



MINUTES
REGULAR CITY COUNCIL
TUESDAY, MARCH 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 (arrived at 7:03 p.m.)
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
Assistant Planner Concepcion

1. CALL TO ORDER

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

2. RECOGNITIONS

- ❖ Declaring April 23-29, 2006 National Crime Victims' Week

Mayor Morris reported that City of San Dimas is fortunate to have a very low crime rate, but still there are victims of crime. He praised the Sheriff's Department for good police work in the apprehension of an alleged perpetrator of crime, and presented to Agnes Gibboney, a proclamation declaring April 23-29, 2006 National Crime Victims' Week in support of the millions of survivors of crime, their families, and advocates who deserve justice.

Agnes Gibboney, Leader, Inland Empire Chapter of Parents of Murdered Children, has dedicated her time to helping other families since her only son, Ronald, was murdered in 2002. She invited the City Council and the public to a Name Dedication Vigil ceremony at Memory Gardens Memorial Park, in Brea, on Sunday, April 30, 2006, at 6:00 p.m.

- ❖ Announcement: April 1, 2006 Family Festival and Public Works Open House

Cecilia Ledesma, Recreation Coordinator, invited the City Council and the community to the Family Festival and the Public Works Open House, April 1, 9:30 a.m. -3:00 p.m.. She stated there would be crafts, good food, and entertainment all day, as well as community information, child care information, and the 2nd annual Battle of the Teen Bands.

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) **Chris Lancaster** outlined his political experience and announced his candidacy for the 59th California Assembly District. He committed to never support the State budget or legislature that would balance the budget on local government resources and would never support unfunded mandates that could deprive cities of resources. He asked the public for their vote on June 6, 2006.

2) **Ted Powl**, President/CEO, Chamber of Commerce, apologized that the Toast of the Town is sold out, but announced that there is still space available for the 3rd Annual Civic Academy. He said for the \$195 fee, this is a great opportunity to learn not only how local government operates, but how Utilities, School District, Fire Department, and Sheriff's Department support the community. He stated that the fee includes an all-day retreat, meals, materials, and the graduation ceremony. If anyone wishes to participate in this comprehensive program, Chamber members could be reached at 909/592-3818.

3) **Dennis Phillips**, 525 No. Amelia Ave. mentioned the lack of compassion for the neighbors affected by the Costco project, as well as his plight to get a garage, and the denial of a variance to the Secreto's request for a pool. He sees capriciousness in limiting a two-acre property to an 850 square foot second unit.

4) **Ginny Phillips**, 525 No. Amelia Ave. stated there was extreme emotional toll on the entire family over the past six years while they fought for something they are entitled to receive. She and Dennis invited citizens to meet at their home to discuss any concerns regarding the Gold Line or any issue, and asked people to drop a line to them at their address.

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

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

- b. Approval of minutes for regular meeting of February 28, 2006; and study session of March 14, 2006.
- c. Proclaiming April Child Abuse Prevention Month.
- d. Proclaiming Denim Day in L.A./Sexual Assault Awareness month.

END OF CONSENT CALENDAR

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

- (1) **RESOLUTION NO. 06-14**, 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.

5. PUBLIC HEARING

(The following item was advertised and/or posted. The Mayor will open the meeting to receive public testimony.)

- a. Metro Gold Line Station – consideration of when to evaluate station options east of San Dimas Avenue.

Mayor Morris explained that the public hearing is limited to when the City Council will proceed with evaluation of station options east of San Dimas Avenue. He stated that presently, the City has not decided on a station site, but is scheduled to consider this issue in three or four years.

Councilmember McHenry stated that at their October 24, 2006 meeting the Council decided to delay further comments for four to six years. He intends to vote no this evening and uphold the previous Council decision.

Public Works Director Patel explained that the Metro Gold Line is offering the City an opportunity to evaluate the location of the Metro Gold Line Station east of San Dimas Avenue now, rather than wait to consider the station location in four to six years, because of the need for them to re-evaluate the additional ridership models for the train ridership incorporated with MTA.

In response to Councilmember Ebiner, Mayor Morris replied that it is his understanding that there would be a complete review of a station location, including environmental reports and traffic studies. He added that the public would have the opportunity to make comments at future meetings.

Mayor Morris opened the public hearing and reiterated that the only issue being considered is whether to start the process now of considering a design of a station east of San Dimas Avenue.

1) **Brock Wonders** had several signatures from several businesses in old town area both east and west of San Dimas Avenue in support of the Gold Line in proximity of the historic Depot. He inquired why the City of San Dimas needs 700 parking spaces while surrounding cities require much less.

Mayor Morris replied that the Gold Line Authority wants to attract people from south of I-57 freeway to use the 700 parking spaces, however, whenever the Council considers whether or not to have a station, the size of a station is an important issue to consider. He reiterated that the public hearing is limited to when to start consideration of a station.

2) **Edward Hartman**, 34 Pebble Beach Drive, Rancho Mirage, President of Plaza del Rancho Owners Association, 425 W. Bonita Ave., firmly believes local government should make decisions for themselves, and not rely on County, State, or Federal government. He mentioned that San Dimas is very accessible and he thought the intersection of the 57 Freeway and Arrow Highway region with a well planned Gold Line and Metro Link could service a major segment of future commercial endeavors. He supported staff's recommendation to postpone consideration of a station location until the future and suggested retaining counsel for reasonable advice on how to address problems in the community. He mentioned that many people who address the Council have no understanding of how government works. He added that the American people should wake up to understand what kind of country this is and support it by voting and participating.

3) In response to **Linda Lapham**, 127 No. Acacia, Mayor Morris stated that the Council is not considering a station location on the property slated for the Grove Station mixed use project. He said the City is considering property farther east along the Railroad tracks, where the self-storage facility is located. However, there have not been environmental studies of any area east of San Dimas Avenue.

- 4) **Unnamed Gentleman** said the Council has the power to make sure the land has the highest land use. He felt the logical station location is at the historic train station next to the tracks. Secondly, he disagreed with the MTA plans to build a parking structure as large as possible and close as possible.
- 5) **Sheryl Hurford**, 660 So. Walnut, thought it great that there are plans to revitalize the downtown, and felt it was premature to make a decision on the station location and platform if those plans have not been firmed. She suggested when the issue is revisited, to consider the Historic Depot as a central location.
- 6) **Steve Ditlinger**, 524 Raborn, felt the sooner the process is started, the more time there would be to consider more options.
- 7) **Sigrid Weingold** opposed the station location in the historic downtown.
- 8) **Brock Wonder** inquired if there would ever be consideration for 400 parking spaces.
- 9) **Ron Kranzer**, 508 N. San Dimas Avenue, offered the first meeting in November to discuss parameters.

Councilmember Bertone stated it is important to start the process now because the Gold Line Authority has a deadline of July and would pay for all the necessary studies.

Councilmember Ebner stated that the City Council needs to plan carefully. He mentioned that staff provides input, however, citizens have expressed an interest in forming a Committee.

Councilmember Ebner left the dais at 8:17 p.m. and returned at 8:19 p.m.

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

Mayor Pro Tem Templeman vehemently opposed a station in San Dimas. He stated that San Dimas' 15 square miles is built up and he does not want to accommodate 700 cars, nor have further discussions on this issue.

Councilmember Bertone stated this Council voted to put in a station east of San Dimas Avenue, and the size of the parking lot is up to San Dimas.

Councilmember McHenry thought staff's recommendation to postpone consideration of a station location is the best option.

Councilmember Ebner felt the advantage of Option 2 would provide an opportunity to integrate the plan of the station location with the downtown planning. The idea of a small station with a small parking lot appealed to him; however, he did not feel the Depot was the best site. A regional station in Glendora makes sense, and then the downtown station could be the one used to get to San Dimas.

It was moved by Councilmember Ebner to abide by Council's original decision in October to defer decision until the next phase. The motion was seconded by Councilmember McHenry and carried 4.1 with Councilmember Bertone in opposition.

6. PLANNING

- a. Appeal of DPRB Case No. 06-08, a request for attorney's office on the first floor at 129 and 131 West Bonita Avenue.

Associate Planner Lockett presented an appeal of DPRB Case No. 06-08 by Sandra Munoz who wishes to establish an office use on the ground floor at 129-131 West Bonita Avenue, within the Creative Growth Area 2 Zone, Frontier Village, intended for retail use. Ms. Lockett reported that on February 9, 2006, the Development Plan Review Board denied the request based on the space being a viable commercial space and two cases within the towncore that were appealed and the City Council upheld the decision made by the Board. Staff recommends that the Council uphold the decision of the DPRB.

Mayor Morris asked if anyone wished to speak on this matter.

Applicant **Sandra Harlow-Munoz**, Attorney, was not present to state her request, and no one from the audience came forward to speak.

Staff responded to Councilmember Bertone on various office reviews that occurred over the course of time and stated that each conclusion was based on the type of evaluation, and staff's recommendation to take a narrow view to put offices on first floor space unless it was historically occupied by an office, or was too small for a viable use, was supported by the Review Board.

Mayor Pro Tem Templeman believed there was enough space in the building for retail use and moved to support staff's recommendation to uphold the Development Plan Review Board's decision and deny DPRB Case No. 06-08 for office use in the Frontier Village. The motion was seconded by Councilmember McHenry, and carried 5.0.

a. Appeal of DPRB Case No. 06-02, 1,343 square foot two-story addition to 455 Balboa Court.

Assistant Planner Concepcion reported that on February 23, 2006, the Development Plan Review Board approved DPRB Case No. 06-02, a request to construct a 1,343 square foot two-story addition to a 1,927 square foot house on Balboa Court. He outlined additional comparison information not presented to the Board and requested policy direction on the mass and bulk issues related to this project. If the City Council upholds the DPRB approval, he requested an additional condition be imposed requiring the lot coverage to be reduced to no greater than 35% in accordance with Chapter 18.24 of the San Dimas Municipal Code.

In response to Mayor Morris, Director Stevens replied that 35% is the standard lot coverage in the zone, but homeowners are provided the opportunity of increasing up to 40% as inducement to maintain one story.

In response to Mayor Pro Tem Templeman, Director Stevens said the Board's dilemma was the two-story houses behind the applicant. Ultimately, the Board concluded the applicant could do minor changes in fenestration details; but due to fairly significant construction costs, would not do much from an architectural perspective to make it better. The majority of the Board leaned toward approval, but felt this issue warranted additional discussion on mass and bulk, particularly density issues.

In response to Mayor Morris, Director Stevens said the Council has the option of sending back this issue to the Review Board for redesign in an effort to comply with standards. He said if that is the Council's decision, it would be beneficial to the Board in reconsidering this item for staff to receive at the Council/Staff Retreat direction on mass and bulk issues.

In response to Mayor Pro Tem Templeman, Director Stevens advised that two story additions require the applicant to take plans door to door for each abutting property to notice they saw the plans and are aware of the project. He indicated that no one appeared at the Board meeting, however, subsequent to the appeal staff was contacted by one neighbor expressing some concerns.

In response to Mayor Morris, Director Stevens stated that staff could require the garage to be available for parking to qualify for an off-street parking permit; however, an adopted ordinance is necessary to impose any restriction on future off street parking as part of zoning approval.

Councilmember McHenry stated that the Board felt uncomfortable forcing modest additions on a modest house into significant cost overruns. The Council could refer back the case, but the dilemma is the same for the Board, to follow City Council policy. He hopes the Council provides guidance necessary for the Board to address the mass and bulk issue.

In response to Councilmember Bertone, Director Stevens outlined several ways to interpret how to ensure residential additions are designed in a way to fit the neighborhood on a project by project basis.

Mayor Morris asked the applicant to share his thoughts.

Kent Tsen, applicant/contractor/designer, TNK Construction, presented his request to the City Council and stated the addition is designed to the rear to minimize the impact on the front of the street. He indicated he would work with Planner Concepcion to meet all requirements for the addition to his house.

Mayor Morris asked if anyone in the audience wished to speak.

Unidentified Woman expressed her concerns regarding mansionization and suggested the City Council set in place standards prohibiting overbuilding.

David Hoefflerle, 447 Balboa, next door neighbor, expressed his concerns with privacy with a two-story unit looking down into his backyard.

Darrell Craig, 415 Balboa Ct. felt the new addition was too massive for the area and expressed concerns about parking. He asked who would buy a seven bedroom house in the future.

After further discussion on mass and bulk, it was the consensus of the Council to refer this issue back to the Development Plan Review Board for design changes.

RECESS

Mayor Morris recessed the regular meeting at 9:58 p.m. and reconvened at 10:09 p.m. with all members present.

7. OTHER

- a. Request from Norm Nichols to appeal staff storm water conditions established for the construction at 510 East Foothill.

Public Works Director Patel stated there is nothing new to report. He is working with both parties for resolution.

Mayor Morris asked if Mr. Nichols had any comments.

Norman Nichols replied that he is corresponding with Director Patel.

- b. Status of downtown Park and Ride facility - usage, availability, adjustments. Direction regarding parking restrictions on streets under the city's control near the Via Verde Park and Ride.

City Manager Michaelis reported that staff was directed to conduct a study of the parking availability of the downtown Park and Ride lot, in particular when there are recreation excursions. He concluded that parking capacity exists, even on excursion days, but recommended minor adjustments that could result in additional spaces being made available.

- c. Verizon underground/fiber optic project. Approval for Verizon to:
 - a) Install a fiber optic system in the City of San Dimas
 - b) Authorize City Manager to collect related fees under the provision of Resolution No. 03-29

Gary George, Director of Government External Affairs for Verizon, provided an overview of the **Fiber To The Premises** project in San Dimas, construction concerns, cost for service, and advertising procedures.

Mitch DePray reported that a lot of businesses run several computers on DSL and Fiber Optics is fifteen times faster no matter how many computers are run.

In response to Councilmember Bertone, Director Patel replied that staff and Verizon came to agreement that 89 cents per lineal foot of boring, for a total amount to be collected of \$266,600, would cover city costs to manage this project in terms of providing three consultants and overhead costs.

In response to Mayor Pro Tem Templeman, Director Patel said as part of the process, staff has talked to several consultants and three have agreed to work with us for this amount of time.

Public Works Director Patel advised of Verizon's ambitious plan to make San Dimas the first city in the San Gabriel Valley to have state-of-the-art telecommunication services, which will bring fiber-optic cable to every resident in the city. He mentioned that the southwest section of the City would not have the ability to have FTTP installed because the overlay zones are a different district from Verizon, currently served by Covina. It is expected that the City will be inundated with up to ten or more contract crews working at any one time; cause temporary traffic slow-downs, noise, dust and other disruptions; and generate numerous citizens' complaints. Under the provisions of Resolution No. 03-29, staff recommended that the City Council approve the project and authorize the reduction of fees accordingly to recoup costs for services in ensuring that FTTP is installed according to City approval and standards.

Mr. George mentioned that he is working with Cities of Covina and Glendora to install fiber optic cable in those cities and the southwest segment of San Dimas would then have the ability to get fiber optic.

In response to Mayor Pro Tem Templeman, Mr. DePray stated they hope to pull first permits in two weeks, and anticipate construction starting in four to five weeks, with completion by year end.

It was moved by Councilmember McHenry, seconded by Mayor Pro Tem Templeman, to approve the installation of the fiber-optic system in the City, and authorize the City Manager to negotiate and reduce the related fees for the Verizon FTTP project. The motion carried unanimously.

- d. Authorize Mayor to sign a letter opposing AB 2015 request to restructure South Coast Air Quality Management District Board Membership to add 4 city board positions.

City Manager Michaelis reported that the South Bay Cities Council of Governments has requested our support to add four city representatives to the Board, one from each County, to the South Coast Air Quality Management District Board. The SCAWMD opposes the request concluding that the Board representation is properly balanced to meet the air quality responsibilities of the District.

Councilmember Bertone moved to not take a stand on this issue. The motion was seconded by Mayor Pro Tem Templeman and carried unanimously.

8. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting of the City Council at 10:54 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 11:16 p.m. with all members present.

9. ORAL COMMUNICATIONS

a. Members of the Audience

1) In response to **Gil Gonzales**, Community Development Director Stevens explained that Bravo Burgers is a chain restaurant; whereas a Boutique is more unique, generally a smaller one-of-a-kind restaurant.

2) **Gil Gonzales** expressed concern with signage on the commercial buildings at Lone Hill and Covina Boulevard, across Lone Hill Middle School; as well as the Whiting Building on Foothill Boulevard. He thought there should be a limit to the number of signs, and a time frame imposed.

3) **Gil Gonzales** opposed window advertising by commercial entities. He stated that the Day Spa's windows are filled with seasonal advertising.

In response to Mr. Gonzales' inquiry, Director Stevens said there is an ordinance, but does not regulate content, other than how the 25% is used. He is happy to ask staff to evaluate window signs for compliance.

4) **Gil Gonzales** reported that he did not appreciate that a bobtail truck was issued an annual parking permit and parks on Terrebonne, and as such the Sheriff's Deputies cannot issue a citation. He felt permittees should park in front of their own properties and suggested budget changes to properly fund enforcement of parking. He stated that the owner operates a business out of his home. He mentioned that an RV that is also parked on the street overnight belongs to operators of the concession at the San Dimas Golf Course.

Assistant City Manager Duran stated that there are size limitations and commercial vehicles are not eligible for overnight parking permits. He will investigate further.

5) **Unidentified man** reported that a woman who has a concession at the San Dimas Canyon Golf Course, regularly parks her motor home on Whitebluff in front of her house. He said since the motor home has an overnight parking permit, the Sheriffs cannot issue a citation. He mentioned that two bobtail trucks rotate parking on Whitebluff and on Terrebonne. He said one of the trucks has personalized plates "PFRMGUY" and that might be how he was issued an annual parking permit.

In response to Councilmember Bertone, Mr. Duran replied that motor home owners could purchase a temporary permit to park on the street for up to three days.

6) **Marilyn Albert**, lives near the Canyon Shopping Center, inquired what would happen to the Center now that State Farm Insurance has left. She mentioned that a lot of people patronize Bravo Burgers and she hopes they do not leave. She indicated that San Dimas has a parking problem and does not want the Council to change the zoning to residential at that center.

Director Stevens stated that the new property owner has given notice to the tenants, and a modified notice was issued to Bravo Burgers. Staff has had discussions with the property owner about the condition of the property and approved a maintenance plan that would result in fencing of the lot. Once those matters are resolved, staff is willing to meet on development issues. The property owner intends to bring forward

a residential project, and a request to change the general plan zoning. However, to date, there have been no plans prepared and no application is ready.

b. City Manager

1) Verbal status report – Walker House

City Manager Michaelis said the new Associate Planner stayed throughout the meeting and asked him to introduce himself.

Associate Planner **Marco Espinoza** introduced himself and provided a background of his municipal experience. He said he looks forward to working in San Dimas.

Planning Manager Hensley reported that the Walker House project is pretty much completed in the plan check process. Architect John Ash Group is working on the final detail items with the plans; a bid package; revised construction estimates; and prequalification for contractors. He said the architect would provide a report at the Retreat on Monday, April 3, 2006.

2) City Manager Michaelis asked the City Council to rank projects by priority and results would be discussed at the April 10, 2006 Retreat.

Councilmember Bertone expressed concern that a project in a low priority would never get completed.

Mayor Morris thought staff should decide to complete a project or drop it from the “to do” list.

Councilmember McHenry suggested hiring additional employees or contracted employees to get projects completed and develop a methodology to get projects evaluated if worth completing.

c. City Attorney

No report.

d. Members of the City Council

1) Report on meetings

No meetings to report.

2) Councilmember Ebner reminded the public of the Family Festival on Saturday, April 1, 2006, from 9:30 a.m. -3:30 p.m. He said there are lots of great things to do including games, Public Works Open House, pictures taken on the Sweeper/Dump trucks, the battle of the Bands, a Marionette show, and more.

3) Councilmember Bertone requested that the City Manager put on the next agenda whether or not the City Council should consider changing the overnight parking ordinance to require street parking in front of permittee residence.

4) Councilmember McHenry asked to find a way to recognize a local citizen who spotted taggers in the process of spray painting along Gladstone Street to Gladstone School and park, which led to the apprehension of three juveniles.

10. CLOSED SESSION

Mayor Morris recessed the regular City Council meeting at 11:50 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: 8383-010-054, 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 reportable action.

11. ADJOURNMENT

The meeting was adjourned at 12:10 a.m. The next meeting will be on Monday April 3, 2006, 3:00 p.m. for a Council-Staff Retreat.

Mayor of the City of San Dimas

ATTEST:

City Clerk