



MINUTES
REGULAR CITY COUNCIL
TUESDAY, DECEMBER 8, 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 Ebner
Councilmember Jeff Templeman

City Manager Blaine Michaelis
City Attorney J. Kenneth Brown
City Clerk Ina Rios
Assistant City Manager of Community Development Larry Stevens
Assistant City Manager Ken Duran
Director of Development Services Dan Coleman
Director of Public Works Krishna Patel
Director of Parks and Recreation Theresa Bruns
Planning Intern Michael Concepcion

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

- a. Santa's Hay Ride to be held on Friday, December 18, 2009, at Horsethief Canyon Park, from 5:00-7:00 p.m.

Director of Parks and Recreation Bruns announced Santa's Third Annual Hay Ride to be held on Friday, December 18, 2009, at Horsethief Canyon Park, from 5:00-7:00 p.m. featuring the hay ride and pictures with Santa, along with lots of food and entertainment. Director Bruns said the cost for the hay ride is \$4.00 per person and is limited to 150 participants. She reminded participants to dress warmly during the cool weather. For additional information, contact the Parks and Recreation Department at (909) 394-6230.

In response to Mayor Morris, Ms. Bruns highlighted activities of and reported that the Holiday Fest was a huge success.

Director Bruns announced that 2010 is the City's 50th Anniversary and staff will be celebrating many activities and events throughout the year. She said recently staff kicked off the Street Banner Sponsorship campaign and street banners are currently available for sponsorship at a fee of \$225, that allows names to be placed on banners to be hung on Bonita Avenue, Arrow Highway, or Via Verde Avenue throughout 2010. Sponsors who get their applications in early will be included in the first round of banners to be hung by mid-January for the entire year. Sponsor applications will be reviewed once monthly and banners will be hung once a month.

In response to Council, Director Bruns said banners will be randomly hung first on Bonita Avenue and at the end of the 2010, banners will be removed and distributed to sponsors.

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

Pui-Ching Ho, Library Manager, San Dimas Library, invited pre-school age children to sing along with two Special Guests on Friday, December 11th. She announced various activities offered at the Library featuring: free Basket Weaving Workshop on December 12th (limited to 25 participants); Teen Book Club meeting on December 15th. For more information, call the Library at (909) 599-6738 or access their website www.co.la.publib.org. She also invited innovative and energetic teens, grades 6-12 to come to the Teen Advisory Committee on December 19 to help recommend purchases and promote Library programs and services. She said the Book Party meets on January 4, 2010 and the Book for January is Lying Awake, available at the Library. Ms. Ho announced that the Library will close at 5:00 p.m. on December 24 and December 31, and will be closed December 25 and January 1 for the Christmas and New Years holidays. She wished everyone the very best during the holiday season.

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) **Susan Crawford** submitted a pamphlet and a check for the sponsorship banner to Director Bruns, and asked if the application form was online.

Director Bruns said the form can be found at the City's website by clicking on the 50th Anniversary icon.

2) **Carol Hockenbery**, Cienega Valley Estates, 1245 W. Cienega Avenue, thanked Mayor Morris and City Manager Michaelis for their efforts working with Park Owners on the Accord. She said the Accord is very important to the community as evidenced by the turnout at the meeting. She suggested the City Council strongly urge Park owners to open dialog with representatives of the five Parks in San Dimas regarding changes that might need to be made due to the economic climate. She added that although Park owners may have a legal right to raise the base rent; it could be equivalent to 75% of homeowners' retirement or social security funds which only leaves 25% for other expenses.

Mayor Morris stated that review of the Accord is on the agenda and citizens will also have an opportunity to comment at that time.

3) **Mayor Morris** mentioned that not only the agenda but staff reports as well are now posted on the City's website on the Friday preceding the Tuesday's meeting.

4) **Ted Powl**, President/CEO, Chamber of Commerce, said the Mayor will be giving the State of the City address on January 13, 2010, at an evening event at San Dimas Canyon Clubhouse. Tickets are \$50 and include a wonderful dinner, mementos and valet parking. He said invitations will be sent out later in the week and encouraged early reservations as seating is limited to 160 persons. For additional information, contact the Chamber of Commerce at (909) 592-3818.

5) **Akmem Jake**, Lone Hill Middle School, reviewed the academic and athletic activities at Lone Hill Middle School. He said the sanctioned event for the 50th Anniversary is San Dimas Community Night Out and invited the Council and community to join them on March 5, 2010 to watch Ontario Reign play. For additional information, contact the ASB Director or Clerk at (909) 971-8270, Ext. 7111.

6) **Steven Rodriguez**, ASB Executive Vice President, San Dimas High School, highlighted the academic and athletic activities and said for the first time, the High School Football Team will play in the CIF finals against Monrovia at 7:00 p.m. on December 12th, at Citrus College. He also stated that several football players from CIF Finalist Team received letters in all League academics for being top scholars and athletes of the League. He reported that Kayla Noye received a full scholarship for Portland State University for academic achievements and her softball skills.

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 Councilmember Templeman, 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) Approving Warrant Register for November and December 2009.
RESOLUTION NO. 09-53, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF NOVEMBER AND DECEMBER, 2009.
- b. Approval of minutes for the regular City Council meeting of November 24, 2009 and City Council Special meeting of November 10, 2009.
- c. Rejection of claim for damages from Southern California Edison.

END OF CONSENT CALENDAR

5. ORDINANCES

- a. Proposed Code Amendments for Sanitary Sewers and Industrial Wastes.

ORDINANCE NO. 1192, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING BY REFERENCE PURSUANT TO THE PROVISIONS OF SECTION 50022.2 OF THE CALIFORNIA GOVERNMENT CODE, LOS ANGELES COUNTY SANITARY SEWERS AND INDUSTRIAL WASTES ORDINANCE AS EFFECTIVE THROUGH JUNE 30, 2009 AND AMENDING THE SAN DIMAS MUNICIPAL CODE. FIRST READING AND INTRODUCTION

Director of Public Works Patel reported that the County of Los Angeles conducts industrial waste inspection and plan review activities for the City and charges individual contractors and businesses for services based on the City's fee structure. The proposed amendment will increase the City fees to match the current fees charged by the County; allow for annual review of fees based on CPI; provide for recovery of 15% administrative fees associated with the Ordinance assessment in addition to the current County fee; and incorporate minor adjustments to clarify terminology. Staff recommends introduction of Ordinance No. 1192.

In response to Council, City Attorney Brown replied that when the entire County code is adopted by reference, Statue provides a procedure that allows us to introduce the Ordinance, set the public hearing, provide notice twice in publications, conduct the public hearing, and adopt the Ordinance.

Mayor Morris suggested staff review the contract to ensure the County assumes liability in the event of errors, or have the City contribute to the Liability Trust Fund for coverage.

After the title was read, it was moved by Councilmember Templeman, seconded by Mayor Pro Tem Bertone, to waive further reading and introduce **ORDINANCE NO. 1192**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING BY REFERENCE PURSUANT TO THE PROVISIONS OF SECTION 50022.2 OF THE CALIFORNIA GOVERNMENT CODE, LOS ANGELES COUNTY SANITARY SEWERS AND INDUSTRIAL WASTES ORDINANCE AS EFFECTIVE THROUGH JUNE 30, 2009 AND AMENDING THE SAN DIMAS MUNICIPAL CODE. The motion carried unanimously.

Mayor Morris stated this item has been set for public hearing on Tuesday, January 12, 2010.

6. PLANNING/DEVELOPMENT SERVICES

- a. Mills Act Contract Consideration - 511 North Bellevue Avenue:

RESOLUTION NO. 09-54, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING THE ATTACHED HISTORIC PROPERTY PRESERVATION AGREEMENT, PURSUANT TO THE MILLS ACT, FOR THE SINGLE FAMILY RESIDENCE AT 511 NORTH BELLEVIEW AVENUE (APN: 8387-005-040).

Councilmember Ebner excused himself from discussion on this item as he lives within 500 feet of the subject property.

Planning Intern Concepcion explained the Mills Act, and reported that the property owners at 511 North Bellevue Avenue requested to enter into a Mills Act Contract with the City. Staff recommends adoption of Resolution No. 09-53 authorizing staff to enter into a Mills Act Contract with the property owners in exchange for the preservation and restoration of the existing historic residence.

Mayor Morris invited the applicant to present their request.

Janna Bristing, 511 Bellevue Avenue, said she and her husband agree with the staff report, with the exception of the removal of the porch enclosure as it is the only closet in the entire home. She asked if a compromise can be considered and she distributed pictures of Craftsman Bungalows with dual gables that illustrate the front of the house enclosed with a smaller dual gabled porch.

Mayor Pro Tem Bertone said he would like to see this item approved allowing the closet to remain. He said in meeting with City Attorney Brown and Assistant City Manager Stevens, it was stated that the City Council has the authority to approve this item keeping the closet intact.

Mayor Morris stated that the Mills Act's stringent requirements may not permit the porch enclosure and he expressed concern that keeping the enclosure may disqualify them under the Mills Act.

In response to Councilmember Badar, Mrs. Bristing replied they do not have the capital to remove the porch enclosure, update wiring, and construct additional closets in the rear of the building.

In response to Councilmember Templeman, Mr. Stevens said nothing in the Secretary of Interior's guidelines state that the porch cannot be enclosed or partially enclosed and it would be Council's decision to determine that alteration of the porch was consistent with the Secretary of Interior's Guidelines for Rehabilitation of Historic Structures. However, it is staff's judgment, based upon the Town Core Guidelines and staff's general understanding of Craftsman Bungalow designs that the porch enclosure does not meet those requirements. He asked Intern Concepcion if he had an opportunity to evaluate the issue of a partial enclosure with the applicant.

Planning Intern Concepcion said extensive discussion was held with the applicants and an alternative option was suggested to consider replacing the existing vertical board and batten siding with horizontal siding to make it more compliant with the Town Core guidelines.

Mr. Stevens recommended continuing this item to January 12, 2010 to work with the applicant on a design option that staff can support.

Councilmember Badar said if this item is continued, he would like the City Attorney's advice on whether or not the City Council has the authority to rewrite the Mills Act by adding the condition to permit the porch enclosure.

It was moved by Councilmember Templeman, seconded by Mayor Pro Tem Bertone, to postpone this item to work with the family on an acceptable design. The motion carried 4.0.1; Councilmember Ebner abstained.

Mayor Morris said the purpose of the Mills Act is to provide incentive to property owners to rehabilitate, maintain, and restore their historic property and in exchange, a reduction in property taxes is granted for a period of ten years. He stated he would have to be convinced that the spirit of the Mills Act is being met by allowing the modifications to the front porch to remain since they would not be currently permitted. He said another issue worth considering would be to start the tax reduction process in the future when the property qualifies.

Mayor Morris said the matter has been continued to January 12, 2010, and the various alternatives will be covered in the staff report.

7. OTHER BUSINESS

- a. Approve a renewal of the San Dimas Mobile Home Accord for an additional 5 year term starting January 1, 2010.

City Manager Michaelis explained the provisions of the current Accord and said the Accord expires January 1, 2010. He said the provisions function well, however, with economic challenges experienced within the last few years, residents in one community have expressed concern with a recent space rent increase. Mr. Michaelis said staff met with interested residents on Thursday, December 3rd, to explain provisions of the Accord and listen to concerns. He said majority residents concluded that the Accord provisions allowed flexibility for owners to consider rent adjustments and new buyer/resident market space rents, and voted in favor of extending the Accord. Staff recommends renewal of the Accord for an additional five years beginning January 1, 2010.

In response to Carol Hockenbery's earlier comments, Mr. Michaelis mentioned that the current Accord does not prohibit discussion between a resident and the Park owners.

In response to Councilmember Ebner, City Manager Michaelis replied that the homeowners do not sign the Accord, and, in order to be effective in all five mobile home communities, all Park owners need to sign the Accord.

Mayor Morris invited audience members to address the City Council.

Carol Hockenbery said when potential buyers hear that Cienega Valley raised the base rent by 7%, they withdraw their interest. She mentioned that Alan Alt suggested having a cap on the base rent and she would like to know if that can happen. She asked if the four other Mobile Home Parks had frozen the space rent for one year due to the economic conditions, and is there the possibility of freezing the space rent at Cienega Valley.

Mayor Morris said that in the past, Cities were able to control negotiations and the amount of re-pricing on the sale of a unit. However, the 9th Circuit Court has overturned rent control ordinances that regulated limitations on rent on property sold. He said the Accord does not get reviewed in the same way because it is an agreement signed by Park Owners who agree to the terms. He added that, with the exception of Cienega Valley, the Park Owners did not impose an increase this past year.

In response to Mayor Pro Tem Bertone, Ms. Hockenberry said she is in favor of approving the Accord. She just feels there needs to be discussion between the owners and residents on something that is appropriate.

Councilmember Templeman suggested building trust and communications with the Park Owners over the course of time and perhaps residents can get better results by 2014.

It was moved by Councilmember Ebner, seconded by Councilmember Badar, to renew the San Dimas Mobile Home Accord for an additional 5 year term starting January 1, 2010 through December 31, 2014. The motion carried unanimously.

8. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 8:20 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:21 p.m..

9. MEETING OF SAN DIMAS PUBLIC FACILITIES FINANCING CORPORATION

Mayor Morris recessed the regular meeting at 8:21 p.m. to convene a meeting of the San Dimas Public Facilities Financing Corporation Board of Directors. The regular meeting reconvened at 8:24 p.m..

10. MEETING OF SAN DIMAS HOUSING AUTHORITY CORPORATION

Mayor Morris recessed the regular meeting at 8:24 p.m. to convene a meeting of the San Dimas Housing Authority Corporation Board of Directors. The regular meeting reconvened at 8:32 p.m..

11. ORAL COMMUNICATIONS

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

There were no comments.

- b. City Manager

Assistant City Manager Duran reported that Waste Management has withdrawn their request for a rate increase. He said the increase was based on three weighted components in the formula contained within the Franchise Agreement. At the last City Council meeting, a resident raised concerns regarding the disposal component and after investigation, it was determined that the Franchise Agreement does not reference Puente Hills as the benchmark for calculating the disposal formula. However, the Agreement specifies that charges based upon the disposal facility utilized by the contractor should be factored into the formula.

- c. City Attorney

There were no comments.

- d. Members of the City Council

- 1) Appoint Councilmember Jeffrey Templeman to represent City of San Dimas on San Gabriel Valley Mosquito & Vector Control District Board of Trustees.

It was moved by Mayor Pro Tem Bertone, seconded by Councilmember Badar, to reappoint Councilmember Jeffrey Templeman as the City of San Dimas representative on the San Gabriel Valley Mosquito & Vector Control District Board of Trustees. The motion carried unanimously.

- 2) Reappointment of Public Member to the Development Plan Review Board

It was moved by Councilmember Badar, seconded by Councilmember Ebner, to reappoint John Sorcinelli as the public member to the Development Plan Review Board for 2010, for a two-year term through December 31, 2012. The motion carried unanimously.

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

No one attended a meeting at the expense of the Local Agency.

- 4) Individual members' comments and updates.

- 1) At the request of Councilmember Templeman, City Manager Michaelis announced the hours of operation for city hall during the weeks of Christmas and New Years. He said city hall will be open Monday through Wednesday, from 7:30 a.m. to 5:30 p.m. and will close Thursday and Friday, December 24, 25, 31, 2009 and January 1, 2010.

- 2) Councilmember Templeman wished everyone a very Merry Christmas.

- 3) Councilmember Ebner said he appreciates the good relationship with Waste Management. He summarized that a citizen came forward with a concern and the City Council continued the item to allow review by staff; and Waste Management made the decision to withdraw the rate increase. He, too, wished everyone a Merry Christmas and Happy New Year.

- 4) Councilmember Badar extended Happy Holidays and reminded everyone to support San Dimas High School's CIF Championship at Citrus College on Saturday.

- 5) Mayor Pro Tem Bertone thanked Mr. Ted Powl and Ms. Margie Green for organizing the Tree Lighting Ceremony. He also thanked the Chamber and the City for allowing the sale of Santa Hats and Reindeer Antlers, and said over \$500 was raised to benefit Meals on Wheels. He extended Happy Holidays to everyone.

- 6) Mayor Morris said the San Dimas Community Church distributes food to those in need and if anyone would like to contribute, the Feed Store is conducting the food drive collection. He said Mr. Powl has reported that a lot of people are experiencing difficulties this year.

Councilmember Badar said in addition to canned goods, jackets and coats are being collected as well.

- 7) Mayor Morris wished everyone Happy Holidays and said there is one more opportunity available to viewers. He and City Manager Michaelis will be answering questions on *Ask the Mayor* TV show on Thursday, December 12, from 7:00 to 8:00 p.m.

12. ADJOURNMENT

Mayor Morris adjourned the meeting at 8:45 p.m. The City Council will conduct their next meeting on January 12, 2010, 7:00 p.m.

Respectfully submitted,

Ina Rios, CMC, City Clerk