

**REGULAR CITY COUNCIL AND
SUCCESSION AGENCY MEETING MINUTES
TUESDAY, DECEMBER 13, 2016, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVE.**

CITY COUNCIL:

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

STAFF:

City Manager Blaine Michaelis
Assistant City Manager/City Clerk Ken Duran
Assistant City Manager of Development Services Larry Stevens
Director of Parks and Recreation Theresa Bruns
Director of Public Works Krishna Patel
City Attorney Mark Steres

CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order and led the flag salute at 7:00 .m.

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.)

MEMBERS OF THE AUDIENCE

Gil Gonzalez resident asked the Council, as individual Councilmembers, not to endorse any candidates in the upcoming municipal election. He also asked the Council to consider asking the Chamber of Commerce to use a town hall format for the candidate's forum instead of questions submitted in advance.

Jamielin Moreto ASB President San Dimas High School, announced events and activities at the high school.

Ben Heist resident expressed concern with the proposed rezoning of the property from San Dimas Ave. to Cataract due to the increase in traffic on Allen Ave. Mr. Stevens commented that a community meeting will be held this Thursday to provide additional information on the project and receive public input.

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.)

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

RESOLUTION 2016-58, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF NOVEMBER AND DECEMBER, 2016.

- b. Approval of minutes from the November 22nd, Study Session and City Council meetings.
- c. A Request for the City Council to Reject Low Bidder, Principles Contracting, Inc., and Award Construction Contract 2016-03, Via Verde Park Improvement Project, to Micon Construction, Inc. in the amount of \$439,735 and allocate a total project budget of \$565,771.
- d. Approval of Administrative Services Agreement between the City of San Dimas and the Housing Authority

END OF CONSENT CALENDAR

Ms. Bruns provided an amended staff report for item 3 (c) award of contract for Via Verde Park improvement project. She reported that upon further review of the bid alternate relating to the product substitution for the playground surfacing there is a need to increase the recommended bid award amount and overall project budget. The new bid award amount is \$462,245.10 and the new total project budget allocation is \$590,053.61. In addition she reported that the bidder Principals Contracting, Inc. submitted a letter withdrawing their bid. Staff recommends awarding the bid to Micon Construction, Inc. in the amount of \$462,245.10, increasing the project budget allocation to \$590,053.61 and accepting the letter of bid withdrawal from Principals Contracting Inc.

MOTION: Motion/second by Councilmember Ebner/Bertone to approve the consent calendar with the amended staff recommendation for item 3 (c). The motion passed by unanimous vote. **(5-0)**

YES: Badar, Bertone, Ebner, Morris, Templeman
NOES: None
ABSENT: None
ABSTAIN: None

PUBLIC HEARING

MUNICIPAL CODE TEXT AMENDMENT 16-01 – A request to update Municipal Code Section 18.38 Second Dwelling Units in response to SB1089 and AB2299, including revisions to parking and other standards, City-wide. The Planning Commission voted 5-0 to recommend approval at their regular meeting of November 17, 2016.

ORDINANCE 1251, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, ADOPTING MUNICIPAL CODE TEXT AMENDMENT 16-01, A REQUEST TO REVISE CHAPTER 18.38 (SECOND UNITS) TO BE CONSISTENT WITH STATE LAW CHANGES REGARDING ACCESSORY DWELLING UNITS (ADUs) (FIRST READING AND INTRODUCTION)

RECOMMENDED ACTION: Waive full reading and introduce Ordinance 1251.

Mr. Stevens presented the staff report on this item.

Mr. Stevens responded to questions regarding the parking requirements for second dwelling units.

Mr. Stevens responded to a question in regards to the rationale for requiring a 20' separation between the 2nd unit and the main house. He commented that a 20' separation would allow for some yard space for the main unit.

Mayor Morris opened the public hearing.

Gil Gonzalez resident expressed concern with not charging a sewer fee. Mr. Stevens clarified that the City would still charge a permit fee but the State law precludes the City from charging a capacity fee.

Mr. Gonzalez asked if other covenants on the property would still apply. Mr. Stevens responded that lot coverage and set-back requirements would still apply.

Mayor Morris closed the public hearing.

Mr. Duran read the ordinance by title.

Councilmember Templeman expressed concern with the requirement for rental restrictions to low and very low income renters. Mr. Stevens responded that that was a requirement the City adopted years ago to discourage the building of 2nd units for rental purposes.

There was discussion on the income restriction for rental units. Mayor Morris commented that he likes the addition of the exclusion of seniors, disabled and caregivers to not having to meet the income test. Councilmember Templeman commented that he understands the reasons for the restriction but as a matter of principal he feels the property owners should have the right to rent to who they want to.

MOTION: Motion/second by Councilmember Bertone/Badar to waive further reading and introduce Ordinance 1251.

The motion passed by unanimous vote. **(5-0)**

YES: Badar, Bertone, Ebner, Morris, Templeman
NOES: None
ABSENT: None
ABSTAIN: None

OTHER MATTERS

- a. **Cast vote for Councilmember Margaret Clark to represent the city on the San Gabriel Valley Basin Water Quality Control Board**

RESOLUTION 2016-59 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, CASTING ITS VOTE(S) FOR COUNCILMEMBER TO REPRESENT CITIES WITHOUT PRESCRIPTIVE PUMPING RIGHTS ON THE BOARD OF THE SAN GABRIEL BASIN WATER QUALITY AUTHORITY

RECOMMENDED ACTION: Waive full reading and approve Resolution 2016-59.

Mr. Duran read Resolution 2016-59 by title.

Councilmember Badar commented that he has nothing against Councilmember Clark but feels that the City Council should have reviewed the other candidates.

MOTION: Motion/second by Councilmember Bertone/Ebner to waive further reading and adopt Resolution 2106-59.

The motion passed by four to one vote with Councilmember Badar voting no. (4-1)

YES: Bertone, Ebner, Morris, Templeman
NOES: Badar
ABSENT: None
ABSTAIN: None

b. Consideration of Modifications to the San Dimas Municipal Code Chapter 8.40 of Title 8 Regarding Residency Restrictions of Registered Sex Offenders

ORDINANCE 1252, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS REPEALING AND REPLACING SAN DIMAS MUNICIPAL CODE CHAPTER 8.40 OF TITLE 8 REGARDING RESIDENCY RESTRICTIONS OF REGISTERED SEX OFFENDERS (**FIRST READING INTRODUCTION**)

RECOMMENDED ACTION: Waive full reading and introduce Ordinance 1252.

Mr. Steres presented the staff report on this item.

In response to a question Mr. Steres clarified that all distance requirements are being repealed in the municipal code however, distance requirements in the State Penal Code would still apply. He also clarified that being added to the code is a restriction that no more than 10% of units in multi-family complexes or hotels could be occupied by registered sex offenders. He further added that the 10% number was used by other cities who revised their codes.

Mr. Stevens commented that most large multi-family complexes are within 2,000' of a school or park so in those cases none of the units could be occupied by registered sex offenders.

Councilmember Bertone commented that he felt 10% was too lenient and could not support the change.

Mr. Duran read Ordinance 1252 by title.

MOTION: Motion/second by Councilmember Templeman/Badar to waive further reading and introduce Ordinance 1252.

The motion passed by four to one vote with Councilmember Bertone voting no. (4-1)

YES: Badar, Ebner, Morris, Templeman
NOES: Bertone
ABSENT: None
ABSTAIN: None

c. Introduction and first reading of Uniform Building Codes and set January 10, 2017 as date for public hearing and adoption.

ORDINANCE 1250, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING SPECIFIED CHAPTERS OF TITLE 15 OF THE SAN DIMAS

MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA BUILDING CODE, VOLUMES 1 & 2, THE 2016 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, THE 2016 EDITION OF THE CALIFORNIA ELECTRICAL CODE, THE 2016 EDITION OF THE CALIFORNIA MECHANICAL CODE, THE 2016 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS, INCLUDING FEES AND PENALTIES (**FIRST READING AND INTRODUCTION**)

RECOMMENDED ACTION: Waive full reading and introduce Ordinance 1250.

Mr. Stevens presented the staff report on this item.

Mr. Duran read Ordinance 1250 by title.

MOTION: Motion/second by Councilmember Badar/Templeman to waive further reading and introduce Ordinance 1250 and set a public hearing and second reading for January 10, 2017. The motion passed by five to zero vote. **(5-0)**

YES: Badar, Bertone, Ebner, Morris, Templeman
NOES: None
ABSENT: None
ABSTAIN: None

SUCCESSOR AGENCY

- a. **Adopt provisions and take action to close-out the Historic Tax Credit Program for the Walker House Renovation Project**

RECOMMENDED ACTION: Authorize the Executive Director to complete the five action items to close-out of the Historic Tax Credit Program for the Walker House.

Mr. Michaelis presented the staff report on this item.

MOTION: Motion/second by Councilmember Bertone/Ebner to authorize the Executive Director to complete and file the Certificate of Cancellation for the Walker House Tenant LLC; authorize the execution of the Termination of Lease between the Walker House Owner LLC and the Walker House Master Tenant LLC; authorize the execution of the Termination of the Lease between the City of San Dimas and the Walker House Owner LLC; authorize the execution of a Quit Claim Deed to remove the Walker House Master Tenant LLC from title and to affirm the City of San Dimas as the sole owner of the Walker House and authorize the execution of a Quit Claim Deed to remove the Walker House Owner LLC from title and to affirm the City of San Dimas as the sole owner of the Walker House.

The motion passed by five to zero vote. **(5-0)**

YES: Badar, Bertone, Ebner, Morris, Templeman
NOES: None
ABSENT: None
ABSTAIN: None

Mayor Morris recessed the City Council meeting at 8:30 p.m. and convened the meetings of the San Dimas Public Facilities Financing Authority and the San Dimas Housing Corporation. Mayor Morris reconvened the City Council meeting at 8:45 p.m.

ORAL COMMUNICATIONS

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

Gil Gonzalez resident commented on the recent Oakland fire and his concern for a City's liability on building and planning matters. Mayor Morris responded the City has errors and omissions insurance coverage for actions of employees.

- b. City Manager

- 1) Downtown Project Update

Mr. Patel provided a presentation and update on the downtown renovation project.

- 2) Report regarding questions brought up at the November 22, 2016, council meeting regarding the Grove Station and Village Walk Homeowners Associations

Mr. Michaelis reported that staff has provided a report to the speaker at the previous City Council meeting who raised questions the Village Walk and Grove Station Homeowners Associations and has offered to meet with him to further answer questions.

- c. City Attorney

No report.

- d. Members of the City Council

- 1) Reappointment of Public Safety Commissioners

MOTION: Motion/second by Councilmember Badar/Bertone to reappoint Kevin Burke and Josh Hibbard

The motion passed by five to zero vote. **(5-0)**

YES: Badar, Bertone, Ebiner, Morris, Templeman
NOES: None
ABSENT: None
ABSTAIN: None

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

None to report.

- 3) Individual members' comments and updates.

Councilmember Templeman wished everyone a Merry Christmas and Happy New Year.

Councilmember Ebiner commented that there is a house on 1st St. that has recently been renovated and will be featured on the television show “Vintage Flip” and that many people are fixing up homes in the town core.

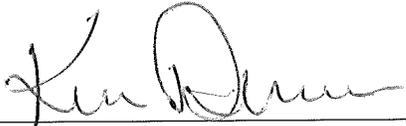
Councilmember Badar commented that earlier this evening the Public Safety Commission took food to the local fire stations and sheriff’s station as a token of thanks for what they do for the community. He also commented that he attended the Mosquito Abatement District meeting with Councilmember Templeman and was pleased with the great appreciation the Board showed Councilmember Templeman for his 20 years of service on the Board.

Councilmember Bertone wished everyone a Merry Christmas and Healthy New Year.

Mayor Morris expressed his deep appreciation for the entire city staff for what they do day in and day out for the City.

ADJOURNMENT

The meeting adjourned at 9:10 p.m. to the next meeting on January 10, 2017, 5:00 p.m. joint study session with the Planning Commission.



Ken Duran, City Clerk



Curtis W. Morris, Mayor