



MINUTES
REGULAR CITY COUNCIL
TUESDAY, AUGUST 12, 2008, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem 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
Parks and Recreation Director Theresa Bruns
Planning Manager Craig Hensley
Associate Planner Kristi Grabow
Recreation Coordinator Erica Rodriguez

ABSENT:

Councilmember John Ebner

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 7:02 p.m. and led the flag salute.

2. PRESENTATIONS

- Galen Gillotte, Children's Librarian, San Dimas Library

Galen Gillotte, Children's Librarian, San Dimas Library, provided statistics about the summer reading program, which concluded on August 1, 2008. She praised staff and the many volunteers who conducted the various activities held at the Library over the summer months.

- 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) **Don Green**, San Dimas Rodeo, announced that the San Dimas Rodeo is scheduled to be held on October 4-5, 2008. He praised the many volunteers in this town that are so active in so many different areas, especially the Rodeo. He also thanked the Rodeo Board who provides scholarships with the money raised.

2) **Ted Powl**, President/CEO, Chamber of Commerce, provided highlights of the Annual Birthday barbecue celebration on August 1, 2008 and the many volunteers who provided great support. Mr. Powl announced Western Days is coming in October featuring an expanded Pow Wow, and said if anyone is interested in walking in the Parade, they can sign up at the Chamber office. He is looking for volunteers to make the various events happen.

3) **Sid Maksoudian**, Camino del Sur, addressed the City Council regarding his family business Chalet Gourmet which was rejected by the Board of Directors and CEO of the Chamber of Commerce.

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 or citizen requests removal for separate discussion.)

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Badar, and unanimously carried by those present 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. 08-46, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF JULY AND AUGUST, 2008.**

b. Approval of minutes for the regular City Council meeting of July 22, 2008; and special meeting of July 22, 2008.

c. Award of Cash Contract 2008-07 to Gentry Brothers, Inc., in the amount of \$1,382,315.00, for San Dimas Avenue Grove Station Undergrounding, Street Lights, Signal Lights, Signal Modifications, Landscaping, and Street Improvements from Arrow Highway to Bonita Avenue.

d. Authorization to waive formal bid process for the purchase of Traffic Signal Equipment from McCain Traffic Supply, Inc., in the amount of \$60,189.45, for the San Dimas Avenue/Arrow Highway; San Dimas Avenue/Bonita Avenue; Bonita Avenue/Iglesia Street and Bonita Avenue/Walnut Avenue Traffic Signal projects.

e. Authorization to waive formal bid process for the purchase of Video Detection Cameras for the San Dimas Avenue/Arrow Highway; San Dimas Avenue/Bonita Avenue; Bonita Avenue/Iglesia Street; and Bonita Avenue/Walnut Avenue Traffic Signal projects and award of bid to RodefX, Inc. in the amount of \$72,484.20.

END OF CONSENT CALENDAR

5. ADDITION TO AGENDA

a. Consider adding urgency matter to Agenda to consider adoption of a Resolution to immediately oppose State proposals to use Local Government funds as potential solutions to the State Budget.

City Manager Michaelis reported that this morning, City staff participated in a conference call with 65 Southern California cities, the League of California Cities, and California Redevelopment Agency Association to discuss some pending budget efforts on behalf of the State to balance their budget. He reported that despite promises to not take or borrow local government revenue, some legislators are discussing using local government funds as potential solutions to help them with their budget issues. He stated that because the conference call was held this morning, after the finalization of the agenda last Friday, and the potential of the State actions, he is requesting that tonight this item be added as an urgency matter to the agenda to consider adoption of a resolution to immediately oppose State proposals.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Badar, to add this matter of some urgency to the agenda for discussion and direction. The motion carried unanimously by those present; Councilmember Ebiner was absent.

- b. Consider opposing fiscally irresponsible State budget decisions to borrow Local Government, Redevelopment and Transportation funds.

RESOLUTION 08-48, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS OPPOSING FISCALLY IRRESPONSIBLE STATE BUDGET DECISIONS THAT WOULD "BORROW" LOCAL GOVERNMENT, REDEVELOPMENT AND TRANSPORTATION FUNDS. URGENCY

City Manager Michaelis reported that before the City Council is a Resolution opposing State Legislators borrowing or taking local government revenues for State Legislative purposes. He said the potential maximum impact to San Dimas could be a total of \$1.3 million from Redevelopment, Property Taxes and Proposition 42 Transportation funds. He said the State's proposal is to take \$200 million state-wide or 5% of all redevelopment revenue from every Redevelopment Agency in the State. He recalled that in 2004 voters felt it was inappropriate for the State to take local government funds to fund State programs and passed Proposition 1A and in 2006 voters passed legislation to leave Proposition 42 funds a local transportation source. Mr. Michaelis stated the he would prepare telephone numbers of State Legislators to share with them a point of view that local government revenues are not a source to balance the State's budget. Staff recommended adoption of Resolution No. 08-48.

Councilmember Templeman expressed frustration at having a balanced City budget only to have the State continue to take local government funds to balance their own budget. He wondered how the State would repay the loan to local agencies if they cannot balance their budget. He commented that he, Mayor Morris, and staff met with Assemblyman Adams and other cities to discuss the State's dysfunctional budget.

Councilmember Bertone inquired if the State's actions were illegal considering the Propositions adopted by the citizens.

City Manager Michaelis replied that the State recognizes that they would have to repay borrowed monies. He said redevelopment funds may be outside Proposition 1A protection, however, a 1952 initiative passed by voters prohibits redevelopment funds from being used for state budget issues.

Mayor Pro Tem Badar said he met with Legislators in January at a California Contract Cities conference in Sacramento and each said they would not be taxing local government with funding issues and that School budget resources would be used. At the end of the day, the Legislators came back and said no way would the School District sit back and take the brunt of the attack. Mr. Badar supports this Resolution.

After the title was read, it was moved by Mayor Pro Tem Badar, seconded by Councilmember Bertone, to waive further reading and adopt **RESOLUTION 08-48, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS OPPOSING FISCALLY IRRESPONSIBLE STATE BUDGET DECISIONS THAT WOULD "BORROW" LOCAL GOVERNMENT, REDEVELOPMENT AND TRANSPORTATION FUNDS.**

Mayor Morris pointed out that this is a serious issue for this city and critical for other cities' survival. He said there are also legal issues on the State's ability to repay debt obligations to some Redevelopment Agencies.

The motion carried unanimously by those present; Councilmember Ebiner was absent.

6. PUBLIC HEARING

(The following items have been advertised and/or posted. The meeting will be opened to receive public testimony. Written or graphic evidence presented shall be retained by the City Clerk as part of the official record.)

- a. Consideration of Tentative Parcel Map 06-03 (66729), a request to subdivide one (1) 22,500 square foot property into two (2) parcels (Lot 1 - 9,375 sq. ft and Lot 2 - 9,263 sq. ft.) with the remaining square footage to be dedicated for street improvements, located at 359 East Baseline Road, at the northwest corner of Baseline Road and Dixie Drive. APN: 8661-018-003. Applicant: Aldie Thomas

RESOLUTION NO. 08-47, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING TENTATIVE PARCEL MAP 06-03 (66729), A REQUEST TO SUBDIVIDE ONE (1) 22,500 SQUARE FOOT PROPERTY INTO TWO (2) PARCELS (LOT 1 - 9,375 SQ. FT AND LOT 2 - 9,263 SQ. FT.) WITH THE REMAINING SQUARE FOOTAGE TO BE DEDICATED FOR STREET IMPROVEMENTS, LOCATED AT 359 EAST BASELINE ROAD, AT THE NORTHWEST CORNER OF BASELINE ROAD AND DIXIE DRIVE. APN: 8661-018-003.

Associate Planner Grabow presented the request from Mr. Thomas to subdivide an existing 22,500 square foot parcel into two parcels (Lot 1 - 9,375 square feet and Lot 2 - 9,263 square feet) with the remaining square footage to be dedicated for street improvements at 359 East Baseline Road at the northeast corner of Baseline Road and Dixie Drive. Ms. Grabow reported that at their July 2, 2008 meeting, the Planning Commission recommended approval of the Tentative Parcel Map 06-03 (66729). Staff recommends approval of Tentative Parcel Map 06-03 (66729) based on findings reported and conditions listed in Exhibit A.

Mayor Morris opened the public hearing and invited the applicant to speak.

Aldie Thomas, 1224 So. Montezuma Way, West Covina, agreed with the staff report as presented.

Mayor Morris asked if anyone was opposed to this project. There being no one else wishing to speak, Mayor Morris closed the public hearing.

After the title was read, it was moved by Mayor Pro Tem Badar, seconded by Councilmember Templeman, to waive further reading and adopt **RESOLUTION NO. 08-47**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING TENTATIVE PARCEL MAP 06-03 (66729), A REQUEST TO SUBDIVIDE ONE (1) 22,500 SQUARE FOOT PROPERTY INTO TWO (2) PARCELS (LOT 1 - 9,375 SQ. FT AND LOT 2 - 9,263 SQ. FT.) WITH THE REMAINING SQUARE FOOTAGE TO BE DEDICATED FOR STREET IMPROVEMENTS, LOCATED AT 359 EAST BASELINE ROAD, AT THE NORTHWEST CORNER OF BASELINE ROAD AND DIXIE DRIVE. APN: 8661-018-003. The motion carried by the following vote:

AYES: Councilmembers Badar, Bertone, Templeman, Morris

NOES: None

ABSENT: Councilmember Ebiner

ABSTAIN: None

- b. Request from Yellow Cab Company for taxi service rate increase.

Assistant City Manager Duran presented a request from Yellow Cab Company for a rate increase for taxi cab meter fares due to the increase in fuel and petroleum related product costs. He said they are requesting an increase from \$2.20 to \$2.50 for the initial cost and the hourly charge thereafter and an increase of the wait time from \$24.00 to \$26.00 per hour. Mr. Duran said an analysis was conducted by the Executive Director of the Pomona Valley Transportation Authority on operating costs and comparable areas, and staff recommended approval of the rate increase.

In response to Council, Mr. Duran replied that the increase would not affect customer rates for Dial-A-Ride or Get About.

Mayor Morris opened the public hearing and invited Mr. Munoz to speak.

Rudy Munoz, General Manager, Yellow Cab Company, requested Council's approval of the increase in meter fare due to the increase in fuel costs.

Mayor Morris invited members of the audience to speak in favor of, or in opposition to, the cab increase.

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

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Badar, to approve the request from Yellow Cab Company for a rate increase as outlined in the staff report. The motion carried unanimously by those present; Councilmember Ebiner was absent.

7. OTHER MATTERS

a. Report on Senior Citizen Chuckwagon Dinner Program.

Recreation Coordinator Rodriguez highlighted the weekly Senior Citizens Chuckwagon Nutrition Dinner Program and encouraged the seniors to call for reservations for a low cost meal on Thursday at 4:00 p.m.. Ms. Rodriguez said additionally, they have instituted a Chuckwagon Social from 2:00-4:00 p.m. on the second Thursday of every month and Get About and Dial-A-Ride will assist with roundtrip transportation.

In response to Mayor Pro Tem Badar, Ms. Rodriguez replied that meals for anyone underage cost \$3.75, however, if a spouse, or a caregiver, attends with the senior, the voluntary donation of \$2.00 applies.

b. Authorization for the City to intervene in the rate application process for the rate increase filed by Golden State Water Company by filing a protest and appropriation of \$15,000 to retain outside Council to assist with the intervention.

Assistant City Manager Duran reported that Golden State Water Company (GSWC) filed a rate application to the California Public Utilities Commission (CPUC) for Region III, requesting a general rate increase of 37% over a three-year period. Mr. Duran stated that since the amount of the increase appears to be excessive, staff recommends that the City intervene in the rate application process by filing a protest with the CPUC on behalf of San Dimas residents. He said the City of Claremont has also filed a protest in this matter and retained the services of outside counsel to assist them with the rate application process. San Dimas has been asked to join with Claremont in the retention of the outside counsel and share in the cost, which would be approximately \$15,000.

Mayor Morris disclosed that his nephew is an attorney with Best, Best & Krieger, but is not working on this case. City Attorney Brown stated that it is not necessary for Mayor Morris to abstain from discussion on this item.

In response to Mayor Pro Tem Badar, City Attorney Brown replied that in the past he concurred with the recommendations made by staff to protect the City's and citizens' rights and he felt participation with the City of Claremont would be financially beneficial to the City of San Dimas.

It was moved by Councilmember Templeman, seconded by Councilmember Bertone, to authorize staff to intervene in the Golden State Water Company rate application by filing a protest, join with the City of Claremont in retaining Best, Best, & Krieger to assist with the application process, and approve an additional budget allocation of \$15,000 for utility rate consultation.

The motion carried by those present; Councilmember Ebiner was absent.

8. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular City Council meeting at 8:04 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:05 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) **Sid Maksoudian**, Camino del Sur, said he had contact with seven Chambers of Commerce in surrounding cities and none have rejected any business. He urged the City Council to discuss this matter in open forum.

- b. City Manager

Assistant City Manager of Community Development Stevens reported that as a result of the Charrette conducted last year, a consultant firm was hired to prepare the specific plan for the downtown. The consultant has been working over the last several months preparing background documents and using a staff committee, they are prepared for the first community portion of the project. He said a community workshop has been scheduled for Wednesday, September 17, 2008, from 6:30 p.m. to 9:00 p.m. in the Senior Citizens Community Center, multi-purpose room. Mr. Stevens said they will start to get additional advertising and background documents, but will be seeking public input on the first component of the specific plan at the workshop and said advertising and materials would be coming out over the next couple of weeks. He noted that there is a conflict with the regular meeting of the Planning Commission, but felt they could work around the schedule.

In response to Mayor Morris, Mr. Stevens said all City Commissioners are invited to attend and notices will be sent to all downtown businesses and properties owners within the area. He said they will work on a wide range notification including persons who participated in the Charrette, as well as advertising in the community newspapers and website.

- c. City Attorney

The City Attorney had no comments to make.

- d. Members of the City Council

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

- 1) Councilmember Templeman said he attended a Mosquito and Vector Control Board meeting and reported that West Nile Virus is very high now in Los Angeles County. He strongly encouraged residents to not have standing water and not have mosquitoes breeding on their property. He said all areas of Los Angeles County have mosquitoes that are infected with the West Nile Virus. He added that the Board stands ready to help with any green pools in foreclosed homes and a helicopter will be dispatched to fly over the entire District in the near future.

- 2) Councilmember Bertone stated he attended a meeting on July 31, presented by the San Gabriel Valley Council of Governments at the AQMD on low emission vehicles. He said the City paid for his lunch as Chairperson and organizer of the meeting.

3) Mayor Morris reported that he attended a meeting of a select group from the California Contract Cities Association regarding the selection of attorneys to represent the Contract Cities in a lawsuit against Los Angeles County for taking money from the Liability Trust Fund without permission.

2) Individual Members' comments and updates.

1) Councilmember Templeman brought up an article in the Times concerning a Costa Mesa woman who was cited by the City for putting in synthetic turf and he asked if synthetic turf was allowed in San Dimas.

Assistant City Manager Stevens said the City does not have a formal policy, but they have discouraged requests for the use of synthetic turf in commercial landscaping applications. He stated he would be happy to assess and bring back this issue to the City Council. Councilmember Templeman thought it would be a good idea to address this issue in light of water shortages.

2) Councilmember Templeman said the City's relationship with the Cable TV provider will cease after January 2009, and he wants to make sure there is a seamless transition in the City's ability to meet the community's needs. He stated that staff is looking at alternative sources and should make sure everything is in order before video services cease.

Assistant City Manager Duran said he is prepared to report on this item at the next meeting.

In response to Councilmember Bertone, Mr. Duran replied that on July 1, 2008 Verizon and Time Warner entered into an agreement for Verizon to pick up Time Warner's signal. He said at this time they are in the testing phase and things are moving forward.

Mayor Morris suggested that cable access service be augmented with the use of streaming video.

3) Mayor Pro Tem Badar praised the volunteers who did an unbelievable job at the Birthday barbecue.

4) Mayor Pro Tem Badar commended the student artists and Art Teacher who completed the art project at the City Yard.

5) In response to Councilmember Bertone, Assistant City Manager Duran replied that staff would track the plastic bag issue from the County and how it applies to San Dimas.

6) Councilmember Bertone offered an article in the California Section of the Times as it relates to the new County of Los Angeles law making graffiti a felony and mandating restitution from parents of taggers. He asked if San Dimas' rules and regulations are as severe and is there interest in changing the law.

7) Mayor Pro Tem Badar commended the Sheriff's Department for setting up a most successful National Night Out event on Tuesday, August 5, 2008, to promote crime prevention.

8) Mayor Morris praised Public Works staff for providing support to the Art Teacher, student artists, and Committee who made possible the orange crate art at the city yard.

9) Mayor Morris pointed out the first house in San Dimas to install vinyl siding and said when done right, vinyl siding could be a very positive material for use in the community.

10) Mayor Morris said he is amazed at how many volunteers in San Dimas are willing to participate to make this a better community for everyone. He commended everyone who participated at the Birthday barbecue and National Night Out and those who enjoyed the events.

9. CLOSED SESSION

Mayor Morris recessed at 8:31 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

- Property: Discussion regarding potential property acquisition involving Vista Verde Ranch property generally located in the unincorporated county area adjacent to and north of the development in Via Verde.
- Negotiating Parties:
For City: Blaine Michaelis, City Manager, Larry Stevens, Assistant Manager Development Services, and J. Kenneth Brown, City Attorney; Assistant City Manager of Community Development.
For Seller: Daniel Singh; Rivers and Mountains Conservancy; and Tzu Chi Buddhist Foundation.
- Under Negotiation: Terms and conditions of sale of grant application involving potential acquisition of land and possible City participation.

b. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

- Property: Agency owned property at the southeast corner of Bonita Avenue and Eucla.
- Negotiating Parties:
For Agency: Blaine Michaelis, City Manager/Executive Director, and J. Kenneth Brown, City/Agency Attorney; Larry Stevens, Assistant City Manager of Community Development.
For Buyer: Jerry Zimmerman, Bravo Burgers
- Under Negotiation: Terms and conditions of sale of land and City/Agency possible participation.

c. Report on closed session items.

Pursuant to Section 54957.7(b), announcement was made that no action was taken on closed session items.

10. ADJOURNMENT

Mayor Morris adjourned the meeting at 9:45 p.m. The next meeting is August 26, 2008, 7:00 p.m.

Respectfully submitted,

Ina Rios, CMC, City Clerk