



**SUMMARY MINUTES
REGULAR CITY COUNCIL /
REDEVELOPMENT AGENCY MEETING
TUESDAY, FEBRUARY 28, 2006, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.**

CITY COUNCIL:

Mayor Curtis W. Morris
Mayor Pro Tem Jeff Templeman
Councilmember Denis Bertone
Councilmember John Ebner
Councilmember Sandy McHenry

City Manager Michaelis
City Attorney Brown
City Clerk Rios
Assistant City Manager Duran
Community Development Director Stevens
Public Works Director Patel
Parks and Recreation Director Bruns
Planning Manager Hensley
Municipal Arborist Day

1. CALL TO ORDER

Mayor Morris called the meeting to order at 7:02 p.m. and welcomed the Students in Government day participants.

2. RECOGNITIONS

- ❖ Proclaim March 8, 2006 Arbor Day to support efforts to protect our trees and woodlands.

Mayor Morris presented to Deborah Day, Municipal Arborist, the Proclamation urging all citizens to celebrate Arbor Day to plant trees that gladden the heart and promote the well-being of this and future generations.

- ❖ Recognize Arbor Day Poster Contest Winners

The kids recited a poem and Deborah Day recognized Noah Celaya, Jessica Joy S. DeJesus, Erika Ferrer, Chelsea Carpenter, Nicolle Samulde, Nathan Martinez, Joshua Cristobal, and Saxon Gutierrez, participants in the San Dimas Arbor Day Poster Contest. Each was presented a certificate for their winning posters.

Ms. Day invited the public to join Ekstrand Third Graders, at Marchant Park, on March 8, 2006, 8:00 am to 12:00 Noon, to celebrate Arbor Day.

- ❖ Proclaim Saturday, March 4, 2006 as Health Nutz Day 2.0, to recognize the importance of health and fitness for the community.

Mayor Morris presented to Parks and Recreation Director Bruns and Mayor Morris accepted on behalf of Pomona Valley Community Hospital, a proclamation declaring March 4, 2006 as Health Nutz Day 2.0 to promote children's healthy habits and community health awareness.

Director Bruns invited everyone to attend the Health Nutz 2.0 event on Saturday, March 4, 2006, at Horsethief Canyon Park, from 10:00 am to 2:00 pm, doing a cooperative activity with the hospital to promote healthy lifestyles for children and families.

Students in Government Day present at the meeting introduced themselves: Chelsea Harbin, Jessica Soo, Jesyka White, Maira Khan, Danielle DeCamp, Jacqueline Gallardo, Adrienne Silva, Ashlee Sterns, Rachel Evans, Kathleen Villanueva, Eric Alsop, Allison Falkenstein, Justine Arocha, Yossyanne Simbolon, Tori Haight, Darren Ratliff, and Raymond Mendoza.

- ❖ Recognize Captain Gregory Hill, who is transferring to the City of Malibu

Mayor Morris expressed deep gratitude for Captain Gregory Hill's commitment and six years service to the San Dimas community. He wished him well in the City of Malibu.

Captain Hill stated it has been a pleasure to serve the citizens of the City for the past six years

3. ORAL COMMUNICATIONS

(For anyone wishing to address the City Council on an 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.)

a. Members of the Audience

1) **Bill Ardary**, 1220 Liverpool Ct., expressed significant concern that his neighbors on Scarborough have failed to maintain the access easement causing safety and access problems, as well as drainage issues. He stated his neighbors have completely destroyed the scenic easement in violation of SP4 zoning codes, creating additional problems of erosion, runoff and viewshed issues. He asked Council to intervene and establish erosion control and water drainage measures and that the access easement be established, delineated, and maintained.

2) **Richard Fisher**, 1494 Badillo, Cinnamon Creek complex, stated he is in danger of losing his tenant because the City permitted a contractor to tear out bedroom walls, now exposed to weather conditions.

In response to Mayor Morris, Community Development Director Stevens explained that subject to conditions, the Development Plan Review Board approved the plan for re-siding the units within the Cinnamon Creek complex. However, the contractor proceeded with removing siding without permits and was issued a stop work order. Mr. Stevens added that there is an objection to conditions of approval and staff has been in discussion with the contractor to resolve this issue. Mr. Stevens mentioned that Building and Safety and Planning Department staff would work with them to create an interim method of weather protection. He suggested Mr. Fisher focus efforts on the Management Company and the contractor to comply with agreements made with the City in terms of the approval and the need to obtain building permits.

3) **Robert Mathis**, 226 W. Allen Avenue, summarized problems associated with his request for a 1,200 square foot second unit since 1996.

Mayor Morris stated the Council would consider this item as a Planning matter and Mr. Mathis would be notified of the date.

4) **Becky Evans**, 812 Via Alameda, part of boosters, extended an invitation to the City Council, Parks and Recreation staff and Commissioners to the San Dimas High School Softball Classic tournament, on March 6-11, 2006, at the Sportsplex. She indicated that there would be about 25 high schools involved in this tournament and they would like the Council to attend. She will Fax to Theresa Bruns the schedule of the Tournament.

5) **Dan Rivera**, 1417 W. Cypress, Vice President of the Board for Cinnamon Creek Homeowners Association, joined the Board in an effort to change the situation at Cinnamon Creek and keep everyone safe. He is looking to provide safety for people exposed to the elements and work with the city to get the project completed.

Director Stevens stated that Building and Safety issued the stop work order and authorized protection of the uncovered portion of the wall. He said the issue remains that the management representative and contractors do not want to comply with what they previously agreed to in terms of new siding materials. He said staff is available to work through the details of the issues.

4. 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 Ebiner requested item 4a(4) be removed for clarification and separate consideration.

Mayor Pro Tem Templeman would like to further discuss item 4b(1) as there was a split vote.

It was moved by Councilmember McHenry, seconded by Councilmember Ebiner, and unanimously carried to accept, approve and act upon the consent calendar, as modified, as follows:

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **RESOLUTION NO. 06-06**, A Resolution of the City Council of the City of San Dimas approving certain demands for the month of February, 2006.
 - (2) **RESOLUTION NO. 06-07**, A Resolution of the City Council of the City of San Dimas authorizing the City Engineer to proceed with the preparation of annual reports for the annual Levy of Assessments for the Northwoods Open Space District (TR 32841).
 - (3) **RESOLUTION NO. 06-08**, A Resolution of the City Council of the City of San Dimas authorizing the City Engineer to proceed with the preparation of annual reports for the annual Levy of Assessments for the Boulevard Open Space District (TR 32818).
- b. Approval of minutes for November 3, 2005 Council/Staff Retreat.
- d. Proclaim March 2006 Safe Communities Month.

END OF CONSENT CALENDAR

Item 4 a (4):

- (4) **RESOLUTION NO. 06-09**, A Resolution of the City Council of the City of San Dimas prohibiting parking of vehicles on certain streets in the vicinity of Via Verde Park and Ride Facility.

Public Works Director Patel outlined the changes that were made to Resolution No. 06-09.

After the title was read, it was moved by Councilmember McHenry, seconded by Mayor Pro Tem Templeman, to waive further reading and adopt RESOLUTION NO. 06-09, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS PROHIBITING THE PARKING OF VEHICLES ON CERTAIN STREETS IN THE VICINITY OF THE VIA VERDE PARK AND RIDE FACILITY.

The motion was defeated 3.2, with Councilmembers Bertone, Ebiner, and Morris opposed.

It was moved by Mayor Morris to adopt Resolution No. 06-09, eliminating item Number 4, related to the north side of Via Verde, east of Covina Hills Road to Camino Del Cerritos, and renumbering the remaining items.

The motion was seconded by Councilmember Bertone, and carried with Mayor Pro Tem Templeman abstaining.

Item 4b(1):

b. Ordinances read by title, further reading waived, passage and adoption recommended as follows:

- (1) **ORDINANCE NO. 1156**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 05-03, A REQUEST TO AMEND CHAPTER 18.38 OF THE SAN DIMAS MUNICIPAL CODE TO REDUCE THE MAXIMUM SIZE OF SECOND UNITS. **SECOND READING**

After the title was read, it was moved by Councilmember Ebiner, seconded by Councilmember Bertone to waive further reading and adopt **ORDINANCE NO. 1156**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 05-03, A REQUEST TO AMEND CHAPTER 18.38 OF THE SAN DIMAS MUNICIPAL CODE TO REDUCE THE MAXIMUM SIZE OF SECOND UNITS.

The motion carried 3.2, with dissenting votes from Councilmembers McHenry and Templeman.

RECESS

Mayor Morris called a recess at 8:15 p.m. to allow the students to leave if they chose; and the meeting reconvened at 8:23 p.m.

5. PLANNING

- a. Rehearing of Appeal of Development Plan Review Board approval of Case No. 03-09: 586 square foot attached garage conversion to family room and 2,906 sq. ft. detached garage with a second story loft/recreation area at 525 North Amelia Avenue.

Community Development Director Stevens reported that in 2003 the City Council heard the appeal, modified the DRPB approval, and permitted an 800 square foot, one-story garage and family room conversion. Director Stevens outlined the proposal, property description, surrounding properties, and illustrated a Powerpoint visualization of the impact of the structure on adjacent properties. Director Stevens compared the standards and issues, and stated that the applicant objects to the various conditions imposed by the DPRB to address concerns about the relationship of the two-story structure to adjacent residential properties on Highland Place; the necessity for various standard conditions; redundant or unnecessary conditions from Public Works and Building & Safety; and street improvement requirements. He outlined the three feasible alternatives to consider, and recommended approval of the project at the size previously recommended by the Development Plan Review Board, subject to conditions outlined in

the report. He pointed out that the applicant has a concern about a safety issue associated with a utility pole and will work with staff to resolve the encroachment condition.

Mayor Morris asked the applicant or representative to comment.

Harold Greenburg, attorney for the project, stated his client is prepared to accept the conditions as presented.

Mayor Morris opened the public hearing and asked if anyone wished to speak on this matter. The following persons spoke in favor of the project:

Brad Secreto
Jack Long
Dan McIntyre

Mr. Phillips reserved the opportunity of making a Powerpoint presentation pending the decision of the City Council.

There being no one else wishing to speak, the public hearing was closed.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to approve the project per staff's recommendation, to include findings to be prepared by staff in Resolution form to support the decision of the City Council for presentation at a subsequent meeting. The motion carried 5.0.

RECESS

Mayor Morris recessed the meeting at 9:37 p.m. and reconvened at 9:45 p.m.

6. OTHER BUSINESS

- a. Request from Waste Management for a service rate increase.

Assistant City Manager Duran reported that the City's Franchise Agreement with Waste Management allows for an annual rate increase based on a percentage in the Consumer Price Index and to reflect changes in the uncontrollable "extraordinary costs." Waste Management is requesting a 5.4% rate increase, as well as increases for fuel and disposal costs. Staff recommends approval of the service rate and extraordinary cost increases.

Larry Rhinehart introduced **Carolyn Anderson** Waste Management representative.

It was moved by Councilmember McHenry, seconded by Councilmember Bertone, to grant a 5.4% service rate increase and extraordinary cost increases associated with fuel costs and disposal fees as recommended by staff. The motion carried unanimously.

- b. Request to clarify Overhead and Pole Banner Policy and Military Service Banner Program.

Assistant City Manager Duran outlined key elements of the street banner policy and stated if the policy is consistent with Council direction, staff would like adoption or modification of the policy. Mr. Duran reported that he met with representatives of the Military Service Banner Program to clarify details of the program, and they provided additional information on the banner program and permanent monument. He stated it was understood that the banners would remain as long as the individual was in active duty and the banner program would end upon installation of the memorial. The Committee requested approval of locating some banners on Via Verde Avenue, between San Dimas Avenue and Puente Street for those

military personnel living in that area. Staff recommended that a minimum number of banners be located along this street and requested direction on the Committee's request to install the banners at no cost.

In response to Council, **Gary Enderele** stated that military families have requested banners be hung in their area in Via Verde. He further responded that most families have stipulated they wish to purchase the banner, however, fundraisers would cover expenses for those families unable to buy the banner. He added that the cost per banner is approximately \$85, and they anticipate hanging about 150. He stated that the banners would be taken down upon construction of a permanent memorial.

Staff was directed to bring back a report identifying places to hang the banners, number of poles, and budget appropriation.

7. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed at 10:12 p.m. the regular City Council meeting and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The meeting reconvened at 11:36 p.m.

8. ORAL COMMUNICATIONS

a. Members of the Audience

No one.

b. City Manager

1) Date and time for April Retreat

It was the consensus of the City Council to meet for the Spring Retreat on:

❖ Monday, April 3, 2006, 3:00-7:00 p.m. and April 10, 2006, 3:00-7:00 p.m.

2) Public Works Director Patel provided a preliminary report on Bonita/Cataract intersection.

c. City Attorney

No report.

d. Members of the City Council

1) Report on meetings

No report.

2) Councilmember McHenry mentioned that the DPRB does not have the tools to deal with three Cases: overbuilding at a single story was approved for room additions doubling the size of housing; one case was continued; and four steep lots on Cannon Drive proposed 15-20 foot walls.

3) Councilmember Bertone requested reporting on Neighborhood Watch.

9. CLOSED SESSION

Adjourned at 11:58 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

a. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Property: Property acquisition pursuant to the Disposition Development Agreement with Costco for the Costco project at the southeast corner of Lone Hill and Gladstone.
APN: 8383-009-004; 019, 025, 026, 044, 045, 046 & 047, 602 N. Lone Hill Avenue; 526 N. Lone Hill Avenue; 522 N. Lone Hill Avenue; 514 N. Lone Hill Avenue; 508 N. Lone Hill Avenue.
APN: 8383-009-020 & 021, 506 N. Lone Hill Avenue
APN: 8383-009-034, 943 W. 5th Street; 943 "B" W. 5th Street
APN: 8383-009-035, 933 W. 5th Street
APN: 8383-009-017, 018, & 036, 1000 W. Gladstone
APN: 8383-009-015 & 016, 1002 Gladstone Street; 1004 Gladstone Street.
APN: 8383-010-005, 948 W. 5th Street
APN: 8383-010-054, 942 W. 5th Street
APN: 8383-010-800, 932 W. 5th Street
APN: 8383-010-009, 922 W. 5th Street
APN: 8383-010-018, 019 & 020, 914 W. 5th Street

Negotiating Parties:

For Agency: Blaine Michaelis, City Manager/Executive Director, and J. Kenneth Brown, City/Agency Attorney.

For Developer: Steve McArthur, Costco-Northwest Atlantic

Under Negotiation: Terms and conditions of City/Agency possible participation.

b. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
(SUBDIVISION (a) OF GOVERNMENT CODE SECTION 54956.9)**

Name of Case: Bradley and Rebecca Secreto v. City of San Dimas, LASC Case No. BC298567

c. **REPORT OF CLOSED SESSION ACTION**

1) There was no reportable action on items a and b.

10. ADJOURNMENT

The meeting adjourned at 12:06 a.m. The next meeting is on March 14, 2006, at 5:30 p.m. for a study session on Pavement Management and median and bow-out improvements at Bonita Avenue and Iglesia Avenue.

Mayor of the City of San Dimas

ATTEST:

City Clerk

