



MINUTES
REGULAR CITY COUNCIL
TUESDAY, APRIL 25, 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 Direction Bruns
Planning Manager Hensley

1. CALL TO ORDER

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

2. 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

Diana Bertone, San Dimas Festival of Arts, highlighted the various activities for the Festival of Arts 30th Annual Western Art Exhibition and Sale, the longest running community Western Art Exhibition in the nation, featuring 30 national and local artists, on Saturday and Sunday, April 29-30, 2006, and invited everyone to attend. She said admission is free to the many venues and activities including the Gallery, Trading Post, Artisans' Corner, Quick Draw, and more. Starting Saturday, for only \$6.00, enjoy a great pancake breakfast by the Rotary Club, and a free seminar by the featured Special Exhibiting Artist and internationally renowned sculptor, David Lemon. She introduced Kay Milligan, Chair of the Exhibition Committee.

Kay Milligan, Chair of Exhibition Committee, invited everyone to join the fun-filled weekend that also includes exhibition in the city hall lobby of artwork by local students, with Awards presented on Saturday afternoon; and an Auction by Auctioneer Steve Orcutt, on Sunday. She invited parents and grandparents to bring their kids to paint tiles or pan for gold in the Kids Korner.

Mayor Morris stated members of the San Dimas Rotary Club cook a Ranch breakfast on Saturday and Sunday morning. He thanked Mrs. Bertone and Chair Milligan for the invitation to attend a great art show and various interesting activities for free.

Ted Powl, President/CEO, Chamber of Commerce, solicited nominations for the Business Awards to be presented on May 24, 2006, at the Chamber's Installation Awards Dinner, at Via Verde Country Club to recognize Business of the Year, Businessman of the Year, Business Woman of the Year, New Business of the Year, Renovated Commercial Building of the Year and new Commercial Building of the Year. He said a no host bar would be held from 6:00 p.m. – 7:00 p.m., dinner at 7:00 p.m. followed by the installation and awards. He encouraged nominations for outstanding experience or service received from any business in town by contacting him at the Chamber office at 909/592-3818 or email at info@sandimaschamber.com.

In response to Mayor Morris, Mr. Powl stated he did not have information on the Mixer, but the Chamber Breakfast is held at 7:30 a.m., on the first Thursday in May, featuring topic on "Relay for Life" by a representative from the Cancer Society. Mr. Powl said the Cancer Society is hosting the Relay for Life at Bonelli Park in June. Breakfast is \$10 to Chamber members, and \$15 to nonmembers.

3. 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 stated he is abstaining from item 3.a(1).

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 March 28, 2006; and regular meeting of April 11, 2006.
- c. Approval of City's Statement of Investment Policy: This investment statement outlines the policies for maximizing the efficiency of the City's cash management system.
- d. Award of Cash Contract No. 2006-04 to Macadee Electrical, in the amount of \$19,703.00, for Street Light Conduit Installation – Second Street between San Dimas Avenue and Iglesia Street.
- e. Proclaiming May 4, 2006 the National Day of Prayer.
- f. Proclaiming April as County of Los Angeles Earthquake Preparedness Month.

END OF CONSENT CALENDAR

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

- (1) **NO. 06-19**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF APRIL, 2006.

It was moved by Councilmember Bertone, seconded by Councilmember Ebner, to approve item 3.a.(1). The motion carried with Councilmember McHenry abstaining.

4. 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.

Public Works Director Patel reported that there was no additional information to provide regarding the status of checking the depth of the existing 30" diameter water line on Foothill Boulevard.

- b. Request for MTA to support the inclusion of the Metro Gold Line Foothill Extension in its upcoming Long Range Transportation Plan.

City Manager Michaelis reported that the Gold Line Technical Advisory Committee and Board requested that Phase 2 Gold Line Cities request the MTA to support the inclusion of the Metro Gold Line Foothill Extension in the MTA's upcoming Long Range Transportation Plan.

Councilmember Bertone stated this is not a request from the MTA; it is a request from Jon Blickenstaff, Mayor of La Verne, who is involved with the Gold Line Authority.

It was moved by Councilmember Bertone, seconded by Councilmember McHenry, to request MTA to support the inclusion of the Metro Gold Line Foothill Extension in the MTA's upcoming Long Range Transportation Plan. The motion carried unanimously.

- c. Request for Council's opposition to proposed changes in the Regulatory Laws for Telecommunication Franchising Services.

Assistant City Manager Duran introduced **Jeannette Sosa**, Administrative Intern, who prepared the staff report. He reported that changes in the communication technology field are forcing a serious re-examination of the regulatory framework for the telecommunications industry at the federal, state, and local levels. As approved by the House of Representatives, the Communication, Promotion, and Enhancement Act of 2006 "federalizes" local government video/cable franchising, limits the benefits of broadband-video competition to a few well-to-do neighborhoods, and undermines the ability of local governments to protect consumers and manage public right-of-way. Staff recommended that the City Council oppose the Communication, Promotion, and Enhancement Act of 2006 and AB 2987 the "Digital Infrastructure and Video Competition act of 2006". Additionally, staff recommends that the City Council authorize the Mayor to sign a letter declaring the City's opposition to AB 2987.

It was moved by Councilmember Ebner, seconded by Mayor Pro Tem Templeman, to authorize the Mayor to send a letter opposing the Communication, Promotion, and Enhancement Act of 2006 and AB 2987 the "Digital Infrastructure and Video Competition act of 2006." The motion carried unanimously.

- d. Approval of Assignment and Assumption Agreement (Sunnyside Apartments).

City Attorney Brown reported that when the Sunnyside Senior Citizen Apartment complex was developed in 1983, it was subject to the requirement of the Disposition and Development Agreement (DDA) and a Conditional Use Permit. The DDA expired in 2003, but as part of the 1996 bond refunding, a Regulatory Agreement and Declaration of Restrictive Covenant remain in place through 2021. He stated that at this time, there is a transfer of the property and the purchaser, FG Sunnyside Senior Apartments, LP, a Delaware limited partnership, will become the entity responsible for its maintenance. City Attorney Brown recommended that the City Council approve the Assignment and Assumption Agreement and authorize execution by the City Manager.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember Ebner, to approve the Assignment and Assumption Agreement to be executed by the City Manager. The motion carried unanimously.

5. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular City Council meeting at 7:26 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 7:29 p.m. with all members present.

6. ORAL COMMUNICATIONS

a. Members of the Audience

No one came forward to speak.

b. City Manager

- 1) Request to review private property landscape overgrowth along a portion of Via Verde Avenue.

City Manager Michaelis reported that Councilmember Bertone requested staff to investigate this issue and city crews have removed the growth spilling onto the curb. He stated that several years ago discussion was held concerning City brochures on proper care and maintenance of private property landscaping, however, tax dollars were not allocated.

In response to Councilmember Bertone, Mr. Michaelis stated he will re-notify property owners of their responsibility to maintain their property.

- 2) City Manager Michaelis reported that a single industrial building was recently purchased, and the new owners would like to divide the units, creating legal elements to be sold individually. He suggested that there may be a need to suspend the project or hold off on the process to get tools to evaluate this request.

Community Development Director Stevens stated that staff had some concern that if a twenty-year old building is converted into for sale units, it may not have adequate parking, noise protection, building separation, or infrastructure, and tools are somewhat limited to address those concerns. He stated that this issue merits additional discussion before going forward with processing the application and staff would like direction to bring back a formal report at the next meeting to consider alternatives.

In response to Council, City Attorney Brown stated this item is not on the agenda, and the direction would be to request this matter be brought back.

c. City Attorney

None

d. Members of the City Council

- 1) Report on meetings

Councilmembers had nothing to report.

- 2) Request of Councilmember Bertone to reconsider the City's policy to decline the use of speed bumps on city streets.

Councilmember Bertone wondered what the Council's sentiment is to pursue installing speed humps on certain streets if a neighborhood initiated a petition.

Councilmember McHenry felt former City Engineer Kranzer's suggestion had merit and stated that modest speed humps have a slowing effect on traffic on residential streets and should be considered neighborhood by neighborhood.

Mayor Pro Tem Templeman suggested painting the speed humps yellow and exploring what other cities have done.

Councilmember Ebiner stated it is a concern as to which house would have the speed hump installed in front as they would hear more noise as cars slow down and speed up.

Mayor Morris suggested considering all applications including that if a car loses control as a result of speed humps, the City runs the risk of being held liable, and getting an opinion from the Traffic Engineer.

- 3) Appoint a Council Committee to interview applicants for the Public Safety Commission. Recruitment closed on Friday, April 21, 2006.

It was the consensus of the City Council that Mayor Morris and Councilmember McHenry would review applications and conduct interviews for the Public Safety Commission.

- 4) Mayor Pro Tem Templeman reported that a meeting of service providers will be held Friday, April 28, 2006, 9:30 a.m., at the San Dimas Sheriff's Station to discuss preparedness should the Avian Flu become a pandemic and how to best serve the public.

Councilmember McHenry assured the public that the level of risk is miniscule, but felt the City should be prepared.

Councilmember Ebiner stated the distribution of vaccinations is one of the main concerns. He said there have been a lot of suggestions including mailing and dropping off at citizen's homes to having a large staging area, and identifying where to get vaccinations in an orderly manner.

- 5) Mayor Pro Tem Templeman expressed concern with the old sign where Levitz was previously located.

Director Stevens replied that it is the obligation of Lowe's to remove the sign and staff has been working on some issues and would declare it a nuisance if not soon resolved. He will keep Council apprised.

- 6) Councilmember Ebiner acknowledged a letter from Jason reporting graffiti at the shopping center at the 57 Freeway and Arrow Highway and said staff would investigate.

- 7) Councilmember Ebiner announced an opening in the City's Parks and Recreation Commission, with a deadline to apply on May 5, 2006. Anyone interested could contact the City Clerk's office at city hall.

- 8) Councilmember Bertone praised the new landscaping at city hall.

7. CLOSED SESSION

The meeting recessed at 7:45 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. **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**

There was no reportable action.

9. ADJOURNMENT

The meeting adjourned at 8:20 p.m. The next meeting will be held on May 9, 2006, 5:00 p.m. for a Budget Study Session and a 7:00 p.m. City Council Meeting.

Mayor of the City of San Dimas

ATTEST:

City Clerk