



MINUTES
REGULAR CITY COUNCIL
TUESDAY, MARCH 23, 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 of Community Development Larry Stevens
Assistant City Manager Ken Duran
Director of Public Works Krishna Patel
Director of Parks and Recreation Theresa Bruns

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. RECOGNITIONS

- Presentation of banner to Andrew Ortiz, Senior Airman, U. S. Air Force, recently discharged from active duty in the Armed Forces.

Mayor Morris reported that at the request of Senior Airman Ortiz, this item was postponed until April 13, 2010.

3. ANNOUNCEMENTS

- a. 50th Anniversary Flashbacks

David Harbin, San Dimas Historical Society, reported on headlines that appeared in the San Dimas Press on April 1, 1971 announcing that the new San Dimas Library would officially open its doors on Thursday, April 8, 1971 at 145 North Walnut, following their opening ceremonies. He said the 13,500 square foot Library was built at a cost of \$434,000 and houses an estimated 30,000 volumes, with space for 60,000 books. He said the former Library located at 114 W. Bonita Avenue closed its doors permanently on March 17, 1971 in order to transfer supplies and books to the new building. The new Library was established as the 8th Branch of Los Angeles County Library of 1913 that celebrated its 50th anniversary in 1963. Mr. Harbin said headlines appeared on November 30, 1967 that San Dimas is set for Cable Television with Commercial Antenna Television Company, for a connection fee of \$5.95 and monthly service fee of \$5.95. On December 14, 1967, an article reported operations at Santa Fe Railroad San Dimas Station would be discontinued as a result of a Public Utility Commission decision. The Railroad petitioned the PUC to close due to lack of business.

- b. Announce 20th Annual Family Festival and Egg Hunt event to be held on March 27, 2010

La Toyia Ward, Recreation Coordinator for the City, invited the community to mark their calendars for Saturday, March 27, 2010, from 9:00 a.m. to 2:00 p.m. to attend the annual Family Festival. She reminded everyone to be on time for the Spring Egg Hunts at 10:00 a.m. sharp on Saturday, March 27, 2010, at Civic Center Park and Via Verde Park. Ms. Ward announced the Youth and Family Village, comprised of Youth and Family Coalition and said the School Districts will provide a reading corner for children. She outlined a variety of activities to be enjoyed in celebration of the City's 50th Anniversary.

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

Pui-Ching Ho, Library Manager, San Dimas Library, invited innovative teens, grades 6-12, to meet on March 27, at 12:00 p.m. to offer ideas to promote Library programs to teens. 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". She invited the community to an evening of multicultural music with Craig Newton on April 5, 2010, at 6:30 p.m. Ms. Ho said local historian and former President of San Dimas Historical Society Ralph Thomas will be presenting on the first 80 years of San Dimas' history in honor of the City's 50th Anniversary. For more information, call the Library at (909) 599-6738 or access their website www.co.la.publib.org.

4. 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 over the past two weeks, 276 trees were planted in San Dimas at four different areas and she expressed her appreciation to all the volunteers who assisted. She said the City was the recipient of two grants from California Department of Fire and Forestry Protection and the South Coast Air Quality Management District to apply toward the tree planting projects. Interested volunteers will have two more opportunities to help out - on April 5 at Lone Hill Middle School and on April 17, at Allen Avenue School. Ms. Crawford praised the Third Grade children from Ekstrand who participated in the tree planting and wrote thank you notes.

2) Robert Hardcastle invited volunteers and equestrians to join in the Ride for Life fundraiser on April 3, 2010 at Fairplex to raise funds for the annual Relay for Life event to be held on May 15-16, at Horsethief Canyon Park. He said registration information is available at bonellimau.org.

3) Sid Maksoudian brought to the attention of the City Council issues regarding the concessionary at the Walker House that he had discussed with City staff.

5. 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 Templeman requested minutes be amended on page three to clarify his comments that he asked if a resident was required to send a Landscape Review for a normal parcel of land.

It was moved by Mayor Pro Tem Bertone, seconded by Councilmember Ebiner, and carried unanimously 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:

- (1) **RESOLUTION NO. 2010-11**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF MARCH, 2010.

- b. Approval of minutes for regular meeting of March 9, 2010. Approved as amended.
- c. 1) Closure of First Street from the Municipal Parking Lot to San Dimas Avenue from Wednesday, April 21 to Monday, April 26, 2010 for the 2010 San Dimas Festival of Arts.
2) Walker House Coordination.
- d. Approval to close Iglesia Street between Bonita Avenue and the Public Alley south of 1st Street for Earth Day Event at Farmer's Market on April 23, 2010.
- e. Authorization to Waive Formal bid Process for the Purchase of Video Detection Cameras for the San Dimas Avenue / Foothill Blvd. & San Dimas Avenue / Gladstone Video Detection Projects and award of bid to RodefX, Inc. in the amount of \$53,502.48.

END OF CONSENT CALENDAR

6. PLANNING/DEVELOPMENT SERVICES

- a. A request by George Yemetz to agendize reconsideration of an appeal of Planning Department Denial of Request for "re-build" letter for property at 240 W. Third Street.

Assistant City Manager of Community Development Stevens reported that Mr. Yemetz's original appeal was denied without prejudice by the City Council on March 14, 2006. The City Council concluded that the structure in question was built as a shed in 1922 and expanded in 1934; however, there are no records of building permits for converting from a shed into a guest house. He said on the basis of an amended copy of a letter dated February 24, 2010 from the Assessor's Office reflecting one minor change, Mr. Yemetz is requesting a hearing on this item to discuss reconsideration of staff's denial for a re-build letter to facilitate the sale of the property. It was Staff's conclusion that no new evidence has been submitted to warrant an appeal and recommended that the City Council deny the request to be placed on a Council agenda.

At the request of Councilmember Templeman, an amended letter distributed by Mr. Yemetz was read by Mr. Stevens who stated that in his opinion there are no changes in facts presented in the letter.

In response to Councilmember Templeman, Mr. Stevens replied that in the event the City Council denies the request and staff is instructed to take enforcement action, Mr. Yemetz will be required to convert the unit to a shed, its permitted use; however, no further action will be taken if there is no direction. He further replied that the shed is built on the property line and said the code does not permit a habitable structure to be built on the property line.

Mayor Morris stated that the item is before the City Council to determine whether to set this matter for appeal based on new information, or to deny the request. He invited the appellant to present his case.

Christina Drier, representing Mr. Yemetz on the sale of his property, which is currently in escrow, explained that the appraisal came in short of the sale price because the guest house is not included in the square footage.

Mayor Morris stated that the only issue is to consider whether the information available this date was not previously provided when a decision was rendered in 2006.

Ms. Drier said the conversion of the shed to guest house occurred prior to 1934 and she requested that the City Council grant the opportunity to present the case.

Mayor Morris replied that this matter was considered extensively and the City Council concluded that the shed does not qualify as a second unit. He said the decision was made in 2006 to deny the appeal without

prejudice and if additional information was available to legally establish the second unit with building permits, the City Council would reconsider the appeal.

In response to Mayor Morris, Mr. Yemetz stated he does not have written evidence available at this time. However, he has information from the Assessor's Office to clarify ambiguities of the dates and time the unit was built.

Mayor Pro Tem Bertone suggested continuing this item to April 13, 2010.

Mr. Stevens stated that staff will review any new information submitted, and will determine an appropriate date to submit it to the City Council.

It was moved by Mayor Pro Tem Bertone to deny the request without prejudice and send back this item to the Development Services Department to review any new information to establish that the shed was legally converted to a guest house prior to 1934.

Councilmember Ebiner seconded the motion and suggested that Mr. Yemetz submit in a high resolution pdf file additional evidence that the shed was converted into a habitable unit prior to 1934.

In response to Mr. Yemetz, Mayor Morris replied that at the meeting the City Council can consider whether to allow an opinion rendered by an independent Real Estate Attorney experienced in similar situations.

The motion carried unanimously.

Mayor Morris stated that a specific date was not set and the Development Services Department will determine the date to submit the materials to the City Council.

7. OTHER MATTERS

- a. City Council approval of a financing plan for the City Hall, Civic Center Plaza, and Stanley Plummer Building project that includes: Borrowing \$7.5 million - 15 year term - selecting an option for the most favorable provisions to pay off the loan after 10 years. The remainder of the project to be financed from a contribution of up to \$5.5 million from General Fund reserves for the balance of the construction costs.

Direct staff to work with Southwest Securities Inc. as underwriters, and Fulbright & Jaworski LLP for Bond and Disclosure Counsel services to complete a Leased Back Certificate of Participation Bond financing for the project.

City Manager Michaelis presented proposals to finance \$7.5 million with a 15 year term, option to prepay the remaining principal after the tenth year, with the most favorable and cost effective provisions. Mr. Michaelis summarized three strategies for Council's consideration and recommended proceeding with a Lease Back Certificate of Participation financing strategy and authorizing staff to enter into the necessary agreements with Southwest Securities as underwriters and Fulbright & Jaworski LLP as Bond Counsel and Disclosure Counsel.

In response to Mayor Morris, City Manager Michaelis said in the current market, there are no additional costs for call provisions beyond six or seven years.

Councilmember Templeman stated that expenses can range from \$1,500 to \$5,000 and recommended imposing a cap on Bond Counsel's additional expenses.

Mayor Morris invited the audience to comment on this subject.

David Harbin asked if this investment opportunity would be available to the citizens of San Dimas. City Manager Michaelis responded that certificates of participation are generally issued in increments of \$5,000; however, he can request that a portion of the Bond be sold in smaller increments.

It was moved by Mayor Pro Tem Bertone, seconded by Councilmember Templeman, to authorize the City Manager to proceed to utilize a Lease Back Certificate of Participation financing to provide \$7,500,000 toward the expansion and renovation project; authorize staff to enter into the necessary agreements and process with Southwest Securities Group as underwriters and Fulbright & Jaworski L.L.P. as Bond Counsel and Disclosure Counsel to complete the financing. The motion carried unanimously.

8. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 8:06 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:11 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.)

Sid Maksoudian reiterated his concerns regarding the Walker House concessionary and said people should be able to present a proposal to the City Council for the selection of a replacement restaurant.

- b. City Manager

Assistant City Manager of Community Development Stevens stated that at the March 9, 2010 City Council meeting, the public hearing for Municipal Code Text Amendment 10-01 regarding Water Efficient Landscaping was continued to April 13, 2010. Since he will be unable to attend that meeting, Mr. Stevens requested scheduling the public hearing on the April 13th agenda for the sole purpose of continuing the matter to April 27, 2010, with the inclusion of the Planning Commission study.

Mayor Pro Tem Bertone requested that notification be sent to those individuals who testified at the previous meeting.

In response to Councilmember Templeman, Mr. Stevens replied that the State Model Ordinance is in effect and there is no prohibition in replacing the State Model Ordinance with the City's adopted Ordinance.

- c. City Attorney

There were no comments.

- d. Members of the City Council

- 1) Reorganization of City Council
 - a) Appointment of Mayor Pro Tem

Mayor Pro Tem Bertone nominated Councilmember Ebner for Mayor Pro Tem for a one year term. There being no other nominations, the nominations were closed

It was moved by Mayor Pro Tem Bertone, seconded by Councilmember Templeman, to elect Mr. Ebner to the position of Mayor Pro Tem for a one year term. The motion carried unanimously.

- b) Confirm Commission, Committee and Organization representations and assignments.

It was moved by Councilmember Bertone, seconded by Councilmember Templeman, to allow the Council members to retain the same assignments. The motion carried unanimously.

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

Councilmember Bertone reported that he attended a meeting of the Local Government Commission and was surprised that San Dimas is not considered a small city because the City contracts with the Sheriff's Department for public safety; has a Booster Club, Historical Society and a Festival of Arts. He said San Dimas is unique in that it involves the merchants in the revitalization of the Downtown and are in the process of coming up with a theme. Mr. Bertone mentioned that the City can do more about sustainability and he will be working with Messrs. Michaelis and Steven to bring some of these programs into the City.

- 3) Individual Members' comments and updates.

- 1) Mayor Pro Tem Ebiner said he watched the Bicycle Race and spoke with the Leader who said they like the atmosphere in the downtown and are very enthusiastic about coming to San Dimas.

- 2) Councilmember Badar said San Dimas has a large policing agency, however, the San Dimas Sheriffs realize that the community thinks in a small-city atmosphere that wants to be involved in protecting our community, and they provide the guidance needed. He added that the City is fortunate to have the Sheriff's on the San Dimas team.

- 3) Councilmember Bertone proposed conducting an open study session, limited to 30 minutes, to allow Mr. Maksoudian to present his case concerning Saffron Restaurant, and the City Attorney and staff can address Mr. Maksoudian's concerns.

Mayor Morris stated that personnel and confidential business issues should be discussed in closed session.

Mayor Pro Tem Ebiner suggested conducting a closed session prior to the regular meeting and reporting in open session what can be disclosed.

City Attorney Brown stated that staff and City Council have spoken with Mr. Maksoudian at length. Mr. Brown would like to meet with City Manager Michaelis and then prepare a Position paper to clarify the issues and consequences to be discussed with Mr. Maksoudian.

Mayor Morris stated that in full disclosure Mr. Maksoudian has expressed an interest in operating a restaurant in the Walker House.

The motion died due to lack of a second motion.

- 4) Councilmember Bertone praised the City Manager for coming up with the most cost effective financing plan for the City Hall, Civic Center Plaza, and Stanley Plummer Community Building project.

- 5) Bill Emerson was given directions to Temporary City Hall at 186 Village Court.

- 6) David Harbin urged the City Council to conduct a study session to hear Mr. Maksoudian's concerns.

10. ADJOURNMENT

Mayor Morris adjourned the meeting at 8:42 p.m. The next meeting will be on Tuesday, April 13, 2010. The regular meeting is at 7:00 p.m. Discussion on Water Efficient Landscaping Ordinance will be continued to 5:30 p.m. on April 27, 2010.

Respectfully submitted,

Ina Rios, CMC, City Clerk