



**MINUTES**  
**REGULAR CITY COUNCIL**  
**TUESDAY, MAY 10, 2005, 7:00 P. M.**  
**COUNCIL CHAMBERS, 245 E. BONITA AVE.**

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**CITY COUNCIL:**

Mayor Curtis W. Morris  
Mayor Pro Tem Jeff Templeman  
Councilmember Denis Bertone  
Councilmember John Ebner  
Councilmember Sandy McHenry

City Manager Michaelis  
City Clerk Rios  
Assistant City Attorney Steres  
Assistant City Manager Duran  
Community Development Director Stevens  
Public Works Director Patel  
Parks and Recreation Director Bruns  
Planning Manager Hensley

**CALL TO ORDER**

Mayor Morris called the meeting to order at 7:10 p.m.

**ORAL COMMUNICATIONS**

(For anyone wishing to address the City Council on an 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.)

- a. Members of the Audience

**Dennis Phillips**, 525 No. Amelia, said he had to hire a professional consultant to formally address tree removal on his garage project, although no trees are being removed. He indicated that sometimes well meaning codes are inappropriate.

**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 stated that item (d) and (e) would be removed for separate discussion and consideration.

With the removal of items (d) and (e), it was moved by Councilmember Bertone, seconded by Councilmember McHenry, and carried unanimously to accept, approve, or act upon the consent calendar, as presented, as follows:

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

- (1) **NO. 05-34**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF APRIL AND MAY, 2005.
  - (2) **NO. 05-35**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AUTHORIZING THE CITY TO SUBMIT A GRANT APPLICATION FOR THE 2005-06 USED OIL RECYCLING BLOCK GRANT.
  - (3) **NO. 05-36**, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AUTHORIZING THE CITY TO SUBMIT GRANT FOR FEDERAL DEPARTMENT OF JUSTICE LAW ENFORCEMENT GRANT IN THE AMOUNT OF \$12,000.
- b. Approval of minutes for meeting of February 8, 2005.
  - c. Award of Cash Contract No. 2005-01 to NPG, Inc., in the amount of \$95,888.00, for alley reconstruction. Alley Q – north of Fourth Street between Monte Vista Avenue and Alley Z; Alley Z – west of San Dimas Avenue between Fourth Street and Fifth Street.
  - f. Proclaim May 16-20, 2005 as Week of Lone Hill Middle School Honor Students Week.

END OF CONSENT CALENDAR

Items removed for separate discussion and consideration:

- d. Award of Environmental Permitting Services to Michael Brandman Associates for the contract amount of \$24,100 to expedite the environmental permit process required to repair the dip crossing on San Dimas Canyon Road.

Public Works Director Patel reported that the request is for the City Council to award a contract to Michael Brandman and Associates to coordinate with regulatory agencies (State Department of Fish and Game, Army Corps of Engineers, Regional Water Quality Control Board, etc.) in order to expedite issuance of environmental permits required to begin the repairs on the dip crossing, which suffered substantial damage during the storms, on San Dimas Canyon Road near Caballo Ranch Road. He said because of the many agencies that potentially have jurisdiction, the permitting process could be time consuming. Additionally each of the aforementioned agencies will require some sort of mitigation measures to offset the damage done by the construction work in the streambed. Negotiations of the mitigation measures and coordination of the work required for the permit could take from 60 to 180 days. Staff recommended award of a contract for environmental permitting services and said a significant portion of these fees should be reimbursed by FEMA.

- e. Award of professional engineering design services to RKA Civil Engineers, for the preparation of improvement plans for the reconstruction of the Dip Crossing at San Dimas Canyon Road near Caballo Ranch Road in an amount not to exceed \$32,487.00.

Director Patel said part of the proposal is to design cost effective repair plans that will provide a cost benefit analysis of the culvert and bridge repair options. Due to their previous involvement in the preliminary concept design and studies being conducted with the Grace Church Development at the crossing, only RKA was asked to submit an engineering services proposal for this project. Staff recommends award of contract for professional engineering design services for the preparation of improvement plans for the reconstruction of the dip crossing at San Dimas Canyon Road near Caballo Ranch Road for an amount not to exceed \$32,487.00.

Staff responded to Council's questions concerning design work to be done on an existing structure; an environmental study is not necessary; FEMA would reimburse for engineering services; and permits are not needed for repairs.

For the viewing audience, Mayor Pro Tem Templeman said staff is working with the City of La Verne and has secured fire and police services for that part of the community. He said for approximately \$100,000, a temporary bridge could be constructed within 60-90 days while going through the permitting process and design plans to build a permanent bridge.

Councilmember McHenry expressed concern waiting for a permanent solution when a replacement could be constructed in three to four months and could last ten years.

Before voting on this item, Councilmember Bertone felt staff should contact the County Supervisor's Office to guarantee their support.

Councilmember McHenry suggested dropping item (d) for the time being and starting on the environmental permit due to the short time frame on the options available, securing a cost benefit, and providing sufficient time to contact the County.

It was moved by Councilmember Bertone to reject item (d), and approve item (e). Assistant City Attorney Steres stated it is not necessary to take action on item (d).

It was moved by Councilmember Bertone to approve item (e), and seconded by Mayor Pro Tem Templeman.

In response to Council, Director Patel said the Engineering design plan including scoping and cost analysis, as well as a cost estimate for the Bailey bridge, could be submitted within 30 days, and would be presented to the City Council.

Councilmember McHenry offered an amendment to the motion that Council vote this item at their next meeting and staff and the contractor could come back with a timeline starting October 15, and various alternatives.

Mayor Pro Tem Templeman said as second to the motion, he was in favor of a schedule to be brought forward.

In response to Council, Director Patel said staff could come back in two weeks with a timeline, but not construction plans. He would meet with consultants and make every effort to get the plans completed within two weeks.

Councilmember Bertone suggested voting on item (e) and having the entire report agendaized for the next meeting for Council consideration.

The motion carried 5.0.

It was the consensus of the Council to take no action on item (d).

#### **4. PRESENTATION**

- a. San Dimas Sheriff's Station – Graffiti Damage Restitution Check.

City Manager Michaelis reported that the San Dimas Sheriff's Station wished to present restitution payments coming from a recent graffiti arrest to emphasize that graffiti has a cost and a consequence.

Lt. Gimble provided a brief history of the investigation, arrest, plea bargaining, and sentencing of the defendant who had graffitied numerous times throughout three areas. On behalf of Captain Jim Curtis, he and Team Sergeant for Community Action Team (CAT) Steve Perez, Deputies David Flores and David Syvock, presented graffiti restitution checks as a result of this arrest to the following: Mr. Mike Phillips accepted a check in the amount of \$1,175.00; On behalf of the County of Los Angeles Graffiti Abatement, Valerie Hill accepted a check for \$909.00; and Mayor Morris accepted a check for \$1,946.00.

Lt. Gimble said let it be known that anyone's action would be identified, they would be caught and prosecuted to the fullest extent of the law. He thanked the deputies for their efforts and investigative work in this matter.

Mayor Morris said it is worthwhile to mention to the community that the Community Action Team takes graffiti seriously. On behalf of the City Council he praised the Community Action Team and said the Team is sending a serious message and should understand that this is a tremendous accomplishment.

b. Southern California Water Company concerning rate increase.

**Alice Shiozawa**, District Manager, Foothill District, Southern California Water Company, introduced Regional Vice President James Gallagher; Senior Vice President Jenny Darney-Lane; Water Supply Superintendent Dennis Allen; and San Dimas Superintendent John Sandy.

She thanked the City Council for the opportunity to provide a general overview of significant dates in processing of applications and the major components of the request for a rate increase, as well as the planned capital projects specific to the San Dimas service area.

Ms. Shiozawa responded to Councilmember Bertone that the last rate increase was filed in 2002 and a three-step increase was approved March, 2004; 7.9% was imposed the first year; the second installment was never implemented; and recently, a 3.2% rate increase was imposed in the third year.

Councilmember Bertone inquired why request a 24% increase in view of the recent 11% increase. She stated that the request had been for a significantly larger increase that was negotiated at a much lower rate with the Public Utilities Commission and other interested parties.

**Jim Gallagher**, Regional Vice President, responded to Councilmember Bertone that there is no Federal subsidy available for cleanup of nitrates in wells in San Dimas. He would pursue recovery of costs associated with cleanup if they could identify a source of chlorate in the wells.

In response to Mayor Pro Tem Templeman, Ms. Shiozawa said Region 3 consists of the foothill area, including Claremont and San Gabriel Systems, Mountain Deserts, and Orange County. She said each region is determined on the needs of the individual area and is spread over a larger customer base to lessen the impact in San Dimas.

In response to Council, Assistant City Manager Duran replied that in 2003, the City of San Dimas joined the City of Claremont in opposing Southern California Water Company's request for a rate increase. He said participation was the initial reason the rate was reduced. Staff will continue to monitor the proceedings and keep the City Council informed.

## **PUBLIC HEARING**

### a. 2005-06 Annual City Budget

#### 1) Presentation of preliminary budget highlights

City Manager Michaelis presented a narrative and summary of the 2005-06 budget proposals and highlights. He provided an estimate of anticipated revenues and expenditures to permit the City to handle financial losses to the state, as well as other costs that may arise, and still meet increasing service needs and add needed positions. He was pleased to report a strong financial condition with reserves set aside for capital improvement projects. He said plans are to adopt the budget on June 14, 2005 and move forward with the spending plan.

#### 2) Question and Answer Period/General Discussion

Mayor Morris opened the public hearing and asked if anyone wished to ask questions or make comments on the proposed 2005-06 budget and the following persons spoke:

**A. K. Patel**, Chairman of the Board, on behalf of the Chamber of Commerce, thanked the Council for their continued financial support during the past year. He said last year the City contributed \$45,000 and he requested the same amount of \$45,000 to sustain community programs and business workshops.

**Ted Powl**, President, CEO, Chamber of Commerce, reviewed highlights of the Chamber's accomplishments throughout the fiscal year, presented an annual report of activities, fiscal condition, and explained the purpose and schedule of the Civic Academy.

There being no one else wishing to speak, Mayor Morris closed the public hearing.

### b. Consider increase to Business License Fees.

**RESOLUTION NO. 05-37.** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, SETTING THE BUSINESS LICENSE FEES RATES FOR FISCAL YEAR 2005-06.

Assistant City Manager Duran reported that Ordinance No. 956 established the fees for the various categories of business licenses and built-in automatic increases up through 1993. The Ordinance then allowed for an annual increase in fees in the amount of the annual Consumer Price Index (CPI) beginning in 1994, for the period extending from April 1 of the previous year through March 31 of the current year. The CPI for the period of April 1, 2004 to March 31, 2005 was 3.8%. Staff provided two options for City Council consideration: Option 1 maintains the business license fees at the same rate; Option 2 would adjust the fees by increasing the rate to reflect the change of the CPI of 3.8%. Staff recommended adoption of Resolution No. 05-37 increasing the business license fees by 3.8% CPI.

Mayor Morris opened the public hearing and asked if anyone wished to speak on this increase. There being no one wishing to speak, the public hearing was closed.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Ebiner, to approve Option 2 by waiving further reading and adopting RESOLUTION NO. 05-37, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, SETTING THE BUSINESS LICENSE FEES RATES FOR FISCAL YEAR 2005-06. The motion carried unanimously.

c. Other Items of Community Interest.

There was no one wishing to speak.

**OTHER**

a. Report on Chuck Wagon Nutrition Program.

Parks and Recreation Director Bruns outlined the adjustments made and the positive outcomes achieved in the Chuckwagon Nutrition Program. She commented that participants noted a dramatic improvement in the meal quality and are very pleased with the change.

In response to Councilmember Templeman, she said they also have an alternative Meals on Wheels program that delivers hot meals daily for \$4 a meal.

b. Authorize the Mayor to sign a letter requesting the full local government funding for Proposition 42 – voter approved transportation revenues.

City Manager Michaelis explained Proposition 42. He reported that the Governor proposed 2005-06 budget included continued use of Proposition 42 funds for the State general fund, resulting in a loss of \$235 million in road maintenance money to local government state wide. Cities and Counties are urging the state to not take gasoline sales tax money to balance their general fund budget.

It was moved by Councilmember Bertone, seconded by Councilmember McHenry, to authorize the Mayor to sign a letter to Governor Schwarzenegger requesting the restoration of Proposition 42 transportation funding. The motion carried unanimously.

**SAN DIMAS REDEVELOPMENT AGENCY**

Mayor Morris recessed the regular City Council meeting at 9:25 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The meeting reconvened at 9:26 p.m.

**ORAL COMMUNICATIONS**

a. Members of the Audience

None

b. City Manager

No report.

c. City Attorney

None

d. Members of the City Council

1) Reappointments to the Senior Citizens Commission.

Mayor Morris said three Senior Citizen Commission terms will expire at the end of May, 2005 and Commissioners Doris Burland and Joanne Williams wish reappointment.

Councilmember Bertone moved to reappoint Doris Burland and Joanne Williams to the Senior Citizen Commission for a two year term expiring May 31, 2007. The motion was seconded by Councilmember McHenry, and carried unanimously.

Mayor Morris reported that he and Councilmember Bertone had previously interviewed applicants and to replace Commissioner Darke, the Committee would review applications on file and bring back a recommendation to fill the vacancy.

The City Clerk was directed to confirm that Pinkie Reynolds had relocated out of the City.

- 2) Councilmember McHenry: DPRB Case No. 05-32 - Request to install roll-up door on rear elevation located at 580 West Arrow Highway.

Councilmember McHenry provided an overview of Development Plan Review Board Case No. 05-32, and requested Council's comments. He said staff has a legitimate concern with noise impacts and view shed. He stated that the Board decided to bring back this item as a use determination, subject to conditions of approval to address issues brought up by the Board and staff.

The Council discussed proximity to Cienega Avenue; security; insufficient parking; size of work space; and pending issues with the Fire Department.

Councilmember McHenry said if Council is in accord that this is not the best use for the site, he would be willing to revoke the permit if they do not adhere to the conditions of approval.

Community Development Director Stevens said it is not uncommon to have this type of installation facility in shopping centers. Staff will decide on the best technique and impose conditions for a use determination.

- 3) Mayor Pro Tem Templeman said he went with his family to Smokin' Jacks Kansas City Barbeque restaurant that recently opened. He indicated that the restaurant was crowded, popular, and very successful, but heard that the Manager could not use the space between the adjoining property in the San Dimas Town Center.

Director Stevens said the restaurant could only accommodate seating for twelve persons inside and that it was the owner's decision to not utilize outdoor seating, however, take-out customers could access the space.

Mayor Pro Tem Templeman said there may come a time when the owner may want to explore outdoor seating.

- 4) Mayor Pro Tem Templeman inquired whether it was legal for a man and children to panhandle by Ralph's or Lowe's. He suggested they be directed to available assistance centers.

Assistant City Attorney Steres stated that some cities adopted a specific ordinance outlining definitions of solicitations.

#### **ADJOURN TO CITY COUNCIL/STAFF RETREAT (Continued from April 26, 2005 meeting)**

Mayor Morris adjourned at 9:49 p.m. to the City Council/Staff Retreat which was continued from the April 26, 2005 study session.

a. City Council Items

Verbal review by staff, discussion and direction to staff on the following:

- Speed Hump use policy
- San Dimas Avenue – south of Via Verde – plant trees
- Public Comment Period at City Council meetings
- Calle Bandera Gate
- City Council e-mail policy
- Town Core Mansionization

b. Update on projects – issues

- Canyon Center
- Bonita – Cataract restaurant project.

**CLOSED SESSION**

Adjourned at 11:04 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

**a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Property: Sycamore Canyon Equestrian Center, 1525 Sycamore Canyon Rd.

Negotiating Parties:

For Agency: Blaine Michaelis, City Manager/Executive Director, and J. Kenneth Brown, City/Agency Attorney

For Property: Danny and Laurie Adair

Under Negotiation: Renegotiation and terms and conditions of lease of property.

There was no reportable action.

**b. CONFERENCE WITH LABOR NEGOTIATOR (G.C. Section 54956.6)**

The City Council will meet with City Manager Blaine Michaelis to discuss FY 2005-06 budget issues as they relate to City of San Dimas employees.

No reportable action.

**ADJOURNMENT**

The meeting adjourned at 1:10 a.m. The next meeting is May 24, 2005, 7:00 p.m.

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Mayor of the City of San Dimas

ATTEST:

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City Clerk