



SUMMARY MINUTES
REGULAR CITY COUNCIL
TUESDAY, MARCH 14, 2006, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem Jeff Templeman
Councilmember Denis Bertone
Councilmember John Ebiner
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
Associate Planner Lockett

1. CALL TO ORDER

Mayor Morris called the meeting to order at 7:06 p.m.

2. RECOGNITIONS

- Proclaim March 2006 as American Red Cross Month

Mayor Morris declared March 2006 as American Red Cross month.

John Valencia on behalf of the Red Cross thanked the City Council of the City of San Dimas for this wonderful recognition.

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) **Rainbow Yeung**, Senior Public Affairs Specialist, South Coast Air Quality Management District, distributed an information packet and stated that AQMD is the government agency for leading this region into compliance with State and Federal air quality health standards.

2) **Ted Powl**, President/CEO, Chamber of Commerce, reminded the audience of two upcoming events: 1) the premier Taste of San Dimas and the Chamber's Third Civic Academy in April. The Chamber could be contacted at 909/592-3818.

3) **Sid Maksoudian** addressed the Council on the prohibition of street parking in Via Verde. He stated that “No Parking” signs reduce traffic issues in Via Verde, which is not a dumping ground for cars from other cities. The second issue is the allocation of funds for a parking structure that would create theft and drug related issues.

4) **Gary Enderle** mentioned that several people wish to address the City Council concerning the Military Banner program.

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.)

1) Councilmember Ebner requested amendment to the February 14, 2006 minutes, page 9, 7th paragraph to reflect that “he disagreed that the project impact would be less than significant with mitigation incorporated.” He indicated that he appealed the item because he disagreed with the mitigated negative declaration. And the second paragraph should reflect “more punitive than.”

2) Councilmember Ebner removed item 4(d) involving Iglesia Street/Bonita Avenue traffic calming measure, which was not decided upon and funds cannot be allocated.

3) Councilmember McHenry requested that item 4a(1) be removed.

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

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

2) **RESOLUTION NO. 06-11**, A Resolution of the City Council of the City of San Dimas, California, amending Section 2 of Resolution No. 05-71 to provide for an increase in the City’s Optional Benefit Plan.

3) **RESOLUTION NO. 06-12**, A Resolution of the City Council of the City of San Dimas, granting an appeal approving Development Plan Review Board Case No. 03-09, a request for a 586 square foot attached garage conversion to family room and 2906 square foot detached garage with second story loft/recreation area on the property located at 525 N. Amelia Avenue.

b. Approval of minutes for regular meeting of February 14, 2006 and Study Session of February 28, 2006.

c. Rejection of claim for damages from Metropolitan Water District.

END OF CONSENT CALENDAR

Consideration of Item 4 a (1):

(1) **RESOLUTION NO. 06-10**, A Resolution of the City Council of the City of San Dimas approving certain demands for the month of March, 2006.

It was moved by Councilmember Ebner, seconded by Councilmember Bertone, and carried with Councilmember McHenry abstaining.

The following was removed for further consideration by the City Council at a future meeting:

- d. Authorization of Change-Order in the estimated amount of \$36,000 to Martinez Concrete for Construction of Bow-Out and Median at Bonita Avenue Iglesia Street.

5. PLANNING

- a. Hear Appeal regarding Planning Department denial of request by George Yemetz for “re-build” letter for property at 240 W. Third Street.

Community Development Director Stevens reported that George Yemetz has appealed a decision that a “re-build” letter will not be provided as a condition precedent to refinancing. Staff conducted a review of documents that indicate the structure was built as a shed in 1922 and 1934, but does not indicate that there were permits to convert it to a guest house. Staff does not recommend authorizing a “re-build” letter without satisfactory demonstration that permits were issued to allow conversion of the shed to a residential use.

Mayor Morris asked the applicant to speak.

George Yemetz provided his interpretation of documents obtained from the Tax Assessor’s Office. He felt the assessor’s remarks reflected that the shed was converted to a guest house in the 1930’s when permits were not required.

Mayor Morris stated that he lived next door west of the property and until at least 1945 the structure was a shed, and stated that there were no duplexes until the 1950’s.

It was moved by Mayor Morris to deny without prejudice the request until additional evidence is presented. The motion was seconded by Councilmember Ebner and carried unanimously.

- b. Request to set appeal for Attorney’s office on first floor at 129 and 131 West Bonita Avenue. DPRB Case No. 06-08.

It was moved by Councilmember Ebner, seconded by Mayor Morris, to schedule the appeal for Tuesday, March 28, 2006. The motion carried unanimously.

6. OTHER

- a. Status of second unit projects and Ordinance 1156.

Planning Manager Hensley reported that Ordinance No. 1156 to reduce the maximum size of second units was introduced on February 14, 2006 and adopted on February 28, 2006. At their February 28, 2006 meeting, Council directed staff to respond to Mr. Robert Mathis’ desire to construct a second unit on his property. Staff reported that Mr. Mathis claims that various Planning staff members either approved or suggested that his project would be approved. Mr. Hensley presented staff’s memo outlining the history of the Mathis request and indicated that although Mr. Mathis has been to the DPRB, a complete set of plans has never been submitted for a rehearing before the DPRB. He also presented recommendations from the City Attorney providing staff’s recommendation on compliance with the new ordinance and recommended adoption by the City Council.

Mayor Morris felt Council should separately consider the recommendations of three pending second unit applications which have been approved by the Development Plan Review Board.

It was moved by Councilmember Ebner, seconded by Councilmember McHenry, to adopt the City Attorney's recommendation for DPRB Case No. 05-62; DPRB Case No. 05-56; and DPRB Case No. 04-86, previously approved by the Development Plan Review Board. The motion carried 5.0.

Mayor Morris announced they could proceed with Robert Mathis' matter.

In response to Councilmember Ebner, Planner Hensley stated that the main issue is that the location of the second unit does not impact adjacent equestrian properties.

Robert Mathis felt he had complied with staff's recommendations for changes to his plans and due to circumstances beyond his control, he was unable to submit completed plans.

It was moved by Mayor Morris, seconded by Councilmember McHenry, to give to Mr. Mathis relief by extending to 60 days in which to submit all documents needed to submit complete plans to build a second unit under the laws existing prior to Ordinance No. 1156. The motion carried 5.0.

RECESS

Mayor Morris called a recess at 9:34 p.m. and reconvened the meeting at 9:43 p.m.

- b. Hear Appeal of staff storm water conditions established for the construction at 510 East Foothill - Norman R. Nichols.

Public Works Director Patel presented a request to appeal Public Works Condition of Approval No. 44 concerning the subject site drainage to be conveyed to the storm drain in a closed system and its interpretation. Director Patel explained the elements of the appeal and the storm drain requirements. He stated that he encouraged the applicant to share costs for similar requirements of development conditions with an adjoining project. Staff recommends that the City Council deny the waiver of requirements imposed under Condition No. 44, to connect to the existing storm drain pipe on the north side of Foothill Boulevard via a closed section.

Norman R. Nichols stated the project was submitted on October, 2004 and approved subject to conditions on January, 2005. The submittal included a complete preliminary grading plan showing the conveyance of storm water to the public way via a parkway drain per APWA standard Plan 151-2. He stated that the proposed drainage conveyance system was not questioned during the review process until December 2005 when staff advised Bob Carter of the requirements to connect to the existing storm drain pipe via a closed system.

It was moved by Councilmember Ebner, seconded by Councilmember Bertone, to continue for two weeks and direct staff to work with the property owner's architects/engineer and the adjacent property owner to explore costs and obtain additional information to resolve this issue. The motion carried 4.1, with Councilmember McHenry opposed.

- c. Military Banner Program - report from staff; recommendations for the program; direction from the City Council.

Assistant City Manager Duran stated that the City Council directed him to provide additional information regarding banner locations and total cost. Mr. Duran reported that there are 19 poles on San Dimas Avenue, between Via Verde and Avenida Loma Vista; however, only 16 poles would be usable due to obstruction by trees. He said Foothill Boulevard has a total of 53 light poles, with 41 being usable due to obstruction. The Committee estimated that there will be approximately 150 banners, therefore, an

additional street will need to be considered, most logically Arrow Hwy. Mr. Duran provided a cost estimate of approximately \$130 per banner, and estimated cost of the program at \$19,500. He said the previous request from the Committee was to have the City pay for the cost of brackets and installation, which is approximately \$6,750, based on 150 banners. Council direction is needed to clarify locations for the banners and level of financial participation. Staff provided recommendations for four actions.

Joe Logan thought the patriotic banners were wonderful and long overdue. He believes the banners allow a message of unity and support and he looks forward to having a permanent memorial in the heart of town.

Nancy Yanez thought San Dimas was long overdue in participating with the rest of the San Gabriel Valley and thought the banners should not only be for military personnel serving overseas. Everyone serving should be recognized.

Gary Enderle and Janie Graef, San Dimas Heroes, provided the website address: www.sandimasheroes.org. They could also be contacted at sandimasheroes@aol.com.

It was moved by Councilmember McHenry, seconded by Mayor Pro Tem Templeman to accept staff's recommendation with a time limit tied to the service date, and to appropriate \$5,000 to install the banners. The motion carried unanimously.

- d. Consider establishing an Expense and Reimbursement Policy for the City of San Dimas per Assembly Bill 1234 requirements.

RESOLUTION NO. 06-13 A RESOLUTION OF THE CITY COUNCIL AMENDING RESOLUTION NO. 05-46 AND HEREBY ESTABLISHING AN EXPENSE REIMBURSEMENT POLICY.

City Manager Michaelis outlined the requirements of Assembly Bill 1234, which became effective January 1, 2006. He summarized the Reimbursement Policy for city officials relating to expenses incurred during the performance of official duties. Additionally, AB 1234 requires that City officials attend two hours of ethics training in a specified and approved ethics training course. Initial training must be completed by January 1, 2007. Staff recommended adoption of Resolution No. 06-13 to comply with AB 1234 requirements.

After the title was read, it was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to waive further reading and adopt **RESOLUTION NO. 06-13 A RESOLUTION OF THE CITY COUNCIL AMENDING RESOLUTION NO. 05-46 AND HEREBY ESTABLISHING AN EXPENSE REIMBURSEMENT POLICY.** The motion carried unanimously.

- e. Authorize opposition to the extension of the MTA Red Line.

City Manager Michaelis reported that Mayor Antonio Villaraigosa requested support for a \$5 billion extension of the MTA Red Line to be funded from regional state and federal transportation monies. Supervisor Antonovich has asked that the City join him in opposing this plan as overly expensive and ineffective, draining transportation resources away from other more productive and effective transit projects. Staff recommends that the Mayor sign a letter opposing the extension of the MTA Red Line.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to authorize the signing of a letter addressed to Governor Schwarzenegger opposing the extension of the MTA Red Line. The motion carried unanimously.

7. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 11:07 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 11:08 p.m. with all members present.

8. ORAL COMMUNICATIONS

- a. Members of the Audience

None.

- b. City Manager

No report.

- c. City Attorney

None.

- d. Members of the City Council

- 1) Report on Meetings

No report.

2) Councilmember Ebiner requested appeal of DPRB Case No. 06-02, 455 Balboa Court be placed on agenda for the March 28, 2006 meeting.

9. CLOSED SESSION

Mayor Morris announced there would be no 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: 8383-010-054, 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. REPORT ON CLOSED SESSION

The closed session was cancelled; There is nothing to report.

10. ADJOURNMENT

The meeting adjourned at 11:13 p.m. The next meeting is Tuesday, March 28 2006, 7:00 p.m.

Mayor of the City of San Dimas

ATTEST:

City Clerk