



MINUTES
REGULAR CITY COUNCIL
TUESDAY, MAY 24, 2011, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

PRESENT:

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

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

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 7:03 p.m. and led the flag salute. He thanked everyone who expressed well wishes during his absence.

2. RECOGNITIONS

- Proclaim Lieutenant Gill Robb Wilson Day

Mayor Morris read a Proclamation in memory of Lieutenant Gill Robb Wilson, who fought in World War I as a member of the Lafayette Flying Corps, and who actively promoted the creation of the Civil Air Patrol, later designated the United States Air Force Auxiliary. Mayor Morris and City Councilmembers proclaimed Monday, May 30, 2011 Lieutenant Gill Robb Wilson Day.

Airman graciously accepted the Proclamation and said the program is aerospace education for youth ages 12-18. He invited young ladies and gentlemen to visit the Civil Air Patrol on Mondays, at 7:00 p.m..

- Honor Ron Bollig, Los Angeles County Sheriff's Reserve Deputy of the Year

Captain Don Slawson provided a brief history of the Los Angeles County Sheriff's Reserve originally known as the "Posse," and said Reserve Deputy Ron Bollig has served the San Dimas community for the past 28 years at a salary of \$1 per year. He said for the last 12 years Reserve Deputy Bollig has served as a Reserve Motor Officer and was selected over 800 candidates to receive the Reserve Deputy of the Year award in Los Angeles County.

Mayor Morris thanked and presented a certificate to Ron Bollig, Los Angeles County Sheriff's Reserve Deputy of the Year in recognition of his outstanding years of service to the San Dimas community.

Deputy Bollig stated it has been a pleasure serving the citizens of San Dimas for 28 years and the Sheriff's Department appreciates the support they get from the city.

3. ANNOUNCEMENTS

- Pui-Ching Ho, Librarian, San Dimas Library

Pui-Ching Ho, Library Manager, announced that Artist B.J. Lane will teach a mixed media workshop on May 28; Book Party discussion will be held June 1; and Volunteers, age 13-17, are needed to assist with the Summer Reading Program that kicks off June 18th with a Building Impressions Art workshop. 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) Genoveva Arellano, Outreach Manager, Arellano Associates, said the California High-Speed Rail Authority will be conducting a series of meetings regarding the proposed High-Speed Train project from Los Angeles to San Diego via the Inland Empire Section. She encouraged the public to attend and comment on the preliminary ideas being presented at an open house meeting in San Dimas on Wednesday, June 8, 2011, from 4:00-7:00 p.m., at Ladera Serra Park, 975 Calle Serra.

2) Margie Green, Chair, Chamber of Commerce, announced that the Chamber will be conducting the annual Golf Tournament on June 6th, and the After Hours Mixer on June 16th will be hosted by San Dimas Canyon Clubhouse. She encouraged everyone to adopt a duck and win prizes at the McKinley's Children's annual Raging Waters Duck Race fundraiser on June 4th to help support abused and abandoned children.

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 Councilmember Ebner, seconded by Mayor Pro Tem Templeman, 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. 2011-21, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF MAY, 2011.**
- b. Approval of minutes for regular meetings of March 22, 2011 and April 12, 2011.
- c. Award of Cash Contract No. 2011-02, Reconstruction and overlay of Via Los Santos, Knollwood Lane, Paseo Alicia, Calle Tomas, Calaveras Road, and San Dimas Park and Ride, to Ruiz Engineering Company, in the amount of \$337,187.40.
- d. Award of Cash Contract No. 2011-03, Street Light Conduit installation Third Street between Cataract Avenue and Eucla Avenue to New West Signal, in the amount of \$29,797.00.

END OF CONSENT CALENDAR

Mayor Morris announced that items 7a and 8a would be discussed next.

7. PLANNING/DEVELOPMENT SERVICES

- a. ENVIRONMENTAL ASSESSMENT AND PRECISE PLAN No. 11-01 AND DEVELOPMENT PLAN REVIEW 07-27 - DEFALCO - Request to construct a 4,690 sq. ft. single story house, 484 sq. ft. detached garage, and a 1,892 sq. ft. barn, on 40 acres of land (Falcon Ridge Ranch) in Specific Plan No. 25 located on Sycamore Canyon Road (APN: 8678-030-005). Related File: Conditional Use Permit 11-01.
- 1) **RESOLUTION NO. 2011-23**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING DEVELOPMENT PLAN REVIEW 07-27, A REQUEST TO CONSTRUCT A 4,690 SQUARE FOOT SINGLE STORY HOUSE, 484 SQUARE FOOT DETACHED GARAGE, AND A 1,892 SQUARE FOOT BARN, ON 40 ACRES OF LAND (FALCON RIDGE RANCH) IN SPECIFIC PLAN NO. 25 LOCATED ON SYCAMORE CANYON ROAD. (APN: 8678-030-005).
 - 2) **RESOLUTION NO. 2011-24**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN REVIEW 11-01 (DPRB 07-27), A REQUEST TO CONSTRUCT A 4,690 SQUARE FOOT SINGLE STORY HOUSE, 484 SQUARE FOOT DETACHED GARAGE, AND A 1,892 SQUARE FOOT BARN, ON 40 ACRES OF LAND (FALCON RIDGE RANCH) IN SPECIFIC PLAN NO. 25 LOCATED ON SYCAMORE CANYON ROAD. (APN: 8678-030-005).

Mayor Morris reported that the applicant requested a postponement of this item until June 28, 2011. He asked if anyone in the audience came to speak on this matter. No one came forward and the item was continued to June 28, 2011.

8. OTHER MATTERS

- a. H.E.R.O.E.S. proposal to proceed with a phased memorial project at the Park and Ride location.

City Manager Michaelis reported that at the May 10, 2011 meeting, the City Council voted to allow the HEROES Organization to continue their fundraising efforts and to pursue a memorial project for the Park and Ride Lot until November, 2011. Mr. Michaelis offered the HEROES proposal for Phase I to install engraved granite panels, signage, lighting, flag poles and a place to accommodate brick pavers for a total estimated cost of \$85,355. He said Phase II will include additional brick paver areas, pergolas, pathways, benches, additional memorial walls, and the fountain. Staff will bring back the proposal when the plans are complete and costs are confirmed. Staff recommends:

1. Offer additional time for HEROES to raise the necessary funds for the full project; if there is interest in this approach, a fundraising status report could be offered June 1, 2012 with the possibility for further time extensions;
2. Convey that the City is open to incorporating a memorial project in the Civic Center Plaza.
3. If HEROES is not interested in the two recommendations, and the City Council is willing to consider phasing of the project, staff recommends:
 - a. That the plan check for the proposed work be completed along with a confirmation of all related project requirements;
 - b. Once the plan check and project requirements are confirmed, HEROES will complete a process to secure specific construction and project costs;
 - c. When the project design is completed and costs are confirmed, staff recommends that the City Council again consider the proposal to proceed with Phase I with a full report of anticipated costs and how they will be addressed.

1) Gary Enderle, President, HEROES, said he and Janie Graef started the banner program in 2005, and in 2010, they organized as a 501(c)(3) under the name San Dimas Community Foundation to pursue funding for a Veterans Monument. He said it has always been their goal to have their groundbreaking ceremony on Tuesday, June 14, 2011 and they expect to have sufficient funds for Phase I by July 1, 2011. He asked for Council and staff support to move forward on the project so they can have their dedication ceremony on November 11, 2011. Mr. Enderle requested that the City Council focus discussion on item 3 of staff's recommendation.

2) Janie Graef, co-Founder, HEROES, highlighted the team's fundraising programs and donations collected to date. Team members feel confident they will have raised all funds required for Phase I by July 1, 2011 and hope that during construction, additional funds are received to allow them to add elements of Phase II prior to November 11, 2011. She said the Organization would really appreciate any support given by Council and staff.

3) Tom Nuss stated it is the desire of the Committee to phase the project and believe there will be sufficient funds to begin construction of Phase I by July 1, 2011. He said plans will be submitted shortly and would appreciate that the plans be reviewed by staff to allow their architect to meet with staff to work out final details for Council consideration at their next meeting. He also requested that the plans include a compilation of all related project requirements set forth in the staff report.

Councilmember Bertone stated that every member of the City Council has been completely supportive of this project from the beginning. He expressed concern that if the project is phased, he would like the first phase to be complete.

4) Eddie Martinez, Architect/Contractor/Project Manager, EM3 Group, said he is honored to do his part in supporting this cause in the community and is contributing the design work.

In response to Mayor Pro Tem Templeman, Mr. Martinez outlined the details of Phase I and confirmed that the cost of \$85,000 includes full design and build.

In response to Councilmember Badar, Mr. Martinez said current plans for phase II include the pergolas, however, he would like the opportunity to add those elements to phase I if funds are available. He added that a four-foot ADA path of travel will be installed from the right of way to the memorial wall.

City Manager Michaelis explained the purpose of the plan check and said timing on the plan check process is dependent on whether or not the design meets the code requirements. He said staff is ready to proceed and move forward as soon as complete plans are submitted.

In response to Mayor Morris, Assistant City Manager of Community Development Stevens replied that the first plan check was conducted late February/early March and when plans are resubmitted, the second plan check will be conducted within ten working days.

In response to Councilmember Ebner, Mr. Stevens said the Committee will look at the entire project to make sure plans comply with the code; then look at the proposed phasing to confirm costs and that the project stands on its own if there is no further construction. He added that assuming plans are complete when they are submitted, staff might be able to accommodate the July 1 schedule.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, that the City Council direct staff to work with HEROES Group for Phase I, with the understanding that all plan checks are done according to code.

In response to Mayor Pro Tem Templeman, Mr. Stevens replied that because this is a public park project, staff will ensure there are sufficient funds to complete Phase I as designed.

The motion carried 5.0

6. PUBLIC HEARINGS

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

- a. Setting the Special City-wide parcel tax for Fiscal Year 2011-2012.

- 1) **RESOLUTION NO. 2011-22**, 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 2011-2012 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. 2011-22 approving a 3% 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.

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

City Attorney Brown stated that a minor provision was added to the Resolution as follows: "The 3% CPI increase is as authorized in the ordinance that was adopted and created the parcel tax."

After the title was read, it was moved by Councilmember Ebiner, seconded by Councilmember Bertone, to approve Option two increasing the rate to reflect the change of the Consumer Price Index by 3% and to waive further reading and adopt **RESOLUTION NO. 2011-22**, 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 2011-2012 TO BE USED FOR LANDSCAPE MAINTENANCE PURPOSES as amended. The motion carried unanimously.

8. OTHER MATTERS

- b. Consider increase to Business License Fees.

- 1) **RESOLUTION NO. 2011-25**, 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 2011-12.

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. 2011-25, Option two, adjusting the business license fee rates for fiscal year 2011-12 by 3% CPI increase.

- 1) Sid Maksoudian suggested that the City Council not approve the rate increase until the economy improves.

After the title was read, it was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to approve Option two increasing the rate to reflect the change of the Consumer Price Index by 3% and to waive further reading and adopt **RESOLUTION NO. 2011-25**, 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 2011-12. The motion carried unanimously.

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

- 1) **RESOLUTION NO. 2011-26**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS SETTING THE PUBLIC ACCESS FEE FOR FISCAL YEAR 2011-2012 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. 2011-26 approving the public access fee in the amount of 1% for fiscal year 2011-2012.

Councilmember Bertone intends to vote for the fee increase, however, he said sound on the public access channel is not acceptable, and he would like staff to look at the contract and resolve the problem.

Assistant City Manager Duran said staff is aware of transmission issues and is addressing this matter as part of contract negotiations. He added that the City's equipment has been tested and believes the transmission problem stems from Time Warner.

Councilmember Ebner is in favor of the 1% fee, however, he asked if staff can look at cost estimates to restore public access to the channel.

After the title was read, it was moved by Councilmember Badar, seconded by Councilmember Bertone, to waive further reading and adopt **RESOLUTION NO. 2011-26**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS SETTING THE PUBLIC ACCESS FEE FOR FISCAL YEAR 2011-2012 TO BE USED FOR PEG PURPOSES. The motion carried unanimously.

d. Consider increase to Overnight Parking Violation Bail Amount.

- 1) **RESOLUTION NO. 2011-27**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING THE BAIL SCHEDULE FOR OVERNIGHT PARKING VIOLATIONS

Assistant City Manager Duran reported that Senate Bill 857 established a penalty assessment for municipal and California Vehicle Code parking violations effective December 2010. The new assessment of \$3.00 per parking citation must be paid by issuing agencies to the State Controller for deposit in a Trial Court Trust Fund. In order to recover this additional assessment, staff recommends the City Council adopt Resolution No. 2011-27 increasing the parking violation bail amount from \$30.00 to \$33.00.

After the title was read, it was moved by Councilmember Ebner, seconded by Councilmember Badar, to waive further reading and adopt **RESOLUTION NO. 2011-27**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING THE BAIL SCHEDULE FOR OVERNIGHT PARKING VIOLATIONS. The motion carried unanimously.

- e. Request for increase to Vehicle Impound/Storage Cost Recovery Service Charge Fee.

- 1) **RESOLUTION NO. 2011-28**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, ADJUSTING THE SERVICE CHARGE FOR THE RELEASE OF STORED AND/OR IMPOUNDED VEHICLES.

Assistant City Manager Duran reported that in 1992 the City Council approved Resolution No. 92-27 establishing a \$60 service charge to recover the costs associated with the processing of an impound/storage and release of vehicles. He said there has been no increase to this fee and since that time, the Sheriff's Department contract costs have increased significantly. Mr. Duran outlined a fee schedule of surrounding contract cities and said the County recommends setting the fee at \$93 based upon their contract rates. Staff recommends the City Council adopt Resolution No. 2011-28 increasing the fee amount to match the County recommendation of \$93.

After the title was read, it was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to waive further reading and adopt **RESOLUTION NO. 2011-28**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, ADJUSTING THE SERVICE CHARGE FOR THE RELEASE OF STORED AND/OR IMPOUNDED VEHICLES. The motion carried unanimously.

9. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 8:35 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:36 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 said a blank screen airs on the access channel between programs, and he suggested that a slide show of scenic areas of San Dimas could be broadcast with soft music as a background.

2) Sid Maksoudian said this is not the right time for tax increases.

- b. City Manager

There were no comments.

- c. City Attorney

There were no comments.

- d. Members of the City Council

- 1) Reappointments to Parks and Recreation Commission.

Commissioner Jose Martinez's term on the Parks and Recreation Commission will expire May 31, 2011. He is eligible for and requests reappointment.

It was moved by Councilmember Ebner, seconded by Mayor Morris, to reappoint Jose Martinez, to the Parks and Recreation Commission, for a term to expire May 31, 2013. The motion carried unanimously.

Staff will begin the recruitment process to fill the Youth Member position which expires at the end of July, 2011. Youth Commissioner McKee is leaving for Berkeley and did not request reappointment.

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

Councilmembers Badar, Bertone, Ebner, and Templeman attended the California Contract Cities Association annual Municipal Seminar on May 12-15, 2011 in Indian Wells.

- a) Mayor Pro Tem Templeman said he scheduled a meeting with John Wang, County Public Works, to discuss the removal of boulders on San Dimas Horse Trails and repairing the Library's roof.
- b) Councilmember Ebner attended sessions related to the use of social media for city communications, and state budget discussion by seven state legislators.
- c) Councilmember Bertone said it is always beneficial to meet other officials to find out what is happening in other cities. He had an opportunity to converse with Captain Don Slawson and said he was a good choice for the San Dimas Sheriff's Station.
- d) Councilmember Badar noted that the conference had some interesting sessions and mentioned that staff signed up the City of San Dimas on Facebook. City Manager Michaelis said the name San Dimas was reserved on Facebook and Twitter.
- e) Councilmember Badar said the seven state legislators made it very clear they are always positioning for ways to negotiate.

3) Individual Members' comments and updates.

- a) Mayor Pro Tem Templeman said he attended the Relay for Life kickoff at Horsethief Canyon Park and youth programs in the new city hall plaza.
- b) Councilmember Ebner said while at the Seminar he received literature from the Citrus Research Council on the Asian Citrus Psyllid, a pest that threatens citrus trees and an article is posted on the City's Website. He added he is impressed with the oak tree care classes.
- c) Councilmember Badar said he also attended the Relay for Life and recognized volunteer Kevin Frey who took responsibility for logistics and operations. He said he heard positive comments that the additional size of the newly remodeled Plummer Community Building made it more comfortable for the Toast of the Town event. He praised Karen Gaffney, new President and CEO of the Chamber for an excellent job.
- d) Councilmember Bertone informed the community of the passing of Senior Club President Maria Ybarra. He attended the Older American recognition event at the Music Center in Los Angeles to honor Betty Jeannides; the Teacher of the Year program hosted by the Chamber, and praised Mr. Templeman, the Master of Ceremonies; Margie Green who spearheaded the Toast of the Town, and city staff for doing an excellent job at the event.
- e) Councilmember Bertone encouraged the community to attend the High-Speed Rail open house on June 8, from 4:00 p.m. to 7:00 p.m., at Ladera Serra Park.
- f) Mayor Morris commented on the number of people impressed with the Plummer Building. He shared good news that staff will meet on May 25th with the Special Committee of Liability Trust Fund Oversight Committee to discuss the suspension of payments to the Liability Trust Fund for the next year, which will save the City approximately \$200,000.

11. CLOSED SESSION

Mayor Morris recessed at 9:00 p.m. to a closed session pursuant to Government Code Section 54957.6:

a. CONFERENCE WITH LABOR NEGOTIATOR (Pursuant to G.C. Section 54957.6)

City Representative: Blaine Michaelis

Employee Group: City of San Dimas Employees

b. Report on closed session items

There was no reportable action.

12. ADJOURNMENT

Mayor Morris adjourned the meeting at 9:55 p.m. The next meeting is 6:30 p.m. on June 14, 2011, City Hall Lobby, for a reception for Distinguished Service to Youth Awards. Regular meeting at 7:00 p.m.

Respectfully submitted,

Ina Rios, CMC, City Clerk