



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**TUESDAY, DECEMBER 11, 2012, 7:00 P. M.**  
**SAN DIMAS COUNCIL CHAMBERS**  
**245 E. BONITA AVE.**

**PRESENT:**

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

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

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Morris called the meeting to order at 7:05 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

- 1) Pui Ching Ho, County Librarian announced the current activities taking place at the library this month.
- 2) Don Pollock with the University of LaVerne and KWEST TV announced that he would be a guest on the "Ask the Mayor" broadcast this week.

**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.)

**MOTION:** It was moved by Councilmember Bertone and Seconded by Councilmember Ebiner 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) Approving Warrant Register for November and December 2012.

**RESOLUTION NO. 2012-67, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF NOVEMBER AND DECEMBER, 2012.**

- b. Approval of minutes for the regular City Council meeting of November 27, 2012.
- c. Approve intersection agreements with Glendora
- d. Amendments to Salary Resolution **2012-68**
- e. Summary of the San Gabriel Valley Council of Governments Strategic Planning Retreat, November 30, 2012

END OF CONSENT CALENDAR

**4. PRESENTATION**

- a. Clean Water Measure – Los Angeles County

Phil Doudar, Principal Engineer with Los Angeles County Flood Control explained and presented an overview of the Los Angeles County's Clean Water Measure. He emphasized the multi benefits of the future plans of addressing storm water quality. The American Society for Civil Engineers have been working on this project for eight years and three years ago legislation was passed that enabled the County Flood Control District to initiate the measure. This would be a parcel based fee, where all parcels would pay into the program and be used for all local and regional programs.

It is subject to Public Hearings and a vote by the County Supervisors. San Dimas is one of 86 cities in Los Angeles County that is covered by the service area and would receive 40% of the fee collected, which is approximately \$750,000 annually. The actual revenue collected is about \$1.8 million. The monies could be used for local projects and programs in San Dimas such as catch basin screens, street sweeping and water quality process. The latest MS4 Permit compliance process could be supported with funds collected from this measure. San Dimas would be a member of the San Gabriel Valley Watershed Authority Group that would receive 50% of revenues collected to look at the regional issues and projects.

80% of residential properties would pay \$54.00, condos \$20.00 with a maximum amount at \$83.00. The fee is based on the size and density of the lot, not the value. The fee per square foot is the same whether it is residential, commercial or institutional. Public opinion polls place support at an average of 60% district wide. Notices have gone out and public hearings will be conducted on January 15, 2013. If no majority opposition the Board of County Supervisors would decide whether to have a mail ballot or a general election. If a mail ballot election, then the vote would take place in April 2013 with a May 7, 2013 deadline to submit ballot.

Councilmember Bertone shared that he supports what the LA County Flood Control is doing and feels it is necessary. He has been to many meetings on the matter and says that there are three areas that he has heard complaints about the measure, one is that there is no sunset clause, secondly new developments already have put measures in place, will they be treated the same and third school districts are unhappy are they going to be able to afford this?

Mr. Doudar answered that if a sunset clause were included municipalities and other groups would be left with significant infrastructures with no one to maintain it. The ordinance that was put forth by the County includes provisions for incentive programs that municipalities would implement with new developers. Under state law school districts are not exempt if they receive the service they have to

pay. The department is mindful of the hardships that schools are going through, and we have made contact with the Los Angeles County Office of Education to help educate them and to explain the program tailored specifically for the schools to help lessen the burden they face.

Councilmember Bertone expressed we are very lucky to have Krishna and Latoya on staff to help with this subject matter.

Councilmember Templeman commented that there is a lot of science to this and doesn't think people understand the MS4 and more needs to be done to educate people on what this means. There will be a huge cost to the City of San Dimas; having the meetings in downtown Los Angeles is a problem. He feels that Supervisor Antonovich should have some meetings out here.

City Manager Blaine Michaelis asked as far as the school district or a park where there is a great deal of lawn and almost no run off, are those things taken into consideration?

Mr. Doudar answered that they have looked at historical and nationally excepted impervious percentages used in the design of storm drains to correlate this to the actual calculations.

Councilmember Templeman asked how many parcels San Dimas has.

Assistant City Manager Ken Duran replied he was unsure of the number but we did receive notifications this week and are starting to go through some analysis and are concerned because some of our parks are five to seven thousand dollars per park. We haven't received all of our assessments so we don't have a total calculation.

Mr. Doudar shared that there are 71 city parcels in San Dimas. He also stated that Mr. Patel has brought to his attention the figures for the parks and he feels that there is some sort of anomaly with these and the figure is too high and will be adjusted.

Mr. Michaelis asked if that was the process, where you could request the figures be reviewed if you thought they were incorrect.

Mr. Doudar shared that state law provides that if you believe that there is a mistake you could appeal.

Councilmember Templeman asked what the County's percentage is for managing this program.

Mr. Doudar answered that is was 10%.

Councilmember Bertone asked if the regional groups were the same as the WAG and that no elected official can be on a WAG.

Mr. Doudar answered that was not true and whoever a city designates as its representative can be there. There was language in an old draft ordinance that did state that, but it was removed.

Councilmember Ebner asked if it would be a mail in ballot.

Mr. Doudar answered the Board of Supervisors has not decided yet, in all likelihood that is what the Department of Public Works is going to recommend to the Board. There is a direct nexus between the parcel owner and the fee. If it went out to general election a renter could decide instead of the property owner; and some property owners would not be able to vote, like school districts.

Councilmember Ebner asked how the votes were weighted and what would be the threshold for passage.

Mr. Doudar answered one parcel, one vote regardless of the size and the threshold is 50% of ballots returned.

Councilmember Bertone mentioned that the most important thing to know is that the MS4 permits for the runoff is going to happen whether this passes or not and the city will be burdened with the expense and this would help us carryout what will need to be done. The costs would be approximately \$450,000 that would have to come from the general fund.

## 5. PLANNING/DEVELOPMENT SERVICES

- a. Request from Kimco Realty to initiate Zoning Code Amendment to allow various additional uses for the existing shopping center located at 802-888 West Arrow Highway (San Dimas Marketplace/target) in Specific Plan No. 20

Assistant City Manager of Development Services Larry Stevens presented a staff report for council outlining the points of determination to permit the process of evaluating the requested uses. The criteria that council needs to evaluate at this point is whether or not there is sufficient basis to go forward with a code amendment because the amendment will benefit the health, safety and general welfare of general zoning authority; whether it may or may not adversely affect other properties and whether or not there are changed conditions to warrant the amendment. Staff believes that those findings are generally easy to make and that the center does require some consideration. Staff may not agree on all the requested uses but the process can determine ultimately where we end up.

The direction needed for staff is would Council like the consideration of changing uses to be broader then Specific Plan 20 and look at the other shopping centers that have been identified or solely on the application at hand. Staff would like to understand the scope of any concern that you might have relative to dealing with businesses and retail shopping centers. Staff does recommend going forward and asks for comments relative to the other points raised.

Councilmember Bertone stated that he has mixed feelings. He visited the Via Verde Center and south of Von's there are seven sites, two of them are open business and five are vacancies. He also shared that almost anything would be better than a vacant store.

Mr. Stevens responded by stating that is a consideration, but the question is when you look at zoning and your police power in general is it Council's job to keep tweaking uses to allow the space to be as full at possible or do you want to maintain a certain retail component, because the retail sales tax is the generator of revenue to the city whereas the other uses are not. So what would be the correct balance? You may recall that in a couple of the shopping centers where we do permit offices, we have a policy that we have applied that limits the total percentage within the shopping center as a way to encourage as much retail as possible but to accommodate some limited need for specialty and office type uses. We will try to maintain some limitation on non-retail uses as we come forward with any amendment.

Councilmember Templeman asked how we ended up with a bank in the COSTCO Center.

Mr. Stevens answered, a bank was specifically listed as a permitted used and was included in discussion with COSTCO when we developed that specific plan, and it was however listed as a conditional use which gave some discretion over the appropriateness of the use as opposed to it being a permitted use.

Councilmember Templeman stated that we have had these discussions before and we need to plan smarter. The whole idea of brick and mortar retail is on the way out; services are going to have to be blended with brick and mortar. He is supportive of some kind of services and thinks that people who go for services see other stores and participate in those stores. He isn't sure of what the percentage should be but is interested in moving forward with this, not only for this center but others as well.

Councilmember Bertone seconded Councilmember Templeman's comments.

Mayor Morris stated that we have centers that have different circumstances. For the Target Center, the city put a huge effort into creating it, using redevelopment funds. The center would never have been built except for the efforts of the city. It was designed to produce sales tax revenue that we needed to have and it has worked well. When the new owners bought the property it had the standards and that center has not suffered from large numbers of vacancies. One of the problems you run into with a center like that is if you start to put Doctor's Offices and similar uses you then start to lose the density of retail use and that make the retailers there have more trouble. The Via Verde Center was a Master Plan and would never have been built at the densities that Via Verde now has. The Master Plan provided for a lot more density. So people built a center that later on our planning says there shouldn't be a center there because there isn't enough support for it in the long run. It did pretty well for a lot of years because of the demographics in Via Verde, but that support is going away. It was also always a neighborhood center so it's appropriate to have offices and those types of services there that you would not want in our only "power center." I'm all for looking at all these things, but we need to be pretty careful that we are looking at the circumstances of the particular centers. He continued to say that he doesn't think that solutions that apply to the Ralph's and Target Center apply to failed centers like San Dimas Station and Via Verde where we are going to have to do something or it will all be empty. We ought to do it but it should be comprehensive, that doesn't say that every center has to be the same. The neighborhood centers provide a little different service and we have to look at what it takes for them to survive.

Councilmember Templeman shared that he believes shopping is changing and we may need a consultant to come in and help give us some additional input. This is a new millennium and we need to be smart enough to think it all through and do what's necessary.

Mayor Morris stated that he agreed with Councilmember Templeman, but also shared that the Target Center is not having a problem and one of the reasons they keep drawing new retail tenants is that they are a retail center.

Councilmember Ebner suggested that it would be smart to focus on SP 20 first; we will get done quicker if we focus on one area. As time goes on and as things evolve we can look at what we learned on one center. He stated that he supportive of some of the changes; some things can be changed in the ordinance such as the size of the units for some of the business that go in. He agrees with Curt on the focus of this center, this is the best sales tax generating revenue we have. If you start mixing in services and you have too high a percentage, you do start to make it harder for those that are there to make a dollar because you don't have the density of shoppers as opposed to the people going for the services. He also shared that he feels retailers are going figure out ways to capture the shoppers who might want to go online, as Nordstrom's is doing with the handheld card reader that allows the shopper to pay on the spot or review the inventory of the entire store chain to get an item.

Councilmember Templeman shared that the Chamber's Shop San Dimas contest has Lowe's as the most shopped store.

Mr. Stevens suggested that maybe we could approach this by looking at it in a couple of categories. Retail sales tax generation is more important to us as a public policy, and the Target Center, San Dimas Station and maybe Ralph's, can be a starting point and then Via Verde, Stater's and Albertson's. If we go forward with the KIMCO request we will have a thought process that relates to those that we want to maintain a stronger retail sales tax basis than we do the others.

Councilmember Templeman asked when does the Lowe's tax sharing end.

Mr. Stevens stated that he thinks it ended last year.

Mr. Brown, representative from KIMCO shared some of the company's history and provided information on how some of the companies they have as tenants are adapting to the evolving cycle of retail shopping. He also shared that retail and shopping is still a social experience and people will still go out to interact. Since 2011 he has looked at alternative uses in retail centers and still keep the retail as the primary function because of their promises to the community and cities for the sales tax benefits. What they are looking for is flexibility in their uses. There are some service businesses that have thrived and have brought in tenants and customers. They have an REA with Target that is pretty restrictive and certainly are not going to do anything to upset the apple cart.

Mayor Morris thanked Mr. Brown for his comments and said that staff would probably be in conversation with him about his needs and thoughts and taking advantage of his knowledge on what is happening in retail.

Mr. Stevens stated that he understands the consensus is to go forward and while there may not be 100 % agreement in terms of some of the details, we understand a need to make some change and will go forward on that basis.

## 6. OTHER BUSINESS

- a. Renew contract with University of La Verne for the management of the City's Government/Education Access Channel.

Assistant City Manager Ken Duran presented staff's report providing the history of the contract and services provided by the University.

Councilmember Bertone commented that the bulletin board needs to stay current.

**MOTION:** A motion was made by Councilmember Templeman and seconded by Councilmember Ebner to approve the contract renewal. Motion carried unanimously.

Councilmember Templeman asked if we've reached a level of understanding where a multi-year contract would make more sense.

Mr. Duran responded we have reached a comfort level and established a good working relationship where he would be comfortable looking at a multi-year contract.

Councilmember Badar asked about public access services.

Mr. Duran responded that staff continues to discuss with the university staff the merits of expanding and opening it up to more public access. There are a couple of issues with doing this, one is a cost increase to do that; the other is with other media sources that people have to produce and broadcast their own programming such as YouTube, public access is evolving and we are not sure of where it is going. Staff is still open to it, but unsure the level of interest. The University tries to offer producer

training opportunities and has had some interest so that they may be offering classes at the beginning of the year. We will be promoting that within the community.

Councilmember Templeman stated that he would expect more management oversight from Ken if we grow the program.

Councilmember Ebner shared he would like to have more public access, but an issue would be the standards of content. This could be a problem because you never know what people might submit or do. He feels that there are a lot of kids out there with a camera that may want to do something, as well the community groups that would benefit from the exposure.

Mayor Morris stated that we have tried various ways of doing this and it is difficult. We've had a staff member try and it as very difficult to get the production and you literally cannot limit the content.

b. Acceptance of 2011-12 audit

Assistant City Manager Ken Duran presented staff's report on the Annual Independent Audit of the city's financial statements for 2011-12. Some highlights of the reports are: the year-end July 30, 2012 overall general fund revenue was almost \$19 million dollars; the expenditures were \$19 million dollars and included a one-time \$1 million dollars general fund transfer to some reserve funds. At the end of the year the city had a general fund cash reserve of \$13.6 million dollars. This represents about 75% of the city's annual expenditures.

Councilmember Templeman shared that something he is watchful of when meeting with the auditors is making sure everything is ethical. He asked the auditor if he had a sense that something was going wrong or there was fraud, who would he tell and the response was that the auditors work for the council and so the Mayor would be informed. What has been suggested to staff is to consider a protocol for an event, even though we trust everyone. If you have a protocol in place to watch for those types of things you're better off. We are interested in seeing what that would look like down the road.

MOTION: Councilmember Badar moved to receive and file the audit report, Councilmember Templeman seconded. The motion passed unanimously.

## 7. MEETING OF SAN DIMAS PUBLIC FACILITIES FINANCING CORPORATION

### Called to order at 8:23 p.m.

Mayor Morris asked City Manager Michaelis to explain what the corporation is.

Mr. Michaelis responded that it is an entity that allows the city to secure funding to finance projects. The Corporation meets infrequently because we don't have the need; but the bylaws require an annual meeting be conducted in the month of December. The bylaws also require that the leadership be reaffirmed and it is customary that the Mayor and Mayor Pro Tem serve as President and Vice Chair and the City Manager service as Secretary-Treasurer. The Board serves without compensation. The recommendation would be to affirm leadership.

- a. Public Comments (*This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.*)

Mayor Morris asked if anyone would like to address the Public Facilities Financing Corporation on any matters that are within the jurisdiction of the corporation. Seeing no one come forward he moved onto approval of the minutes for the December 13, 2011.

- b. Approval of Minutes for meeting of December 13, 2011.

**MOTION:** Moved by Councilmember Templeman and seconded by Councilmember Badar to approve. Motion carried unanimously.

- c. Election of Officers

**MOTION:** Motion made by Councilmember Bertone that Mayor Morris be Chair, Councilmember Badar be Vice-Chair and Mr. Michaelis Secretary/Treasurer. Motion carried unanimously.

Councilmember Ebner clarified that the titles should be President and Vice President.

- d. Members of the Corporation

Nothing to report.

Meeting adjourned to the meeting of the San Dimas Housing Authority Corporation at 8:26 p.m.

## 8. MEETING OF SAN DIMAS HOUSING AUTHORITY CORPORATION

- a. Public Comments (*This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.*)

*No one came forward*

- b. Approval of Minutes for meeting of December 13, 2011 and January 24, 2012.

**MOTION:** Motion made by Councilmember Ebner to approve, seconded by Councilmember Templeman. Motion carried unanimously.

- c. Update of authority activities for 2012

City Manager Michaelis explained that the Housing Authority is the entity which owns the Senior Housing above the Hardware Store and the Charter Oak Mobile Home Park.

Assistant City Manager Ken Duran explained that the Housing Authority was originally set up as the authority to issue bonds for the purchase, management and continued operation of the Charter Oak Mobile Park. With the dissolution of the Redevelopment Agency this past year, the city opted to transfer the assets from the Redevelopment Agency to the Housing Authority. The city staff of the Authority has been working on the dissolution process. As the process begins to settle the Authority will have some new responsibilities, so the Authority will meet on a more regular basis. It may also have some new opportunities down the road as far as new housing programs as we determine what the funding sources might be.

**MOTION:**

- d. Members of the Authority

Nothing to report.

## 9. ORAL COMMUNICATIONS

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

Dr. Marvin Ersher asked how much the city would receive in revenue from the Transient Occupancy Tax Measure that is on the ballot for next year and what the expense of the election is.

Assistant ant City Manager Duran replied the budget for the election is at \$75,000, but some expenses are coming in under what we projected.

City Manager Michaelis explained that because the city has a revenue increasing measure on the ballot the city will have an election and the three unopposed candidate's names will appear on the ballot. The Measure A proposal is to increase the Transient Occupancy Tax, this is the tax that is paid when someone stays at a hotel room or camp ground within the city. The current rate is 8%; the proposed increase would be 12%. Most cities are at or close to this rate. The net increase is about \$350,000.

Dr. Ersher shared his concerns on the requested changes to the shopping centers in the city and urged caution.

- b. City Manager

Mr. Michaelis announced this week's upcoming "Ask the Mayor" show with guest Don Pollack.

- 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.

None to report.

- 2) Individual members' comments and updates.

Councilmember Templeman congratulated staff on the success of the Holiday Extravaganza.

Councilmember Bertone announced that the city was being recognized by the San Gabriel Valley Energy Wise Partnership for our environmental concern on saving energy. On Thursday he will be representing Council at a lunch for the Senior Club.

Mayor Morris congratulated staff on the success of the Holiday Extravaganza and thanked all who came out and had a good time.

Councilmember Templeman thanked those in the community for their support for the incumbents. This is the first time in the history of the city that the incumbents ran unopposed.

## 10. ADJOURNMENT

Mayor Morris adjourned the meeting at 8:47 p.m. in memory of former Public Safety Commissioner Neil Oudejans. The next meeting will be on January 8, 2013, 7:00 p.m.

Respectfully submitted,

*Debra Black*

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Debra Black, Deputy City Clerk