

On advice of the City Attorney, Mayor Morris stated that the closed session would be held first and convene in five minutes. Upon conclusion, the study session would reconvene.

Recess to a City Council closed session pursuant to Government Code Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

- a. Property: 186 Village Court, San Dimas
Negotiating Parties:
For City: Blaine Michaelis, City Manager, Ken Duran, Assistant City Manager, and J. Kenneth Brown, City Attorney.
For Property: Dan Samulski
Under Negotiation: Commercial building to be used for temporary relocation of city hall during city hall renovation.

- b. Report on Closed Session items

The City Council instructed staff to negotiate with property owner relative to a lease and to return to the City Council with a budget for relocation costs.

10. ADJOURNMENT

Mayor Morris adjourned the meeting at 9:08 p.m. Next meeting is on Tuesday, November 24, 2009, at 7:00 p.m.

Respectfully submitted,

Ina Rios, CMC, City Clerk