



**MINUTES**  
**REGULAR CITY COUNCIL**  
**TUESDAY, MAY 23, 2006, 7:00 P. M.**  
**COUNCIL CHAMBERS, 245 E. BONITA AVE.**

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**PRESENT:**

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

City Manager Michaelis  
City Attorney Brown  
City Clerk Rios  
Assistant City Manager Duran  
Community Development Director Stevens  
Public Works Director Patel  
Parks and Recreation Director Bruns  
Planning Manager Hensley  
Assistant Planner Concepcion  
Administrative Aide O'Leary

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Morris called the meeting to order at 7:03 p.m. and led the flag salute.

**2. 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

**Bob Mathis**, 226 W. Allen Ave, stated the Development Plan Review Board (DPRB) approved his second unit; however, the letter was rerouted and arrived late. He indicated that rules were adopted that make it impossible to accomplish construction of his house within one year.

In response to Mayor Morris, Mr. Mathis alleged that Mr. Stevens has stated that if he is not done in one year, the house would have to be torn down. He added that Mr. Stevens wants him to tear out a 90 year old tree and dig out a metal shed used as storage that has been there for 40 years, and the new construction has to be moved 35' from the other house, near adjacent properties with RVs, horse corrals, and other livestock.

Mayor Morris stated the Council is prohibited from taking any action since the item is not on the agenda, however, he inquired of Director Stevens what next step could Mr. Mathis take.

In response to Mayor Morris, Community Development Director Stevens stated that the DPRB approved Mr. Mathis' second unit; he received a letter with the conditions of approval; and the appeal period associated with the approval has expired. He added that Mr. Mathis objects to one or more of the

conditions of approval. He stated that the Board requires some adjustment in the location of the second unit primarily related to facilitating maintenance of horse keeping and separation of the unit from other properties.

In response to Councilmember Bertone, Director Stevens replied that the DPRB unanimously approved the conditions. He said Mr. Mathis has been meeting with staff and disagrees with what staff provided in terms of complying with conditions. He said if there is some difficulty with how he complies with those conditions, it could go back to the Board for resolution of the differences, as long as they are consistent with the conditions of approval.

After receiving an affirmative on his inquiry that the property is zoned equestrian, Councilmember McHenry stated that it is city policy that second units or additions could not be built in a manner to deny neighbors the ability to keep horses whether or not they actually keep horses, and Mr. Mathis cannot create his lot to where it is non-horsekeeping in an equestrian zone.

Director Stevens stated approval was based on the implementation of that policy.

Mr. Mathis stated that he called staff right after the approval and was told to wait for the letter. He explained that the postmaster validated that the letter was rerouted to his post office box and arrived late. He stated that the location of this house is legal and the adjacent property was split when purchased and they gave up the right to have horses.

Mayor Morris reiterated that the Council is not permitted to take action on this request because the item is not on the agenda. He suggested Mr. Mathis file a request for relief to be able to file a late appeal because he did not get adequate notice. The City Council could then decide to file an appeal.

Mr. Mathis alleged he did.

City Attorney Brown advised that as the Mayor has stated twice, the City Council cannot take action on this item because it is not on the agenda, and as Councilmember McHenry has said, there are a number of issues: one issue is whether or not the appeal was timely filed. He indicated that staff does not have a presentation from Mr. Mathis as to the reason he should be exempted and suggested instead of talking to the City Council, that Mr. Mathis write out the facts he believes entitle him to have an exemption from the failure to appeal within the appropriate timeline.

Mr. Mathis commented that for seven years he has dealt with time limits dealing with his mother's house.

City Attorney Brown stated the first issue is entitlement to appeal the decision of the Development Plan Review Board and there is a process that Mr. Mathis would set down in writing when the letter was sent, why sent, and where sent. The first thing is to file that document to be addressed by the City Council at an appropriate time; the second is asking if he is entitled to a review and appeal of the decision of the DRPB.

Mr. Mathis alleged he has done that and said he wanted to meet with Associate Planner Lockett and Director Stevens. He stated he talked to people that he is required to cut down a 90-year old tree.

Mayor Morris stated that Mr. Mathis cannot talk about the merits of his case, and indicated that he should submit a written document as Mr. Brown has advised. He replied that the Council cannot decide tonight the appeal or whether he has the right to appeal, however, if Mr. Mathis submits the request in writing, the matter could be set on the agenda for discussion at the next meeting.

Director Stevens made it absolutely clear that he would review with Laura the conversation with Mr. Mathis and all documents submitted, and staff would call him to let him know the next step, to get whatever grievance is heard, processed, or considered.

**Maurice Cuellar**, 303 West Second Street, stated that the proposed budget reflects spending an additional \$6,000 on digital surveillance equipment. He explained the difficulties in obtaining a city budget and stated since there is no electronic format for the budget, he put it on sandimasbudget.com for city members to review. He praised the hiring of the arborist, Horsethief Canyon Park, Farmer's Market, and felt \$34,000 was excessive for a radar trailer, and since it would not do much for public safety, he suggested hiring a police officer.

Mayor Morris explained that there is a significant difference between the proposed units and the existing units being used. The new units would not only reflect the speed of a vehicle, but also provide a permanent record.

Mayor Pro Tem Templeman mentioned that the Sheriff Department gets a lot of calls reporting speeding drivers and stated he requested that the Sheriff and staff review some means to help identify speeding vehicles. He indicated it would not be cost effective to put another deputy on the street.

Mr. Cuellar mentioned that also budgeted is a gazebo for Rhoades Park that no one uses; he suggested parking permits be online; he criticized the Swim and Racquet Club; he hopes grant money is used to put the bike lane along the Railroad tracks; more should be done to prepare for emergencies; and suggested streaming the City Council meetings.

Councilmember Ebiner said the budget is not finalized but would be presented for adoption at a June meeting, and for the benefit of anyone else who would like to take a look at the budget, staff will try to place it on the website cityofsandimas.com before the next meeting. Mayor Morris added that there would be a public hearing on the budget before adoption.

**Ted Powl**, President/CEO, Chamber of Commerce, said Wednesday night, May 24, 2006, is the annual Installation & Awards dinner to install the Chamber President, Deborah Fonseca, and honor a number of businesses and individuals in the community with awards. He invited the Council and community members to attend the dinner and congratulate the honorees.

**Matt Savatos**, 414 E. Payson, stopped in to say hi and introduce himself as the new President of the San Dimas Rodeo Committee. He invited the Council to mark their calendars on October 7-8, 2006 to attend the Rodeo. He welcomed comments and suggestions on how to better or change the rodeo. He could be reached at 909/394-RODEO.

### **3. 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 McHenry stated he would abstain from voting on item 3a(1) and requested removal of item 3e, stating he would vote no on this item.

Councilmember Bertone requested removal of item 3d from the consent calendar.

Councilmember Ebiner pointed out that item 3a(3) contained a wording change and stated a corrected Resolution No. 06-24 was submitted as a substitute.

It was moved by Councilmember McHenry, seconded by Councilmember Ebner, and unanimously carried to accept, approve and act upon the consent calendar, as amended, as follows:

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
  - (2) **RESOLUTION NO. 06-23**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS REQUIRED BY HOMELAND SECURITY PRESIDENTIAL DIRECTIVE (HSPD-5).
  - (3) **RESOLUTION NO. 06-24**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, DENYING WITHOUT PREJUDICE DEVELOPMENT PLAN REVIEW BOARD CASE NO. 06-02, A REQUEST TO CONSTRUCT A 972 SQUARE FOOT TWO-STORY ADDITION AT 455 BALBOA COURT, as amended.
  - (4) **RESOLUTION NO. 06-31**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD UNDER THE CALIFORNIA USED OIL RECYCLING ENHANCEMENT ACT.
- b. Ordinances read by title, further reading waived, passage and adoption recommended as follows:
  - (1) **ORDINANCE NO. 1157**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 06-01, A REVISION TO CHAPTER 8.36 NOISE ORDINANCE TO ALLOW AN EXCEPTION TO EXTERIOR NOISE LEVELS TO EXCEED 65 DBA. **SECOND READING**
  - (2) **ORDINANCE NO. 1158**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING THE SAN DIMAS MUNICIPAL CODE BY AMENDING THE OFFICIAL ZONING MAP TO CHANGE THE ZONING FROM LIGHT AGRICULTURE TO SINGLE FAMILY AGRICULTURE-20,000 ON THE PROPERTY LOCATED AT 220 WEST BASELINE ROAD. **SECOND READING**
- c. Approval of minutes for regular meeting of May 9, 2006.

END OF CONSENT CALENDAR

**Items removed from the consent calendar for separate consideration:**

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
  - (1) **RESOLUTION NO. 06-22**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF MAY, 2005.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to waive further reading and adopt Resolution No. 06-22. The motion carried with Councilmember McHenry abstaining.

- d. Tentative Tract Map 52717, a request for one-year extension.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember McHenry, to approve a one year extension on Tentative Tract Map 52717. The motion carried 3.2, with Councilmembers Bertone and Ebner opposed.

- e. Award of the Traffic Engineering Consultant Services Contract to Warren C. Siecke for Bonita Avenue/Citrus Regional Bikeway Project in the amount of \$29,200.00.

Councilmember McHenry felt that downtown Bonita is the wrong place to put in a bikeway and voted against this action. The item was approved 4.1.

#### 4. PUBLIC HEARINGS

- a. Consider Tentative Tract Map 06-01 (66251), Subdivision of property;  
Conditional Use Permit 05-04, 14 Unit Live/Work Project;  
Conditional Use Permit 06-02, 96 Unit Residential Project;  
Conditional Use Permit 06-03, Off-Site and Shared Parking for Commercial/Office Building;  
Development Plan Review Board Case Nos. 06-24; 06-25; 06-26, A request to construct a 9,600 square foot commercial/office building, a 14 unit live/work and townhouse building and a six building, 96 unit townhouse and loft condominium project.  
Project Location: A 5.259 acre property on the east side of San Dimas Avenue, south of railroad tracks and north of Arrow Hwy. at Commercial Street.

**RESOLUTION NO. 06-25**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING TENTATIVE TRACT MAP 06-01 (066251), A REQUEST TO SUBDIVIDE A 5.259 ACRE PROPERTY INTO 10 LOTS, ONE COMMERCIAL LOT AND NINE LOTS FOR CONDOMINIUM PURPOSES ON THE PROPERTY LOCATED ON THE EAST SIDE OF SAN DIMAS AVENUE SOUTH OF THE RAILROAD TRACKS AND NORTH OF ARROW HIGHWAY AT COMMERCIAL STREET.

**RESOLUTION NO. 06-26**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 05-04, A REQUEST BY WILLIAM FOX HOMES TO CONSTRUCT 14 RESIDENTIAL TOWNHOUSES, SEVEN OF WHICH ARE LIVE/WORK UNITS, ON THE PROPERTY LOCATED AT 210-350 SOUTH SAN DIMAS AVENUE (EAST SIDE OF SAN DIMAS AVENUE SOUTH OF THE RAILROAD TRACKS AT COMMERCIAL STREET.)

**RESOLUTION NO. 06-27**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 06-02, A REQUEST BY WILLIAM FOX HOMES TO CONSTRUCT A 96-UNIT TOWNHOUSE AND LOFT UNIT RESIDENTIAL PROJECT ON THE PROPERTY LOCATED IN THE 100 BLOCK OF EAST COMMERCIAL STREET.

**RESOLUTION NO. 06-28**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 06-03, A REQUEST BY WILLIAM FOX HOMES TO ALLOW OFF-SITE AND SHARED PARKING FOR A 9,600 SQUARE FOOT COMMERCIAL/OFFICE BUILDING LOCATED AT 360 SOUTH SAN DIMAS AVENUE.

Planning Manager Hensley presented a request from William Fox Homes to construct a mixed use project on a 5.259 acre property on the east side of San Dimas Avenue, south of Railroad tracks and north of Arrow Hwy, at Commercial Street. He stated that the proposed mixed use project includes a 9,600 square foot commercial/office building and 110 residential units. He reported that the residential units proposed are a mix of live/work, townhouse and loft units; a subdivision is proposed to split the property for

condominium ownership; and the request includes shared and off-site parking for the commercial/office building. He said the project will be an extension to the downtown area along San Dimas Avenue and will be designed in a traditional architectural theme. He reported that at their May 17, 2006 meeting, the Planning Commission reviewed and recommended approval of the project as well as a parking time restriction for the public parking spaces on San Dimas Avenue to preserve the commercial viability of the area. Staff recommends approval of Resolutions No. 06-25, 06-26, 06-27 and 06-28 and adoption of a negative declaration for the project.

Planner Hensley responded to Council's questions that there would be one Homeowners' Association; there would be different owners, each unit would be owned by the tenant, but they would not own the exterior walls. He pointed out that there would probably be a variety of dues for some live/work units because some would have subterranean parking; awnings, etc.. He further replied that to create elevation variation, the consultants suggested one building along San Dimas Avenue be three-story, and the 53-foot loft building be five levels with subterranean parking.

In response to Councilmember Ebner, Planner Hensley stated that the project is not gated; and the 60 degrees angle parking was revised to 45 degree angle parking to create additional spaces east and west. He mentioned that the need for a transition lane to back out vehicles more efficiently, as well as additional landscaping, reduced parking from 30 spaces to 27 spaces. He further replied that approximately 4,700 square feet is the footprint of the commercial/office building ground floor for all uses.

In response to Councilmember McHenry, Planner Hensley stated that in the live/work units, approximately two-thirds would be residential.

Mayor Morris opened the public hearing and asked if the developer wished to make comments, or if anyone wished to speak in favor of the proposed mixed use project.

In response to **Paul Looney's** inquiry if this was the same area MTA was interested in for the Gold Line Station, Mayor Morris replied that the MTA was not interested in any space downtown. He stated that the City Council is looking east of San Dimas Avenue, but not this piece of property.

Councilmember Bertone stated that the Gold Line Station location would be determined by the City Council, not by the Gold Line Authority so they were not interested in any specific area.

Mayor Morris stated that the developer agreed to an easement along the railroad track to provide access through their property to a platform that would be at the railroad tracks. Planner Hensley stated that the agreement stated the first 300 feet of easement would provide access.

In response to Councilmember Bertone, Planner Hensley stated that there would be access from San Dimas Avenue from the Park and Ride west.

Councilmember Bertone explained that the city has not decided whether or not they want a station; however, if they decide to have a station, the Council is considering one area east, between this development and Walnut Avenue.

Mr. Looney expressed concern with fire and hazards of people crossing to the platform. He asked how many parking spaces would there be in the complex.

Planner Hensley responded that there would be approximately 353 parking spaces, plus 27 public parking spaces. He added that the Fire Department has reviewed the plans and they meet the fire department requirements. He said that in addition to this area, there is a secondary location for fire access along side the industrial complex. He indicated that along the railroad tracks there should be as much security as

possible to keep people from running across and the Board addressed this issue and suggested some type of fencing to keep separation between the project and the railroad tracks.

Mr. Looney inquired if there were a provision in the CC&Rs to restrict occupancy to owners of combined commercial/residential units. City Attorney Brown stated that CC&Rs were not presented nor developed at this time.

Mayor Morris asked if the applicant would like to make further presentations.

**Jide Alade**, Vice President, William Fox Homes, thanked staff, the City Council, and architect for working with them. He thanked the public for their comments and stated that hopefully they could break ground late summer or early fall. He hopes San Dimas is proud of this development project.

**Steve Ditlinger**, 524 E. Raborn Street, hoped the project has long term viability and asked that the City Council keep open a station possibility.

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

Mayor Pro Tem Templeman commented that Foothill Transit goes directly across the street to the Park and Ride. He is supportive of the project but felt it was important to keep the commercial/residential units owner occupied.

Councilmember Bertone is supportive of the project. He said there is a 50% possibility of having a Gold Line station to the east. He mentioned that some people oppose this project desiring to keep it as open space; however, he did not think this area should be preserved as open space unless purchased as a park.

Councilmember McHenry praised the developer but voted against the project due to the State mandate to increase density in local areas. He added that if the City is going to have a Gold Line Station, it makes sense to have it near a bus hub.

Mayor Pro Tem Templeman stated that this development will take advantage of the difficult topography by creating some subterranean parking. He stated that he is in favor of this project for this site only; however, he would not consider it for another location.

Councilmember Ebner is supportive of the project. He inquired if the restriction on hours prevents a person from working in his or her office late into the night. Planner Hensley stated that the restriction pertains to hours open to the public and is based on the noise ordinance.

Mayor Morris expressed concern that some elements of the project would not be accepted by the market in several years. He said there is a reason why cities went from this kind of mixed use development to separate business from residential. He added that even if this is a potential location for a Gold Line Station, this is property people have a right to develop and cannot be held for a future public development without being forced to purchase the property. He expressed some enthusiasm for the project at this site because the location is a challenge to develop and provides the opportunity to use low-moderate funds that would be lost if not spent.

City Attorney Brown stated that Condition 20 of Resolution No. 06-25 is formulated to address the extension of a sewer line from the city's maintenance yard to the east to connect to this particular property. He stated that the amended condition 20 is as follows: "The developer shall provide a sewer easement in a form which is reasonably acceptable to the City Attorney's office, over a portion of the property to allow the city, at city's expense, to install an underground sewer line extension, to the easterly property line to connect with the city's maintenance yard." He stated this was reviewed with and agreed to by Public Works Director Patel.

City Attorney Brown reported that there is an issue with flooding in the proposed development area and contributory drainage from adjoining properties. He stated that Condition 23 of Resolution No. 06-25 will be revised to require preparation of a hydrology study to determine what must be done to correct the problem and to provide for the Developer's responsibility to install the required storm drain improvements and the Agency's participation in those improvements if that is deemed necessary and appropriate.

Mayor Morris stated that there is still the obligation to deal with storm water in accordance with law and that requirement cannot be waived.

In response to Mayor Morris, Community Development Director Stevens stated that Condition 20 was revised as stated by the City Attorney, and Condition 23 would be revised consistent with the City Attorney's comments to provide clarity as to the developer's obligation and/or City's participation based on a reasonable nexus.

In response to Councilmember Ebner, Director Stevens stated that with the shared parking arrangement and additional public parking, there is not a substantial issue with increasing the size of the allowable area for the restaurant from 1,750 square feet to 2,000 square feet. Planner Hensley added that Condition 4 of Resolution No. 06-28 would be amended to reflect that change.

After the title was read, it was moved by Councilmember Ebner, seconded by Mayor Pro Tem Templeman, to waive further reading, amend, and adopt **RESOLUTION NO. 06-25**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING TENTATIVE TRACT MAP 06-01 (066251), A REQUEST TO SUBDIVIDE A 5.259 ACRE PROPERTY INTO 10 LOTS, ONE COMMERCIAL LOT AND NINE LOTS FOR CONDOMINIUM PURPOSES ON THE PROPERTY LOCATED ON THE EAST SIDE OF SAN DIMAS AVENUE SOUTH OF THE RAILROAD TRACKS AND NORTH OF ARROW HIGHWAY AT COMMERCIAL STREET. The motion carried by the following vote:

AYES: Councilmembers Bertone, Ebner, Templeman, Morris  
NOES: Councilmember McHenry  
ABSENT: None  
ABSTAIN: None

After the title was read, it was moved by Councilmember Ebner, seconded by Mayor Pro Tem Templeman, to waive further reading and adopt **RESOLUTION NO. 06-26**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 05-04, A REQUEST BY WILLIAM FOX HOMES TO CONSTRUCT 14 RESIDENTIAL TOWNHOUSES, SEVEN OF WHICH ARE LIVE/WORK UNITS, ON THE PROPERTY LOCATED AT 210-350 SOUTH SAN DIMAS AVENUE (EAST SIDE OF SAN DIMAS AVENUE SOUTH OF THE RAILROAD TRACKS AT COMMERCIAL STREET.) The motion carried by the following vote:

AYES: Councilmembers Bertone, Ebner, Templeman, Morris  
NOES: Councilmember McHenry  
ABSENT: None  
ABSTAIN: None

After the title was read, it was moved by Councilmember Ebner, seconded by Mayor Pro Tem Templeman, to waive further reading and adopt **RESOLUTION NO. 06-27**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 06-02, A REQUEST BY WILLIAM FOX HOMES TO CONSTRUCT A 96-UNIT TOWNHOUSE AND LOFT UNIT RESIDENTIAL PROJECT ON THE PROPERTY LOCATED IN THE 100 BLOCK OF EAST COMMERCIAL STREET. The motion carried by the following vote:

AYES: Councilmembers Bertone, Ebner, Templeman, Morris  
NOES: Councilmember McHenry  
ABSENT: None  
ABSTAIN: None

After the title was read, it was moved by Councilmember Ebner, seconded by Mayor Pro Tem Templeman, to waive further reading, amend, and adopt **RESOLUTION NO. 06-28**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 06-03, A REQUEST BY WILLIAM FOX HOMES TO ALLOW OFF-SITE AND SHARED PARKING FOR A 9,600 SQUARE FOOT COMMERCIAL/OFFICE BUILDING LOCATED AT 360 SOUTH SAN DIMAS AVENUE. The motion carried by the following vote:

AYES: Councilmembers Bertone, Ebner, Templeman, Morris  
NOES: Councilmember McHenry  
ABSENT: None  
ABSTAIN: None

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman to adopt the negative declaration. The motion carried by the following vote:

AYES: Councilmembers Bertone, Ebner, Templeman, Morris  
NOES: Councilmember McHenry  
ABSENT: None  
ABSTAIN: None

Mayor Morris pointed out that the adopted Resolutions included the recommended revisions.

- b. Setting the Special City-wide parcel tax for Fiscal Year 2006-2007.

**RESOLUTION NO. 06-29:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, SETTING THE SPECIAL CITYWIDE PARCEL TAX FOR FY 2006-2007 TO BE USED FOR LANDSCAPE MAINTENANCE PURPOSES.

Assistant City Manager Duran reported that in November 1997 the voters approved Ordinance No. 1086 adopting a special parcel tax to be levied against properties in the city to improve and maintain parkway trees and the landscaping in public parks and other public areas. He said the special tax rate was established by the ordinance, but could be annually adjusted to reflect changes in the Consumer Price Index. Staff offered two options for Council consideration: Option 1 maintains the special parcel tax at the same rate without adjustment for fiscal year 2006-2007; Option 2 would adjust the tax by increasing the rate to reflect the change of the Consumer Price Index (CPI) of 4.7%, April 2006. Staff recommended adoption of Option No. 2, Resolution No. 06-29 increasing the special parcel tax by 4.7% CPI due to increasing expenditures for landscape maintenance.

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 Ebner, to approve Option 2 increasing the special parcel tax by 4.7% CPI by waiving further reading and adopting **RESOLUTION NO. 06-29:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, SETTING THE SPECIAL CITYWIDE PARCEL TAX FOR FY 2006-2007 TO BE USED FOR LANDSCAPE MAINTENANCE PURPOSES. The motion carried unanimously.

- c. Consider Increase of Business License Fees.

**RESOLUTION NO. 06-30.** 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 2006-07.

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, 2005 to March 31, 2006 was 4.7%. 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 4.7%. Staff recommended adoption of Resolution No. 05-37 increasing the business license fees by 4.7% 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.

**Paul Looney** stated that licensing fees are embarrassingly small and asked how much additional revenue it brings. Mr. Duran replied that it brings \$16,000 per year.

After the title was read, it was moved by Councilmember Ebner, seconded by Mayor Pro Tem Templeman, to approve Option 2 increasing the rate to reflect the change of the CPI of 4.7% by waiving further reading and adopting **RESOLUTION NO. 06-30, 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 2006-07.** The motion carried unanimously.

## 5. OTHER

- a. Update on Appeal of Conditions of Approval for Precise Plan 04-01 (DPRB Case No. 04-75), 510 East Foothill, 15,133 two-story office building.

City Manager Michaelis stated that staff has no additional information to report related to the cost sharing agreement made between Developer of 456/460 E. Foothill Boulevard and Mr. Norm Nichols, regarding the storm drain crossing. He reported that to assist both parties, staff requested informal bids from reputable contractors and the favorable bid for the storm drain crossing was forwarded to both parties for consideration.

- b. Request for Council's opposition to Senate Bill 1778.

Assistant City Manager Duran reported that the California Integrated Waste Management Act of 1989 requires each city, county, and regional agencies to divert 50% of solid waste from landfill disposal through source reduction, recycling, and composting materials. He stated that Senate Bill 1778 would place restrictions on the recycling of green waste materials used as alternative daily cover in landfills eliminating the City's diversion credit currently allowed for the state's AB 939 diversion goals. Staff, along with the Sanitation Districts, League of California Cities, California State Association of Counties, and a number of solid waste management companies and trade associations recommend city opposition to SB 1778 by authorizing the Mayor to sign a letter declaring the City's opposition to SB 1778.

Councilmember Bertone felt there was insufficient information and would vote to not take a stand in opposition to this bill.

It was moved by Councilmember McHenry, seconded by Mayor Pro Tem Templeman, to authorize Mayor Morris to sign a letter to the Senate Committee on Appropriations opposing Senate Bill 1778. The motion carried by the following vote:

AYES: Councilmembers McHenry, Templeman, Morris  
NOES: Councilmembers Bertone, Ebner  
ABSENT: None  
ABSTAIN: None

- c. Update on alternatives for June 12 Report of Waste Discharge (ROWD) submittal for the next five-year National Pollutant Discharge Elimination System (NPDES) permit cycle.

Administrative Aide O'Leary reported that prior to expiration of the current NPDES permit, and no later than June 12, 2006 all municipalities in Los Angeles County must submit a Report of Waste Discharge (ROWD) application to the Los Angeles Regional Water Quality Control Board. She stated that as of Friday, May 19, 2006, five of 28 municipalities in the San Gabriel River watershed feel that it would be in the best interest of the cities to apply for a Watershed-based NPDES permit, rather than a County-wide based permit, which has been the standard since the program's inception. Staff feels it would be in the best interest of San Dimas to remain with the County-wide permit until a more cohesive plan can be developed for the implementation of a Watershed-based permit. Staff recommends that, based upon the uncertainties of the Watershed-based permit for the upcoming permit cycle, the City Council approve that the City of San Dimas continue to be part of the County-based permit, as it has been since the NPDES program's inception.

It was moved by Councilmember Bertone, seconded by Councilmember McHenry, to authorize staff to continue with the County-based permit per staff's recommendation. The motion carried unanimously.

## **6. SAN DIMAS REDEVELOPMENT AGENCY**

Mayor Morris recessed the regular City Council meeting at 9:19 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The meeting reconvened at 9:20 p.m.

## **7. ORAL COMMUNICATIONS**

- a. Members of the Audience

No one.

- b. City Manager

No report.

- c. City Attorney

No report.

- d. Members of the City Council

- 1) Report on meetings

Mayor Pro Tem Templeman reported that he, Mayor Morris, Councilmembers Bertone and Ebner attended the California Contract Cities Association Annual Conference on Friday-Sunday, May 19-21,

2006 for training on redevelopment issues; contract law; and sessions on how to run legal and ethical campaigns. They also attended, and were certified on a mandatory two-hour ethics training block, which is legislatively driven. He mentioned that he spoke with a friend from an engineering firm who informed him that there would be a need to allocate approximately \$30,000 to track and monitor sanitary sewer overflows.

2) Appointment to the Senior Citizens Commission

Mayor Morris said he and Councilmember Bertone reviewed applications received from citizens interested in serving on the Senior Citizens Commission and recommend appointment of Lorous Constance "Connie" Brown, Marguerite Q. Nelson and Donald Keith Stevenson.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to appoint Lorous Constance "Connie" Brown, Marguerite Q. Nelson and Donald Keith Stevenson to the Senior Citizen Commission each for a two-year term expiring May 31, 2008. The motion carried unanimously.

3) Mayor Pro Tem Templeman announced that the San Dimas Sheriff's Booster Club is having their annual Volunteer Recognition Dinner at Via Verde Country Club, Friday, June 9, 2006, at 6:00 p.m. To RSVP, call Chris Detreville at 909/450-2763, for a nice evening to honor volunteers who spend hundreds of hours of their free time in various opportunities such as Mountain Rescue, Reserves on patrol, Citizens on patrol, Senior group, Station volunteers, Explorer program, and Disaster Communications.

**8. CLOSED SESSION**

Recessed at 9:28 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

a. **CONFERENCE WITH REAL PROPERTY NEGOTIATION**

Property: Property acquisition pursuant to the Disposition Development Agreement with Costco for the Costco project at the southeast corner of Lone Hill and Gladstone.  
APN: 8383-009-004; 019, 025, 026, 044, 045, 046 & 047, 602 N. Lone Hill Avenue; 526 N. Lone Hill Avenue; 522 N. Lone Hill Avenue; 514 N. Lone Hill Avenue; 508 N. Lone Hill Avenue.  
APN: 8383-009-020 & 021, 506 N. Lone Hill Avenue  
APN: 8383-009-034, 943 W. 5<sup>th</sup> Street; 943 "B" W. 5<sup>th</sup> Street  
APN: 8383-009-035, 933 W. 5<sup>th</sup> Street  
APN: 8383-009-017, 018, & 036, 1000 W. Gladstone  
APN: 8383-009-015 & 016, 1002 Gladstone Street; 1004 Gladstone Street.  
APN: 8383-010-054, 942 W. 5<sup>th</sup> Street  
APN: 8383-010-800, 932 W. 5<sup>th</sup> Street  
APN: 8383-010-009, 922 W. 5<sup>th</sup> Street  
APN: 8383-010-018, 019 & 020, 914 W. 5<sup>th</sup> Street

Negotiating Parties:

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

For Developer: Steve McArthur, Costco-Northwest Atlantic

Under Negotiation: Terms and conditions of City/Agency possible participation.

b. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION  
(SUBDIVISION (a) OF GOVERNMENT CODE SECTION 54956.9)**

Name of Case: Bradley and Rebecca Secreto v. City of San Dimas, LASC Case No. BC298567

c. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION  
(SUBDIVISION (a) OF GOVERNMENT CODE SECTION 54956.9)**

Name of Case: San Dimas Redevelopment Agency v. Kay E. Staley, LASC #BC345254

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

The City Council will meet with City Manager Blaine Michaelis to discuss FY 2006-07 budget issues as they relate to City of San Dimas employees.

e. **REPORT OF CLOSED SESSION ACTION**

The agency reconvened and announced that on the motion by Councilmember Templeman and a second by Councilmember Bertone, the Agency approved without objection settlement of three pending eminent domain actions and authorized the Executive Director to execute appropriate documents to acquire the following properties: Nuno, \$575,000.00 for the property and \$85,000.00 for relocation and loss of goodwill; Estate of Mueller, a total of \$520,000.00 for the property including any other loss of goodwill and relocation costs as may be confirmed by the Sellers; relocation and all other expenses and Staley/Flavor House, \$700,000.00 to be allocated between acquisition of the property and the loss of goodwill and relocation expenses to be confirmed by the Sellers.

There was no action to report on items (b) or (d).

**9. ADJOURNMENT**

The meeting was adjourned at 11:48 p.m. The next meeting is June 13, 2006, 7:00 p.m.

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Mayor of the City of San Dimas

ATTEST:

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City Clerk