



MINUTES
**REGULAR CITY COUNCIL/
SUCCESSOR AGENCY MEETING**
TUESDAY, JULY 10, 2012, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem Emmett Badar
Councilmember Denis Bertone
Councilmember John Ebner
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 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 regular City Council meeting to order at 7:02 p.m. and led the flag salute.

City Attorney Brown requested the addition to the agenda of an emergency item that arose after the agenda was prepared and posted. He stated that AB 1484 includes a provision known as the July True Up Payment, which concludes that funds above the amount necessary to fund the recognized obligations shall be redistributed to the various taxing entities or severe penalties will be imposed. He stated that at 5:00 p.m. Monday, July 9th, the County Auditor/Controller notified staff that those funds owed by the San Dimas Successor Agency must be paid no later than Thursday, July 12, 2012.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Badar, to add an emergency item to the agenda, under City Attorney comments, to discuss financial impacts of AB1484 provisions as stated above. The motion carried unanimously.

2. RECOGNITION

- Proclaim July as Parks Make Life Better Month!

Recreation Services Manager Raya presented a Powerpoint slide showing the various ways the Parks make life better not only in San Dimas but throughout the state.

Mayor Morris congratulated and praised Parks and Recreation Director Bruns and her staff for the outstanding job they do and presented to Recreation Services Manager Raya and staff a Proclamation designating July as Parks and Recreation Month.

3. PRESENTATION

- a. Gold Line Update

Habib Balian, Chief Executive Officer of the Metro Gold Line Foothill Extension Construction Authority, provided a Powerpoint presentation project update on the Gold Line Foothill Extension from Pasadena to Azusa. He said the project is fully funded by voter initiated Measure R, and construction is expected to be completed by 2015. Mr. Balian also provided an update on the Azusa to Montclair leg, including the San Dimas Station, and said preliminary design and advanced conceptual engineering will begin between 2013-2015, with construction anticipated to begin in 2016, however, he said this segment is currently unfunded.

Mr. Balian replied to Council's questions regarding the City Maintenance Yard, which is the proposed new site for the parking structure, and lack of available funds for the Azusa-Montclair segment.

Mayor Morris pointed out that the City has not agreed that the City Yard will be the site for the Gold Line Station.

Councilmember Bertone stated he would not support any extension of Measure R if the City of San Dimas Station is not included.

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) Pui Ching Ho, Librarian, San Dimas Library, said the Summer Reading Program has begun and prizes can be earned for reading through July 31st; at 10:30 a.m. on Wednesday, July 11th the Book Party monthly Book Club Group will discuss the book for July *Fall of Giants*; on Wednesday, July 11th, at 3:00 p.m., Ken Frawley will present *That Old Time Radio Show* in the Community Building; join the Artists Trading Card Workshop at 3:00 p.m., on July 12th; experience Silly Science on July 14th; enjoy a Magic Show with live animals on July 25th; have fun exploring musical instruments on July 25th; and enjoy an Indian cuisine cooking demonstration on Saturday, July 28, at 3:00 p.m. with free food tasting at the conclusion.

2) Gil Gonzales, 2193 Terrebonne, asked to be given the opportunity to speak on agenda item 7.a regarding parking. He suggested involving the community in adopting a trail for the annual trail cleanup. He mentioned that a person driving a white truck is living at the Communication Trail, and he would appreciate it if the Sheriffs can conduct an annual investigation of the trails.

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.)

MOTION: It was moved by Councilmember 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. 2012-40**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTHS OF JUNE AND JULY 2012.

b. Approval of minutes for regular City Council meeting of June 26, 2012.

END OF CONSENT CALENDAR

6. PLANNING/DEVELOPMENT SERVICES

- a. Summarize and conclude survey results of chicken regulations in surrounding cities.

Director of Development Services Coleman reviewed survey results of surrounding cities' chicken regulations. He said the San Dimas Code permits keeping of chickens in the Single-Family Agriculture and Private Horse Overlay Zones. Director Coleman requested City Council direction on whether or not they want to consider potential amendments to the Zoning Code regarding the keeping of chickens in other residential zones.

Councilmember Ebner stated that a few people have expressed interest in keeping chickens on smaller lots. He outlined a list of issues and requested staff to provide verbiage and a number of chickens that can be permitted, and said he would like to proceed with the request of keeping chickens on small lots.

Mayor Morris expressed his concerns and said if chickens are allowed, he suggested implementing strict regulations.

Councilmember Templeman inquired who would enforce the restrictions – the Humane Society or in-house code enforcement, and what would be the cost to enforce the regulations.

It was the consensus of the City Council to direct staff to further investigate and bring back some considerations in approximately six months.

7. OTHER MATTERS

- a. Consider increase to Overnight Parking Bail Amount.

- 1) **RESOLUTION NO. 2012-41, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING THE BAIL SCHEDULE FOR PARKING VIOLATIONS.**

Assistant City Manager Duran reviewed survey results of 16 San Gabriel Valley agencies' overnight parking bail amounts. He compared the average bail amount of \$47.50 to San Dimas' fee of \$33.00. Staff recommended increasing the parking violation bail amount from \$33.00 to \$45.00. In addition, to be consistent with the other City parking bail amounts, Mr. Duran asked that fees also be increased for violations for parking on streets where parking is strictly prohibited; blocking the sidewalk; and parking in an alley.

Mayor Pro Tem Badar expressed concern about citing residents in housing developments that provide miniscule driveways.

Mayor Morris invited audience members to comment on this subject.

- 1) Gil Gonzalez would like to see defined language in the Code pertaining to the Public Right-of-Way, because there are some streets that have do not have a sidewalk. He explained that he is concerned with the general appearance of trailers and RVs encroaching beyond the curb. He said some residents park their cars directly behind their trailer or RV.

In response to Mayor Pro Tem Badar, Mr. Coleman replied that trailers and RVs are permitted on the driveway for a limited period of time to load and unload the vehicle.

Councilmember Templeman asked what is the path of travel for pedestrians if there is no sidewalk on one side of the street and the path of travel is landscaped.

Assistant City Manager Stevens explained that a sidewalk is typically constructed six to ten feet from the face of the curb on one side of a 60-foot wide street right-of-way, with an eight to ten-foot parkway with no landscape, yet there are still utilities on both sides of the curb. He stated that the parkways vary from area to area and staff would have to verify those types of conditions in the mapbook.

MOTION: After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Ebner, to waive further reading and adopt **RESOLUTION NO. 2012-41, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING THE BAIL SCHEDULE FOR PARKING VIOLATIONS.**

Mayor Morris expressed his opposition to the increase. He stated that the current fine is working well to get compliance.

The motion carried by the following vote:

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

8. ORAL COMMUNICATIONS

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

- 1) Gil Gonzalez expressed concern with deer, rodents and other pests if chickens are permitted in residential zones. He would like to see other uses defined in an Agricultural Ordinance for smaller lots.

- 2) Gil Gonzalez suggested that unless there are safety stipulations, he would caution the City Council from accepting the lower 40 acres of property from NJD, that would place a burden on staff to maintain that area. He would like the upper 40 acres extended to the property line; and he would like fences constructed to delineate buildable areas.

- 3) Kevin Frey, volunteer, San Dimas Relay for Life, announced the first Annual Bark for Life fundraiser for the American Cancer Society will be held on Saturday, July 14, 2012, at Horsethief Canyon Park, from 8:30 a.m. to 11:30 a.m.

- b. City Manager

City Manager Michaelis stated that the Chamber of Commerce Recognition Awards Dinner will be held on Thursday, July 12, 2012, and the *Ask The Mayor* show will resume at 7:00 p.m. on Thursday, July 26, 2012.

- c. City Attorney

City Attorney Brown stated that due to the California Supreme Court ruling in December 2011, Redevelopment Trailer Bill AB1484, which became effective June 27, 2012, declares that by July 9, the Los Angeles Auditor/Controller will calculate the amount owing to taxing entities. At 5:00 p.m. Monday, July 9, staff was contacted by the Auditor/Controller that \$988,339 is due to be paid by July 18, 2012. He said if the demand is not met by the due date, the Successor Agency will be subject to severe penalties, including withholding of sales tax revenue. City Attorney Brown stated that when the Successor Agency received the tax increment dollars, 20% was allocated for housing set aside funds for a total of \$590,000, which leaves a balance of \$400,000 to be remitted to the County Auditor/Controller.

Assistant City Manager Duran provided background on the legislation and said it is in the best interest of the Agency to pay \$590,000 from housing set aside funds and the remainder of \$400,000 from the General Fund or other source of revenue, to be paid under protest.

Mr. Duran responded to Council's questions regarding payment through housing set aside funds; using another source of revenue; and liquidating assets.

d. Members of the City Council

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

There were no meetings attended at the expense of the City.

Councilmember Bertone stated he was invited to go to Washington, DC at the expense of The Wilderness Society to lobby for the support of Congressman David Dreier's "Angeles and San Bernardino National Forests Protection Act." He said the Bill will provide funds to add to the existing wilderness area in the San Gabriel Mountains and protect the critical waterways.

2) Reappointments to Planning Commission.

Planning Commission terms for Commissioners John Davis and Jim Schoonover will expire at the end of August, 2012. There are no term limits for the Planning Commission and the two Commissioners have expressed a willingness to be reappointed.

MOTION: It was moved by Councilmember Templeman, seconded by Councilmember Ebner, to reappoint John Davis and Jim Schoonover to the Planning Commission for a two-year term to expire August 31, 2014. The motion carried unanimously.

3) Individual Members' comments and updates.

1) Councilmember Templeman informed Councilmember Bertone that at the last meeting Mr. Bertone was appointed as Alternate Delegate to the League of California Cities.

2) Councilmember Ebner stated he appreciated the discussion on keeping of chickens. He would like a staff report explaining the reasons for allowing the demolition of a 100-year old house at 300 South Walnut Avenue.

3) Councilmember Bertone thanked Caryol Smith, for organizing the successful Bowser Bash held Saturday, July 7th at Horsethief Canyon Park.

4) Councilmember Bertone invited the community to a Joint Meeting of the Planning Commission, Parks and Recreation Commission and Equestrian Commission at 6:00 p.m. on Tuesday, July 17th where the Planning Department will solicit comments on the conceptual Master Plan for the Walnut Creek Habitat and Open Space Plan project site.

5) Councilmember Ebner said the three new Parks and Recreation Commissioner will be in attendance at the joint meeting.

6) Mayor Morris stated that members of the City Council will not be making any decisions and will not violate any laws by attending the meeting.

7) Mayor Morris congratulated Charles McCants on being selected as the Citizen of the Year. Mr. McCants will be honored at the Chamber of Commerce's Annual Awards Banquet Dinner Thursday, July 12, 2012.

9. CLOSED SESSION

Mayor Morris recessed the regular session at 9:01 p.m. to a closed session pursuant to Government Code Section 54957.6)

a. CONFERENCE WITH LABOR NEGOTIATOR

City Representative: Blaine Michaelis
Employee Group: City of San Dimas Employees

b. Report on closed session items.

The City Council directed staff to prepare budget related personnel actions for their consideration in open session July 24, 2012.

10. ADJOURNMENT

The regular meeting was adjourned at 11:05 p.m. The next meeting is on July 24, 2012, 7:00 p.m..

Respectfully submitted,

Ina Rios, CMC, City Clerk