



MINUTES
REGULAR CITY COUNCIL
TUESDAY, NOVEMBER 24, 2009, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem Denis Bertone
Councilmember Emmett Badar
Councilmember John Ebiner
Councilmember Jeff Templeman

City Manager Blaine Michaelis
City Attorney J. Kenneth Brown
City Clerk Ina Rios
Assistant City Manager Ken Duran
Director of Public Works Krishna Patel
Director of Parks and Recreation Theresa Bruns
Recreation Services Manager Leon Raya

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the regular meeting to order at 7:00 p.m. and led the flag salute.

2. ANNOUNCEMENTS AND PRESENTATIONS

- Southern California Association of Governments - Hassan Ikhata, Executive Director and Paula Lantz Executive Board member

Hassan Ikhata, Executive Director, Southern California Association of Governments provided a Powerpoint presentation on SB375, legislation signed by the Governor that requires the Southern California Region to prepare a community strategy to reduce greenhouse gas emissions. He stated that several cities have expressed concern about losing the ability to regulate land use. He said investment in transportation is an important component of the community strategy and added that several cities are looking at major mixed land use development around transportation. He will continue to work with the State and cities to push for incentive versus regulation and hopefully get a strategy together to meet the target by 2012.

- Annual Holiday Fest Celebration on December 5, 2009, Civic Center Park

Leon Raya, Recreation Services Manager, invited everyone to the Annual Holiday Fest Celebration on Saturday, December 5, 2009, in the Civic Center Plaza, from 9:00 a.m. to 2:00 p.m. with a rain date on December 12th. He said the event kicks off at 9:00 a.m. with Santa's Breakfast provided by IHOP and pictures with Santa; the Holiday Arts and Craft Fair; and the highlight of the day is Mt. San Dimas play area and snow slide provided by sponsorship of San Dimas Senior Citizens Club. He said also available is Truck Stop San Dimas and pictures can be taken in the fire engine, tow trucks, tractors, and dump trucks. He promised this will be an exciting venue with children's rides and entertainment throughout the day. Additional information is available at the Parks and Recreation Department at (909) 394-6230.

➤ Pui-Ching Ho, Library Manager, San Dimas Library

Pui-Ching Ho, Library Manager, San Dimas Library, announced the activities offered at the Library including: the Book Party, Book for December is *Angle of Repose*; Special Guests will come to Friday Story Time to perform great songs; free Basket Workshop (limited to 25 participants); Teen Book Club meets at Student Union, Book is *Forgotten Fire*. For more information, call the Library at (909) 599-6738 or access their website www.co.la.publib.org.

3. ORAL COMMUNICATIONS (Members of the audience are invited to address the City Council on any item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time or asked to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

a. Members of the Audience

1) **Don Davis** expressed his opposition for the spending of \$11-25 million to rebuild the city hall.

2) **Susan Crawford**, on behalf of Branch Hands, said a group of volunteers mulched 68 trees on Saturday November 21, up in Sycamore Canyon Park. She said volunteers came from San Dimas, Glendora and La Verne with a few young people from the Junior Beta Honors Program., who, upon completing 100 hours of volunteer work, are recognized at their Eighth Grade Graduation. If anyone would like to join Branch Hands, contact Deborah Day at 909/394-6273 or email dday@ci.san-dimas.ca.us. Plan for the Arbor Day Celebration on March 3, 2010 at Eckstrand School/Marchant Park.

3) **Ted Powl**, President/CEO, Chamber of Commerce, issued a reminder that the upcoming Christmas Tree Lighting ceremony will be held at 6:00 p.m. on December 2, 2009, at the San Dimas Train Depot at Bonita Avenue and Monte Vista featuring musical entertainment from San Dimas Brass, assembled by Mr. Ed Wolfe, retired music teacher, and refreshments provided by Soroptimist Club. He encouraged children to visit the various businesses downtown, most of which are participating in a treasure hunt for kids to win cash prizes. He said Santa will be escorted down Bonita Avenue by the San Dimas Sheriff's and will meet Mayor Morris and Lil Miss San Dimas at the train station to light the Christmas tree. Santa will be available to hear kids' wishes, and Santa's hats and antlers are for sale with proceeds to benefit Meals on Wheels.

4) **Mr. Powl** said in conjunction with Meals on Wheels, several organizations will be providing food to those in need and they are always in need of financial or voluntary assistance. He said Southern California Water Company donated 25 turkeys to the Salvation Army that is expected to serve about 500 families assisted by cooks from CalPoly, Kellogg West. For additional information, contact the Chamber at 909/592-3818. He said as Board Chair, the Inland Valley Hope Partners serves over 5,000 individuals, providing to those families one weeks worth of staples and perishable foods.

Mayor Morris said a lot of organizations in the community are helping those in need. Thanksgiving time is a good time to say thank you.

4. CONSENT CALENDAR

(All items on the Consent Calendar are considered to be routine and will be enacted by one motion unless a member of the City Council requests separate discussion.)

It was moved by Councilmember Ebner, seconded by Mayor Pro Tem Bertone, and carried unanimously to accept, approve and act upon the consent calendar, as follows.

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **Resolution No. 09-52**, A Resolution of the City Council of the City of San Dimas, California, approving certain demands for the month of November, 2009.
- b. Approval of minutes for the regular City Council meeting of November 10, 2009 and City Council/Staff Retreat of November 2, 2009.
- c. Award to Grigolla and Sons, Inc., in an amount not to exceed \$130,000.00, for Cash Contract 2009-11 Concrete Maintenance Project - Various City-wide Locations.
- d. Approval to close Monte Vista Avenue, north of Allen Avenue for placement of student classrooms from December 2009 through August 2010, for the modernization of Chaparral High School and Ed Jones Education Center.

END OF CONSENT CALENDAR

5. PLANNING/DEVELOPMENT MATTERS

- a. Deferral of plan check fees for Loma Bonita Residences, an affordable housing project to be located on the northwest corner of East Bonita Avenue and San Dimas Canyon Road.

City Manager Michaelis provided a brief background on the approved project and said the Developer is requesting that 60% of their building plan check fees be deferred until issuance of building permits. Staff recommended deferral of 60% of the building plan check fees contingent upon the developer submitting all buildings for plan check within 30 days; subject to an agreement to be prepared by the City Attorney stipulating payment of the 60% balance due at issuance of building permits, or no later than June 30, 2010 whichever comes first.

Mayor Morris clarified that the Loma Bonita Residences is a housing residential development which includes some affordable housing.

It was moved by Councilmember Templeman, seconded by Councilmember Badar, to defer 60% of the building plan check fees contingent upon the developer submitting all buildings for plan check within 30 days; subject to an agreement to be prepared by the City Attorney stipulating payment of the 60% balance due at issuance of building permits, or no later than June 30, 2010 whichever comes first. The motion carried unanimously.

6. OTHER MATTERS

- a. Request from Waste Management for annual rate increase of 2.56% for residential and commercial services.

Assistant City Manager Duran said attachments not included in the report were placed on the dais. He reported that the City's franchise agreement with Waste Management allows for an annual rate adjustment based upon a formula factoring in changes to the Consumer Price Index (CPI), fuel cost index, and

landfill or disposal costs. He said Waste Management requested an increase of 2.56% for all services and staff recommends approval. Carolyn Anderson is present to answer questions.

Carolyn Anderson, Waste Management, provided a brief update on the commercial/multi-family recycling and said staff is meeting with customers on a regular basis. They have advertised their new Fall Leaf program to recycle additional green waste at no additional charge. She is also working with Environmental Services Coordinator Lisa Monreal who contacted several multi unit facilities and 13 have expressed interest in participating in a pilot program to recycle Christmas trees at curbside. Waste Management will be placing roll-off bins at each of the multi-family units for residents to place their trees on the property for collection.

In response to Councilmember Templeman, Ms. Anderson expressed concern that other debris will be deposited into the roll-off bins intended for Christmas tree recycling. Waste Management will monitor the pilot program and provide updates.

Mayor Morris indicated that the cost of disposing trash in Southern California is going to become very expensive.

Ms. Anderson stated that once the Canyon City Conservancy is completed in the late 2012, all waste from San Dimas will be diverted to Azusa for processing and transported to El Sobrante and other facilities. She said working with Waste Management will provide San Dimas with sound, solid financial stability moving forward with regards to disposal.

Mayor Morris invited comments from the audience.

1) Mike Mohajer is not in support of the rate increase requested by Waste Management. He raised issues: 1) If most of the waste is going to El Sobrante, why is the 13% proposed rate increase based on Puente Hills landfill as the basis to raise the fee by 2.56%? 2) Disposal tonnage dropped, reducing cost to Waste Management; 3) He thinks Waste Management can do a better job on their outreach and he can raise that issue at a public hearing; 4) He would also like to know how the Franchise Fee is being utilized by San Dimas.

Mayor Morris responded that the Franchise fee is a general tax that goes into the general revenue fund and is not used for a specific purpose. He asked Mr. Duran to respond to the first three questions.

Mr. Duran replied that Puente Hills was the primary facility used by Waste Management. He is not familiar with data presented by Mr. Mohajer, but he would like the opportunity to review the information.

Mayor Pro Tem Bertone suggested Mr. Mohajer provide the data to Mr. Duran for review and return to Council with answers.

Mr. Duran further replied that tonnage is for solid waste versus green waste. He said even though the fees are dropping, landfill disposal cost is increasing. He said more analysis is needed to determine if the cost is dropping in proportionate amounts to the increase.

In response to Mayor Morris, Mr. Duran replied there is a three-tiered system and the rate is based upon the size of the solid waste disposal container.

In response to Mayor Morris, Mr. Duran said within the Franchise Agreement is a provision that allows the City to conduct an annual public hearing to evaluate services provided by Waste Management. He said since two agendaized meetings were conducted in January and May with an opportunity for public comment, staff did not feel it necessary to provide a separate public hearing.

In response to Councilmember Ebner, Mr. Duran said in the past, Puente Hills was the predominant landfill, however, the Agreement simply lists a disposal component and states that Waste Management will provide evidence of either an increase or decrease in disposal costs as part of the formula. He stated that staff would investigate if there has been a change.

In response to Councilmember Templeman, Mr. Duran said few complaints are received regarding billing or cart exchange issues, however, dispatch has a good track record. He added that within the Agreement are penalties for excessive complaints and staff monitors and tracks those complaints.

In response to Mayor Morris, Ms. Anderson said the use of Puente Hills Landfill for rate increases is a standard for San Gabriel Valley. She stated that it is a business decision to transfer some of the waste to El Sobrante in Riverside County. She said the rates at El Sobrante are mandated by Riverside County, however, as owner, Waste Management receives a discounted rate.

Mayor Pro Tem Bertone suggested continuing this item to the next City Council meeting.

In response to Mayor Morris, Ms. Anderson said the cost of disposal tonnage is dropping, however, the cost of using the landfill is increasing. She said information on the cost of containers is on their website at www.keepingandimasclean.com and residents have the ability to lower their bill by ordering a smaller waste container at a lower price and an additional recycling container at no cost to increase their green waste capacity.

Mr. Mohajer commented that the program is being reduced county-wide. He said Puente Hills Landfill cannot be used as a basis to increase rates because the disposal tonnage continues to remain the same.

Councilmember Ebner said Mr. Mohajer raised questions, got partial answers, and Mr. Ebner sees no harm in continuing this item for two weeks to answer these questions at the next City Council meeting.

It was moved by Mayor Pro Tem Bertone, seconded by Councilmember Ebner, to continue discussion on this item to the next City Council meeting.

Mayor Pro Tem Bertone expressed his satisfaction with Waste Management's services. He asked the City Manager and Assistant City Manager to ensure San Dimas is paying fair rates compared to other cities.

Mayor Morris stated that there is a contract, the City has gone through the process and the City Council is compelled to grant the increase. When staff completes due diligence on the comparison with other cities, and the numbers are correct, this would be an automatic calculation.

Mr. Duran replied to Council that this is basically a cost of living adjustment and the contract expires in 2014. The City has the ability to cancel prior to the next extension.

2) In response to **Sid Maksoudian**, City Attorney Brown explained that the three factors considered in the fee include service, fuel, and disposal. He stated that the three factors are weighted to determine if there is to be a price adjustment.

The motion carried unanimously.

- b. Authorization to enter into a Lease Agreement with R & W San Dimas, LLC for property at 186 Village Court to be used as temporary city hall facilities.

Assistant City Manager Duran reported that staff has identified 186 Village Court as a preferred existing space to lease as temporary space for the relocation of city hall during construction. He highlighted the lease terms and said they are within the parameters authorized by the City Council and are acceptable to

staff. He added that once agreement can be reached on three outstanding points, staff will report to the City Council. Assuming the successful negotiation of the outstanding points, staff recommends that the City Council approve the business terms as outlined and reported and authorize the City Manager and City Attorney to finalize and execute a lease agreement with R & W San Dimas, LLC for the lease of 186 Village Court.

In response to Council, Mr. Duran stated that the current rate is triple what the City would be paying for the building. It was felt in this economy, that the building is better off occupied than vacant and at end of the lease, the market might improve and attract other tenants. He stated that the Senior Citizens/Community Center or the Community Room at the Sheriff's Station can be utilized for Council and Commission meetings. He said savings of approximately \$400,000 is estimated for the one phase construction.

Councilmember Ebner suggested staff start on signage and noticing the public. Mr. Duran replied that a plan is in place to communicate the move to the public well in advance of the move.

It was moved by Mayor Pro Tem Bertone, seconded by Councilmember Badar, to authorize the City Manager and City Attorney to finalize and execute a lease agreement with R & W San Dimas, LLC for the lease of 186 Village Court for lease of temporary space for the relocation of city hall. The motion carried unanimously.

7. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 8:40 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:42 p.m..

8. ORAL COMMUNICATIONS

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

No one came forward to comment.

- b. City Manager

City Manager Michaelis announced that the City has a Mobile Home Accord that sets forward guidelines for how rents are established in mobile home communities in San Dimas. He said the Accord expires at the end of the year and both City staff and Park owners met to discuss the potential for renewing the Accord for an additional five years. He said an announcement was circulated to invite residents to an informational meeting on December 3, 2009 to discuss the details of the proposed extension of the Accord. The meeting will be held in the Council Chambers at 7:00 p.m. and the item has been scheduled for City Council consideration at their December 8, 2009 meeting.

Councilmember Ebner asked that information be included in that meeting. He said the Accord applies to not only the City-owned Park, but other Parks as well and he wanted to know how all the Mobile Home Parks are doing since the cost of living is below the 3.5% floor set. He inquired if the 3.5% floor would be in effect in view of the fact that the cost of living has decreased less than anticipated five years ago.

City Manager Michaelis replied that the flexibility would remain in the proposed Agreement to fix rent increases to a minimum of 3.5% and a maximum of 7%. He added that the 3.5% minimum increase is elective and the Park owner has the ability to charge less than 3.5%. He said two communities did not increase the rent while another increased the rent to 3.5%, however they subsidized the cost and there was no net cost to the residents.

Mayor Morris stated that there is no provision in the Accord for pass-throughs and the only capital improvements that could be pass-through to the residents are those voted on by the residents. There are only two methods by which a Park owner can raise money for improvements: 1) when a unit is vacated, the rate can be raised to the current market value; 2) when the Tax Assessor increases property taxes by 2%. He stated that if generally acceptable, the Accord can be extended for an additional five years, unless the residents object.

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.

There were no meetings attended at the expense of the City.

- 2) Individual Members' comments and updates.

- 1) Councilmember Templeman thought it would be helpful for staff to communicate to the public any progress on the rehabilitation project at San Dimas Avenue, north of Gladstone. Mayor Morris suggested subscribing to electronic mail or accessing the City's website for a status report.

- 2) Councilmember Templeman said Public Works Director Patel is attempting to obtain a permit to clear the wild vegetation creating a fire hazard on San Dimas Canyon Road. He said the neighborhood is concerned about fire safety. He wished everyone a Happy Thanksgiving.

- 3) Councilmember Badar said various events have begun and he thought information should be publicized on the City's website. He wished everyone Happy Thanksgiving.

At the request of Councilmember Badar, Director of Parks and Recreation Bruns said fliers on the 50th Anniversary Banner Sponsorship program were delivered to the Chamber for advertising in the Pioneer and staff will be posting it on the website. She said banner sponsorship applications will be accepted immediately and for requests received by December 18, 2009, banners could be hung by the middle of January. Individuals, organizations or businesses can purchase a sponsorship for a 50th Anniversary banner for \$225 to be hung either on Arrow Highway/Bonita Avenue or Via Verde Avenue for the year. Banners can be purchased month to month until mid-year, and at the end of the year, the banners will be turned over to the sponsor. Names of sponsors will be imprinted at the bottom of the banner.

- 4) Mayor Pro Tem Bertone commended the Historical Society volunteers on the professional exhibits at the opening of the San Dimas Historical Society Museum on Friday, November 20, 2009 at the Walker House. He invited the public to visit the Museum.

- 5) Mayor Pro Tem said brush should be removed if it poses a fire hazard, however, he urged staff to be cautious when dealing with wildlife habitat.

- 6) Mayor Morris also applauded the Historical Society Museum and invited the public to attend. He wished everyone Happy Thanksgiving.

9. ADJOURNMENT

Mayor Morris adjourned the meeting at 8:57 p.m. The City Council will next meet on Tuesday, December 8, 2009, 7:00 p.m.

Respectfully submitted,

Ina Rios, CMC, City Clerk