



MINUTES
REGULAR CITY COUNCIL
TUESDAY, APRIL 27, 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 Badar
Councilmember Denis Bertone
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
Administrative Aide Kevin Frey
Environmental Services Coordinator Lisa Monreal

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the regular meeting to order at 7:07 p.m. and led the flag salute.

2. PRESENTATIONS

- a. California Parks and Recreation Society Award of Excellence for Cultural Facilities Design for the Walker House presented to the City Council by CPRS President Elect Pilar Alcivar McCoy

On behalf of the City Council, Mayor Morris and Parks and Recreation Director Bruns accepted an award from **Pilar Alcivar** McCoy, President Elect, California Park and Recreation Society, in the Cultural Facilities Design for the Walker House purchase and restoration. Ms. McCoy said the California Parks and Recreation Society represents almost 3800 members statewide and this award is the highest recognition bestowed by the Group. She also congratulated the San Dimas Historical Society, recently recognized for their efforts with the Community Service Award by the local California Park and Recreation Society District 13. The Historical Society was a key partner with the City in developing the renovated Walker House into a community treasure.

Director of Parks and Recreation Bruns presented to the Mayor and Councilmembers T-Shirts reflecting the slogan "Parks Make Life Better". She said while the Parks and Recreation Department was presented the award, it was a City program including all departments that made the dream come true. She said the Historical Society award was given in relationship with their efforts on the facility and in organizing the open house on three Saturdays and the museum.

City Manager Michaelis announced that he and Mayor Morris will accept another award on behalf of the Walker House on Saturday, May 13, from the Los Angeles Conservancy, a premier restoration organization in the area.

b. Presentation of awards to winners of the Public Works Earth Day Recycling Contest

Environmental Services Coordinator Monreal reported on the successful Earth Day event Wednesday, April 21, 2010, with the help of dedicated partners and City Staff. She said an art show was displayed by San Dimas High School art students; Carli Carosco's design was reproduced into the Earth Day emblem used on canteen bottles. Coordinator Monreal also had a Recycling Art Contest that received many talented entries, and was voted on by visitors to Earth Day. Winning entries are: First Place - Owen Ryan for a recycled bottle train; Second Place - Yescenia Osorio for a Capri Sun Bag; Third Place - Gwen Ryan for a CD Earring Holder; and 4th Place - Claudia Lopez, for a Bulletin Board. Winners received a Raging Waters gift certificate donated by Web Metro, an Internet Marketing Agency in San Dimas. Coordinator Monreal said another giveaway was the Chico Bag, compact reusable shopping bags that fit in a purse or pocket.

3. ANNOUNCEMENTS

a. 50th Anniversary Flashbacks

Susan Davis, San Dimas Historical Society, provided brief flashbacks: From April 1967, San Dimas Elementary School shut down when preliminary Architects reported that the building may not be up to building code standards recently adopted by Legislation. She said the site is now Pioneer Park. According to a recent census report, the population in San Dimas in 1970 climbed to 16,870, an increase of 2,100 people since the last census. In 1971, ground was broken for the San Dimas Community Hospital, with an expected completion date of July 1972. It was believed to be 76,000 square feet of acute care. The hospital had 99 beds including an emergency room, areas for intensive care, coronary care and obstetrics.

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

Pui-Ching Ho, Library Manager, San Dimas Library, said the Book Party will meet on May 3, at 10:30 a.m.; Book of the Month is *Dewey: The Small Town Library Cat Who Touched the World*; She invited children and their parents to play a variety of percussion instruments on May 15, 3:00 p.m. at the Family Drum Circle hosted by Village Mandala; on Saturday, May 22, between 2:00-3:00 p.m.; Chef Andy Matsuda, from Sushi Chef Institute, will share years of knowledge, skill, and experience in making a variety of sushi. There will be food tasting at the end of the free program. Pre-School Story Time and age appropriate art activities are held 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.

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) Bill Emerson, representing the Historical Society and David Dreier's Art Show, said it's a busy time for the Walker House - the museum opens from 10:00 a.m. to 2:00 p.m.; David and Margaret home is conducting a fundraiser; House Tour at 1:00 p.m.; David Dreier's Annual Art Show on Saturday, May 1, 2010 showcasing 70 student art entries from his District in the 2nd Story Gallery conference room. Viewing is at 10:00 a.m. and Awards at 12:30 p.m. on the patio.

- 2) **Ted Powl**, President/CEO, Chamber of Commerce, announced three events: a) The Annual Golf Tournament will be held on May 24, 2010 in Via Verde. He thanked major sponsors and said businesses can advertise on Tee-signs for \$100; individuals play golf for \$150; and a four-some for \$400 with a tee-sign for an additional \$50.
 - b) On May 12, 2010, the Chamber is partnering with the City and School District to honor teachers at San Dimas Canyon Clubhouse, for the work done the past year. Each teacher will receive a crystal apple and \$100 to spend in their classrooms, and their names will be engraved in a perpetual plaque at their school site.
 - c) The Chamber's annual meeting and presentations to recognize Business of the Year, New Business of the Year, Businessperson of the Year, New Commercial Building of the Year and Renovated Commercial Building of the Year will be held at the Annual Installation and Awards dinner on June 24, 2010. The Chamber is still accepting nominations at 909/592-3818 and self nominations are encouraged.
- 2) **Mike Mohajer** said he never saw any indication that the City was installing a T-Mobile antenna in Via Verde. Development Services Director Coleman replied that the design approved by the Development Plan Review Board is a Chimney attached to an existing building. He said the City's Municipal Code does not require a public hearing to approve those types of applications, just a normal notification of neighbors and publishing in the newspaper.
 - 3) **Margie Green** announced the San Dimas Historical Society will have its Spring dinner at 6:00 p.m. on May 13 at San Dimas Canyon Clubhouse. Dinner for members is \$22; non-members \$25.00. Entertainment provided by Vin Fiz Flyer, a blue grass band. For tickets or additional information, contact Susan Davis at the San Dimas Historical Society, at 909/592-1190.
 - 4) **Dennis Phillips** reported that he has completed all work on his garage. He asked that the City Council cancel court extensions to allow him to complete the work on the room addition.
 - 5) **Sid Maksoudian** said he discussed the installation of the T-Mobile antenna with the Development Services Department and Councilmember Badar who said it was approved three months ago.

In response to Mr. Maksoudian, Councilmember Badar said the Development Plan Review Board posted the agenda 72 hours prior to their meeting at four City sites, with a courtesy notice at Von's Shopping Center.

Mayor Morris stated that the City Council did not allow the antenna to be installed at a City Park.

Councilmember Templeman stated that this issue has been discussed for the past three years and approval was given for a Chimney which is fairly insignificant, but adequate for the job.

Mayor Morris said the City Attorney is prohibiting the City Council from further discussion as this item is not on the agenda.

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.)

Mayor Morris said the April 13 minutes will be removed for separate consideration.

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

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **RESOLUTION NO. 2010-16**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF APRIL, 2010.
 - (2) Proposed 2010-2011 Assessment Rates for Open Space Maintenance Districts:
RESOLUTION NO. 2010-17, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE ENGINEER'S REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT AN ASSESSMENT FOR FISCAL YEAR 2010-2011 PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972 AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION, AND FIXING A TIME AND PLACE FOR A PUBLIC HEARING FOR HEARING OBJECTIONS FOR OPEN SPACE MAINTENANCE DISTRICT NO. 1 (TRACT 32818, BOULEVARD).
 - (3) **RESOLUTION NO. 2010-18**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE ENGINEER'S REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT AN ASSESSMENT FOR FISCAL YEAR 2010-11 PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972 AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION, AND FIXING A TIME AND PLACE FOR A PUBLIC HEARING FOR HEARING OBJECTIONS FOR OPEN SPACE MAINTENANCE DISTRICT NO. 1, ANNEXATION NO. 3 (TRACT 32841, NORTHWOODS).
- c. Implementation of GASB Statement No. 54.
- d. Award of Cash Contract No. 2010-01, Alley reconstruction - Alley L, north of First Street from Acacia Street to Cataract Avenue, to Caliber Paving Co., Inc., for the bid amount of \$74,705.25.
- e. Award of Cash Contract No. 2010-03, Pavement Preservation Project in Maintenance Zone "C", to Roy Allan Slurry Seal, Inc., in the amount of \$384,706.89.
- f. Approval and Award of Development of Sewer Master Plan
 1. Appropriation of \$50,000 from Sewer Expansion Fund
 2. Award of contract for development of Sewer Master Plan to RKA Consulting Group in the amount of \$125,000.
- g. Award of Contract for design of Horsethief Canyon Park Sewer Extension and Force Main system
 1. Appropriation of \$23,000 from Sewer Fund
 2. Award of contract for design of Horsethief Canyon Park sewer extension and force main sewer system to Andreason Engineering for the amount of \$23,000.
- h. Proclaim May 6, 2010 National Day of Prayer.
- i. Proclaim April as County of Los Angeles Earthquake Preparedness Month.

END OF CONSENT CALENDAR

5.b.Approval of minutes for regular meeting of April 13, 2010.

The April 13, 2010 Minutes will be considered for approval at the next meeting on May 11, 2010.

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 APRIL 13, 2010)

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 Frey said the staff report was previously presented at the March 9, 2010 public hearing and supplemental materials responding to concerns raised were also addressed in a Special Meeting this evening. He outlined the legislative history of the Water Conservation in Landscaping Act requiring local government to adopt a water efficient landscape ordinance. He said the California Department of Water Resources developed a Model Ordinance that can be adopted by local agencies, can be modified, or serve as a template in the development of local agencies ordinances. Mr. Frey felt that the State's ordinance was confusing and not user friendly and recommended creating a separate document that contains the technical requirements and the ordinance enforcing compliance of the guidelines.

Mr. Frey stated that the proposed ordinance also gives the option of installing artificial turf as part of the landscaping. He reviewed the requirements for the installation of artificial turf. Mr. Frey indicated that as part of the normal plan check process, if an applicant's project falls into one of the applicable project categories, they would be notified and receive a Water Efficient Landscape and Irrigation Application package which details all items required for compliance with the ordinance. He outlined the criteria for approval of the installation and recommended that the City Council introduce Ordinance No. 1196 and provide comments on the draft guidelines, which will be brought back at a later date.

In response to Councilmember Bertone, Mr. Frey replied that the City Council can introduce the Ordinance and not include the Water Efficiency guidelines. He added that the ordinance includes the option of installing artificial turf.

Councilmember Templeman stated that in the Study Session staff presented responses to concerns that arose at the March 9 meeting and those documents are available to the public.

Mayor Morris opened the public hearing and invited the public to comment on this item.

1) **Mike Mohajer** requested to see the letter from the State Water Resources Board allowing adoption of the City's Ordinance past the deadline of January 1, 2010. Mayor Morris replied that the State Model Ordinance applies until the City has adopted an Ordinance.

Mr. Mohajer said the State's Ordinance does not include artificial turf. Although he did not oppose the adoption of artificial turf guidelines, he felt it should not be included as part of the Water Efficiency Ordinance.

Mr. Mohajer raised concerns with several of Staff's Questions and Answers and requested the City Council leave out the issue of Homeowners Associations; exempt residential single family homes from self-certification; require staff to assist the residents with calculations; and when the Planning Commission makes the final decision, keep the residents notified.

2) In response to **Bill Emerson**, Assistant City Manager Stevens replied that 2,500 square feet applies in the case of a developer installed landscape and it goes to 5,000 square feet when an individual existing homeowner is installing new landscaping or rehabilitating landscaping.

3) In response to **Sid Maksoudian**, Mr. Stevens stated that it only applies if all existing landscaping totaling 5,000 square feet is replaced.

There being no one wishing to speak, Mayor Morris closed the public hearing.

Councilmember Templeman said the highlighted portions of the ordinance are mandated by the State and the City is burdened with making it work.

Mayor Morris said staff added the option of installing artificial turf as part of the landscaping and set standards. He said no one is required to substitute artificial turf for natural landscaping.

In response to Councilmember Bertone, Mr. Stevens replied that the City Council can incorporate into the ordinance to exempt the Homeowner's Association from artificial turf requirements, or delete any discussion of artificial turf from the ordinance, and consider it separately.

Mayor Morris stated that City Attorney Brown advised that the City Council can request an amendment to eliminate artificial turf or leave it in and amend the ordinance to add a paragraph to exempt the Homeowners Associations.

Councilmember Templeman thought it would be a mistake to prohibit artificial turf.

After the title was read, it was moved by Councilmember Badar, seconded by Councilmember Templeman to waive further reading of **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. The motion carried unanimously.

Mayor Morris asked if anyone would like to amend the ordinance pertaining to artificial turf.

It was moved by Mayor Pro Tem Ebner to amend Ordinance Subsection A, under 18.14.070, to read as follows: "Artificial or synthetic turf is an appropriate substitute in some cases for natural turf for the purposes of water conservation. The use and maintenance of artificial turf shall be governed by guidelines, which shall be adopted as set forth in Section 18.014.090."

The motion was seconded by Councilmember Badar and carried unanimously.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Ebner, to introduce the amended **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. The motion carried unanimously.

In response to Mayor Pro Tem Ebner, Mr. Stevens stated that criteria about maximum limits can be incorporated into the guidelines.

In response to Mr. Mohajer's previous comment, Mr. Stevens replied that the homeowner can be the responsible party for certification if no professionals were involved in the installation or design.

In response to Councilmember Templeman, Mr. Frey replied that the State Model Ordinance provides several recommendations on soil requirements.

Mayor Morris invited Mr. Dieter Lodder to comment on what kind of soil testing would be required for landscaping.

Dieter Lodder, former owner of La Verne Nursery, said it is common to conduct a Ph test and soil compaction test.

In response to Councilmember Templeman, Mr. Stevens said it is staff's intent that guidelines be approved by the Planning Commission prior to the ordinance taking effect in 30 days. He said guidelines will be revised based on comments received tonight and will be made available to the public.

7. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 8:51 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:52 p.m..

8. SAN DIMAS PUBLIC FACILITIES FINANCING CORPORATION

Mayor Morris recessed the regular meeting at 8:52 p.m. to convene a meeting of the San Dimas Public Facilities Financing Corporation Board of Directors. The regular meeting reconvened at 8 54 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.)

- 1) **Mike Mohajer** praised the City for hiring Environmental Services Coordinator Lisa Monreal, who is very efficient and dedicated to her work. He would like to publish some photographs in the next edition of the Los Angeles County Solid Waste.

- 2) **Sid Maksoudian** would like the Girl Scouts of America, Spanish Trails, to be made accountable for illegally cutting down an oak tree.

- b. City Manager

There were no comments.

- c. City Attorney

There were no comments.

- d. Members of the City Council

- 1) Appointment to Public Safety Commission

It was moved by Councilmember Badar, seconded by Mayor Morris, to appoint James McCants and Patrick Jones to the Public Safety Commission each for a two year term through February 10, 2012. The motion carried unanimously.

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

No one attended any meetings at the expense of the City.

- 3) Individual Members' comments and updates.

Councilmember Bertone said the Festival of Arts Annual Exhibition and Sale was successful. He thanked Festival of Arts Chairman Dave Bratt and Margie Green who did a fantastic job. He added that Saffron catered excellent meals.

10. ADJOURNMENT

Mayor Morris adjourned the regular meeting at 9:05 p.m. to continue the Study Session to discuss the Downtown Façade. The next meeting will be held on May 11, 2010, 5:00 p.m. for a Budget Study Session.

Respectfully submitted,

Ina Rios, CMC, City Clerk