



MINUTES
REGULAR CITY COUNCIL /
REDEVELOPMENT AGENCY MEETING
TUESDAY, JUNE 13, 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
Assistant City Attorney Steres
City Clerk Rios
Assistant City Manager Duran
Community Development Director Stevens
Public Works Director Patel
Parks and Recreation Director Bruns
Planning Manager Hensley
Facilities Manager DeLeon
Ann marie groves

1. CALL TO ORDER

Mayor Morris called the meeting to order at 7:03 p.m.

2. RECOGNITION

➤ **ARBOR DAY STATE POSTER CONTEST WINNER EMILY SMITH**

Mayor Morris stated that the National Arbor Day Foundation has an annual Arbor Day poster contest open to all Fifth Grade students throughout the nation.

Mayor Morris congratulated Emily Smith, the statewide winner of this year's contest and presented to her a Resolution to recognize her outstanding Arbor Day Poster. He wished her luck as she competes on a nationwide level.

➤ **RECOGNIZE DISTINGUISHED SERVICE TO YOUTH AWARD RECIPIENTS**

Mayor Morris recognized Parks and Recreation Commission Chair Jon Brainard and Commissioners Laura Alvarado, Margie Green, Maurice Kane, Melissa Njoo, Adam Phipps, and Maureen Smith. He welcomed everyone and the honorees selected to receive the 2006 Distinguished Service to Youth Awards for rendering outstanding service to the youth of San Dimas. He congratulated and presented resolutions to recipients in the Volunteer Category (J. Michael Dutton Memorial) to Diana Jones for Ed Jones, Raoul Anthony Ramirez and Charliemae Randolph; in the Professional Category to Linda Espinoza, Connie Lannom, Jack Nance, Julie Taylor, and Nancy Wolfe; and in the Group Category to Century 21 Citrus Realty.

➤ **ARMY SERGEANT KYLE A. COLNOT KILLED IN BAGHDAD ON APRIL 22, 2006**

Mayor Morris stated that it is such a tragedy to lose a son in the beginning of the prime of his life. He said the San Dimas Heroes Committee arranged through Congressman David Dreier 's office to have a flag flown at the Capitol in honor of Kyle Colnot's service to the country, and upon delivery to San Dimas, the flag will be presented to his mother, Denise Colnot.

Mayor Morris presented a Resolution to Denise Colnot to acknowledge the personal sacrifice made by her son, Army Sergeant Kyle A. Colnot, age 23, who was killed when a bomb exploded near the Hummer he and three other soldiers were riding while serving duty in Baghdad. Sergeant Colnot was buried with military honors at Forest Lawn Memorial Park in Covina Hills.

The audience gave a standing ovation and **Denise Colnot** said she is proud to have been Kyle's mom. She plans to continue his mission and wants to remind citizens to be patriotic because people like Kyle gave their lives in the past so we could be free.

2) Mayor Morris congratulated San Dimas Sheriff Station Captain Jim Curtis whose son, catcher of the Fullerton Team, is participating in the College World Series in Baseball in Omaha.

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

No one came forward to comment.

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 stated he would abstain from taking action on item 4a(1).

Councilmember Bertone requested removal of item 4d for separate consideration.

It was moved by Councilmember McHenry, seconded by Councilmember Bertone, to accept, approve, or act on the consent calendar as amended, as follows:

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **RESOLUTION NO. 06-32, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTHS OF MAY AND JUNE, 2006.** Councilmember McHenry abstained.
- b. Approval of minutes for study session of May 9, 2006 and regular City Council meeting of May 23, 2006.
- c. Award of contract to Glenn B. Dorning, in the amount of \$21,595.88, for the purchase of 4 W.D. Diesel Tractor.
- e. Lot Line Adjustment 06-01, a request to adjust the northern lot line at 20711 Mesarica (8426-022-012) to facilitate a land donation to L.A. County Parks.

END OF CONSENT CALENDAR

- 4d. Award of Bid to NEC Unified Solutions, Inc, and ISN Tech, in the amount of \$89,083.24, which includes a contingency of \$8,000, for the purchase and installation of NEC NEAX 2000IPS Telephone System and Voice Mail.

In response to Councilmember Bertone's inquiry for the need of a new telephone system, Assistant Manager Duran stated the existing 12 year old phone system is obsolete and staff is experiencing difficulties obtaining parts and service to support a new system. He stated that when the 2005-06 budget was adopted, \$89,000 was appropriated for the purchase of the new system. He added that in addition to messaging problems, if one of the major components of the system fails, there are no replacement parts to repair the system.

In response to Councilmember Ebner, Assistant Manager Duran described the Voice Over Internet Protocol - integrated messaging.

In response to Mayor Morris, Assistant Manager Duran replied that the total bid includes contingencies of \$8,000 and staff is asking for award of bid in the amount of \$89,083.24.

It was moved by Councilmember McHenry, seconded by Mayor Pro Tem Templeman to award the bid to NEC Unified Solutions, Inc, and ISN Tech, in the amount of \$89,083.24, which includes a contingency of \$8,000, for the purchase and installation of NEC NEAX 2000IPS Telephone System and Voice Mail. The motion carried 4.1, with Councilmember Bertone opposed.

5. PLANNING

- a. Review of DPRB Case No. 06-29 at 226 W. Allen Avenue regarding conditions of approval.

Mayor Morris stated that Robert Mathis was unable to attend the meeting and requested postponement of this issue.

If continuance is granted, Community Development Director Stevens requested continuance to July 11, 2006 since he and Planner Hensley would be out of town for the next meeting. He indicated that staff reviewed all materials submitted and does not believe there is sufficient basis to grant the appeal. He stated that staff identified two issues that the applicant raised as areas of concern: 1) the amount of time he has to implement approval or be subject to the new second unit ordinance. Director Stevens stated that under specific Council direction, condition 3 makes it clear that he would have to be in the framing stages within the normal one year period. The second issue raised relates to the requirement to relocate the house in a fashion which has the least impact on adjacent properties. The plans presented to the Development Plan Review Board reflect more impact on adjacent properties than appropriate. Director Stevens mentioned that the Board was not aware of issues raised on the tree or shed and said Mr. Mathis could avoid removal of the tree or shed by revising the location of the second unit consistent with the conditions of approval.

Councilmember McHenry understood the need to meet equestrian setbacks, but he does not mind holding off discussion until July. He mentioned that staff is trying to work with Mr. Mathis achieve the goal.

Mayor Pro Tem Templeman thought the conditions as they relate to the location of the second unit were reasonable and appropriate, however, he is willing to restart the clock on the time frame.

Councilmember Ebner expressed that he is willing to hear the appeal in this case.

Councilmember Bertone saw no reason to extend the appeal period, and if approved, then the same courtesy should be extended to everyone.

City Assistant Attorney Steres explained that the Municipal Code provides a standard for a possible waiver to permit the consideration of an appeal by the City Council.

Mayor Morris expressed concern that Mr. Mathis did not receive this material since he is experiencing some difficulty about where he gets his mail. When staff contacted the post office, they were informed that rerouted mail is deposited to the box within one or two days, which means Mr. Mathis is not checking his post office box. On that basis, he expressed that there would be no means of communication with Mr. Mathis. If the Council decides there is not adequate basis to waive the requirement, the appeal period runs out and he should move on.

Councilmember Bertone moved that there is not sufficient evidence to grant Mr. Mathis' request for appeal. The motion was seconded by Councilmember McHenry who stated this is not a public hearing item; this is a discretionary act by the City Council whether or not to make that finding or to have an appeal hearing.

In response to Council, Attorney Steres stated that if an appeal was not made fourteen days after the Review Board decision was made, the decision is final and conditions take effect for a one year period. He said Mr. Mathis requested a waiver from that time limit and if the City Council grants the request, hears the appeal, and upholds the DRPB decision, the decision becomes final at that point and the one year starts then.

Councilmember Ebner thought Mr. Mathis' illness rendering him unable to go to the post office box qualified as an incidence for waiver. However, if for some reason Mr. Mathis misses the opportunity to build a 1,200 square foot second unit, he would still qualify under the new ordinance to build an 850 square foot second unit, make it fit on the lot, and keep the shed and tree.

Mayor Morris stated that Mr. Mathis has been working on this project for seven years. He emphasized that staff needs to impress upon Mr. Mathis that time limits are absolute. He indicated that Mr. Mathis raised the issue of whether the tree would have to be removed and permits have not been granted for the removal of the tree. He added that maintenance issues should also be addressed.

The motion carried 4.1, with Councilmember Ebner in opposition.

Mayor Morris directed staff to inform Mr. Mathis in every way possible, including email, of the absolute deadline he has to accomplish the goal.

In response to Mayor Morris, Director Stevens stated that to effectuate approval, the property owner must live in one of the two units, and there is an annual obligation to report and confirm that with a recorded deed restriction against the property. He indicated that Mr. Mathis would be reminded of his obligation in the correspondence.

In response to Mayor Morris, Director Stevens added that some property maintenance issues were discussed at the Board meeting, and will be enforced as a separate action. He stated the Health Department would be contacted, but thought Mr. Mathis would voluntarily get rid of the rubble.

6. OTHER BUSINESS

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

City Manager Michaelis reported that there has been an agreement between the two developers to share costs for a storm drain crossing and connection, and the application for an appeal has been withdrawn.

It was the consensus of the City Council to remove this item from the agenda as the matter has been resolved.

- b. Review some additional items in preparation for the adoption of the 2006-07 Fiscal Year Budget on June 27, 2006

City Manager Michaelis stated that the 2006-07 budget would be presented to the City Council for adoption on June 27, 2006, and reviewed items not previously discussed. He recommended incorporation into the recommended 2006-07 budget the hiring of a full time code enforcement/overnight parking enforcement officer as well as two part time parking enforcement officers.

Mayor Pro Tem Templeman informed the public that safety is the goal more so than a revenue stream. He requested staff to conduct a thorough background check on the new enforcement personnel, and not to put anyone on the street until they have the appropriate training, as well as good communication skills to confront an irate person in a professional manner.

Councilmember McHenry suggested setting up office hours and hiring someone experienced in dealing with conflict situations.

Mayor Morris suggested adding to the budget a committee to review applicants to determine if they meet the criteria.

Manager Michaelis recommended increasing hours of the Senior Office Assistant at the Senior Center from 36 to 40 hour per week; and said the Sheriff Department proposed converting a 56-hour Deputy car to a motor officer and an additional Community Action Team officer.

Mayor Pro Tem Templeman was supportive of adding another CAT Deputy, but unwilling to lose the 56-hour car.

Councilmember McHenry thought the addition of a CAT Deputy was worthwhile, however, he wants to stay ahead of the curve on law enforcement and thought it beneficial to leave in place the 56-hour car.

Councilmember Bertone thought the community is supportive of additional law enforcement and felt it would be worthwhile to keep the 56-hour car and add a CAT Deputy, and he suggested discussion with Captain Curtis.

The City Manager was directed to budget this item, work with Captain Curtis, and come back with a complete evaluation on the cost benefits of adding a CAT Deputy and keeping the 56-hour car.

Manager Michaelis stated there is a need to complete a study of the Fox project's storm drain needs as they relate to the city's overall storm drain. He recommended appropriation of \$30,000 from the Redevelopment Fund for a storm drain study for the Fox Project (half to be reimbursed by Fox Homes.)

City Manager Michaelis recommended the appropriation of \$20,000 from the Sewer Fund for the preparation of Waste Discharge requirements and the monitoring and reporting program for sewer collection system owners as mandated by the State.

Councilmember McHenry stated he would not vote in favor of the \$30,000 appropriation for the Fox Project and requested separate consideration.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to add to the agenda the aforementioned items, with the exception of the Fox Project appropriation, for consideration and adoption on June 27, 2006, as recommended by the City Manager.

Mayor Pro Tem Templeman stated that supervision is important for the code enforcement/parking control officers and suggested that existing Code Enforcement personnel take the supervisory role.

The motion carried unanimously.

Consideration of the Fox Project appropriation of funds for a storm drain study:

Mayor Morris stated that unless there is a real urgency, thought a comprehensive report on the rationale to have the Redevelopment Agency participate in funding the study would be appropriate. He mentioned that there are storm drain water issues north and east and this might be an opportunity to address those issues.

Councilmember McHenry stated he is not supportive of the project and would vote no.

- c. Closure of Bonita Avenue from Cataract Street to Walnut Avenue and the public parking lots from 5:00 a.m. to 4:00 p.m. Sunday, July 30, 2006 for the annual car show.

Mayor Morris stated that the request was made because with the bump outs, there is insufficient space to display cars. He cautioned that closing Bonita Avenue east of San Dimas Avenue would impact Albertsons and other stores.

In response to Councilmember Ebner, Assistant Manager Duran replied that all the details have not been worked out. He stated that before submitting to the Traffic Safety Committee a formal application since this is a departure from what approved in the past, they are making the request to the City Council for feedback.

Mayor Pro Tem Templeman stated that closing the public parking lots is not accurate. He asked Laura Alvarado to clarify.

Laura Alvarado stated she contacted the Chamber of Commerce for advice on how they work out the street closures for the annual parade. Her intent is to close the street with barricades that could be removed in the event of an emergency, and have vendors/exhibits on the four corners. She stated that the only reason they suggested closing up to Walnut was to address traffic coming west bound on Bonita Avenue. However, they would like to close on Bonita Avenue from Cataract Street to Iglesia because in the last year, the event has grown, and since then Bonita Avenue has narrowed.

In response to Councilmember Bertone, Assistant Manager Duran stated that the only access to the Albertsons parking lot would be off San Dimas Avenue.

Mayor Pro Tem Templeman moved to approve the closure of Bonita Avenue to Iglesia Street for the San Dimas Car Show and Cruise to host their 13th annual car show on July 20, 2006, and to let staff work out the details. The motion was seconded by Councilmember Bertone.

Mayor Morris thought this closure would cause a great disruption to the businesses and people in the community and would vote against the motion.

Councilmember Ebner supported the car show; however, he was not supportive of the motion until staff could work with Ms. Alvarado and the Traffic Committee to explore alternatives.

Councilmember McHenry supported the motion with the direction they work with staff to make the plan facilitate everyone's needs.

The motion carried 3.2, with Mayor Morris and Councilmember Ebiner opposed.

Assistant City Manager Duran stated he would work with the Committee as soon as possible s there are time constraints.

Mayor Morris commented that if a request to close streets is brought, the applicant also needs to include a comprehensive report of impact on businesses and people.

7. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular city council meeting at 8:29 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:49 p.m. with all members present.

8. ORAL COMMUNICATIONS

a. Members of the Audience

No one stepped forward to speak.

b. City Manager

No report.

c. City Attorney

No report.

d. Members of the City Council

1) Councilmember Bertone stated he attended the San Dimas Sheriff's Booster's program held on Friday, June 9, 2006, and he complimented and thanked Mayor Pro Tem Templeman for the excellent job. He mentioned that the City Manager and Sheriff Baca also attended.

2) Councilmember Bertone provided the City Council with a letter from the City of Ontario expressing their desire to become a member of the Metro Gold Line Phase 2, Joint Powers Authority. He felt this was positive, and means that Ontario wants the Gold Line to go to the airport, which would make it more viable. When this comes before the JPIA, he plans to vote in favor of the request unless there is opposition from the Council.

9. CLOSED SESSION

Recessed at 8:51 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: 8383-009-034, 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: 8383-010-009, 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. CONFERENCE WITH LABOR NEGOTIATOR (G.C. Section 54956.6)

The City Council will meet with City Manager Blaine Michaelis to discuss FY 2006-07 budget issues as they relate to City of San Dimas employees.

d. REPORT OF CLOSED SESSION ACTION

There was no reportable action.

10. ADJOURNMENT

Adjourned at 10:45 p.m. in memory of Army Sergeant Kyle A. Colnot killed in Baghdad on April 22, 2006. The next meeting is on June 27, 2006, 7:00 p.m..

Mayor of the City of San Dimas

ATTEST:

City Clerk