



MINUTES
REGULAR CITY COUNCIL/
SAN DIMAS SUCCESSOR AGENCY
TUESDAY, MAY 22, 2012, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

PRESENT:

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

City Manager Blaine Michaelis
City Attorney Ken Brown
City Clerk Ina Rios
Assistant City Manager for Community Development Larry Stevens
Assistant City Manager Ken Duran
Director of Public Works Krishna Patel
Director of Parks and Recreation Theresa Bruns

ABSENT:

Director of Development Services Dan Coleman

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 7:02 p.m. and led the flag salute.

2. RECOGNITIONS

- Recognize San Dimas High School Athletes who represented the school in CIF Championship Competition, and the San Dimas High School Tribune Volleyball Coach of the Year.

Mayor Morris congratulated and presented Certificates to San Dimas High School 2010-11 CIF Championship Athletes: Darien Crain, Bree David, Ben Ellis, Tavit Garabedian, Danielle Hebert, Alexis Moore, Amy Patrick, Zac Robertson, Gavin Sandhu, and Tribute Volleyball Coach of the Year Jeff Pang for taking their team to the championships.

- 3. 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) Pui-Ching Ho, Library Manager, said a special program will be presented by professional Opera Singers from the Los Angeles Opera on Thursday, May 24, 6:30 p.m. On Saturday, May 26, 3:00 p.m., great Chef Marco Zapien will share tips and tricks in making Mexican cuisine with free food tasting at the end of the program. Beginning Saturday, June 16, sign up for the Summer Reading program and earn prizes; Volunteers are needed for the Summer Reading program through the end of July. Teens ages 13-17 years are encouraged to apply to help with a variety of programs; orientation will be held on Saturday, June 9, from 12:00 – 1:00 p.m. For more information on any program or activity, contact the San Dimas Library at 909.599.6738.

2) Margie Green announced that the Chamber of Commerce, Southern California Gas Company, and the City of San Dimas will host the Meet the Candidates Forum on Friday, May 25, at 6:00 p.m. in the Stanley Plummer Building. Representatives from Congress, Senate, Assembly and County will introduce themselves and be available to answer questions. Refreshments will be served at the Meet and Greet at 5:30 p.m.

4. 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.)

MOTION: It was moved by Councilmember Ebner, seconded by Mayor Pro Tem Badar, 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. 2012-29**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF MAY, 201.
 - (2) **RESOLUTION NO. 2012-30**, A RESOLUTION OF THE CITY OF SAN DIMAS APPROVING AN AGREEMENT FOR THE ADVANCE AND REIMBURSEMENT OF EXPENSES FOR CITY STAFF, OFFICE SPACE, EQUIPMENT AND SUPPLIES WITH THE CITY OF SAN DIMAS AS THE SUCCESSOR AGENCY TO THE CITY OF SAN DIMAS REDEVELOPMENT AGENCY.
 - (3) **RESOLUTION NO. 2012-31**, A RESOLUTION OF THE CITY OF SAN DIMAS AS SUCCESSOR AGENCY TO THE CITY OF SAN DIMAS REDEVELOPMENT AGENCY APPROVING AN AGREEMENT FOR THE ADVANCE AND REIMBURSEMENT OF EXPENSES FOR CITY STAFF, OFFICE SPACE, EQUIPMENT AND SUPPLIES WITH THE CITY OF SAN DIMAS.
- b. Approval of minutes for regular meeting of May 8, 2012 and special meeting of May 8, 2012.
- c. Approval of the Youth Employment Plan for Grant No. 58H9-07-2111, Horsethief Canyon Park Multi-Use Trail System, Poison Oak Trail and Hilltop Picnic Area.
- d. Rejection of claim for damages from Richard McKinn.
- e. Rejection of claim for damages from Ralph Breceda.

END OF CONSENT CALENDAR

5. PUBLIC HEARINGS

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

- a. Recommending the Assessment Rate be confirmed for District 1 (Boulevard, Tract 32818) and District 1, Annexation No. 3 (Northwoods, Tract 32841), pursuant to the Landscape and Lighting Act of 1972 and subject to the procedures and approval process of Section 4 of Article XIID of the California Constitution.
 - 1) **RESOLUTION NO. 2012-32**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2012-2013 FOR OPEN SPACE MAINTENANCE DISTRICT NO. 1 (TRACT 32818, BOULEVARD.)

Director of Parks and Recreation Bruns reported that at their April 10, 2012 meeting, the City Council adopted Resolution No. 2012-19 approving the Engineer's Report with the scope of work to include general landscape maintenance, water, and electricity, with no increase in the assessment rate for fiscal year 2012-13 for Open Space Maintenance District No. 1 (Tract 32818 - Boulevard). She said a notice of public hearing was published and mailed to each property owner within the District and recommended the City Council conduct the public hearing and consider adopting Resolution No. 2012-32 confirming the diagram and assessment for fiscal year 2012-2013, with no increase in the assessment rate.

Mayor Morris opened the public hearing and invited testimony from residents of Open Space Maintenance District No. 1 (Tract 32818 - Boulevard). There being no one wishing to speak, the public hearing was closed.

MOTION: After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Ebner, to waive further reading and adopt **RESOLUTION NO. 2012-32**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2012-2013 FOR OPEN SPACE DISTRICT NO. 1 (TRACT 32818, BOULEVARD.) The motion carried by the following vote:

AYES: Councilmembers Badar, Bertone, Ebner, Templeman, Morris
NOES: None
ABSENT: None
ABSTAIN: None

2) RESOLUTION NO. 2012-33, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2012-2013 FOR OPEN SPACE MAINTENANCE DISTRICT NO. 1, ANNEXATION NO. 3 (TRACT 32841, NORTHWOODS.)

Director of Parks and Recreation Bruns reported that at their April 10, 2012 meeting, the City Council adopted Resolution No. 2012-20 approving the Engineer's Report and declared its intent to levy and collect an assessment for fiscal year 2012-13 for Open Space Maintenance District No. 1, Annexation No. 3 (Tract 32841, Northwoods). She stated that the Engineer's Report was prepared with the scope of work to include general landscape maintenance, water, and electricity, and no increase is proposed in the assessment rate and the rate proposed for 2012-13 will remain at \$898.42 per parcel. She said a notice of public hearing was published and mailed to each property owner within the District and recommended the City Council conduct the public hearing and consider adopting Resolution No. 2012-33 confirming the diagram and assessment for fiscal year 2012-2013 for Open Space Maintenance District No. 1, Annexation No. 3 (Tract 32841, Northwoods).

Mayor Morris opened the public hearing and invited testimony from residents of Open Space Maintenance District No. 1, Annexation No. 3 (Tract 32841 - Northwoods,). There being no one wishing to speak, the public hearing was closed.

MOTION: After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Ebner, to waive further reading and adopt **RESOLUTION NO. 2012-33**, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2012-2013 FOR OPEN SPACE MAINTENANCE DISTRICT NO. 1, ANNEXATION NO. 3 (TRACT 32841, NORTHWOODS.) The motion carried by the following vote:

AYES: Councilmembers Badar, Bertone, Ebner, Templeman, Morris
NOES: None
ABSENT: None
ABSTAIN: None

b. Setting the Special City-wide parcel tax for Fiscal Year 2012-2013.

- 1) **RESOLUTION NO. 2012-34**, 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 2012-2013 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. 2012-34 approving a 2% 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.

MOTION: After the title was read, it was moved by Councilmember Templeman, seconded by Councilmember Bertone, to approve Option two increasing the rate to reflect the change of the Consumer Price Index by 2% and to waive further reading and adopt **RESOLUTION NO. 2012-34**, 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 2012-2013 TO BE USED FOR LANDSCAPE MAINTENANCE PURPOSE. The motion carried by the following vote:

AYES: Councilmembers Badar, Bertone, Ebner, Templeman, Morris
NOES: None
ABSENT: None
ABSTAIN: None

6. OTHER MATTERS

a. Consider increase to Business License Fees.

- 1) **RESOLUTION NO. 2012-35**, 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 2012-13.

Assistant City Manager Duran reported that in 1991, 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 provided two options for Council's consideration and recommended adoption of Resolution No. 2012-35, Option two, adjusting the business license fee rates for fiscal year 2012-13 by 2% CPI increase.

Mayor Morris stated that although this is not a public hearing, however, members of the audience are invited to speak on the proposal to increase business license fees. No one stepped forward to speak.

MOTION: After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Ebiner, to approve Option two increasing the rate to reflect the change of the Consumer Price Index by 2% and to waive further reading and adopt **RESOLUTION NO. 2012-35, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, SETTING THE BUSINESS LICENSE FEES RATES FOR FISCAL YEAR 2012-2013.** The motion carried unanimously.

- b. Consider continuation of the 1% Public, Educational and Government (PEG) fee for public access support.

- 1) **RESOLUTION NO. 2012-36, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS SETTING THE PUBLIC ACCESS FEE FOR FISCAL YEAR 2012-2013 TO BE USED FOR PEG PURPOSES.**

Assistant City Manager Duran reported that in 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% Public, Educational, Government (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 Public, Educational, Government (PEG) fee. Staff recommended the City Council adopt Resolution No. 2012-36 approving the public access fee in the amount of 1% for fiscal year 2012-2013.

MOTION: After the title was read, it was moved by Councilmember Ebiner, seconded by Councilmember Bertone, to waive further reading and adopt **RESOLUTION NO. 2012-36, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, SETTING THE PUBLIC ACCESS FEE FOR FISCAL YEAR 2012-2013 TO BE USED FOR PEG PURPOSES.** The motion carried unanimously.

7. ORAL COMMUNICATIONS

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

No one spoke.

- b. City Manager

There was no report.

c. City Attorney

There was no report.

d. Members of the City Council

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

Councilmembers reported they attended the 53rd Annual California Contract Cities Association Municipal Seminar on May 17-20, 2012, in Indian Wells:

1) Councilmember Templeman stated he enjoyed the session presented by Assemblyman Anthony Portantino who voted in favor of the Democrat's budget and opposed term limits. Mr. Templeman said there was discussion about the dissolution of redevelopment and was told that legitimate debt is not going to be repaid. He met with County Library leadership and he conveyed his appreciation for Pui-Ching Ho, and the work being done on the Library roof. He also spoke with Southern California Edison to expedite work on the Gladstone project and met with the Pomona Business Improvement District Manager.

2) Councilmember Ebner enjoyed the sessions by three panelists on the lost Art of Compromise. He said the speakers discussed the lack of experience in the legislature. He said on the November ballot is one possible change to term limits to lengthen stay to 12 years total.

3) Councilmember Bertone said the most enlightening session for him was the Ethical Training.

4) Mayor Pro Tem Badar said the State mandates attendance of the Ethics Training every two years. He said in the Art of Compromise, people need to sit down and come together on some working relationship and do the right thing. He said now that redevelopment is gone, San Dimas is faced with budget challenges and compromises.

5) Mayor Morris stated that San Dimas is well equipped to deal with serious problems and everyone has ideas about the budget and recognize that compromise must be made.

6) Councilmember Templeman commented that since the realignment of state prisoners to the local level, communities are seeing an increase in crime and he was told by the Assembly Member that there was never any public safety committee meeting in Sacramento to discuss the realignment.

2) Individual Members' comments and updates.

1) Councilmember Templeman advised that he attended the Planning Commission meeting to discuss signs and also attended the Post Office public hearing. He spoke to the Postal hearing body about property maintenance and suggested they consider selling the building and leasing back 5,000 square feet for their operations in order to reduce their costs.

2) Mayor Pro Tem announced the new Olive Garden restaurant opened as of May 21st and a new 99 Cent Store will open on May 31, 2012.

3) Councilmember Bertone said on Sunday, May 20, the City of La Verne honored Councilmember Robert Rodriguez for 22 years of service and Mr. Bertone extended congratulations from the City of San Dimas. Mr. Bertone also attended the Older American Citizen of the Year ceremony honoring Linda Groth at the Dorothy Chandler Pavilion in downtown Los Angeles. Mr. Bertone said effective January, 2013, San Dimas will have a new 41st District Assembly, new 25th District Senate, new 32nd Congressional District and the 5th District with Michael Antonovich as our County Supervisor. He encouraged everyone to attend the Meet the Candidates Forum presented by the Chamber of Commerce and ask questions on Friday, May 25, in the Stanley Plummer Building.

4) Mayor Morris said he and Mayor Pro Tem Badar attended the 100th anniversary of San Dimas Community Church on Sunday, May 20th.

8. ADJOURNMENT

Mayor Morris adjourned the meeting at 7:55 p.m. The next meeting is 7:00 p.m. on June 12, 2012.

Respectfully submitted,

Ina Rios, CMC, City Clerk