



MINUTES
REGULAR CITY COUNCIL
TUESDAY, NOVEMBER 23, 2010, 7:00 P. M.
MULTI-PURPOSE ROOM
SENIOR CITIZEN/COMMUNITY CENTER
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 Development Services Dan Coleman
Director of Public Works Krishna Patel
Director of Parks and Recreation Theresa Bruns
Senior Engineer Shari Garwick
Superintendent of Building and Safety Eric Beilstein
Recreation Coordinator Erica Rodriguez
Assistant Planner Michael Concepcion

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 7:01 p.m. and led the flag salute.

2. RECOGNITIONS

- Presentation of banner to Ryan Wearp, U. S. Marines, 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 Foothill Boulevard, to **Ryan Wearp, U. S. Marine**, who completed four years of exemplary service in the U. S. Marine Corps. and was honorably discharged in 2010. Mayor Morris also presented a certificate in honor of his duty to his country.

3. ANNOUNCEMENTS AND PRESENTATIONS

- Downtown Holiday Extravaganza on Saturday, December 4, 2010, 2:00-6:30 p.m., Walker House

Recreation Coordinator Rodriguez announced the Downtown Holiday Extravaganza from 2:00-6:00 p.m. at the Walker House on December 4, 2010. She invited everyone to come enjoy holiday music, window displays, carolers, fun activities, arts and crafts, entertainment, snow, and Santa's hay ride to the Train Depot to light the Christmas tree and hear children's wishes for Christmas.

➤ 50th Anniversary Flashbacks

Bill Emerson, San Dimas Historical Society, mentioned that Toys from yesteryears are on display at the Historical Society in the Walker House. His flashbacks included a 33-0 win by San Dimas Saints on November 23, 1972; and San Dimas Jaycee's Christmas Parade on December 14, 1974.

➤ Pui-Ching Ho, Library Manager, San Dimas Library

Pui-Ching Ho, Library Manager, thanked the City Council and staff for their continued support and wished everyone a Happy Thanksgiving. She announced activities for the month of December 2010 and invited innovative teens, grades 6-12, to attend a board meeting on Saturday December 11 to promote Library programs to other teens. For detailed information, contact the Library at 909/599-6738.

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) Margie Green reminded everyone to wrap up the 50th Anniversary celebration at the New Year's Eve Party, on December 31, 2010, at Via Verde Country Club. She said tickets are available at the Parks and Recreation Department for \$100 per person and include a wonderful evening of dining and dancing to the music by the Soundbytes.

2) Ted Powl, CEO/President, Chamber of Commerce, asked the City Council to judge the Downtown Merchants window and store front displays, as part of the Christmas Holiday Extravaganza on Saturday, December 4. Winners will be announced at the Tree Lighting ceremony at 6:00 p.m.

3) Mr. Powl announced an opportunity to do one-stop holiday shopping at the annual Holiday Boutique at San Dimas Canyon Clubhouse on December 2, 2010, starting with the monthly breakfast meeting, at a cost of \$15.00 for members and \$17.00 for visitors.

4) Mr. Powl introduced his successor, Karen Gaffney, from Highland Chamber of Commerce, who brings with her a wealth of knowledge and experience.

5) Karen Gaffney said she is looking forward to meeting and working with the City Council and staff to see how she can serve the community.

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.)

City Attorney Brown removed item 5.a.3 for separate discussion.

It was moved by Mayor Pro Tem Ebner, seconded by Councilmember Templeman, and carried 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. 2010-61**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF NOVEMBER, 2010.
 - (2) Providing for approval for development agreements:
RESOLUTION NO. 2010-62, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, ESTABLISHING PROVISIONS FOR THE PROCESSING OF DEVELOPMENT AGREEMENTS.
 - (4) **RESOLUTION NO. 2010-64**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING THE GENERAL CLOSURE OF CERTAIN STREETS FOR CITY-SPONSORED OR OTHER SPECIAL EVENTS.
- b. Approval of minutes for the regular City Council meeting of November 9, 2010.
 - c. Award of Cash Contract No. 2010-07, Swim & Racquet Club Training Pool Deck Project, to ASR Constructors, Inc., in the amount of \$57,500.00.
 - d. Award of Cash Contract No. 2010-10, Bonita Avenue & Walnut Avenue Traffic Signal Modification Project to Macadee Electrical, in the amount of \$57,277.00.
 - e. Rejection of a portion of a claim for damages from Randy Argo.

END OF CONSENT CALENDAR

- 5.a.(3) Final Map and Subdivision Agreement for Tract 69609 located on northwest corner of corner of San Dimas Canyon Road and East Bonita Avenue, and authorizing their recordation. Acceptance, subject to improvement, any offer of dedication.
RESOLUTION NO. 2010-63, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE FINAL MAP AND SUBDIVISION AGREEMENT FOR TRACT 69609 AND AUTHORIZING THEIR RECORDATION.

City Attorney Brown stated that although the final map has been filed with the city, it will not be released for recordation until the conditions referenced in the attached Resolution No. 2010-63 are satisfied and the appropriate Quimby Fees have been paid, or arrangements have been made for payment. This may require further approval by the City Council.

It was moved by Councilmember Bertone, seconded by Councilmember Badar, to waive further reading and adopt **RESOLUTION NO. 2010-63**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE FINAL MAP AND SUBDIVISION AGREEMENT FOR TRACT 69609 AND AUTHORIZING THEIR RECORDATION, subject to conditions as outlined by City Attorney Brown. The motion carried unanimously.

6. ORDINANCES

- a. Ordinances read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **ORDINANCE NO. 1198**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING ZONE CHANGE 10-02, A REQUEST TO CHANGE THE EXISTING ZONING DESIGNATION OF 702-762 WEST ARROW HIGHWAY FROM CREATIVE GROWTH, AREA 1 (CG-1) TO COMMERCIAL HIGHWAY (CH) (APN: 8386-007-049). **SECOND READING AND ADOPTION**

Mayor Morris stated that at the previous meeting a public hearing was conducted on Ordinance No. 1198 and this is the second discussion.

After the title was read, it was moved by Councilmember Templeman, seconded by Councilmember Bertone, to waive further reading and adopt **ORDINANCE NO. 1198**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING ZONE CHANGE 10-02, A REQUEST TO CHANGE THE EXISTING ZONING DESIGNATION OF 702-762 WEST ARROW HIGHWAY FROM CREATIVE GROWTH, AREA 1 (CG-1) TO COMMERCIAL HIGHWAY (CH) (APN: 8386-007-049). The motion carried 4.1; Mayor Pro Tem Ebiner opposed.

7. 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 10-03, a request to amend various provisions of the Parking Chapter 18.156 of the Zoning Code for consistency with the 2010 CALGREEN Building Code.

(1) **ORDINANCE NO. 1199**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING MUNICIPAL CODE TEXT AMENDMENT 10-03, AMENDING TITLE 18 OF ZONING CODE RELATED TO PARKING. **FIRST READING AND INTRODUCTION**

Director of Development Services Coleman reported that Green Building Standards Code (CALGREEN) requiring all new buildings in the state to be more energy efficient and environmentally responsible will become effective on January 1, 2011. Staff recommends introduction of Ordinance No. 1199 amending various provisions of the Parking Chapter 18.156 of the Zoning Code for consistency.

Director Coleman responded to Council that all CalGreen standards apply only to new development, and only very large projects with a large number of employees would trigger the requirement to designate changing rooms with showering to accommodate both men and women.

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

After the title was read, it was moved by Mayor Pro Tem Ebiner, seconded by Councilmember Bertone, to waive further reading and introduce **ORDINANCE NO. 1199**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING MUNICIPAL CODE TEXT AMENDMENT 10-03, AMENDING TITLE 18 OF ZONING CODE RELATED TO PARKING. The motion carried unanimously.

8. PLANNING/DEVELOPMENT MATTERS

- a. Appeal of DPRB Case No. 10-28, a request to install a security grate at Computer Village located at 161 West Bonita Avenue.

Mayor Morris stated that this is not a public hearing and public comments would not be accepted.

Assistant Planner Concepcion reported that the Development Plan Review Board approved Case No. 10-28, to install a security grate at Computer Village at 161 West Bonita Avenue, which was appealed by Mayor Pro Tem Ebiner who felt the City Council should review this case and direct staff to write a city-wide policy concerning security grates. Mr. Concepcion added that since the security grate was installed behind the entry glass door, Computer Village's proposal may be seen as consistent with the Town Core Design Guidelines. He said applicant Mark Salehpour, owner of Computer Village, is present.

Mayor Pro Tem Ebner stated he is not necessarily against security grates at Computer Village, however, he noticed in the Development Plan Review Board (DPRB) minutes that staff discourages security grates, and the DPRB approved the installation and then directed staff to come back with a policy on security grates on doors and windows. He said to make it clear, policy should be in place prior to granting approval to install security grates in doors and windows.

In response to Councilmember Badar, Assistant City Manager Stevens explained that existing policy set forth in the Town Core Design Guidelines frequently used the words "discourage and encourage," which differ from the word "prohibit," to enable staff to consider the best approach to accomplish the matter at hand. He added that as long as there is a rationale basis for established standards, liability is preserved.

In response to Councilmember Bertone, Mr. Stevens replied that he is not concerned about the suggestion to put approval on hold until a policy is adopted and he anticipates the policy to go to the Review Board after the first of the year. He added that Computer Village will not be required to remove the security grates, which will be considered when a city-wide policy for security grates on doors and windows, as well as architectural effect of security, is in place.

1) Mark Salehpour said his main concern is the security of electronic products in the store and his client's sensitive data. He indicated that he experienced break-ins at his previous shop until he installed security grates.

Councilmember Templeman said he is supportive of either approving this matter tonight or postponing it until a policy can be adopted. He mentioned that identity theft is a huge law enforcement problem and ways should be found for these types of businesses to manage security in an attractive and appropriate manner.

It was moved by Mayor Pro Tem Ebner, seconded by Councilmember Bertone, to refer back DRPB Case No. 10-28 to the Development Plan Review Board for reconsideration at such time as the Board develops a city-wide security grate policy, and to allow existing grate to remain in place at Computer Village, pending reconsideration.

Mayor Morris said he cannot vote in favor of the present motion. He would prefer to approve or deny the appeal as submitted and to affirm the decision of the Review Board to continue with a broader policy which would include grates on windows.

The motion failed 3.2; Councilmembers Badar, Templeman, Morris opposed.

It was moved by Councilmember Templeman, seconded by Councilmember Badar, to deny the appeal and affirm the decision of the Development Plan Review Board. The motion carried 3.2; Councilmembers Bertone, Ebner opposed.

b. Introduction and first reading of Uniform Building Codes and set December 14, 2010 as date for public hearing and adoption.

(1) **ORDINANCE NO. 1200**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING SPECIFIED CHAPTERS OF TITLE 15 OF THE SAN DIMAS MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE, VOLUMES 1& 2, THE 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, THE 2010 EDITION OF THE CALIFORNIA PLUMBING CODE, THE 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE, THE 2010 EDITION OF THE CALIFORNIA MECHANICAL CODE, THE 2010 EDITION OF THE CALIFORNIA FIRE CODE, AND THE 2010 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS, INCLUDING FEES AND PENALTIES. **FIRST READING AND INTRODUCTION**

Mayor Morris stated the ordinance is on for first reading by title only and introduction, and to schedule a public hearing on December 14, 2010 for second reading and adoption by reference.

Superintendent of Building and Safety Beilstein explained that Title 15 of the San Dimas Municipal Code adopts the State building standards and additional model codes by reference, with various administrative amendments. Staff recommended that in keeping with State mandated standards and eliminating any conflicts with other standards contained throughout the municipal code that Ordinance 1200 be introduced and set for public hearing on December 14, 2010.

In response to Mayor Pro Tem Ebiner, City Attorney Brown explained that the Government Code has a provision that allows the process to first introduce and set the public hearing; conduct the public hearing discussion and adopt the ordinance by reference after a second reading.

After the title was read, it was moved by Mayor Pro Tem Ebiner, seconded by Councilmember Badar, to waive further reading and introduce **ORDINANCE NO. 1200**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING SPECIFIED CHAPTERS OF TITLE 15 OF THE SAN DIMAS MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE, VOLUMES 1& 2, THE 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, THE 2010 EDITION OF THE CALIFORNIA PLUMBING CODE, THE 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE, THE 2010 EDITION OF THE CALIFORNIA MECHANICAL CODE, THE 2010 EDITION OF THE CALIFORNIA FIRE CODE, AND THE 2010 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS, INCLUDING FEES AND PENALTIES. The motion carried unanimously.

The public hearing was set for the City Council meeting of December 14, 2010.

9. OTHER MATTERS

- a. Request from Waste Management for annual rate increase of 1.33% for residential and commercial refuse services.

Assistant City Manager Duran reported that the City's Franchise Agreement with Waste Management allows for an annual rate adjustment based upon the Consumer Price Index (CPI), fuel cost index and landfill or disposal costs. He presented a request from Waste Management and recommended approval for an increase of 1.33% for residential and commercial services. He said Carolyn Anderson representing Waste Management is present in the audience.

Mayor Morris said although this is not a public hearing, the increase affects residents and he invited the public to comment.

- 1) Carolyn Anderson stated she had nothing further to add.
- 2) Mike Mohajer said the agreement with Waste Management states that the disposal component shall be adjusted annually by the percentage change in disposal or tipping fees at the disposal facility utilized by Waste Management. He said Waste Management provided data for transfer stations used to transport solid waste materials to a disposal facility, and failed to list the landfills used, disposal tonnages at each landfill, which have significantly decreased since 2007, and related tipping fees, of which Puente Hills Landfill will offer a significant discount in the new year. He opposed the rate increase for residential and commercial refuse services.

In response to Mayor Morris, Assistant City Manager Duran replied that changes in quantity are not a factor of the formula. He said the intent of the Disposal component is to take into consideration changes in disposal or tipping fees. He added that there was no increase in the rate for the other three facilities other than Puente Hills Landfill and other facilities are consistent with the intent of language in the agreement.

Mr. Mohajer requested a written interpretation from the City Attorney that the disposal component is based on tipping fees at the transfer station. He distributed written comments and stated he would be back to comment on Waste Management's performance review.

3) Sid Maksoudian asked 1) if the city had legal interpretation of the contract prior to approval; 2) if Mr. Mohajer was correct in his definition of the city's interpretation of the contract; and 3) what the increase would cost residents. He opposed the increase due to the depressed economy.

It was moved by Councilmember Bertone, seconded by Councilmember Templeman, to approve an increase of 1.33% pursuant to the terms of the Franchise Agreement with Waste Management. The motion carried unanimously.

Councilmember Bertone inquired if there were any single family residents, multi-family residents, or businesses that do not have the opportunity to recycle and what can be done to provide those services. He reported that San Dimas is one of the cities in the state with the highest recycling rate of 75%.

Carolyn Anderson replied that during the public review in January they will provide an overview of completed work and accomplishments.

Councilmember Templeman mentioned that through Ms. Anderson's efforts, Waste Management implemented the Christmas Tree Recycling program at major apartment complexes, which has been very successful. He added that the Commercial Recycling program motivated some businesses in town to recycle.

Ms. Anderson reported that several businesses have taken advantage of the free audit to look at their waste stream and recycling efforts, and base their recycling program on those constraints.

b. Authorize sewer connection investment discount for Dale Park and Oakway residents

(1) **RESOLUTION NO. 2010-65, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, REDUCING THE ANNUAL INTEREST RATE ON THE OAKWAY AVENUE AND DALE PARK DRIVE SEWER REIMBURSEMENT DISTRICTS FROM EIGHT PERCENT TO THREE PERCENT.**

Senior Engineer Garwick reported that as an incentive to get residents on Oakway Avenue and Dale Park Drive to connect to the sewer, the City Council previously approved a temporary reduction of the interest rate to 3% for a period of two years. Additionally, the City Council authorized either a discount for full payment of the reimbursement fees due or financing over three years. Staff is requesting that the City Council consider permanently reducing the annual interest rate from 8% to 3% to encourage the remaining 16 property owners to connect to the City's public sewer system.

Engineer Garwick responded to specific questions and stated that fees are increasing in the proposed Municipal and Sewer Permitting process to become effective next year, which offers incentive to residents to connect to the sewer system.

Staff was directed to identify and notify residents who are still on septic tanks of the proposed increase in the permit fees and possible fines.

After the title was read, it was moved by Mayor Pro Tem Ebner, seconded by Councilmember Badar, to waive further reading and adopt **RESOLUTION NO. 2010-65**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, REDUCING THE ANNUAL INTEREST RATE ON THE OAKWAY AVENUE AND DALE PARK DRIVE SEWER REIMBURSEMENT DISTRICTS FROM EIGHT PERCENT TO THREE PERCENT. The motion carried unanimously.

- c. Report on purchase of furniture and fixtures for City Hall and Community Building.

Assistant City Manager Duran reported that \$500,000 was included in the adopted 2010-2011 budget for the replacement and upgrade of furniture, fixtures and equipment for the city hall and community building. Furniture will be purchased in December under a California Multiple Award Schedule contract, which allows the State and local governments to piggyback on the contract to take advantage of previously negotiated prices without the need for a public bid.

10. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 8:45 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:49 p.m..

11. 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 requested that the City consider meeting with Waste Management and Golden State Water Company to include verbiage in the water bill to state that residents should contact Waste Management for recycling and refuse collection services.

2) Sid Maksoudian stated that window grates and security doors have no place on Bonita Avenue and allowing Computer Village to install grates sets a precedent in the downtown corridor.

- 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.

There were no comments.

- 2) Individual Members' comments and updates.

a) Councilmember Templeman noticed while driving through a neighborhood that did not utilize the newer containers and methodology used to pick up trash, that the uniformity of trash containers and the methodology used to pickup trash in San Dimas is not an eyesore.

b) Mayor Pro Tem Ebiner suggested verbiage under Oral Communications be reviewed and clarified, and that policy be consistent on public comments for agenda items. He wished everyone a Happy Thanksgiving.

c) Councilmember Badar wished everyone a Happy Thanksgiving.

d) Councilmember Bertone said he would like discussion prior to any action being taken on Oral Communication verbiage. He praised Executive Director Nick Conway of the San Gabriel Valley Council of Governments, who received superior ratings on his evaluation by an independent firm. Mr. Bertone wished everyone a Happy Thanksgiving.

e) Mayor Morris wished everyone a Happy Thanksgiving and invited everyone to join him for the Christmas Tree Lighting ceremony at 6:00 p.m. on Saturday, December 4th. The Extravaganza events commence at 2:00 p.m.

12. CLOSED SESSION

Mayor Morris recessed the meeting at 9:08 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Assessor Parcel Number 8665-003-001 and 8665-001-005
Negotiating Parties:
For City: Blaine Michaelis, City Manager, Larry Stevens, Assistant City Manager for Community Development, and J. Kenneth Brown, City Attorney.
For Seller: NJD Limited; Agent: Travis W. Gillmore, Phelps-Tointon, Inc.
Under Negotiation: Terms of possible gifting of property to the City.

b. Report on closed session.

City Attorney Brown reported there was discussion on the closed session matter and direction was given to continue discussions.

13. ADJOURNMENT

Mayor Morris adjourned the meeting at 9:55 p.m. The City Council will next meet on Tuesday, December 14, 2010, 7:00 p.m.

Respectfully submitted,

Ina Rios, CMC, City Clerk