



MINUTES
REGULAR CITY COUNCIL
TUESDAY, APRIL 11, 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 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
Assistant Planner Concepcion

1. CALL TO ORDER

Mayor Morris called the regular meeting of the San Dimas City Council to order at 7:02 p.m. and led the flag salute.

2. RECOGNITIONS

- Proclaiming May as Older Americans Recognition Month and recognizing Judy Kephart as the City's Older American Day honoree.

Mayor Morris presented a proclamation to Judy Kephart, the City's honoree recognized at the Los Angeles County Older American Recognition Day, and he declared the month of May as Older Americans Month.

Judy Kephart thanked the Council for the great honor and said she intends to continue working with people.

Councilmember Bertone said he is fortunate to serve with Judy on the Senior Citizens Commission and appreciates her service to the Club and Commission.

- Proclaiming April 2-8, 2006 as National Library Week

Mayor Morris presented to Debbie Yasher, San Dimas Library Manager, a proclamation declaring April 10-16, 2005 as National Library Week in the City of San Dimas.

Debbie Yasher, San Dimas Library Manager, stated that the Library offers many free services including audio books and DVDs.

- Recognize the retirement of Elaine Reed, Children's Librarian, San Dimas Branch.

Mayor Morris congratulated Elaine Reed, Children's Librarian, on her retirement and presented a Proclamation recognizing her achievements.

Elaine Reed said it is a pleasure to work with people who use the library.

Councilmember Ebner thanked Ms. Reed for her services and said he and his family got to know Elaine over the years through the reading program at the library.

3. ORAL COMMUNICATIONS

(For anyone wishing to address the City Council on an item not on the agenda. No action or discussion shall be undertaken on any item not appearing on the posted agenda.)

a. Members of the Audience

1) **Leon Raya**, Recreation Manager, Parks and Recreation, invited the City Council and residents to the annual Easter Egg Hunt on Saturday, April 15, 2006, at 10:00 a.m. sharp, Via Verde Park and Marchant Park.

2) **Dan Brolier**, 1018 Southcliff Street, received a code violation notice in the mail and inquired about the definition of main building line.

Community Development Director Stevens explained that *main building line* is a standard in the Code, not an actual definition. He would be happy to explain it further if Mr. Brolier would leave his number.

3) **Ted Powl**, President/CEO, Chamber of Commerce, 1) thanked the community for supporting Toast of the Town; 2) The Chamber and the City partner every May to present the Business Awards, and he encouraged nomination of people worthy of recognition by contacting the Chamber at 909/592-3818; 3) the Chamber is looking for additional students to participate in the Civic Academy.

4) **Bruce Colburn**, Civic Academy graduate, spoke highly of the Civic Academy and outlined the curriculum. He urged citizens to participate.

5) **Sid Maksoudian** volunteered to be on the Citizen Steering Committee for the revitalization of the Town Core. He mentioned that nothing happens in San Dimas after 6:00 p.m.

6) **Dennis Phillips**, 525 N. Amelia, objected to the rules and regulations dictated by the Tree Ordinance and suggested a partnership with citizens to work with the Arborist on how to care for trees and decide which trees have to be protected and which could be cut.

Director Stevens reported that under the existing Tree Ordinance, all oak trees greater than 8" in diameter are subject to application of a permit if a citizen desires to remove those trees. Any other tree is subject to the Tree Preservation Ordinance if the tree is 10" in diameter; if less than 10" in diameter, the tree is not subject to the Preservation Ordinance. Three or less trees on a developed piece of property may be approved by staff, with a no fee permit handled over the counter; and where there are more than three trees on an individual piece of property, the application is subject to review and approval by the Development Plan Review Board.

7) **Alline Kranzer** recalled how San Dimas was placed on the map; she invited the public to the fun-filled Festival of Arts' 30th annual Art Show on April 29-30, 2006, in the Civic Center.

8) **Ginny Phillips**, 525 N. Amelia, addressed the City Council on the request for public records.

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 or audience requests separate discussion.)

Councilmember Ebner requested amendment to the March 14, 2006 minutes, on page ten, to reflect that he opposed the authorization to send a letter to Governor Schwarzenegger opposing the extension of the MTA Red Line.

Councilmember McHenry requested item 4.a(1) be removed for separate consideration.

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

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (2) **NO. 06-16**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING RESOLUTION NO. 05-46 TO CHANGE THE SALARY RANGE FOR PLANS EXAMINER CLASSIFICATION.
- b. Approval of minutes for meeting of March 14, 2006, as amended.
- c. Award of bid contract in the amount of \$66,950.46 to Cook Equipment Company for the purchase of one 4 W.D. Loader Scraper.
- d. Rejection of claim for damages from Susie Mullen.
- e. Rejection of claim for damages from Tracy Stepp.
- f. Proclaiming April 23-29, 2006 Safety Seat Checkup Week.

END OF CONSENT CALENDAR

4. a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **NO. 06-15**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF APRIL, 2005.

It was moved by Councilmember Bertone, seconded by Councilmember Ebner, to approve item 4.a(1). The motion carried with Councilmember McHenry abstaining.

5. PLANNING

- a. Request to set appeal of DPRB Case No. 06-14, a request for reconsideration of "Sierra 8" Hardi-Board siding at Cinnamon Creek Homeowners Association.

Assistant Planner Concepcion summarized the request to install Hardi-Board vertical siding at Cinnamon Creek Homeowners Association. He stated that the Development Plan Review Board approved the request, and based on financial constraints, the applicant has filed a letter appealing Conditions numbers 7 and 9, which require battens on the siding.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to set appeal of DRPB Case No. 06-14 on Tuesday, April 25, 2006. The motion carried unanimously.

6. OTHER

- a. Update on Appeal of Conditions of Approval for Precise Plan 04-01 (DPRB Case No. 04-75), a request from Norm Nichols 510 East Foothill, 15,133 two-story office building.

City Manager Michaelis reported that there is nothing new to report, and this item will be continued to the next meeting for an update.

- b. Proposed 2006-2007 Assessment Rates for Open Space Maintenance Districts:

- (1) **RESOLUTION NO. 06-17, APPROVING ENGINEER'S REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT AN INCREASED ASSESSMENT FOR FISCAL YEAR 2006-07 PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972 AND ARTICLE XIIIID OF THE CALIFORNIA CONSTITUTION, AND FIXING A TIME AND PLACE FOR A PUBLIC HEARING TO COUNT ASSESSMENT BALLOTS AND CONSIDER THE ASSESSMENT INCREASE FOR OPEN SPACE MAINTENANCE DISTRICT NO. 1, ANNEXATION NO. 3 (TRACT 32841, NORTHWOODS)**

Parks and Recreation Director Bruns summarized the report to increase by 3.2% the assessment rate for the Northwoods Open Space Maintenance District required to provide adequate maintenance, necessary improvements and repairs; a special annual assessment of \$284.78 per parcel each year for a ten year period; the inclusion of a Consumer Price Index adjustment to a maximum of 7% to cover future costs; and to set a public hearing for 7:00 p.m. Tuesday, June 27, 2006, to consider all oral and written comments, and to receive and tabulate ballots. She reported that there has been no change in the annual assessment for this District since 1993 and currently only minimal maintenance is possible, repairs are limited and upgrades have been eliminated, resulting in deferred maintenance. Staff recommends adoption of Resolution No. 06-17.

In response to Council, Director Bruns said if the ballot measure fails, she would suggest including alternate plans to maintain current assessment rates. A second option is the possible dissolution of the District.

City Council discussed the rate of the increase; possibility of dissolution of the District; the ballot process; and suggested cutting back on maintenance.

Councilmember McHenry mentioned that the Public Hearing date should be corrected to reflect Tuesday, June 27, 2006.

After the title was read, it was moved by Councilmember Ebiner, seconded by Mayor Pro Tem Templeman, to waive further reading and adopt **RESOLUTION NO. 06-17, APPROVING ENGINEER'S REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT AN INCREASED ASSESSMENT FOR FISCAL YEAR 2006-07 PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972 AND ARTICLE XIIIID OF THE CALIFORNIA CONSTITUTION, AND FIXING A TIME AND PLACE FOR A PUBLIC HEARING TO COUNT ASSESSMENT BALLOTS AND CONSIDER THE ASSESSMENT INCREASE FOR OPEN SPACE MAINTENANCE DISTRICT NO. 1, ANNEXATION NO. 3 (TRACT 32841, NORTHWOODS)**. The motion carried 5.0.

- (2) **RESOLUTION NO. 06-18**, APPROVING ENGINEER'S REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT AN INCREASED ASSESSMENT FOR FISCAL YEAR 2006-07 PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972 AND ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION, AND FIXING A TIME AND PLACE FOR A PUBLIC HEARING TO COUNT ASSESSMENT BALLOTS AND CONSIDER THE ASSESSMENT INCREASE FOR OPEN SPACE MAINTENANCE DISTRICT NO. 1 (TRACT 32818, BOULEVARD)

Parks and Recreation Director Bruns summarized the report to increase the assessment rate for the Boulevard Open Space Maintenance District to provide adequate maintenance, necessary improvements and repairs. Staff recommends adoption of Resolution No. 06-18 approving the Engineer's Report and to set the public hearing for June 27, 2006.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember McHenry, to waive further reading and adopt **RESOLUTION NO. 06-18**, APPROVING ENGINEER'S REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT AN INCREASED ASSESSMENT FOR FISCAL YEAR 2006-07 PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972 AND ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION, AND FIXING A TIME AND PLACE FOR A PUBLIC HEARING TO COUNT ASSESSMENT BALLOTS AND CONSIDER THE ASSESSMENT INCREASE FOR OPEN SPACE MAINTENANCE DISTRICT NO. 1 (TRACT 32818, BOULEVARD). The motion carried 5.0.

- c. Request from La Verne/San Dimas Educational Foundation for City Installation of Pole Banners.

Assistant City Manager Duran summarized a request from La Verne/San Dimas Educational Foundation to waive the installation cost of installing vertical pole banners on Arrow Highway. The cost of installation and removal is approximately \$30 per banner and last year, the Foundation had 18 banners in San Dimas. Staff requested direction and offered two recommended actions.

Corrine Bouchard, President, La Verne/San Dimas Educational Foundation, said the main objective of the banner project is to get the name of the Foundation back into the communities of San Dimas and La Verne. She stated that the message on each banner consists of the Foundation's logo, the phrase "every child deserves a chance" with the sponsor's name at the bottom. She stated that the Foundation provides the encouragement needed to help struggling students continue with their education and she hopes the City Council approves the request.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to allow the Educational Foundation to install the banners and authorize the city to pay for installation of the banners.

Janetta Harris, Southern California Edison, Public Affairs, 800 W. Cienega, reminded the City Council that the Pole Attachment Agreement is between Southern California Edison and local governments and ultimately, the local entity is accountable for the pole. She cautioned that other organizations might request the same benefit. She said the main concern is that the banners not be used for fund raising, which is prohibited by the Public Utilities Commissions, and stated that the only nonprofit organization that entered into an agreement with Edison is the Los Angeles County Fair.

The motion carried unanimously.

- d. Requiring Overnight Parking permittees to park in front of their residence.

Assistant City Manager Duran outlined a number of issues raised with requiring and enforcing permittees to park in front of their own residences and if the City Council wishes to impose this requirement, staff will work toward establishing a practical and enforceable restriction.

City Attorney Brown reported that legislative changes to the Vehicle Code allow cities to adopt restrictions on overnight parking and the City of San Dimas could impose a requirement that a person to whom a permit is granted must park their vehicle in front of their residence.

The City Council was in agreement that unless a complaint is received, the Sheriff's Department should not have to check overnight permits every night. It was suggested that staff consider the use of a notebook or laptop computer for field use to access resident/permit information.

In response to Mayor Morris, Mr. Duran reported that the overnight parking permit has been revoked for the commercial vehicle parked on Terrebonne. He stated that if an applicant violates any of the conditions listed on the application, the permit could be revoked

After further discussion on imposing enforceable restrictions, it was the consensus of the City Council to direct staff to develop a flexible policy requiring persons who are granted an overnight parking permit to park in front of their residence, with exceptions to be determined by staff for those persons who do not have adequate street frontage or are physically unable to park in front of their residences.

7. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular City Council meeting at 9:05 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The meeting reconvened at 9:06 p.m. with all members present.

8. ORAL COMMUNICATIONS

- a. Members of the Audience

No one came forward to speak.

- b. City Manager

No report.

- c. City Attorney

No report.

- d. Members of the City Council

- 1) Reappointments to Senior Citizens Commission

It was moved by Councilmember Bertone, seconded by Councilmember McHenry, to reappoint Judy Kephart, Janet Pace, and Prudence Short to the Senior Citizens Commission for a two year term. The motion carried unanimously.

Councilmember Bertone mentioned that former Citizen of the Year John Moroney is very ill in a medical facility. He expressed his best wishes.

Mayor Morris announced that recruitment for the Senior Citizens Commission closes on Friday, May 5, 2006.

Councilmember McHenry mentioned that it is state law to include a section to report meetings for reimbursement.

2) Reappointments to Parks and Recreation Commission.

It was moved by Councilmember Ebner, seconded by Councilmember McHenry, to reappoint Margie Green and Maurice Kane to the Parks and Recreation Commission for a two year term. The motion carried unanimously.

Mayor Morris announced that the deadline is April 21, 2006 to apply to serve on the Parks and Recreation Commission.

3) Report on meetings

Councilmembers had nothing to report.

4) Mayor Morris stated that the City Council would soon be interviewing for a position on the Public Safety Commission, and recruitment closes on April 21, 2006. A Committee to interview applicants would be appointed at the next meeting.

5) Mayor Pro Tem Templeman praised Municipal Arborist Deborah Day and stated that in addition to Mr. Phillips, he has heard others say the City is fortunate to have her on the team.

Councilmember Bertone reported plant overgrowth onto the west side of Via Verde Avenue, between San Dimas Avenue and Puente Street.

Community Development Director Stevens stated there has been some code enforcement.

6) Councilmember Bertone wished Mayor Morris a Happy Birthday.

9. CLOSED SESSION

Recessed at 9:14 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

a. CONFERENCE WITH REAL PROPERTY NEGOTIATION

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 OF CLOSED SESSION ACTION

There was no action to report.

10. ADJOURNMENT

The meeting adjourned at 9:45 p.m. in memory of Ed Jones, who died as a result of a tragic accident. The next meeting will be Tuesday, April 25, 2006, 5:30 p.m. for a study session on mansionization.

Mayor of the City of San Dimas

ATTEST:

City Clerk