



MINUTES
REGULAR CITY COUNCIL
TUESDAY, MARCH 22, 2011, 7:00 P. M.
SENIOR CITIZEN/COMMUNITY CENTER
MULTI-PURPOSE ROOM, 201 E. BONITA AVE.

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem John Ebner
Councilmember Emmett Badar
Councilmember Denis Bertone
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
Public Works Superintendent John Campbell
Municipal Arborist Deborah Day
Environmental Services Coordinator Lisa Monreal
Recreation Coordinator LaToyia Ward

1. CALL TO ORDER

Mayor Morris called the meeting to order at 7:00 p.m. and led the flag salute for the last meeting in this building.

2. RECOGNITIONS

- a. Farewell from Commander Joseph Hartshorne; Welcome to Captain Don Slawson

Mayor Morris said this is an opportunity to say farewell to our departing Captain and welcome the new Captain.

Commander Hartshorne said he is indebted to the City Council and staff for giving him the opportunity to serve as Captain in charge of the San Dimas Station for 3.5 years. He holds the people of this city in the highest regard and said the City Council and staff have always done what is best for the city. He is pleased that Captain Slawson was hired and said the Station is in the best of hands.

Captain Don Slawson said he is excited for the opportunity to serve as Captain in San Dimas and said the station is a smooth running machine. He is looking forward to be part of the working team.

3. ANNOUNCEMENTS

- a. Announce 21st Annual Family Festival and Egg Hunt event to be held on April 16, 2011.

La Toyia Ward, Recreation Coordinator for the City, invited the community to mark their calendars for Saturday, April 16, 2011, from 9:00 a.m. to 2:00 p.m. to attend the annual Family Festival in the new Community Building. She reminded everyone to be on time for the Spring Egg Hunts at 10:00 a.m. sharp on Saturday, April 16, 2011, at Civic Center Park and Via Verde Park.

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

Pui-Ching Ho, Library Manager, announced the various activities for the month of April 2011. For detailed information, contact the Library at 909/599-6738.

c. Third Annual Earth Day Celebration on April 20th at Farmer's Market

Lisa Monreal, Environmental Services Coordinator for the City of San Dimas, invited the community to the Public Works Department Earth Day celebration on Wednesday, April 20, 2011, at the Farmer's Market, from 5:00 p.m. to 8:00 p.m. She said prizes will be awarded for the various fun activities to raise awareness and education about environmental consciousness.

d. Update on the H.E.R.O.E.S. program and the Veteran's Memorial

Stan Wisniewski congratulated the City Council on their re-elections. He echoed Captain Hartshorne that this is a great city to live in and thanked the Council for what they have done for the city.

Jaci Wisniewski provided a progress report for their fundraising efforts for the past month and encouraged citizens to watch the thermometer as their fundraising funds increase.

Stan Wisniewski said he served four years in the medical corps of the U. S. Navy during the Korean war, and that he regularly gets inquiries from the public about joining the H.E.R.O.E.S. organization. He said this year there has been a lot of interest in the brick pavers they are selling to generate revenue. He added that the memorial means a great deal to all the veterans, service personnel and their parents, and they need the Council's support in this venture.

Councilmember Badar recognized Mr. Wisniewski as the oldest living cardiac arrest survivor in the world. Anyone interested can read the SGV Tribune article from December 2009 about Stan and his heart attack at age 24.

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 and ask 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) Susan Crawford, representing the Branch Hands Group, announced the Tree Education Program and invited the community to register for free classes starting April 2, 2011, for alternate Saturdays, at the Civic Center Park. She said six classes will be conducted through a grant funding by the California Department of Forestry and Fire Protection, Urban and Community Forestry Program. Interested parties can register through the Parks and Recreation Department at 909.394.6230. Ms. Crawford added that children's activities will also be provided from 12:00 – 2:00 p.m. on April 2nd.

2) Elaine Rigas, member of Chamber of Commerce Board of Directors, highlighted the activities for April 2011 including ribbon cutting for the Twisted Sage Café on Foothill Boulevard; Marketing Expo; and an E-Waste Recycling event at San Dimas High School parking lot.

- 3) Dr. Marvin Ersher, congratulated members of the City Council who were re-elected. He said the City is celebrating its 50th anniversary and the community has been served well by the implementation of public policy over the last 50 years by excellent City Council and City employees.
- 4) Mike Mohajer congratulated Mayor Morris and Councilmembers Badar and Ebiner on their re-elections. He requested the opportunity for public comment on item 7.a.
- 5) Ted Powl, volunteer, Chamber of Commerce, congratulated the Mayor and Councilmembers on their re-election proving that they are serving the City well. He encouraged the community to join the Civic academy starting Saturday, March 26, to educate the community on how wonderful the system works. He thanked City staff, School District, Fire Department, and Sheriff's Department for providing interesting courses and thanked Waste Management, Edison, Golden State, and Gas Company for funding the program, and Ralph Thomas and Susan Crawford for providing historical perspective.
- 6) Alta Skinner congratulated the Mayor and Councilmembers' on their re-election. She announced the Festival of Arts 35th Annual Art Exhibition and Sale will be held on April 29-May 1, in the newly remodeled Community Building.
- 7) Sid Maksoudian thought 2,900 votes out of 30,000 registered voters was unacceptable and he will continue to press for term limits for City Council in San Dimas.
- 8) Dorothy Powell, 838 Avenida Lomita, said this city has done more to improve services to their constituents and she and her husband vote for the candidates of their choice.

5. POST ELECTION PROCEDURES

- a. Adoption of **Resolution No. 2011-11**, Declaring the results of the March 8, 2011 General Municipal Election.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Templeman, to waive further reading and adopt **RESOLUTION NO. 2011-11**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON MARCH 8, 2011, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW. The motion carried unanimously.

The City Clerk entered the Statement of Results of the General Municipal Election as required by the State Elections Code as attached hereto and made a part thereof.

- b. Oath of Office.

The City Clerk administered the oath of office and presented Certificates of Election to Mayor Morris and Councilmembers Badar and Ebiner.

- c. Appointment of Mayor Pro Tem.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Ebiner, to appoint Jeff Templeman as Mayor Pro Tem. The motion carried unanimously.

- d. City Council/Commission/Committee/Board Assignments.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to reaffirm the existing appointments to the various Commissions and Committees. The motion carried unanimously.

e. Remarks from Mayor and Councilmembers.

- 1) Councilmember Ebner thanked all the people of San Dimas who took the time to vote and said 15.9% is a good turnout for a city election. He said over one-half of the voters voted by mail. He thanked his wife Lori and his family for their ongoing support, and he looks forward to serving the next four years. Lastly, he said the San Dimas City Council offers the city both financial and political stability.
- 2) Councilmember Badar thanked everyone who voted him to his second term, his wife and family, and everyone who offered him the best in his re-election. His goal is to make San Dimas the best place to live in the nation.
- 3) Mayor Morris thanked his wife for her many years of support and all the people who supported him and offered words of encouragement. He said it has been a great honor and privilege to serve on the City Council and added that there are term limits in San Dimas-- voters have the opportunity to vote for or against a candidate at every election. He praised the current and past City Council and City staff who have done their best for the community, and Dr. Ersher who had a vision for San Dimas when he served on the City Council.
- 4) Councilmember Bertone congratulated Mayor Morris and Councilmembers Badar and Ebner for a well deserved victory. He agreed that not enough people vote at city elections and thanked the citizens who voted his colleagues back into office.
- 5) Mayor Pro Tem Templeman said this City Council works hard together and he is pleased the incumbents returned to office.

6. 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 Bertone, seconded by Councilmember Ebner, and carried 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. 2011-12, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTHS OF FEBRUARY AND MARCH, 2011.**
- b. Approval of minutes for regular meeting of January 25, 2011.
- c. Single Audit Report for fiscal year ending 2009-10.
- d. Rejection of claim for damages from Nicole Arreguin.
- e. Rejection of claim for damages from Daniel & Beverly Doonan.

END OF CONSENT CALENDAR

7. OTHER

- a. Public Performance Review of Waste Management's Waste Disposal and Recycling Services.

Assistant City Manager Duran reported that the Agreement with Waste Management allows for the City to conduct an annual public review of Waste Management's performance and quality of services they provide and is not tied to a rate increase.

Carolyn Anderson, Public Sector Solutions Manager, Waste Management, provided a Powerpoint presentation highlighting publications and educational programs on solid waste and recycling; household hazardous waste; Sharps Mail Back; Fall Leaf and Christmas Tree collection programs; and tonnage reports for the residential and business communities. Ms. Anderson provided diversion percentages for San Dimas and outlined the goals for 2011 which include increasing commercial & multi-family recycling; implementation of "recycle rewards"; providing one pharmaceutical collection program; and pursuing manure recycling and composting options.

Councilmember Bertone said multi-family and commercial buildings should be given the opportunity to recycle. Ms. Anderson replied that space for bins is a challenge at those facilities. She said she and Lisa Monreal are working together to encourage local multi-family condominium unit to get green waste and recycling carts for each resident.

In response to Mayor Morris, Ms. Anderson said their responsibility is to provide service whether the commodity market is high or low, and as long as the recycling waste is being diverted, it does not matter that there are third-party recyclers.

Mayor Morris opened the meeting for public comment.

1) Mike Mohajer stated that Waste Management's Tonnage Report reflected the recycling rate for commercial/multi-residential at 1.4%. He felt this is one area that can be improved. Mr. Mohajer pointed out some errors in the tonnage report table and said it is very critical that the City start developing a green waste recycling program so that when Puente Hills Landfill closes in 2013, the City has a program in place. He added that most California recyclables go to either a landfill, China or other Pacific Rim countries, or get incinerated, which causes pollutants or emissions similar to the radiation in Japan. He would like to get calculations from Waste Management of the tonnage diverted in this manner.

2) Mitchel Crawford praised Waste Management for the past six years of excellent service.

Carolyn Anderson assured the City Council and Mr. Mohajer that Waste Management is addressing green waste issues. She said the facility being built in Azusa will provide green waste processing and composting to fill the void that will occur when Puente Hills Landfill closes in 2013. She is proud to report that for the fourth consecutive year, Ethisphere Institute has ranked Waste Management among the World's most ethical companies.

- b. Consider a two year phased plan for removal and replacement of Liquidambar trees in the Birchnell/Charford, Treanor/Cypress and Stonehenge/Thames Ct. neighborhoods to accommodate sidewalk, curb, gutter and driveway repair projects.

Public Works Director Patel provided a brief background on the Liquidambar trees' massive and intrusive root system and said the trees have been root pruned three to four times in order to accommodate sidewalk, curb and driveway replacement. Reforestation and concrete renovation was coordinated with residents who are patiently waiting for the current proposed repairs. The proposed plan is for the Parks and Recreation Department to coordinate the removal and replacement of forty Liquidambar trees and the Public Works Department to repair or replace concrete at identified streets located within four distinct

neighborhoods throughout the City. The trees that are recommended for removal meet the removal criteria as outlined in the City's Community Forest Management Plan. Staff recommends a two-year phased plan for removal of Liquidambar trees to accommodate the concrete repair project as outlined.

Director Patel responded to Council that over a period of time, Liquidambar trees will be removed and replaced with a specific tree; funds have been budgeted from a combination of funds for Phase I and money will be budgeted accordingly for Phase II; Municipal Arborist Deborah Day and Superintendent John Campbell prepared the staff report; typically, homeowners are in agreement with the replacement of trees, and once the project is approved, homeowners will be approached. Director Bruns added that tree replacement size is 15 gallons.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to authorize the two year phased plan for removal of Liquidambar trees to accommodate the concrete repair project as outlined by staff in their report. The motion carried unanimously.

- c. Adoption of Resolution No. 2011-13 for Reasonable, Practicable, and Economically Achievable NPDES and TMDL Requirements through Best Management Practices

- 1) **RESOLUTION NO. 2011-13, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS SUPPORTING A RESOLUTION ADOPTED BY THE LEAGUE OF CALIFORNIA CITIES, LOS ANGELES DIVISION, CALLING FOR REASONABLE, PRACTICABLE, AND ECONOMICALLY ACHIEVABLE TMDL AND MUNICIPAL NPDES PERMIT REQUIREMENTS**

Environmental Services Coordinator Monreal reported that the Los Angeles Division of the League of California Cities has adopted a resolution that requests the Los Angeles Regional Water Quality Control Board to incorporate water quality based effluent limits into the next stormwater permit. Based on recent updates to surrounding watershed permits, the revisions will include stricter requirements for stormwater pollution protection. Proposed Resolution No. 2011-13 declares a policy on NPDES permit TMDL compliance which would not require strict compliance with numeric limitations, instead it calls for a Total Maximum Daily Load (TMDL) regulatory approach that is in keeping with federal stormwater regulations that allow compliance to be achieved through the implementation of best management practices. Staff recommends approval of Resolution No. 2011-13.

Coordinator Monreal responded to Councilmember Bertone that if implemented without proper support TMDLs can be considered unfunded mandates. She said California has some of the strictest rules in the country and Los Angeles Regional Water Quality Control Board has even stricter rules than many other jurisdictions, however, they have just recently adopted less stringent requirements allowing best management practices. She added that ten out of 15 cities are adopting a similar resolution within the San Gabriel Valley Water Shed and she has not heard any opposition to encouraging the Regional Board to consider less stringent requirements. She said it is very cost prohibitive for cities that have to comply with strict numeric limits.

Mayor Pro Tem Templeman said local government has to think about the cost and he supports the approach to ask for reasonable methods to comply with TMDL and NPDES permit requirements.

In response to Councilmember Ebner, Coordinator Monreal replied that the Regional Water Quality Control Board has the discretion of how the Water Shed implements working toward those goals. She said the Resolution shows solidarity within the Water Shed and gives the Regional Board understanding that the League and Cities are working together toward a goal.

After the title was read, it was moved by Councilmember Badar, seconded by Mayor Pro Tem Templeman, to waive further reading and adopt **RESOLUTION NO. 2011-13**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS SUPPORTING A RESOLUTION ADOPTED BY THE LEAGUE OF CALIFORNIA CITIES, LOS ANGELES DIVISION, CALLING FOR REASONABLE, PRACTICABLE, AND ECONOMICALLY ACHIEVABLE TMDL AND MUNICIPAL NPDES PERMIT REQUIREMENTS. The motion carried unanimously.

Mayor Morris suggested looking into dealing with equestrian contaminants and nutrients on the streets, both of which are prohibited.

Mayor Pro Tem Templeman requested the analysis be shared with the Equestrian Commission.

8. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 9:18 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 9:21 p.m..

9. ORAL COMMUNICATIONS

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

- 1) Mike Mohajer said Public Education outreach programs are very expensive and praised the City for voting to incorporate water quality based effluent limitations into TMDLs and the NPDES permit.

- 2) Sid Maksoudian said Deputies have different views about citing for jaywalking and he felt citing for jaywalking should be consistent across the board.

- 3) Sid Maksoudian said if a decision is made on the Signage Code, it is imperative that the business sector be contacted.

- b. City Manager

- 1) Announce Open House for City Hall April 12; tours 4:00-7:00 p.m.; ribbon cutting ceremony 6:00 p.m.

- a) City Manager Michaelis announced that Temporary City Hall will be closed on Friday, April 1 to allow employees to pack office equipment and supplies for the move to the newly remodeled City Hall, which will be closed on Monday, April 4, to unpack and connect digital equipment. City Hall will be opened for business at 7:30 a.m. on Tuesday, April 5, 2011.

- b) City Manager Michaelis invited the public to tour the newly remodeled City Hall, Community Building and Civic Center Plaza on April 12, 2011, from 4:00 p.m. to 7:00 p.m.; ribbon cutting ceremony and refreshments at 6:00 p.m. in the Civic Center Plaza; and to the first City Council meeting at 7:00 p.m. in the Council Chambers.

- c) City Manager Michaelis said at 11:00 a.m. on Saturday, April 16, a ceremony will be held, after the Easter Egg Hunt, to bury the time capsule for the next 25 years, and additional tours will be conducted for those interested.

- d) City Manager Michaelis encouraged the City Council to provide available dates with the City Clerk for the annual meeting with Supervisor Antonovich.

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.

Councilmember Bertone reported that he attended a Building Livable Communities meeting sponsored by the Local Government Commission, paid for by the San Diego Gas and Electric Company, Southern California Edison, and Southern California Gas Company, to discuss building livable communities where people like to live and work. He added that the easier it is for a community to understand rules and regulations, the better the compliance. Councilmember Bertone said most vibrant cities have a vibrant downtown and the City Council is working to provide a downtown that is active in the evening where people can walk and participate in activities.

- 2) Individual Members' comments and updates.

In response to Councilmember Badar, Mayor Pro Tem Templeman said memorial services for Dorothy Hawk will be held on April 9, 2011.

10. CLOSED SESSION

Mayor Morris recessed the meeting at 9:36 p.m. to a City Council closed session pursuant to Government Code Section 54956.9(c):

- a. Pursuant to the provisions of Government Code section 54956.9 (c) a closed session will be held with the city attorney to discuss potential litigation involving a dispute:
 - 1) With the contractor arising out of the reconstruction/paving of Foothill Blvd; and
 - 2) With the Developer, NJD regarding the extent/amount of the City's obligation to pay for fees and charges associated with the Developer's Plan Amendment Application
- b. Report on closed session items.

There was no reportable action.

11. ADJOURNMENT

The meeting was adjourned at 9:50 p.m. in memory of Dorothy Hawk. The next meeting will be at 7:00 p.m. on Tuesday, April 12, 2011.

Respectfully submitted,

Ina Rios, CMC, City Clerk