



MINUTES
REGULAR CITY COUNCIL
TUESDAY, JANUARY 12, 2010, 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 Ebiner
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 7:00 p.m. and led the flag salute.

2. ANNOUNCEMENTS/PRESENTATIONS

- a. 50th Anniversary Flashbacks - "This date in 1960"

Susan Davis, Archivist, San Dimas Historical Society, recited a brief flashback on how community leaders banded together to initiate the incorporation of the City, starting in January 1960 with a petition calling for a vote, months of boundary hearings realized in April, 1960, the passing of the incorporation vote on June 28, 1960, followed by a city-wide sale from local merchants. Ms. Davis cited sale prices: 1/2 gallon of ice cream for 69 cents at Bob's Market; a first grade Atlas tire for \$20.45 at Carruthers Chevron Station, with budget terms for 12 months; and only \$2,097 for a 1960 Ford Tudor sedan at Belknap Ford. In July, 1960, the City recruited Commission members and office personnel, final certification took place in July 14, 1960 and the newly elected City Council made their first public appearance at a Flag pole dedication at San Dimas Little League Field. Ms. Davis said the first city hall was located at 157 North Monte Vista Avenue with offices in two store buildings, and City Council meetings took place at San Dimas Elementary Auditorium; Stanley Plummer was elected first Mayor; and the official recognition took place on August 4, 1960. After being officially sworn in, the five member City Council members voted to borrow \$10,000 from Bank of America to operate the city until anticipated revenues came in. Mayor Plummer reported a rough estimate of city expenses for five months was \$8,125. (Information was compiled from the San Dimas Press, 1960)

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

Pui-Ching Ho, Library Manager, San Dimas Library, announced the following activities offered at the Library: Teen Book Club meets at 4:00 p.m. on January 19, at Student Union; inviting input from innovative and energetic teens grades 6-12; the first Exchange Program for gently used DVDs and CDs will be conducted on January 23, at 2:00 p.m.; exchange guidelines available at the San Dimas Library; free English conversation practice program for adults on January 16, 11:00 a.m.-12:00 p.m.; and the Book

Party Discussion group meets February 1, 10:30 a.m. - the book of the month is "*The Story of Edgar Sawtelle*". For more information, call the Library at (909) 599-6738 or access their website www.co.la.publib.org.

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) **Breanna Celaya**, ASB President, San Dimas High School, reported on sports and academic activities and proudly announced that on December 12, 2009 the Football Team won the CIF Championship for Southern Section with a score of 12-7. The team will be recognized by the City Council on January 26, 2010.

2) **Ted Powl**, President/CEO, Chamber of Commerce, welcomed members of the community to participate in the various events throughout the year.

- Wednesday, January 13, 2010, state of the City dinner, at San Dimas Canyon Clubhouse, is the first event of a year long celebration of incorporation for the city. He said reservations are now closed but the fun event will be taped and aired on Public TV Channel 3.
- Wednesday, January 20, workshops begin for businesses. Topics covered are customer service, customer retention, and how to boost customer base during this difficult time. Workshops are free to San Dimas Businesses and Chamber members, and \$10 for others.
- Thursday, January 21, 5:30 p.m. Chamber Mixer at Saffron, open to the general public.
- Thursday, January 28 - Citizen of the Year dinner, San Dimas Canyon Clubhouse, to honor Mark Nelson, 36 year volunteer with the Sheriff's Department and Mountain Rescue. Dinner is \$35. Reservations available through the Chamber.
- Thursday, February 25, Toast of the Town, tickets will be available for \$25 at the Chamber office.
- Civic Academy starts March through May, with participation from the City. The educational opportunity for citizens costs \$98 and meets each Wednesday during that period of time. The Event kicks off with a day of leadership training, history of the community, and concludes with a Barbecue and bus tour. Supporting agencies include the Sheriff's Department, Fire Department, School and City. Sessions are limited to 20 persons.

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.)

It was moved by Councilmember Badar, seconded by Councilmember Ebner, 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) **RESOLUTION NO. 2010-01**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF DECEMBER 2009 AND JANUARY, 2010.

(2) **RESOLUTION NO. 2010-02**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS PROHIBITING PARKING OR STOPPING OF VEHICLES ON CERTAIN STREETS.

- b. Approval of minutes for regular meeting of December 8, 2009.
- c. Approval of Stop Sign Installation at the following Intersections:
 - (1) 4-way stop sign at 2nd Street/Iglesia Street
 - (2) One-way stop sign at Exchange Place/Alley

END OF CONSENT CALENDAR

5. PUBLIC HEARING

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

- a. Consider proposed code amendments for Sanitary Sewers and Industrial Wastes, waive further reading, passage and adoption recommended as follows:

ORDINANCE NO. 1192, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING BY REFERENCE PURSUANT TO THE PROVISIONS OF SECTION 50022.2 OF THE CALIFORNIA GOVERNMENT CODE, LOS ANGELES COUNTY SANITARY SEWERS AND INDUSTRIAL WASTES ORDINANCE AS EFFECTIVE THROUGH JUNE 30, 2009 AND AMENDING THE SAN DIMAS MUNICIPAL CODE. **SECOND READING AND ADOPTION**

Public Works Director Patel reported that Ordinance No. 1192 was introduced at the December 8, 2009 meeting to add new sections regarding fees to the San Dimas Municipal Code and to bring the ordinance up to date with the County's 2002 amendments. Staff recommended adoption of Ordinance No. 1192.

In response to Mayor Morris, Director Patel replied that the City is not paying into the Liability Trust Fund for this type of service. He indicated that in San Dimas 95% of the lines are maintained by the County as part of the District, and to date, no lawsuits have been filed. He said the proposed ordinance amendment covers the recovery of current County maintenance fees, City administrative fees, and includes annual adjustments based on the Consumer Price Index.

Councilmember Ebiner expressed concern about charging 15% across the board.

Councilmember Templeman inquired if staff utilized the use of a consulting engineer to review plans.

Director Patel said all industrial waste plans are sent to the County, however, consultants assist as well and he believes 15% is a fair fee.

Mayor Morris opened the public hearing and invited comments from the audience. There being no one wishing to speak, Mayor Morris closed the public hearing.

After the title was read, it was moved by Mayor Pro Tem Bertone, seconded by Councilmember Badar, to waive further reading and adopt **ORDINANCE NO. 1192**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING BY REFERENCE PURSUANT TO THE PROVISIONS OF SECTION 50022.2 OF THE CALIFORNIA GOVERNMENT CODE, LOS ANGELES COUNTY SANITARY SEWERS AND INDUSTRIAL WASTE ORDINANCE AS EFFECTIVE THROUGH JUNE 30, 2009 AND AMENDING THE SAN DIMAS MUNICIPAL CODE. The motion carried unanimously.

6. 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..

7. ORAL COMMUNICATIONS

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

No one spoke.

- b. City Manager

City Manager Michaelis proudly announced that the San Dimas Parks and Recreation Department is a recipient of an Award of Excellence from the California Parks and Recreation Society, in the category of Facilities Design and Cultural Facilities for the restoration of the Walker House. He extended congratulations and appreciation for the recognition and said staff will accept the award at the annual Spring Training Conference in Palm Springs on March 12, 2010.

- c. City Attorney

- 1) Waiver of City Attorney Conflict of Interest regarding Foothill Boulevard Improvement Project.

City Attorney Brown reported that the City had retained the law firm of Gibbs, Giden, Locher, Turner & Senet LLP to assist the City with construction of the Walker House, which has been completed. He explained that the City is in discussion with contractor Silvia and asphalt supplier Vulcan regarding open issues on the Foothill Boulevard improvement project and was informed by Steve Cuneo of Gibbs, Giden, Locher, Turner & Senet LLP that his law firm represents Vulcan. Mr. Brown indicated that the Walker House is separate and distinct from any issues involved in the Foothill Boulevard project and he does not see a conflict of interest in Attorney Locher of that law firm continuing to represent Vulcan in its discussion with the City. City Attorney Brown recommended that the City Council authorize Mr. Michaelis to execute a conflict of interest waiver letter permitting the law firm of Gibbs, Giden, Locher, Turner & Senet LLP to represent Vulcan and participate in discussions regarding a resolution of the Foothill Boulevard construction improvement project.

It was moved by Mayor Pro Tem Bertone, seconded by Councilmember Badar, to authorize City Manager Michaelis to execute a conflict of interest waiver letter permitting Attorney Bill Locher of Gibbs, Giden, Locher, Turner & Senet LLP to represent Vulcan and participate in discussions to resolve the Foothill Boulevard construction improvement project. The motion carried unanimously.

- d. Members of the City Council

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

1) Councilmember Badar reported that he attended the California Contract Cities 43rd Annual Sacramento Legislative Orientation Tour held on January 11-13, 2010 that provided the opportunity to meet face-to-face with Legislators to speak out against the State's raiding of local funds. He said they were not complimentary about the voters implementing legislation issues. Councilmember Badar stated that local government is once again moving forward with a campaign to protect local funds and

mentioned that last year the courts ruled in favor of local governments and the same judge will hear the appeal in February.

2) Councilmember Templeman said he and a few others had the opportunity to meet with Assemblyman Adams who complimented San Dimas City Council on managing funds and governing well.

2) Individual Members' comments and updates.

1) Councilmember Templeman reported that the Sheriff's Department responded to several complaints regarding unlawful fireworks display on San Dimas Avenue. Councilmember Templeman would appreciate a status report at the next City Council meeting.

2) Councilmember Badar praised Parks and Recreation staff on the various activities in December.

8. CLOSED SESSION

Recess to a City/Redevelopment Agency closed session pursuant to Government Code Section 54957:

a. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION.**

Title: City Manager

b. Report on closed session items.

This item was continued to the January 26, 2010 meeting.

9. ADJOURNMENT

Mayor Morris adjourned the meeting at 7:46 p.m. The next meeting is January 26, 2010, 6:00 p.m. for a study session on the City Hall, Stanley Plummer Community Building, and Civic Center Plaza budget and finance recommendations.

Respectfully submitted,

Ina Rios, CMC, City Clerk