



MINUTES
REGULAR CITY COUNCIL
TUESDAY, APRIL 13, 2010, 7:00 P. M.
SENIOR CITIZEN/COMMUNITY CENTER
MULTIPURPOSE ROOM, 201 E. BONITA AVENUE

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem John Ebner
Councilmember Emmett G. Badar
Councilmember Denis Bertone
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

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

- Proclaim May as Older Americans Recognition Month and recognize Jay Pace as the City's Older American Day honoree.

Councilmember Bertone, City Council Liaison to the Senior Citizens Commission, said Ms. Pace volunteers with the Chuck Wagon Nutrition program and other numerous events, and it is a pleasure working with her. She is well deserving of the recognition and will be honored on May 10, 2010 at a recognition celebration in Los Angeles.

Mayor Morris congratulated and presented a proclamation to **Jay Pace**, the City's honoree recognized at the Los Angeles County Older American Recognition Day, and he declared the month of May as Older Americans Month.

Jay Pace thanked the City Council for the recognition on behalf of all the other volunteers who work hard.

Councilmember Bertone said there are two vacancies on the Senior Citizen Commission and he encouraged participation. He said applications are available with the City Clerk's office.

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

Mayor Morris, Gary Enderle and Janie Graef, San Dimas H.E.R.O.E.S., presented the military banner that was flown on San Dimas Avenue to **Andrew Ortiz**, Senior Airman, who completed four years of exemplary service in the U. S. Air Force and was honorably discharged in December, 2009. Mayor Morris also presented a certificate in honor of his duty to his country.

- Proclaim April 11-17, 2010 as National Library Week.

Mayor Morris read and presented to **Pui-Ching Ho**, San Dimas Librarian, a proclamation declaring April 11-17, 2010 as National Library Week.

- Proclaim April 19-23, 2010 West Nile Virus and Mosquito and Vector Control Awareness Week.

Mayor Morris read and presented to **Councilmember Templeman**, as representative on the Mosquito and Vector Control Abatement District, a Proclamation declaring April 19-23 West Nile Virus and Mosquito and Vector Control Awareness Week.

Councilmember Templeman reminded the community that West Nile Virus is a serious health threat to humans, horses, avian species, and other wildlife. He urged the community to remove standing water to minimize mosquito issues and to contact the Mosquito and Vector Control District if they encounter any difficulties.

- Proclaim April 21, 2010 as Earth Day.

Mayor Morris read and presented to **Lisa Monreal**, Environmental Services Coordinator, a proclamation declaring April 21, 2010 as Earth Day.

Lisa Monreal, Environmental Services Coordinator for the City of San Dimas, invited the community to the Public Works Department inaugural Earth Day celebration on Wednesday, April 21, 2010, at the Farmer's Market, from 5:00 p.m. to 9:00 p.m. She said there will be various fun activities to raise awareness and education about environmental consciousness.

- Proclaim April 2010 as Fair Housing month.

Mayor Morris read and presented to **Maria Benitez**, Outreach Coordinator with the Fair Housing Foundation, a proclamation declaring April 2010 as Fair Housing Month.

Maria Benitez, on behalf of the Fair Housing Foundation, thanked Mayor Morris for the great support in allowing them to come to San Dimas to educate the Council about landlord and tenant rights and to prevent discrimination.

- Arbor Day State Poster Contest Winner Claudia Lopez, 5th grader at Ekstrand School.

Director of Parks and Recreation Bruns stated that in an effort to teach students the benefits of trees, each year since 1992, the Arbor Day Foundation promotes a State Poster Contest open to all Fifth Grade students in the United States. This year's theme is "Trees are Terrific and Energy Wise" and the first place California State winner is Claudia Lopez, who is in the 5th grade at Ekstrand and accepted the award in Sacramento with her teacher, Mrs. Katherine Rojas. Claudia is now eligible to compete at the national level. This win marks the second California school to win the California First place poster contest.

Ms. Bruns extended a special thank you to Jeff Miedema who promotes the program every year at Ekstrand School and encourages participation in the contest.

Mayor Morris congratulated and presented a Certificate to **Claudia Lopez** as winner of the Arbor Day State Poster Contest. Claudia is a 5th grader at Ekstrand School. He praised Mr. Miedema and the parents who help encourage the kids.

- Proclaim April as Child Abuse Prevention Month.

Mayor Morris read and presented to **Kimberly Rohde**, Santa Anita Family Services, a proclamation declaring April 2010 as Child Abuse Prevention Month and calling upon citizens, community agencies, religious organizations, medical facilities and businesses to increase their participation in our efforts to prevent child abuse.

Kimberly Rohde, Clinical Intern, Santa Anita Family Services, a non profit organization that provides mental health services to low-income families, thanked the Mayor and City Council for proclaiming April as Child Abuse Awareness month and increasing public awareness of child abuse.

3. ANNOUNCEMENTS

- a. 50th Anniversary Flashbacks

Bill Emerson, San Dimas Historical Society, reported on the grand opening of the Via Verde Planned Community in November, 1965; groundbreaking held at the original Library for the new library under construction on Walnut Avenue in April, 1970; new motto "San Dimas Refreshing New City" for plans progressing for the redevelopment of the Downtown San Dimas; In July, 1970, a Sign consultant, hired for development of the Downtown, suggested 75% changes would be made by the City; including a proposal to widen the sidewalk; a welcome station to be built by Chevron; closing in of Exchange Place; a mini-park at Rhoades; outdoor café, many amusement parks where Liberty Ford stands. Residents were invited to come out to the median strip on Arrow Highway on Saturday, July 24, 1971 to watch several major improvement projects underway; and San Dimas JC's would be installing the 100 year old Covered Wagon they had been renovating throughout the past few months.

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

Pui-Ching Ho, Library Manager, San Dimas Library, said on April 17, 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. Other programs available include a "not your average" Puppet Show at 3:00 p.m. on Saturday, April 24; Book Party will be at 10:30 a.m. on May 3; Book of the Month is *Dewey: The Small Town Library Cat Who Touched the World*; Pre-School Story Time on Friday mornings at 10:30 a.m. For more information on any program, call the Library at (909) 599-6738 or access their website www.co.la.publib.org.

- c. Senior Citizens Club's annual presentation regarding Club activities and programs.

Linda Groth, Senior Citizens Club Treasurer, reported that donations were made to the following: \$3,000 to San Dimas Utilities; \$2,400 for special events; \$200 for the Hunger Program; \$100 to the San Dimas Nature Center; \$1,500 for the Snow Program; \$500 to McKinley Childrens Home; \$500 to Salvation Army; \$200 to Los Angeles Mission; and \$3,000 for scholarships, for a total of \$11,400.

Councilmember Bertone commented that the Senior Citizens Club has a long tradition of donating funds to the City.

Mayor Morris expressed his appreciation for the Senior Citizens Club's participation in and contributions to the various programs.

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) Breanna Celaya, ASB President, San Dimas High School, reported that students are preparing for the California State testing; seniors are required to submit a Senior Connection project to graduate; the Science Olympic Team competed and took 21st Place at Valencia High School; students are raising funds for Melanoma and Leukemia patients; Sports are beginning; and the Band competed in Las Vegas and won 1st Place in Concert and Jazz, and 2nd Place in Drum Line.

2) Zach Nemcek, President, Lone Hill Middle School, reported that testing will begin on April 26, through May 13, 2010; while continuing all activities including photos; Elections; and end of year Election Dance to announce elected Officers.

3) Ted Powl, President/CEO, Chamber of Commerce, commended Pui-Ching Ho for participating in the Civic Academy along with 14 other individuals. He announced two upcoming events: 1) the Chamber is partnering with Inland Valley Health for a Fundraiser Golf Tournament on May 24, 2010, at the Via Verde Country Club. He expressed appreciation for the sponsors of this event and encouraged participation. 2) Mr. Powl invited the community to the Chambers Installation and Awards dinner on June 24, 2010, to install the new Chamber Officers and recognize businesses in the community. He said the Chamber is accepting nominations in any category.

4) Margie Green invited the community to the Festival of Art's 34th Annual National Art Exhibition and Sale beginning Friday, April 23, 2010 for the Premier Opening and Dinner catered by Saffron Restaurant. She said the Gallery will be open Saturday-Sunday, April 24-25, from 9:00 a.m. to 5:00 p.m., and will feature 28 National Artists. The Festival of Arts is also partnering with the Downtown Corridor for a Garden Affair on Bonita Avenue, and she encouraged participation. She said all events, with the exception of dinner, are free.

5) Bill Emerson, invited the community to David Dreier's 2nd Annual Congressional Art Show on May 1, 2010. He said Congressman Dreier invites all students within his district to participate. Admission is free.

6) Sid Maksoudian reiterated his concern with transparency concerning Saffron Restaurant and stated he has no interest in running or purchasing the concessionary lease.

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 or audience requests separate discussion.)

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Ebner, 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. 2010-12**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF MARCH AND APRIL, 2010.

- (2) **RESOLUTION NO. 2010-13**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, DECLARING THE CITY'S SUPPORT FOR AN ENERGY PARTNERSHIP BETWEEN SOUTHERN CALIFORNIA EDISON AND THE CITY OF SAN DIMAS.

 - (3) Urban Greening Planning Grant Application Submittal to benefit citywide planning initiatives: **RESOLUTION NO. 2010-14**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING THE SUBMITTAL OF AN APPLICATION FOR GRANT FUNDS FOR THE URBAN GREENING PLANNING GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84) TO BENEFIT CITYWIDE PLANNING INITIATIVES.

 - (4) Urban Greening Project Grant Application Submittal to benefit Walnut Creek Habitat and Open Space Area:
RESOLUTION NO. 2010-15, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING THE SUBMITTAL OF AN APPLICATION FOR GRANT FUNDS FOR THE URBAN GREENING GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84) TO BENEFIT WALNUT CREEK HABITAT AND OPEN SPACE AREA.
- b. Approval of minutes for regular meeting of March 23, 2010.
 - c. Reject claim for damages from Southern California Edison Company.
 - d. Reject claim for damages from San Dimas Villas Apartments.
 - e. Proclaim April as Sexual Assault Awareness Month.

END OF CONSENT CALENDAR

6. 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 SB 1881. (CONTINUED FROM MARCH 9, 2010 - REQUEST TO CONTINUE THIS ITEM TO APRIL 27, 2010)

Mayor Morris opened the public hearing for the purpose of continuing the public hearing to April 27, 2010 at the request of Assistant City Manager of Community Development Stevens who is unable to attend tonight's meeting.

It was the consensus of the City Council to continue the public hearing on Municipal Code Text Amendment 10-01 to 7:00 p.m. Tuesday, April 27, 2010.

7. OTHER BUSINESS

- a. Sycamore Canyon Equestrian Center request for lease extension
Receive report regarding the request; provide direction as desired; schedule the lease extension for decision at the April 27, 2010 Council meeting.

City Manager Michaelis provided a brief background and reported that the 2005 Agreement with Sycamore Canyon Equestrian Center included a five-year extension opportunity. Rather than a five-year extension, the Equestrian Center proposed a 20 year lease term to allow them to recover the costs of completed improvements and future investments. Mr. Michaelis outlined some operational changes permitted in 2005 as part of the lease and said since that time the Equestrian Center has implemented one fee increase. Mr. Michaelis concluded that the Center has been compliant with the Agreement and an extension could be appropriate. He provided four options for Council's consideration and suggested the proposal be considered over two Council meetings.

Laurie Adair, Sycamore Canyon Equestrian Center, responded to Council's questions concerning security lighting, fencing in the lower area, phasing the improvements, completed improvements, preparing the arena for the Rodeo, and maintaining the City's arena. She requested a minimum of ten years extension to recuperate costs and repay the loan, with two additional five-year extensions.

Mr. Michaelis suggested the City secure a 15-year plan to finance the restroom improvements alleviating the pressure to award a 15-year lease extension.

Mayor Morris suggested amortizing the future investments by the Adairs as an incentive to complete the improvements, and if the lease is not renewed, the City can assume the financial responsibility.

In response to Mayor Morris, Assistant City Manager Duran replied that the City has the right to exercise its discretion to review and approve a fee increase if the Boarder vacancy rate drops to 80% for a three month period.

Mayor Pro Tem Ebiner supported financing the improvements and taking the burden off the Adairs.

City Manager Michaelis said the \$250,000 estimate is for a multi-purpose building and will go through the bidding process that will be brought to the Council for decision.

Mayor Morris felt further discussion was necessary on the house on the property and the main line sewer that will be brought for Council consideration. He inquired if it was feasible to demolish the house.

Mrs. Adair supported constructing a caretaker unit in the lower area and if the house is demolished, she inquired if they would be permitted to place a small trailer on the site.

Mayor Morris stated that this request can be considered at the next meeting.

Councilmember Templeman expressed concern with the duration of financing the improvement projects. He added that the City Council no longer hears from the Boarders.

In response to Councilmember Templeman, Mrs. Adair stated that the lease granted them autonomy so that the City Council was relieved from the burden of hearing complaints that the Adairs could manage.

It was moved by Councilmember Bertone to direct staff to bring back an Agreement to extend the contract for ten years, with the option of two additional five year extensions.

The motion failed due to lack of a second to the motion.

City Manager Michaelis stated that staff will explore flexible financing options with shorter terms and review the rent and associated maintenance costs on the house with a septic tank system. He added that property management will be included in the cost estimates.

Mayor Morris suggested that if additional time is needed to secure the financial data, it is not necessary to adhere to the timetable and staff can bring back the report when the necessary information is available, with the exception of the main line sewer.

It was the consensus of the City Council to defer this item until such time as staff secures flexible financing alternatives and an appropriate schedule for improvements to be completed.

Mayor Morris requested that a notice of the meeting to consider extension of the lease agreement be posted at the Sycamore Canyon Equestrian Center.

Don Green asked if the renewal would impact the rodeo, and he requested notification of the meeting. Mr. Green was assured that the Rodeo was not affected.

- b. Septic system repair to City-owned home at 1525 Sycamore Canyon Road
Receive report and approve replacement of the septic system.

Director of Public Works Patel offered a Powerpoint presentation concerning a drainage problem discovered at 1525 Sycamore Canyon Road residence and Horsethief Canyon Park. He said the initial contractor's bid was rejected and he outlined three options and cost alternatives for Council consideration and recommended Option A, the appropriation of \$50,000 from the Infrastructure Fund for the construction of the sewer force main and pump system, and authorization to proceed with formal bid process to receive a more competitive bid.

In response to Council, Director Patel explained the force main/pump system route of the sewer across the creek being supported on pier supports and the estimated costs for the proposed project. He added that for an additional cost, the gravity system can be constructed, rather than going under the creek which would create permitting challenges from environmental agencies.

In response, Councilmember Templeman suggested a route that runs on the eastside of the creek and crosses the creek at the street. Director Patel explained the Engineering challenges of crossing due to shallowness of the existing twin large diameter corrugated metal pipes. However, he indicated that he will investigate this route as part of final design upon council direction. Councilmember Templeman was supportive of the route even if it warrants additional funds or costs.

Councilmember Templeman felt that because of the high cost of septic system repairs, and in light of earlier discussions that Council would likely consider a plan to finance the restroom near the main barn as part of the Agreement with Sycamore Canyon Equestrian Center in negotiating a lease extension with the Adairs. Then Option B provides a more reasonable alternative, as it provides a benefit of flexibility for the future development of the Park and the Equestrian Center.

It was moved by Councilmember Templeman and seconded by Councilmember Ebner to direct Staff to proceed with Option B, which was to extend the 8" main line sewer and the residences force main/pump sewer system, with a request that Staff review the feasibility of force main not crossing the creek on pier supports as proposed. The motion carried 4:1; Councilmember Bertone opposed.

8. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 9:17 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 9:18 p.m..

9. SAN DIMAS PUBLIC FACILITIES FINANCING CORPORATION

Mayor Morris recessed the regular meeting at 9:18 p.m. to convene a meeting of the San Dimas Public Facilities Financing Corporation Board of Directors. The regular meeting reconvened at 9:21 p.m..

10. ORAL COMMUNICATIONS

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

1) **Alta Skinner** applauded the past and current partnerships entered into in support of education of students and asked that the City Council support the Bonita Unified School District Resolution to the Governor and Legislators. She reported that throughout the State of California teachers' positions are being cut and many teachers are forced to leave the teaching field. She added that continued cuts cause young students in college to abandon their education and look to other careers. She said it has been proven that the community values education and is tired of putting hard earned funds into educational measures through bonds and taxes only to have those funds raided by Sacramento. She introduced Michelle Snow, President of Council for Bonita Unified School District, and Diane and Glen.

2) **Steven Perez** advised that on March 31, he was cited for two vehicles parked on the street minutes before 5:00 a.m. He added that he did not notice his registration tags were stolen and he was charged an additional fee. He said he is allotted one parking stall and explained he does not qualify for overnight parking permits as the vehicles are not registered to his apartment. He asked the Council for assistance.

Mayor Morris said Mr. Duran will review this matter to see if some accommodation can be made.

3) **Sid Maksoudian** stated that as a citizen, he should be able to communicate with any employee or member of the Council.

- b. City Manager

- 1) Update on City Hall, Civic Center, and Stanley Plummer Community Building expansion and renovation project.

Director Coleman stated that the move to Temporary City Hall on March 8, 2010 went well with minimal disruption to the public. He delivered a Powerpoint presentation on the demolition to the interior and exterior of city hall, community building, the plaza area, and the removal of hazardous materials. He added that the ground breaking ceremony was held on March 23, and if the public is interested in following construction progress, photos will be posted weekly on the City's website.

- c. City Attorney

There were no comments.

- d. Members of the City Council

- 1) Appointment to the Parks and Recreation Commission.

Mayor Pro Tem Ebner reported that there is one vacancy on the Parks and Recreation Commission and six candidates from a previous recruitment expressed an interest in serving. After careful consideration, the Committee recommended the appointment of Frank Neal.

It was moved by Mayor Pro Tem Ebner, seconded by Councilmember Bertone, that upon expiration of Commissioner Kane's final term, to appoint Frank Neal to the Parks and Recreation Commission for a two year term to commence July 1, 2010 through June 20, 2012. The motion carried unanimously.

- 2) Authorize the Mayor to sign letter supporting school funding and protecting local government revenues in the state budget process.

City Manager Michaelis stated that adequate education funding has been a casualty of the State budget process. He presented a request from Bonita Unified School District to support school funding and protecting local government revenue in the State budget process by authorizing the Mayor to sign a letter opposing the Governor's proposed 2010-2011 Budget for schools.

It was moved by Councilmember Templeman, seconded by Councilmember Badar, to authorize the Mayor to sign a letter supporting school funding and protecting local government revenue in the State budget process. The motion carried unanimously.

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

Councilmember Templeman reported that he, along with members of the Planning Commission and Director Coleman, attended the Planners Institute on March 24-26, 2010. He said the conference covered a variety of topics including State regulations on environmental mandates; Demystifying the Architectural and Site Plan Review process; Changing Climate and regulations; and How to read an EIR. He expressed concern that the Attorney General's office is enforcing mandates requiring cities to incorporate a Climate Plan into their General Plan and inquired about the date the City of San Dimas' General Plan was implemented.

Director Coleman replied that the Housing Element was adopted in 1991 and updated in 2008.

Councilmember Templeman suggested the General Plan be renewed every ten years to avoid exposure to strict oversight out of Sacramento.

- 4) Individual Members' comments and updates.

- 1) Mayor Pro Tem Ebiner commended Tim Rowe for the Autistic Little League and reported it was a great event.

- 2) Councilmember Bertone reported that the Metropolitan Transportation Authority agreed to fund Phase II(a) of the Gold Line from Pasadena to Azusa, from Measure R passed in 2008, which will be funded over a period of ten years. It is anticipated that service to Azusa will commence in 2014 barring any difficulties. He said San Dimas is in Phase II(b) from Azusa to Montclair, and Montclair to Ontario Airport is in Phase II(c). He would like the City of San Dimas to dedicate a specific location for the Gold Line and expressed hope that construction can begin in 2014 with service to begin in 2017.

11. ADJOURNMENT

Mayor Morris adjourned the regular meeting at 9:54 p.m. The next meeting will be Monday, April 19, 2010, 5:00 to 9:00 p.m. for a City Council/Staff Retreat at the San Dimas Sheriff's Station, 270 South Walnut Avenue.

Respectfully submitted,

Ina Rios, CMC, City Clerk