



MINUTES
REGULAR CITY COUNCIL
TUESDAY, MARCH 9, 2010, 7:00 P. M.
SENIOR CITIZEN/COMMUNITY CENTER
MULTI-PURPOSE ROOM, 201 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 Ken Duran
Director of Development Services Dan Coleman
Director of Public Works Krishna Patel
Director of Parks and Recreation Theresa Bruns
Administrative Aide Kevin Frey

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. 50th Anniversary Flashbacks

Bill Emerson, San Dimas Historical Society, reported that in 1961, the City Council authorized the acquisition of the new City Hall for \$12,500.00; in 1963, the Postmaster announced new zip code 91773 for San Dimas; in August 1963, the Lemon Packing House was shut down; and in August 1966, cow rustling activity was reported.

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

Pui-Ching Ho, Library Manager, San Dimas Library, invited the public to a free vegan cooking demonstration at the San Dimas Library on Saturday, March 13, from 1:00 to 3:00 p.m. with food tasting at the end of the program. Ms. Ho invited innovative teens, grades 6-12, to meet on March 27, at 12:00 p.m. to offer ideas to help promote the Library. The Library will present a series of Tony Daniel Young Magicians Magic Workshops in March. Space is limited to 30 students and interested parties can sign up at the Library reference desk. She said a Magic Show will be presented on March 31, 2010. Ms. Ho reported that the Book Party meets at 10:30 a.m. on April 5, 2010 and the book of the month is "Humming Bird's Daughter". 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) **Susan Crawford**, Branch Hands, reported that on March 3, 2010, Arbor Day was celebrated at Marchant Park with the Third Grade class from Ekstrand Elementary School. The class learned a lot about planting trees and were treated to lunch. Ms. Crawford announced that four local schools received grant funding from the Department of Forestry and Fire Protection to plant over 350 15-gallon trees as part of the United Voices for Healthier Communities Tree Planting Program. She said the first planting will occur at 9:00 a.m. on March 12th at San Dimas High School and volunteers are needed to plant 102 trees. Other events will be held on March 20 at 9:00 a.m. to plant 76 trees at Ekstrand Elementary School; on April 5, at 9:00 a.m. to plant 90 trees at Lone Hill Middle School; and April 17 at 8:00 a.m. to plant 86 trees at Allen Avenue School. She encouraged volunteers to join in the fun and bring shovels and gloves.

2) **Ted Powl**, President/CEO, Chamber of Commerce, said space is still available on the Civic Academy starting March 20, 2010, for anyone interested in learning about how the community works. The cost is \$98.00 and the seminars will conclude with a tour of the city and barbecue celebration on Saturday, May 8th. He said the 3rd Annual Teacher of the Year celebration will be held on May 12 to thank teachers for the work they do for our children. He announced the Chamber is accepting registration for their Golf Tournament to be held on Monday, May 24, 2010. He invited nominations of businesses and businesspersons to be recognized on June 24 at the annual Business Awards installation dinner.

3) **Mike Mohajer** said at the November 24, 2009 City Council meeting, he challenged Waste Management's request for a rate increase and ultimately, Waste Management withdrew their request. He requested documents related to Waste Management's performance as required by the Franchise Agreement.

4) **Dr. Marvin Ersher** suggested re-enacting the first City Council meeting as part of the 50th Anniversary Flashbacks.

5) **Sid Maksoudian** expressed concern with the Mother/Daughter team leaving Saffron Restaurant and said a Financier has taken control of the restaurant.

6) **Margie Green** invited the public to join the Festival of Arts at the Walker House 2nd Story Gallery from 5:00 p.m. to 9:00 p.m. on March 12, 13, 19, and 20th for a tribute to the late Artist Kolan Peterson. She said the Artists reception will be held on Friday, and attendees will be treated to hors d'oeuvres provided by Saffron.

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 Badar, 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. 10-10**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTHS OF FEBRUARY AND MARCH, 2010.

b. Approval of minutes for regular meeting of February 23, 2010 and special meeting of February 23, 2010.

c. Reject claim for damages from Marcella Sanchez.

END OF CONSENT CALENDAR

5. PUBLIC HEARING

(The following items have been advertised and/or posted. The meeting will be opened to receive public testimony.)

- a. Municipal Code Text Amendment 10-01 - A request to amend Chapter 18.14 of the City's Municipal Zoning Code, regarding Water Efficient Landscaping, to bring the City in compliance with AB 1881.

ORDINANCE NO. 1196, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 10-01, TO AMEND CHAPTER 18.14 OF THE CITY'S MUNICIPAL ZONING CODE. FIRST READING AND INTRODUCTION

Administrative Aide Kevin Frey reported that in 2006, the Governor signed Assembly Bill 1881 amending the Water Conservation Landscape Act. The bill requires 1) the California Department of Water Resources to update the original Model Water Efficient Landscape Ordinance; and 2) cities and counties are to update their local Landscape Ordinances by January 1, 2010. He said the Planning Commission reviewed the proposed code text amendment and voted to recommend approval of the amendment to comply with AB 1881. Staff recommends amending Chapter 18.14 of the Zoning Code titled Water Efficient Landscapes in order to bring the Municipal Code into conformity with the updated State Model Landscape Ordinance.

Mr. Frey responded to Council that cost for the permit has not yet been determined; the Ordinance is a modified version of the State model; and the formula included in the packet is the one provided by the State.

Mayor Pro Tem Bertone said he would like to compare the specific State requirements to the City Ordinance. He reported that State legislation supersedes Local Government mandates on Homeowners Association's decisions. Mr. Bertone expressed his opposition to require an expert landscaper to certify homeowners' plans to landscape residential backyards.

Mr. Frey stated that the ordinance was modified to make it user friendly and a resident is not required to hire a professional landscaper for certification and can self-certify landscaping.

Councilmember Templeman asked if a resident was required to send the Landscape Documentation Package to a Landscape Consultant for review. Mr. Frey replied that staff is not anticipating this service for homeowners and all costs will be paid by the applicant.

In response to Councilmember Ebner, Mr. Frey replied that the proposed code does not limit the amount of ground to be covered by artificial turf.

Mayor Morris opened the public hearing and invited comments from the audience.

- 1) **Dr. Marvin Ersher** would appreciate a simple explanation of the technical Ordinance and would like the code to be the least intrusive.
- 2) **Mike Mohajer** understands that the adoption of the proposed Ordinance is mandated by AB 1881 and said Government Code Section 65595, Subdivisions (c) and (d) provide local government the opportunity to adopt their own code prior to January 1, 2010, otherwise the jurisdiction will be preempted by State law. He requested a copy of the Ordinance adopted prior to January 1, 2010. Mr. Mohajer added that AB1793 proposed by Assembly Member Saldana would amend the Davis-Stirling Common Interest Act by prohibiting a Homeowner's Association's governing documents to prevent the use of artificial turf. He said nothing in AB 1881 authorizes the City to preempt the CC&Rs governing a Homeowners

Association. As a separate issue, he said staff recommended the use of artificial turf to reduce green waste, however, at the end of its useful life, the turf will be sent to the landfill for disposal. He said the proposed Ordinance is too technical and difficult to understand and he would like staff to clarify several issues.

3) **Susan Crawford**, applauded the efforts of staff to require the artificial turf to be permeable. She cautioned that grass and roots can sprout through the fine materials.

4) **Sid Maksoudian** inquired if he would be required to replace his existing landscaping with artificial turf. Mayor Morris replied that the Ordinance permits artificial turf to be installed, and it does not affect existing landscaping. He said the Ordinance will apply to future landscaping projects.

In response to Mr. Maksoudian, Director Coleman explained that a 2,500 square foot landscape project applies to non-homeowners; individual homeowners are allowed a total project landscaped area equal to 5,000 square feet.

Mayor Pro Tem Bertone suggested that after the public hearing, this matter be continued for further discussion at a study session.

5) **Jim McCants** said he removed a pool in the backyard and asked staff to look into the requirement of an experienced inspector for ground compaction.

In response to Mr. Mohajer, Mayor Morris replied that only cities that own and maintain a Water Company have a right to regulate water requirements.

There being no one else wishing to speak, the public hearing was closed for discussion and action.

Councilmember Templeman stated that the purpose and intent of the Ordinance should be helpful to residents to ensure good quality. He said San Dimas should identify a methodology for installing artificial turf and should consider a format similar to the installation of vinyl siding. He expressed concern with enforcement of this Ordinance. Mr. Templeman suggested a simple template be implemented to eliminate confusion. He also agreed with Mayor Pro Tem Bertone that the City should not supersede the CC&Rs governing the Homeowners Association.

Councilmember Ebiner said staff should simplify the process, provide assistance in calculating water allowance and water use, and develop installation standards for non-renewable artificial turf, which will need replacement after a period of time.

It was moved by Councilmember Badar, seconded by Mayor Pro Tem Bertone, to continue the public hearing to a study session on April 13, 2010.

Mayor Morris reopened the public hearing for purposes of continuing the public hearing to April 13, 2010.

The motion carried unanimously.

Mayor Morris closed the public hearing.

City Manager Michaelis invited comments to be submitted within the next ten days for incorporation into the staff report.

6. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 8:24 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting was reconvened at 8:25 p.m.

7. ORAL COMMUNICATIONS

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

- 1) **Mike Mohajer** mentioned that a recent article in the San Dimas Community News reported that Waste Management launched a new SHARPS delivery program for use by residents who need to dispose of needles, lancets and other "sharps" required by legislature.

- 2) **Dr. Marvin Ersher** pointed out that he heard on the radio that a Professor is banning laptops in his classroom.

- 3) **Sid Maksoudian** stated that when an entity leaves, restauranteurs should be given the opportunity to bid on the operations of the business.

- b. City Manager

City Manager Michaelis said City Hall has moved into the Temporary City Hall (TCH) at 186 Village Court, also known as the Levitz Building, and he invited the public to stop in and say hello. He said TCH is open for business for all city operations.

Mr. Michaelis said the construction fence will be erected this week at the Civic Center; the ground breaking ceremony will be held at 4:00 p.m. on March 23, 2010 at the City Hall; and construction is projected to be completed by mid-April 2011. He thanked staff for facilitating the move to TCH and broadcasting this meeting. He added that "*Ask the Mayor*" will not be broadcast for the next two weeks.

- c. City Attorney

The City Attorney had nothing to report.

- d. Members of the City Council

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

Councilmembers did not attend any meetings at the expense of the local agency and had nothing to report.

- 2) Appointments to Equestrian Commission

Councilmember Templeman reported that Equestrian Commissioner Misty Reiss relocated from San Dimas and resigned from the Equestrian Commission. Her unexpired term ends on July 31, 2010 and two individuals from a previous recruitment have expressed interest in being considered for the vacancy.

It was moved by Councilmember Templeman to appoint Yvette Picconi to the Equestrian Commission to the unexpired term ending July 31, 2010, with the caveat that upon successful completion Ms. Picconi be eligible for appointment to a full two-year term, with a limit of three terms. The motion was seconded by Mayor Pro Tem Bertone, and carried unanimously.

3) Individual Members' comments and updates.

1) Councilmember Templeman praised staff for the woodwork and countertops constructed at Temporary City Hall and said on Sunday he saw several employees setting up their work stations to be ready for business Monday.

2) Councilmember Templeman mentioned that he received his business license and he suggested including "Thank You for Doing Business in San Dimas" on the letter.

3) In reply to Councilmember Templeman, Director Patel replied that San Dimas Avenue will be reopened on Thursday.

4) Councilmember Templeman said as a volunteer of the Festival of Arts program, he received a letter recruiting volunteers for their next show. He suggested staff be prepared in advance to avoid any logistics problems.

5) Councilmember Ebner reminded everyone that Little League is starting their Parade at 8:00 a.m. on Saturday, March 13, 2010, at Walnut Avenue ending at Marchant Park Little League Field.

6) Councilmember Ebner announced that the exciting Stage III Grand Finale Bicycle Race will be held on Sunday, March 21, 2010 in the towncore area.

7) Councilmember Ebner asked staff to look into providing documentation requested by Mr. Mohajer.

8) Councilmember Badar observed that the sound system is unclear and requested a copy of Mr. Mohajer's opening statement.

9) Councilmember Badar commented on the spacious Temporary City Hall and praised staff for the tremendous job constructing countertops.

10) Councilmember Badar announced that there are two vacancies on the Public Safety Commission and asked the deadline for recruitment. City Clerk Rios replied that deadline to submit applications is March 31, 2010.

11) Mayor Pro Tem Bertone would like to hear from the public regarding any problems with the Pomona Valley Humane Society.

12) Mayor Pro Tem Bertone praised staff on the excellent job at Temporary City Hall.

13) Mayor Morris commended the Moving Company for the tremendous job of getting everyone moved.

8. ADJOURNMENT

Mayor Morris adjourned the meeting at 8:50 p.m. The next meeting is Tuesday, March 23, 2010, 7:00 p.m.

Respectfully submitted,

Ina Rios, CMC, City Clerk