



MINUTES
REGULAR CITY COUNCIL MEETING
TUESDAY, JULY 24, 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 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 7:00 p.m. and led the flag salute.

2. 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

Daily Baise - San Dimas Sheriff's Boosters invited the community to the 19th annual car show July 28-29.
Pui-Ching Ho – Librarian, presented the summer reading program and activities.

Gil Gonzales 2193 Terrebonne, addressed council on his past and current dealings with the city in regards to what he felt were inconsistencies in applying city policies regarding code violations.

Joe Fransen - reported on upcoming Chamber events for the month of August, including annual San Dimas Birthday BBQ and San Dimas Community Hospital's grand opening of a new wing.

Susie Crawford congratulated everyone involved in the cell tower project at Puente and Via Verde.
Kevin Kearney - new resident, 210 Maimone Ave. Thanked Council for making San Dimas a beautiful place for his family.

3. 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 audience requests separate discussion.)

City Attorney Brown pulled item a.2 Installation of storm drain on Rennell and Arrow Highway.

MOTION: It was moved by Councilmember Dennis Bertone, seconded by Councilmember John Ebner 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. 2012-42**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF JULY 2012.
 - b. Revised resolutions to correct administrative errors for Bonita Canyon Gateway, a mixed-use project on 8.53 acres of land located at the northwest corner of East Bonita Avenue and San Dimas Canyon Road.
 - 1) **RESOLUTION NO. 09-37R**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING REVISION TO TENTATIVE TRACT MAP 69609, A REQUEST TO SUBDIVIDE AN 8.53 ACRE PROPERTY INTO SIX (6) LOTS ON THE PROPERTY LOCATED ON THE NORTHWEST CORNER OF BONITA AVENUE AND SAN DIMAS CANYON ROAD (APN: 8390-013-010, 011 and 012).
 - 2) **RESOLUTION NO. 09-38R**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING DEVELOPMENT PLAN REVIEW NO. 09-20, A REQUEST TO DEVELOP A 2.24 ACRE PROPERTY INTO A NEIGHBORHOOD RETAIL CENTER ON THE PROPERTY LOCATED ON THE NORTHWEST CORNER OF BONITA AVENUE AND SAN DIMAS CANYON ROAD. (APN: 8390-013-010, 011, and 012).
 - 3) **RESOLUTION NO. 09-39R**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING DEVELOPMENT PLAN REVIEW NO. 09-21, A REQUEST TO DEVELOP A 6.28 ACRE PROPERTY INTO 156 APARTMENTS ON THE PROPERTY LOCATED ON THE NORTHWEST CORNER OF BONITA AVENUE AND SAN DIMAS CANYON ROAD. (APN: 8390-013-010, 011, and 012).
- c. Approval of minutes for the regular City Council meeting of July 10, 2012.
- d. Award of Cash Contract No. 2012-05, Gladstone Street Improvement Project, from Lone Hill Avenue to Amelia Avenue, to Gentry Brothers, Inc., in the amount of \$524,410.00.
- e. Renewal of Cash Contract No. 2011-04, Concrete Maintenance Project–Various Citywide Locations to Grigolla & Sons Concrete in the amount up to \$86,000.
- f. Renewal of Cash Contract No. 2011-05, Asphalt Maintenance Project –Various Citywide Locations Contract to Paveco Construction, Inc. in the amount up to \$117,000.

- g. Renewal of Cash Contract 2011-07, Annual Striping Maintenance Contract to Superior Pavement Markings, Inc. in the amount of \$50,000.
- h. Renewal of a Two-Year Traffic Signal Maintenance Contract with Computer Services Company, Inc.

END OF CONSENT CALENDAR

Item a.2 - Installation of Storm Drain on Rennell Ave. north of Arrow Hwy. - Mr. Brown said that the contractor is proceeding with the storm drain and street improvements required for this residential development. This provides the City with an opportunity to address the problem of occasional flooding that occurs in the adjacent public right-of-way. This project incorporates three parts: (1) the contractor installing the sewers as shown in the maps; (2) the additional work in the public street, an area of approximately 200-300 lineal feet which requires upgrading the size of the sewer pipe from 24 inches to 30 inches; and (3) the installation of additional laterals and three catch basins. The cost to upsize the pipe at this time is approximately \$8,000. It would be appropriate at this time for the City Council to approve upsizing of the sewer pipe from 24 inches to 30 inches and authorize the expenditure of an additional \$8,000 for this work. At a later time the contract for completion of the laterals and installation of the three catch basins will be presented to the City Council. Councilman Bertone moved to accept the recommendation of the City Attorney. This motion was seconded by Councilman Ebiner and unanimously approved.

4. PLANNING/DEVELOPMENT SERVICES

- a. Summary of DPRB Case No. 12-12 action on home at 300 north Walnut.

City Manager Michaelis reported that at the last City Council meeting a request was made to provide additional information on the proposal to remove a building that's listed as a historical home. He added that detailed information on this matter has been posted on the City's web site.

Director of Development Services Coleman explained that a major factor in DPRB deciding to approve the request to demolish the historic home at 300 N. Walnut was that the historic character of the home was lost by substantial alterations and additions made many years ago. An independent third party report concluded that much of the original building, detailing and construction has been compromised over the years; the integrity and basic quality of the original construction has been lost due to poor maintenance over time, severely compromising its importance as an example of its type and era. He added that some conditions that were imposed by the Development Plan Review Board are they will not be allowed to demolish this structure until they receive approval of the new house they would like to build, complete a comprehensive photographic and drawing record of the home both inside and outside and are required to offer the structure as a gift to someone who is interested in relocating it and preserving it on another property

Councilmember Ebiner commented that he asked that this be placed on the agenda for information for the public and did not appeal decision by DPRB or ask for council to review it. He added that he thought it was important that when a historic structure is demolished the Council and public knows why. Mayor Morris questioned requiring the applicant to spend money on the process of historical review on a house that is such poor condition.

5. OTHER MATTERS

a) Budget Related Personnel Matters

- 1) **RESOLUTION NO. 2012-44**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS FINDING THAT DUE TO THE SHORTAGE OF WORK AND/OR FUNDS THERE IS A NEED TO LAY-OFF SPECIFIED EMPLOYEES.
- 2) **RESOLUTION NO. 2012-45**, A RESOLUTION OF THE CITY OF SAN DIMAS ADOPTING A SUPPLEMENTAL EMPLOYEE RETIREMENT PLAN.
- 3) **RESOLUTION NO. 2012-46**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) EMPLOYER PAID MEMBER CONTRIBUTIONS.
- 4) **RESOLUTION NO. 2012-47**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS SUSPENDING THE CITY'S DEFERRED COMPENSATION MATCH PROGRAM FOR EMPLOYEES.

City Manager Michaelis provided a history of this year's budget process and a background on the impacts of the State's decision to eliminate Redevelopment Agencies on the City's budget. He added that the actions this evening are necessary to reduce another \$1 million in the General Fund budget through actions involving city personnel adjustments. The adjustments are a combination of not filling current vacant positions, lay-offs and retirements impacting a total of 9 positions. It also includes compensation and benefit adjustments impacting all employees.

Councilman Templeman made a comment to clarify that the prior loans from the City to the Redevelopment Agency that are not allowed to be repaid under the Redevelopment Agency dissolution were allowed for under law but not recognized by the State.

Assistant City Manager Duran stated that at the time the Fiscal Year 2012-13 Annual Operating Budget was approved on June 26, 2012, staff intended to bring back an amendment to further reduce expenditures. A significant step in the process to reduce expenditures requires action pertaining to personnel and salary and benefits. Staff recommends adjustments to two specific compensation and benefit items, as well as reduction in staffing of nine positions through a combination of lay-offs, retirements and leaving vacant positions unfilled. Staff recommends adoption of Resolution No. 2012-44; Resolution No. 2012-45; Resolution No. 46; and Resolution No. 2012-47.

In response to questions Mr. Duran explained the differences in the employee and employer PERS retirement contribution rates and how each are calculated. He clarified that the employee rate is 7% of salary and that currently the City is paying 4.5% of the rate. The proposal is for employees to pay an additional 1.5% of that rate over the next three years resulting in them paying the full 7% within 3 years.

After the title was read, it was moved by Councilmember Templeman, seconded by Councilmember Badar, to waive further reading and adopt:

RESOLUTION NO. 2012-44, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS FINDING THAT DUE TO THE SHORTAGE OF WORK AND/OR FUNDS THERE IS A NEED TO LAY-OFF SPECIFIED EMPLOYEES.

Councilman Templeman commented that being a small City, employees are not numbers but people we know which makes this decision difficult. He added that he is also angry with the State with eliminating Redevelopment Agencies to solve their problems.

Councilman Ebner commented that this is one of the hardest Resolutions to vote for because these positions are people we know.

Councilman Badar that as was said these are people we know and this is strictly a business decision to allow San Dimas to move forward.

Mayor Morris reiterated that this is a difficult decision and not a case where the City is over staffed or over spent but because of a situation imposed by the States actions.

Councilman Templeman added that some Cities in this situation spend down reserves but that he does not want to go there and put San Dimas in a situation like other cities that are in fiscal emergencies.

After further discussion the motion carried by a vote of 5-0.

After the title was read Councilman Templeman made a motion, seconded by Councilman Badar, to waive further reading and adopt:

RESOLUTION NO. 2012-45, A RESOLUTION OF THE CITY OF SAN DIMAS ADOPTING A SUPPLEMENTAL EMPLOYEE RETIREMENT PLAN.

Councilman Bertone stated that he would vote against the motion because he did not think it was necessary and that the position involved was too important. He added that he felt that the City Council and City Manager should have made cuts to their salary and travel expenses.

Mayor Morris commented that the Resolution before the Council is to provide a benefit in the form of a supplemental retirement for an employee.

Councilman Ebner commented that though it is tough to vote for the Resolution but he will because the City needs to keep on an even keel and this goes along with the other measures before the Council.

The motion was seconded by Councilman Badar and carried with a vote of 4 – 1 with Councilman Bertone voting opposed.

After the title was read Councilman Bertone made a motion, seconded by Councilman Ebner to waive further reading and adopt:

RESOLUTION NO. 2012-46, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) EMPLOYER PAID MEMBER CONTRIBUTIONS.

The motion carried by a vote of 5-0.

After the title was read Councilman Badar made a motion, seconded by Councilman Ebner, to waive further reading and adopt:

RESOLUTION NO. 2012-47, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS SUSPENDING THE CITY'S DEFERRED COMPENSATION MATCH PROGRAM FOR EMPLOYEES.

The motion carried by a vote of 5 – 0.

6. ORAL COMMUNICATIONS

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

Gil Gonzales, 2193 Terrebonne, commented on his concern with code enforcement on a property on Foothill Blvd. He also expressed concern with the lack of enforcement of zoning violations with Mr. DeFalco's property on Sycamore Canyon Road.

- b. City Manager

City Manager Michaelis reported that the City has had recent meetings with a proposer for a food use in the Walker House. He added that the City is discussing ideas with the proposer but there is nothing to publicly report at this time. He also reported that the Ask the Mayor call in show will again be broadcast this Thursday.

- c. City Attorney

Nothing to report.

- d. Members of the City Council

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

Councilman Bertone reported that though it was not a meeting at the City's expense he attended a meeting regarding the proposed EMS 4 storm water permit. He commented that the permit is requiring a lot of cities with big penalties. He also complimented City staff for attending the meeting.

- 2) Discussion regarding the San Gabriel Valley Council of Governments – issues and the city's participation in the organization.

City Manager Michaelis stated that the intent of this item is to provide an opportunity for the City Council to discuss and consider how San Dims should or could respond to the current issues of the San Gabriel Valley Council of Governments.

Councilman Badar commented that he is concerned with what he reads in the newspaper about the issues with the COG and feels the Council needs to get more up to date on the issues surrounding the COG and the benefits of the COG to the City.

Councilman Bertone commented that the COG Board voted on June 21st to place the Executive Director on administrative leave and that he voted in favor of the motion.

Mayor Morris commented that he feels that there is a problem with the inherent administrative structure of the COG. He commented on the conflict of interest allegations of the administrative structure. He suggested that the City should consider withdrawing its membership to let the Board know of the City's concerns.

Councilman Templeman agreed with the Mayor's suggesting regarding withdrawing membership and withholding paying dues.

Councilman Bertone commented that he is an appointed member to the Rivers and Mountains Conservancy by the COG. He added that the decision to withdraw from the COG is up to the Council. He added that he feels the issue with the Executive Director should run its course with the District Attorney.

There was further discussion regarding the benefits of the COG, the current issues regarding the governance of the COG and the potential of withdrawing membership.

Councilman Badar stated that he could use more time and information on the issues and benefits of the COG before voting to withdraw from it. He suggested a study session to have a further discussion on the benefits of the COG to the City.

Assistant City Manager provided information on the current grant programs the City is involved in with the COG and potential impact on those grants if the City withdraws. He also provided a history of the management structure of the COG.

There was further discussion regarding the current governance issue with the COG and its Executive Director.

Councilman Ebner agreed with scheduling a study session to further discuss the decision to withdraw membership and not make dues payments.

Mayor Morris reiterated his position that the City should not make further payments to the COG because of the governance issues and allegations against the Executive Director. He added that he would be okay with deferring making a decision on withdrawal as long as no further payments are made until the decision is made.

Councilman Templeman made a motion to temporarily withdraw from the COG and not make dues payments. The motion died for lack of a second.

Councilman Ebner made a motion to conduct a study session at the next meeting to lay out the reasons for possibly withdrawing from the COG and list actions the City might take. Mayor Morris asked if the motion included suspended making further payments. Councilman Ebner responded that it did include that provision.

It was suggested that the City not make any payments at least until the Study Session. Councilman Ebner agreed to add that condition to the motion. The motion was seconded by Councilman Badar. The motion carried unanimously.

3) Individual Members' comments and updates.

Councilman Bertone reported that at the last COG meeting there was a vote to support a ballot measure to extend Measure R. He added that based upon previous City Council discussion he voted against the motion but it did pass.

7. CLOSED SESSION

Mayor Morris recessed at 8:28 p.m. to a closed session pursuant to Government Code Section 54956.8:

a. CONFERENCE WITH REAL PROPERTY NEGOTIATION

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.

Report on closed session items

Staff reported no progress has been made regarding the agreement necessary for the gifting of property. In essence, the arrangements for the gifting of land have fallen through at this time.

8. ADJOURNMENT

Mayor Morris adjourned the meeting at 8:55 p.m. The next meeting is on August 14, 2012, 6:00 p.m. for a study session to discuss continued City involvement in the San Gabriel Valley COG. and the regular meeting at 7:00 p.m.

Respectfully submitted,

City Clerk