



MINUTES
REGULAR CITY COUNCIL MEETING
TUESDAY, OCTOBER 9, 2012, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVE.

CITY COUNCIL:

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

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

1. Mayor Morris called the meeting to order at 7:00 p.m.
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 ask 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**

Juan Vasquez resident of La Verne and Bonita Unified School District PTA member addressed Council on Proposition 30 and requested their support on the proposition.

Galen Gillotte Librarian, presented updates on the activities and events at the library.

Jackie Soto representing the Red Roof Inn Hotel addressed Council regarding the proposed TOT increase. She feels that it will be an undue burden on the few hotels in San Dimas. It would discourage travelers and create lost revenue for other businesses. She also feels that the increase would have the opposite effect and hotels would decrease rates which would lower the TOT rate collected by the city. The hotel managers suggested increasing the rate to 10% instead of 12%; this would be a fair and competitive rate with the other cities in surrounding area.

Hiba Mouri, ASB President at San Dimas High School gave an update on the academic, art and athletic programs at the high school. Homecoming Parade and game on the October 19th.

Joe Fransen, member of the San Dimas Chamber of Commerce gave an update on the success of the Western Days event. He thanked Council and the Parks & Recreation Department for their support.

Mayor Morris mentioned that a volunteer who lives in Victorville commented on the great community volunteerism here in San Dimas.

Caryol Smith Friends of San Dimas Dog Park coordinator gave an update on the participation on the parade; there were 49 communities that participated. She complimented Parks & Recreation and all the crews on the great job of fast cleanup.

Montel Witkliffe, General Manager of the Comfort Suites, addressed Council on the proposed TOT increase. He proposes an increase of 1% or 2%, only.

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 requests separate discussion.)

Councilmember Ebner requested a correction to the Minutes of September 25, 2012. The vote on 6a, page 8 should read as introduced instead of approved. He then made a motion to accept, approve and act upon the consent calendar, Councilmember Bertone seconded. Motion carried unanimously.

a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:

(1) **Resolution No. 2012- 55**, A Resolution of the City Council of the City of San Dimas approving certain demands for the months of September and October, 2012.

b. Approval of minutes for September 25, 2012 regular City Council meeting.

c. Award Cash Contract 2012-07 Rennell Storm Drain MTD 1841

d. Reject claim for Ramirez

e. Reject claim for Farmers Insurance (Ramirez)

f. Resolutions calling for a General Municipal Election Tuesday, March 5, 2013

(1) **Resolution No. 2012- 56**, A Resolution of the City Council of the City of San Dimas, County of Los Angeles, State of California, calling for the holding of a General Municipal Election to be held on Tuesday, March 5, 2013, for the election of certain officers as required by the provisions of the laws of the State of California relating to general law cities.

(2) **Resolution No. 2012-58**, A Resolution of the City Council of the City of San Dimas, County of Los Angeles, State of California, Requesting the Board of Supervisors of the County of Los Angeles to render specified services to the City relating to the conduct of a General Municipal Election to be held on Tuesday, March 5, 2013.

(3) **Resolution No. 2012- 59**, A Resolution of the City Council of the City of San Dimas, County of Los Angeles, State of California, adopting regulations for candidates for elective office pertaining to candidate statements submitted to the voters at an election to be held on Tuesday, March 5, 2013

END OF CONSENT CALENDAR

4. PLANNING/DEVELOPMENT SERVICES

- a. **ORDINANCE NO. 1212 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 11-03 AMENDING CHAPTER 18.152 SIGNS (2nd Reading)**

Councilmember Bertone requested the second reading be done, unless there were any questions. Councilmember Bertone made a motion to adopt, Councilmember Templeman seconded. The motion carried by a vote of 4 to 1, with Councilmember Ebner opposing.

5. OTHER MATTERS

- a. **Request for City to support Proposition 30 on the November Ballot.**

City Manager Blaine Michaels outlined the request and explained that Council's informal policy when it comes to taking positions on state ballot positions. When it has been a city-sponsored statewide initiative or one that affects municipal affairs then they have considered taking a position. However they generally decline on taking positions. Council can decide to take a position tonight or direct staff to bring back at the next meeting the pros and cons of the proposal for discussion.

Mayor Morris opened the item up for discussion.

Matt Lyons a resident stated that every state issue does become a local issue. He feels that council's policy on not taking a position is a comfort zone. He asked council to stand in solidarity with supporting the school district.

Chuck Coyne resident, representing the school district recognized the support and collaboration between the council and the school district. What Proposition 30 will do at best is help to maintain the current status, we will not move forward in any manner as far as funding is concerned. Without the passage of Prop 30 class sizes will dramatically increase, we will lose electives and possibly the bus services. He would appreciate the support of council.

Alta Skinner resident expressed her wish for council to support this proposition.

Councilmember Bertone explained that he was asked to put this on the agenda and he did explain council's policy. He does respect council's decision to not take a position. He stated that having a first rate school system effects the property values in a community. He shared comments from an article written in the L.A. Times. He will support this proposition.

Councilmember Templeman stated his concern is that council gets asked to support a variety of beliefs that are legislative items. He doesn't know why the school district chose to support 30 instead of 38 which is supposed to be more directly supportive to schools and students. He stated that he will not try to convince the public to vote his way because he thinks they will make their own decision. This council supported the two local school bonds in the past. He doesn't believe it is Council's position to promote a statewide legislative item, because then they would have to pick and choose which ones they would support.

Councilmember Badar asked staff if October 23rd would be the earliest this could be heard again.

City Manager Michaelis responded that is the next meeting.

Councilmember Badar stated he feels that this council has worked very hard with the school district and has no problem supporting this tonight.

Councilmember Ebner stated that he supports Proposition 30 and feels that it is a bold move and hopes it passes. He feels that if council takes positions on matters that are not related to cities, we are opening ourselves up to having to vote all the time on state propositions. He does support the passage of the proposition but not wise for this council to take a position. He will vote against it.

Councilmember Badar added that it has everything to do with this city, and the reality is that the kids that go to these schools are our community. The education of those students is probably the most important thing the city could do to help and I will support it strongly.

Mayor Morris stated he doesn't think the voters elected council to tell them how to vote. He feels that this proposition is a ploy for Governor Brown to pick our pockets again. They did not have to put education at risk, they could have put the train to nowhere at risk. He further stated people who would not otherwise vote for tax increases would vote for this because it supports kids. He also stated that he doesn't feel it is a legitimate issue for the city council to take a position on. If council wanted to vote on this he would abstain.

Councilmember Templeman stated that his kids attended the local schools and it is an emotional matter, but would not make an emotional decision on a statewide issue. He also stated that it has nothing to do with a comfort zone or the idea that we were elected to make this decision for the constituents as leaders. He thinks that they look to us for leadership in another form rather than tell them how to vote on a statewide matter. He agreed that we should not head down that path.

Councilmember Bertone made a motion to endorse the School Board's position and endorse Proposition 30, Councilmember Badar seconded. The motion did not pass, the vote was as follows: in favor, Bertone and Badar, against, Ebner, Morris and Templeman.

b. **ORDINANCE NO. 1213, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PLACING A MEASURE ON THE MARCH 5, 2013 GENERAL MUNICIPAL ELECTION TO INCREASE THE TRANSIENT OCCUPANCY TAX RATE FROM 8% TO 12% (2nd Reading)**

c. **Consideration of Resolutions necessary to place a measure before the San Dimas voters to increase the Transient Occupancy Tax Rate from 8% to 12% for guests staying at San Dimas Hotels and Commercial RV Campgrounds.**

(1) **Resolution No. 2012- 57**, A Resolution of the City Council of the City of San Dimas, County of Los Angeles, State of California, placing before the voters of the City of San Dimas an Ordinance increasing the city's Transient Occupancy Tax from eight percent (8%) to twelve percent (12%).

(2) **Resolution No. 2012-60**, A Resolution of the City Council of the City of San Dimas, County of Los Angeles, State of California, setting priorities for filing a written argument regarding a City Measure and directing the City Attorney to prepare an impartial analysis.

(3) **Resolution No. 2012-61**, A Resolution of the City Council of the City of San Dimas, County of Los Angeles, State of California, providing for the filing of rebuttal arguments for City Measures submitted at Municipal Elections. (OPTIONAL RESOLUTION).

City Manager Michaelis outlined the process for the upcoming election as follows:

- a. Complete the second reading and adoption of the ordinance that would change the TOT rate from 8% to 12%
- b. Adopt the resolution placing that measure before the voters on the March 5, 2013 General Municipal Election
- c. Adopt the resolution on how the city would take a position on the proposal also instructions that City Attorney to prepare an impartial analysis
- d. Adopt the resolution to decide if city will receive rebuttal arguments and set forth the process to do so

Councilmember Badar mentioned that he would have liked to have had representation from the hotels involved in some conversation to come up with a resolution. He felt that the two representatives here tonight put up a good argument up for 10%. He would support 10% TOT.

Councilmember Bertone mentioned that we are losing revenue, which leaves us with two choices; we could cut services or increase revenue. This option has the least negative effect on the residents; while other cities are looking to increase the soda tax, another sales tax or utility tax.

Councilmember Templeman stated that 1991 was the last time we increased the tax and it's been much lower than average all this time.

Councilmember Ebner asked if the TOT revenue decreased because of the recession and reduced occupancy.

Mr. Michaelis responded that yes it is similar to all the other revenue decreases.

Councilmember Badar stated he would not be opposed to discussion on 10% in fairness to the hotels, but if the rest of the council is comfortable with 12% then he would not oppose that.

Councilmember Templeman stated that this will become the new norm if not something even higher. We are always behind the curve on a lot of our fees; if we did it more frequently maybe we wouldn't need to do 4% at this point in time.

Councilmember Bertone moved to waive further reading and adopt Ordinance 1213, Councilmember Ebner seconded. The motion passed unanimously.

Councilmember Ebner moved to waive further reading and adopt Resolution 2012-57, Councilmember Bertone seconded. Motion passed by vote of 5-0.

Councilmember Ebner moved to waive further reading and adopt Resolution 2012-60, Councilmember Templeman seconded. Motion carries unanimously.

Councilmember Ebner moved to waive further reading and adopt Resolution 2012-61, Councilmember Templeman seconded. Motion carries unanimously.

Councilmember Templeman asked when the Ordinance would take effect.

Mr. Michaelis replied July 1, 2013.

City Attorney Brown asked since Resolution 2012-60 passed unanimously is it the consensus that the argument in favor will be signed by the five Councilmembers?

Mayor Morris responded yes.

d. Request from Profiles TV to use city facilities and have a temporary road closure during filming of proposed new reality television show

Public Works Director Krishna Patel presented that format and layout for the filming.

Councilmember Templeman asked if the production company pay for recovering the costs or is there a flat rate.

Mr. Patel answered yes; they pay us for use of the parks, city parking lot, staff and deputy time.

Councilmember Templeman asked if they would be paying the Deputies independently.

Mr. Patel answered no, it would be through the city permit process and the city would pay the overtime for the Sheriff's Department.

Councilmember Badar asked if we had talked with the Sheriff's Department about that.

In response Mr. Patel stated that the Sheriff's Department is part of the Special Event Permit process.

To clarify some of the fees discussed, Director of Parks & Recreation Theresa Bruns shared that we have a film permit fee but in addition we have established a site fee for each of the facilities they will be utilizing. Also as far as the stop filming for the parade, that's in the vicinity of the parade so if they happened to already be at Marchant Park filming will continue there.

Councilmember Templeman asked if a staff person would be at each of the locations as a contact.

Director Bruns stated it is not the intent to have someone on standby at each site. but when staff is on duty at each site they would be available as necessary. The filming company is scheduling overnight security at each of the park sites that have multiple day uses. They will be provided with staff's on call number if they need to come out during off duty hours.

In response to Councilmember Templeman question, Mr. Patel stated that staff doesn't feel a need for additional public safety for the added audience participation.

Mayor Morris asked if there were any representatives in the audience from the production company wanting to speak, they may do so at this time.

Shannon McGinn, Co-Executive Producer of the pilot explained that A&E wanted them to do a new family fun show similar to Amazing Race, but it would be about one small town. They feel that San Dimas represents all of those things for them. They love the location and have great meetings with city staff.

Craig Johnson with San Dimas Hardware store asked about parking restriction surrounding his store.

Mr. Patel responded that there will be rolling closures and parking will be restricted on Monte Vista, but people will be able to get into the parking lot.

Alta Skinner stated that setup for the Wildlife Show would be taking place and wondered if that would interfere.

Ms. Bruns responded that the plan is to have the Festival Artists use employee parking lot directly behind the Community Building to offload their art for the show.

Councilmember Bertone moved approval of the request for filming from Profiles TV, Councilmember Badar seconded. The motion passed unanimously.

Councilmember Ebner left the dais at 8:25 p.m.

e. City Council direction regarding the payment of city membership dues with the San Gabriel Valley Council of Governments for 2012-13.

Mr. Michaelis reported that since the time that Council directed staff to suspend payment of dues, the COG City Managers Steering Committee made recommendations to change the management and operation of the COG from a contract relationship to in house COG employees. The Governing Board voted on this change and the decision was made to have a new Executive Director for the organization. We received communication from the COG that if you did not pay dues by the end of October then voting privileges would be suspended.

Councilmember Bertone indicated that all ties with the existing Executive Director have been severed. He was part of the movement to help bring this about because he knows where this council stands on this issue.

Mayor Morris stated that he feels good progress has been made and made the motion to pay the dues, Councilmember Badar seconded the motion. Motion passed unanimously.

Councilmember Templeman shared that he feels the COG is important and doesn't want to lose any funds.

Councilmember Badar expressed if we don't pay we have no voice and right now we do. He continued with if things get stalled somewhere down the line he will have no problem coming back to council asking that the city be removed. He thanked Denis for his work on this issue.

6. ORAL COMMUNICATIONS

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

Dr. Ersher thinks it is good policy for council not to take a position on state legislation.

- b. City Manager

Announcement of the "Ask the Mayor Show" Thursday October 11, 2012

- c. City Attorney

None

d. Members of the City Council

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

None

2) Individual Members' comments and updates.

Councilmember Templeman thanked Director Patel for the work on the Gladstone Project. He shared information from an article in a newspaper about city nearby whose bond rating had been reduced to BBB. He further stated that their reserve amount is dependent on whether or not the County would be taking money from them. Our bond rating is AA and our reserve amounts are cash not property, and we are running at about 72% of our General Fund Budget. This is a very positive outlook for our community; councils before us and council today are paying attention to things.

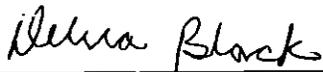
Councilmember Badar spoke of the success of the Chamber of Commerce and the San Dimas Rodeo Western Days Event. He mentioned that a phenomenal job was done both organizations.

Councilmember Bertone shared that he gave testimony last week on the subject of MS-4 Permits having to do with storm water, which can cost cities millions of dollars. His testimony was that they should work with the cities and not force something on them.

7. ADJOURNMENT

The meeting adjourned at 8:43 the next meeting will be on October 23, 2012, 7:00 p.m.

Respectfully submitted,



Debra Black, Deputy City Clerk