



MINUTES
REGULAR CITY COUNCIL
TUESDAY, MAY 25, 2010, 7:00 P. M.
SENIOR CITIZEN/COMMUNITY CENTER
MULTI-PURPOSE ROOM, 201 E. BONITA AVENUE

COUNCIL:

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

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

ABSENT:

Councilmember Jeff Templeman
Director of Development Services Dan Coleman

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 7:05 p.m. and led the flag salute.

2. RECOGNITIONS

- Presentation to Engineering Intern Daniel Price who is leaving to join the U. S. Army

Public Works Director Patel praised Dan Price for his valuable service to the Public Works Department for the past three years and for his admirable decision to leave the City to join the United States Army. Director Patel provided a brief background on Dan's employment with the City and said Dan's aptitude, coupled with on-the-job training, allowed for the creation of an incredible system of interactive digital maps that will benefit the City for decades. Dan also worked with the Planning Department and will be missed by all his friends in the City Hall.

Mayor Morris presented a Certificate of Recognition to Engineering Intern Daniel Price as a small token of the City's appreciation for his years of service and wished him well in his new venture in the United States Army.

Daniel Price, Engineering Intern, thanked Mayor Morris and the City Council and said it was a pleasure working for the City and all he did was part of a team effort.

- Proclamation in memory of Officer Louis Pompei - presented to Captain Rob Castro, Glendora Police Department

Mayor Morris presented a Proclamation to Captain Rob Castro, Glendora Police Department, in honor of the 15th Anniversary of Glendora Police Officer Louis Pompei, who sacrificed his life attempting to stop an armed robbery in which a box boy was pistol whipped at a Von's Market in Via Verde. Mayor Morris invited attendance at a memorial celebration of life to be held at 6:00 p.m. on Wednesday, June 9, 2010, at Via Verde Park.

Captain Rob Castro, Glendora Police Department, on behalf of the City of Glendora and Police Department, accepted the Proclamation and thanked the San Dimas Community for their support. He said Officer Pompei was not only his partner but his friend and he is grateful for the many opportunities to celebrate his life, particularly to build a memorial in Via Verde. He said Officer Pompei was laid to rest in his home city of Pennsylvania and the Park provides a location in the city where all members of the community can go to remember Officer Pompei.

3. ANNOUNCEMENTS

➤ 50th Anniversary Flashbacks

Bill Emerson, Representative, San Dimas Historical Society, reported that in 1972 Mayor Hooper announced that Oral Communications on the agenda would be scheduled between 7:30 p.m. to 8:30 p.m. to allow time for public hearings and other scheduled matters. On January 18, 1972, the State Historical Landmark Commission nominated San Dimas Hotel at 121 San Dimas Avenue, to the National Register of Historic Places Inventory. Also in 1972, the Kiwanis Club donated \$1500 worth of landscaping to create a mini park at the corner of Gladstone and San Dimas Canyon; the San Dimas Chamber of Commerce moved to its new location at 111 South Monte Vista, also known as the San Dimas Depot; the Cities of San Dimas and Pomona announced a dedication ceremony on May 1, for the opening of the Kellogg Interchange, known as I-10.

➤ Pui-Ching Ho, Librarian, San Dimas Library

Pui-Ching Ho, Library Manager, San Dimas Library, said the Book Party meets at 10:30 a.m. on Monday, June 7, 2010, and the book of the month is *The Hindi-Bindi Club*; she invited innovative, energetic teens, grades 6-12 to come to the Teen Advisory Board meeting on Saturday, June 19, 12:00 p.m. to promote Library programs to other teens; she encouraged signing up for the Summer Reading program starting June 19, with the incentive of earning prizes for reading; the Library is recruiting volunteers for the Summer reading program, ages 13-17. Applications are available at the Library Reference Desk and orientation will be held on Thursday, June 17, from 4:00-5:00 p.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) **Sid Maksoudian** directed attention to a code enforcement issue with homeless at the Mercantile Building in the Downtown Corridor. In addition, he would like staff to be able to communicate with him.

2) **Gary Enderle** thanked the City Council for their continued support of the HEROES program. He reported there are approximately 70 banners in the City representing military personnel currently serving. He shared an email from an appreciative parent whose sons are serving their country overseas.

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 member of the audience requests separate discussion.)

It was moved by Mayor Pro Tem Ebiner, seconded by Councilmember Badar, and carried by those present to accept, approve and act upon the consent calendar, as follows: Councilmember Templeman was absent.

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **RESOLUTION NO. 2010-21**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF MAY, 2010.
- b. Approval of minutes for regular meeting of May 11, 2010 and special meeting of May 11, 2010.
- c. Award of Cash Contract No. 2010-04, Sealcoat Project, to Champion Paving, in the amount of \$193,747.00.

END OF CONSENT CALENDAR

6. PUBLIC HEARINGS

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

- a. Proposed issuance of Lease Revenue Bonds for the Civic Center Renovation and Expansion, Series 2010 (Bank Qualified) by the San Dimas Public Financing Authority.
 - 1) **RESOLUTION NO. 2010-22**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AUTHORIZING AND APPROVING THE ISSUANCE OF LEASE REVENUE BONDS (CIVIC CENTER RENOVATION AND EXPANSION), SERIES 2010 (BANK QUALIFIED), IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,800,000 IN ONE OR MORE SERIES, AS TAX-EXEMPT BONDS, APPROVING THE FORM AND AUTHORIZING THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT AND THE EXECUTION AND DELIVERY OF A FINAL OFFICIAL STATEMENT, A SITE AND FACILITY LEASE, A LEASE AGREEMENT, AN AGENCY AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT AND A BOND PURCHASE AGREEMENT, AND AUTHORIZING OFFICIAL ACTIONS AND EXECUTION OF DOCUMENTS RELATED THERETO
 - 2) **RESOLUTION NO. 2010-23**, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS IN CONNECTION WITH THE FINANCING OF CERTAIN CAPITAL IMPROVEMENTS AND DECLARING ITS INTENT TO REIMBURSE CERTAIN EXPENDITURES FROM TAX-EXEMPT OBLIGATIONS

City Manager Michaelis provided a brief overview on the proposals for the Civic Center renovation and expansion project and said the City Council authorized staff to enter into the necessary agreements with the Underwriter and Bond Counsel to complete the financing. Staff recommended that the City Council approve Resolution No. 2010-22 authorizing and approving the issuance of Lease Revenue Bonds (Civic Center Expansion), Series 2010 in an amount not to exceed \$8,800,000, and Resolution No. 2010-23 to allow reimbursement from bond proceeds for capital expenditures related to the project. He said representatives from Southwest Securities and Bond Counsel are available to respond to questions.

Mayor Morris opened the public hearing and invited comments from members of the public. There being no one wishing to speak, Mayor Morris closed the public hearing.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Badar, to waive further reading and adopt **RESOLUTION NO. 2010-22**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AUTHORIZING AND APPROVING THE ISSUANCE OF LEASE REVENUE BONDS (CIVIC CENTER RENOVATION AND EXPANSION), SERIES 2010 (BANK QUALIFIED), IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,800,000 IN ONE OR MORE SERIES, AS TAX-EXEMPT BONDS, APPROVING THE FORM AND AUTHORIZING THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT AND THE EXECUTION AND DELIVERY OF A FINAL OFFICIAL STATEMENT, A SITE AND FACILITY LEASE, A LEASE AGREEMENT, AN AGENCY AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT AND A BOND PURCHASE AGREEMENT, AND AUTHORIZING OFFICIAL ACTIONS AND EXECUTION OF DOCUMENTS RELATED THERETO.

The motion carried by those present. Councilmember Templeman was absent.

City Manager Michaelis explained that Resolution No. 2010-23 would allow reimbursement from bond proceeds for capital expenditures related to the project should the city need to expend some money prior to the date the bond proceeds are delivered. He recommended the City Council adopt Resolution No. 2010-23.

After the title was read, it was moved by Councilmember Badar, seconded by Mayor Pro Tem Ebiner, to waive further reading and adopt **RESOLUTION NO. 2010-23**, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS IN CONNECTION WITH THE FINANCING OF CERTAIN CAPITAL IMPROVEMENTS AND DECLARING ITS INTENT TO REIMBURSE CERTAIN EXPENDITURES FROM TAX-EXEMPT OBLIGATIONS.

The motion carried by those present. Councilmember Templeman was absent.

b. Setting the Special City-wide parcel tax for Fiscal Year 2010-2011.

1) **RESOLUTION NO. 2010-24**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, SETTING THE SPECIAL CITYWIDE PARCEL TAX FOR FISCAL YEAR 2010-2011 TO BE USED FOR LANDSCAPE MAINTENANCE PURPOSES.

Assistant City Manager Duran reported that in November 1997, voters approved Ordinance No. 1086 adopting a special parcel tax to be levied against properties in San Dimas to improve and maintain landscaping and trees in parkways, parks and other public areas. He said parcel tax collections do not cover the total cost for landscape maintenance, however, the Ordinance included an annual adjustment to reflect changes in the Consumer Price Index (CPI). Mr. Duran reviewed two options for Council consideration and recommended adoption of Option 2 of Resolution No. 2010-24 approving a 1.9% CPI increase.

Mayor Morris opened the public hearing and asked if anyone wished to speak regarding the citywide parcel tax approved by the voters in 1997.

1) In response to **Sid Maksoudian**, Mr. Duran replied that based on March 2010 CPI, the increase was 1.9%.

There being no one else wishing to speak, the public hearing was closed.

After the title was read, it was moved by Mayor Pro Tem Ebner, seconded by Councilmember Bertone, to approve Option two increasing the rate to reflect the change of the Consumer Price Index by 1.9% and to waive further reading and adopt **RESOLUTION NO. 09-24**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, SETTING THE SPECIAL CITYWIDE PARCEL TAX FOR FISCAL YEAR 2010-2011 TO BE USED FOR LANDSCAPE MAINTENANCE PURPOSES.

The motion carried by those present. Councilmember Templeman was absent.

7. OTHER MATTERS

- a. Consider increase to Business License Fees.

- 1) **RESOLUTION NO. 2010-25**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, SETTING THE BUSINESS LICENSE FEES RATES FOR FISCAL YEAR 2010-11.

Assistant City Manager Duran reported that Ordinance No. 956 established fees for business licenses and allowed built-in automatic increases through 1993; as well as annual increases based on the Consumer Price Index (CPI) beginning in 1994. Staff recommended adoption of Resolution No. 2010-25, Option two, adjusting the business license fee rates for fiscal year 2010-11 by 1.9% CPI increase.

After the title was read, it was moved by Councilmember Bertone, seconded by Mayor Pro Tem Ebner, to approve Option two increasing the rate to reflect the change of the Consumer Price Index by 1.9% and to waive further reading and adopt **RESOLUTION NO. 2010-25**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, SETTING THE BUSINESS LICENSE FEES RATES FOR FISCAL YEAR 2010-11. The motion carried by those present. Councilmember Templeman was absent.

Councilmember Bertone said in conversation with the City Manager, it was determined that the City of San Dimas Business License fees are lower than surrounding cities. Mr. Bertone would like a survey of other cities' business license fees be brought to the Council in the future for discussion.

In response to Mayor Pro Tem Ebner, City Attorney Brown stated that the Ordinance allowed for built-in automatic increases based on CPI.

- b. Consider continuation of the 1% PEG fee for public access support.

- 1) **RESOLUTION NO. 2010-26**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS SETTING THE PUBLIC ACCESS FEE FOR FISCAL YEAR 2010-2011 TO BE USED FOR PEG PURPOSES.

Assistant City Manager Duran reported that in September 2006, the Digital Infrastructure and Video Competition Act of 2006 (DIVCA) Law went into effect which allowed video service providers to obtain a state issued franchise to provide video services in a local community. DIVCA delegated certain limited rights to local authorities including adoption of an up to 1% PEG fee to be paid by all video subscribers to fund public access. In October 2008, the City Council adopted Ordinance No. 1183 establishing San Dimas rights under DIVCA. The enabling Ordinance requires the City Council to annually set the amount of the PEG fee. Staff recommended the City Council adopt Resolution No. 2010-26 approving the public access fee in the amount of 1% for fiscal year 2010-2011.

Mayor Pro Tem Ebner stated that in 2008 the contract with University of La Verne provided to continue a channel for government and education use, not public access. He thought restoring the public access portion of the channel would be beneficial to the community and asked staff to secure estimated costs to add that component to the contract.

After the title was read, it was moved by Councilmember Badar, seconded by Councilmember Bertone, to waive further reading and adopt **RESOLUTION NO. 2010-26**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS SETTING THE PUBLIC ACCESS FEE FOR FISCAL YEAR 2010-2011 TO BE USED FOR PEG PURPOSES. The motion carried by those present. Councilmember Templeman was absent.

8. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 8:04 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:08 p.m..

9. SAN DIMAS PUBLIC FACILITIES FINANCING AUTHORITY

Mayor Morris recessed the regular meeting at 8:08 p.m. to convene a meeting of the San Dimas Public Facilities Financing Authority Board of Directors. The regular meeting reconvened at 8:16 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) **Sid Maksoudian** thanked Public Works Director Patel for promptly resolving the issue on San Dimas Avenue. He congratulated the new Public Safety Commissioners and said Commissioners should be on watch for safety code violations and hazards.

- b. City Manager

There were no comments.

- c. City Attorney

There were no comments.

- d. Members of the City Council

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

Mayor Morris reported that he and the Councilmembers attended the California Contract Cities Association 51st Annual Municipal Seminar in Indian Wells on May 13-16, 2010, and attended a mandated Ethics Session.

Councilmember Badar stated that legislators have different views of the raiding of local government dollars.

- 2) Individual Members' comments and updates.

a) Councilmember Badar commended the Equestrian Commissioners and volunteers that included students from various schools, who helped out at Horse Thief Canyon Park on Saturday.

b) Councilmember Bertone requested staff to create a Master Calendar of City events for public viewing.

11. CLOSED SESSION

Mayor Morris recessed at 8:30 p.m. to a Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

a. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Property: Concessionaire Agreement for Agency owned property at 121 North San Dimas Avenue

Negotiating Parties:

For Agency: Blaine Michaelis, City Manager/Executive Director, and J. Kenneth Brown, City/Agency Attorney; Ken Duran, Assistant City Manager

For Concessionaire: Marsteller Investments LLC, dba Saffron

Under Negotiation: Terms and conditions for concession agreement.

b. Report on closed session items.

There was no reportable action.

12. ADJOURNMENT

Mayor Morris adjourned at 9:05 p.m. in memory of Joe Templeman, a local painting contractor, who moved his family to San Dimas in 1950 and built the family home at 730 Walnut Avenue. Mr. & Mrs. Templeman left San Dimas in 1968 to build a home in Rancho Cucamonga and ultimately retired in Mexico before relocating to Bolivar, Missouri for their final years. He reached the age of 91 when he passed away on Sunday May 23, 2010.

The next meeting is 6:30 p.m. on June 8, 2010, Senior Citizen/Community Center Patio, for a reception for Distinguished Service to Youth Awards. Regular meeting at 7:00 p.m.

Respectfully submitted,

Ina Rios, CMC, City Clerk