



MINUTES
REGULAR CITY COUNCIL
TUESDAY, SEPTEMBER 12, 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 to Community Development Stevens
Assistant City Manager Duran
Public Works Director Patel
Parks and Recreation Director Bruns
Senior Engineer Garwick

Downtown Workshop Dates:

- Monday, September 18,, 2006, 8:30-11:25 a.m. – **Community Focus Group**, Plummer Building, 245 East Bonita Avenue.
- Monday, September 18, 2006, 7:00-9:30 p.m. – **Community Focus Group & Visual Preference Survey**, Plummer Building, 245 East Bonita Avenue.
- Tuesday, September 19, 2006, 10:30 a.m. – **Walking Tour of Downtown San Dimas** with interested community members, meet at city hall.
- Tuesday, September 19, 2006, 7:00 p.m. – **Community Workshop: Creating the Vision Statement, identifying treasures and challenges**, Plummer Building, 245 East Bonita Avenue.
- Thursday, September 21, 2006, 10:00 a.m. – 12:00 noon – **Walking tour of Downtown Monrovia** (meet at Monrovia city hall at 10:00 a.m.)
- Tuesday, October 3, 2006, 5:30- 7:30 p.m. – **Virtual tours of Temecula and Encinitas** with community and Steering Committee, City Council Chambers, 245 East Bonita Avenue.
- Tuesday, October 3, 2006, 7:30-8:30 p.m. – **Open Forum: “What I Like About Other Downtowns that can work in San Dimas,”** Senior Citizens/Community Building, 201 East Bonita Avenue.
- Tuesday, October 24, 2006, 5:00-7:00 p.m. - **Presentation to City Council**, City Council Chambers, 245 East Bonita Avenue.

1. CALL TO ORDER AND FLAG SALUTE

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

2. RECOGNITIONS

- Proclaim September 22-28, 2006 Childhood Injury Prevention Week.

Mayor Morris presented to Health Educator Anne Widney, Child Health and Disability Prevention Program, a proclamation declaring September 22-28, 2006 Childhood Injury Prevention Week.

Health Educator **Anne Widney**, Child Health and Disability Prevention Program, said accidents could be prevented with slight modifications to the home and external environment. On behalf of the Los Angeles Child Health and Disability Prevention Program, she thanked the City of San Dimas for recognizing this important issue. She replied to Mayor Morris that if anyone wanted a free screening, they could visit the website at lacountypublichealth.org. and conduct a search for a list of providers near their home.

- Recognition of City Swim Team members who represented San Dimas at the Southern California Swimming Championships in Riverside.

Parks and Recreation Director Bruns introduced and thanked Facilities Manager Karon DeLeon and her Swim & Racquet Club staff for leading excellent summer swim programs.

Facilities Manager DeLeon introduced Aquatic Coordinator Katy Guatschi and called up ten of eleven swimmers who represented the City of San Dimas. Liam Manning was not present. Ms. DeLeon said the Swim Team had 82 children who work out three days per week, and competed in outside as well as home meets. She was pleased to recognize the swimmers for their outstanding achievements.

Mayor Morris congratulated and presented proclamations to **Elizabeth Allec, Paige Bernal, Paul Bernal, Ashley Clark, Jeff Estes, James Hull, Scott Jones, Cody Moore, Anthony Rosati, and Cambria Wright**, members of the City's Swim Team who qualified to represent City of San Dimas and the regional in the Southern California Municipal Athletic Federation Championship in Riverside. He said for a long time Parks and Recreation Department staff has provided leadership for the Southern California Municipal Athletic Federation and are among the most successful leaders, honored many times.

Aquatic Coordinator Guatschi congratulated the Swim Team on their achievements and thanked parents and residents for coming out to support the Swim Team.

- Recognition of three San Dimas residents graduating from the Reserve Deputy Program

Mayor Morris asked Captain Jim Curtis to join him in congratulating and recognizing San Dimas residents **Anthony David Calvillo, Debra Lorraine Iketani, and Ubaldo Paolo Rizzon**, on their graduation from the Los Angeles County Sheriff's Reserve Deputy Program to join the San Dimas Mountain Rescue Team. He stated that these highly trained volunteers continue to dedicate their lives to saving others in a safe, professional, and efficient manner, at all hours of the day or night, in all types of weather and rugged terrain. Their motto is Anytime, Anywhere, So Others may live.

Captain Jim Curtis, San Dimas Sheriff's Station, thanked the Mayor, Councilmembers, and everyone present. On behalf of everyone, he praised the three outstanding new employees for the Los Angeles County Sheriff's Department and said he appreciates their dedication and hard work in the remarkable job they do in saving lives by risking their own. He pointed out that Tony Calvillo was an honor cadet in a large group and it is a privilege to have him in San Dimas.

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) **Michael Cirrito**, 1950 Avenida Monte Vista, on behalf of several other residents, expressed concern with the pedestrian fencing along San Dimas Avenue. He thought it was catastrophic what happened to Samantha Palumbo and her family and the death of Daniel Roybal, and mentioned there have been four deaths with that type of fencing. He said portions of fencing have been changed out at Via Verde and Puente, but not at San Dimas Avenue. He inquired about the City's plan of action.

Mayor Morris replied that he did not believe either the Sheriff's Department or the City are able to locate any record of prior deaths, however, there have been five accidents wherein people ran into the fencing. He asked the City Manager to provide a brief update on the fencing.

City Manager Michaelis said the City has retained an engineer/traffic safety expert to investigate and provide a recommendation as soon as possible. It is anticipated that the report would be reviewed by the Traffic Safety Committee at their meeting scheduled at 9:30 am., on September 20, 2006, in the City Council Conference Room, and a recommendation could come before the Council at their September 26, 2006 meeting. He said the meeting is open to the public.

2) **Diana Palumbo** and daughter **Samantha**, 995 Calle Primavera, registered their voices with fellow citizens outraged that there has been another life taken away as a result of dangerous road condition on San Dimas Avenue existing well before April 8, 2005. Mrs. Palumbo asked that the Los Angeles Child Health and Disability Prevention Program add dangerous road conditions to their list of things that cause devastating injuries to children. She believes that Samantha's lung capacity and physical endurance as a swimmer allowed her to live through the devastating injuries she sustained. Mrs. Palumbo inquired why studies and investigations were not conducted prior to April 2005 or after her daughter's injury and why the fence has not been removed.

City Attorney Brown stated that the City Council is not insensitive to comments or the condition of her daughter, however, it is the requirement of the law that this City Council could listen, but could not take action unless the item is on the agenda. He indicated that what the City Manager said is the expectation would be that a report might come out of the Committee meeting on September 20, 2006 and the item could be scheduled on the agenda for the City Council meeting on September 26, 2006.

Mrs. Palumbo inquired if the fence would be taken down only if the study shows it unsafe, or if the city planned to remove and replace it with white vinyl fencing.

Mayor Morris replied that the Council could not specifically answer; however, could only respond to the entire issue whether or not the fencing should remain, and all these issues have been referred to traffic experts for their opinions and recommendations to be brought to the Traffic Safety Committee meeting on September 20, 2006.

In response to Mrs. Palumbo, Mayor Morris stated that some time ago, the City planned to change all fencing to white vinyl over a period of time, having nothing to do with safety issues. He reiterated that experts are now reviewing this issue and analyzing various alternatives.

In response to Mrs. Palumbo, City Manager Michaelis replied that the investigations were being conducted since the accident.

3) **Vickie Monaghan**, Via Verde, sympathized with the Palumbo and Roybal families and asked the Council not to wait until September 26, 2006 to make a decision to remove the fencing before someone else's life is taken.

4) **Sigrid Rios** expressed dismay that given the history of the road, the City decided to investigate only after the recent accident. She recalled when the vinyl fencing started being changed out in 2001 and thought it was going to be done throughout the entire city. She hopes that this Council does something about what is going on that stretch of road before it claims another life. She also requested that as part of the safety investigation, the City Council consider adding lighting to that area on San Dimas Avenue.

City Attorney Brown politely reminded the Council and audience that there is a point at which an item with discussion of this length and detail should be on the agenda, and discussion has been scheduled for September 26, 2006.

In response to Councilmember Bertone's suggestion to adding lighting to the investigative report, Mayor Morris stated that it may require a different engineer to study the lighting issue.

5) **Renee Ketchum**, resident of Via Verde, has background as a trauma nurse who started a trauma program at Western Medical Center in Tustin. She suggested checking with other cities to learn what they have done with horse trails and consider taking those options.

6) **Judy Diaz**, Via Verde, said all she is asking is that something be done to remove the fencing or change it based on the need not the age of the fence, before another life is lost.

7) **Francine Rios**, on behalf of Samantha's friends, requested that the Council do something about the fencing before someone else's life is changed forever.

8) **Karen May**, La Verne resident, has two children who attend San Dimas High School and her 17 year old daughter frequently drives on San Dimas Avenue. They have been devastated about what happened to Samantha and Daniel Roybal. She stated that the fence needs to be replaced with white vinyl.

9) **Sue Aytte**, lives across from the Palumbos, would really like something done with the fence. She watches the family suffer 24/7. Also her husband knew Daniel as young man and his family.

10) **Jennifer Powell** said experts are not needed to tell us that teens are not the wisest drivers; however, it is our job as adults to protect our children and do whatever is necessary to lessen the effect of accidents.

11) **Gary Enderle**, 2044 via Esperanza, said Samantha's family has been in his heart and prayers since the date of the accident, and he know the Council will do the right thing as soon as they can to prevent anything from happening further. He commented on the Walker House and responded that 1) he never expressed the issue concerning taxes; and 2) six years ago, the cost to restore the Walker House was approximately \$2.1 million, and the City had \$1 million in grant money. Now the cost has gone up to approximately \$6.3 million. He stated he is not opposed to the renovation of the Walker House, but he is opposed to the way it is being handled. He understands that discussion on uses of the Walker House would take place on September 26, 2006. He inquired if the Festival of Arts purchased the Walker House and the City took on the responsibilities.

Mayor Morris replied that as part of the original agreement, the Festival of Arts had the option to purchase the property with the right to assign to the City; the City chose to exercise that option and purchased the Walker House.

In response to Mr. Enderle, Mayor Morris believes there were community meetings related to the purchase or use of the Walker House.

City Attorney Brown reminded the Council and Mr. Enderle that the Brown Act limits addressing and taking action on items not on the agenda and a televised meeting is scheduled for September 26, 2006, at 5:00 p.m to discuss the uses of the Walker House. He asked Mr. Enderle to bring up those items at that time and a more meaningful response would be made. He asked members of the Council not to engage in an exchange.

Councilmember Ebner stated he spoke to the Cable Coordinator and the meeting will be televised at 5:00 p.m. on September 26, 2006.

Mr. Enderle expressed his appreciation for putting this item on the agenda, however, he did not feel two hours was sufficient time to get community input to make a decision. He mentioned that bids are due the first week of October.

City Manager Michaelis stated that award of bids would be considered on October 10, 2006.

Mr. Enderle outlined issues he would like discussed at the September 26 meeting: 1) He expressed concern that there was not a public hearing to get community input on how the Walker House is restored and run, and who will occupy it. 2) The Foundation never became a reality; 3) He questions how the Redevelopment Agency would pay \$6.3 million debt to the City if the Walker House does not generate money. 4) He felt if the Festival raised funds for the purchase and renovation, a check for \$100,00 should be written to offset costs; 5) He has an issue using 50% of reserve funds that could be used in the future for catastrophic events. He mentioned that councilmember McHenry commented in the July 25, 2000 minutes that he opposed the purchase because he did not want the City in the position of spending \$30,000-\$60,000 per year in maintenance costs. Mr. Enderle inquired what the cost would be to maintain the building. He submitted a second petition with 261 additional resident's signatures and said he looks forward to getting answers at the next meeting.

Councilmember Ebner encouraged Mr. Enderle to ask the same questions when the Council is able to discuss the uses for the Walker House. Or he could call him tomorrow.

12) Terry Strats, Via Verde, expressed concerns with the fence, and requested the fence be dismantled. She mentioned there is a chain link fence along the freeway as a protection barrier between the freeway and San Dimas Avenue.

13) Diana Veloz, 401 No. Monte Vista, reported that young adults from an apartment building at 213 West Fourth Street and one on Monte Vista Avenue, are creating a public nuisance and disturbing the entire neighborhood. The young adults drink and pop fire crackers and Roman candles at all hours of the night. She is unhappy with law enforcement's response that they are unable to do anything about loitering.

Councilmember Ebner urged Mrs. Veloz to speak with Captain Curtis and he will see her after the meeting to get her address and phone number.

14) Zach Abrego, 404 Monte Vista Avenue, inquired what the vision is for the town core. He cannot imagine anyone wanting to invest in a project like the Walker House when gang elements are hovering on the fringes.

15) Caroline Amaro, 407 No. Monte Vista, said she is one of the victims of these unsupervised, neglected children who are out at night with skateboards and scooters in the alley. She added that these children erected a ramp next to her house and without safety equipment, jump up the ramp into her yard. She is disappointed with law enforcement.

Councilmember Bertone suggested she call the City Manager if she does not get satisfaction from the Sheriff's Department.

16) Maureen Saenz came to provide support concerning the Monte Vista/Fourth Street problem. She would appreciate Council's attention.

In response to Mayor Pro Tem Templeman, Ms. Saenz stated she would be available to meet at city hall.

Councilmember Ebner said she has the opportunity of talking to Captain Curtis who is waiting for her.

17) Ginny Phillips, 525 No. Amelia Avenue, sympathizes with Samantha's family. She raised issues with spending \$6.3 million to restore the Walker House and compared the cost of \$250,000 to restore a building in Pomona that she and Dennis bought in 2000. She agreed that the public should provide input. She added that if a private company restored this building, it would not cost \$6.3 million and she would be enthusiastic about the project, which could be a wonderful place for the entire city to use, make money, and not cost taxpayers.

18) Dennis Phillips, 525 No. Amelia Avenue, said six years ago Councilmembers had a lot of good suggestions about how to proceed with the Walker House such as hiring a real estate consultant to look into uses other than government ownership, however, none of those options were looked into. He indicated that the time has come to start working together.

19) Janet Graef, 1325 Shirlmar Avenue, said she is perturbed that the cost to restore the Walker House had gone up from \$2 million. She stated it takes time to build up the general fund and requested that the Council reconsider how to spend those funds.

20) Deborah Robbins, 729 South Briarwood Lane, suggested the posts on the fence along San Dimas Avenue be replaced with flexible materials so that whoever hits the fence would not either be killed or permanently disabled.

21) Emish Patel, Chaparral Lanes Bowling Alley, raised issues with gang elements in the neighborhood and suggested additional patrols along Bonita Avenue.

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.)

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

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **No. 06-46**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF AUGUST AND SEPTEMBER 2006.
- b. Approval of minutes for regular City Council meeting of August 22, 2006.
- c. Reject claim for damages from Inam Safia.
- d. Reject claim for damages from Paz Caroline Amaro.

- e. Award of Engineering Services Contract to Andreason Engineering, Inc., in the amount of \$37,500, for the design of Cataract Avenue storm drain at Baseline Road.

END OF CONSENT CALENDAR

5. OTHER BUSINESS

- a.
 - 1) Update on slope water flow (rear of 926 Calle Primavera, intersection of Calle Carrillo/Avenida Lomita.)
 - 2) Consideration/appropriation of funding for Phase 2 evaluation of water seepage and storm drain assessment.

Public Works Director Patel presented a Powerpoint presentation, summarized the background regarding the water flow from the slope behind 926 Calle Primavera, and said a community forum was held recently to share information with staff, residents, and Golden State Water Company. He reported that according to the initial geological report from Tim Hersch of PIC Environmental Services, the source of water is likely a combination of natural spring water and irrigation water that has been directed below the surface to the subject property and warrants further investigation to mitigate the source. Staff recommended that the City Council authorize the appropriation of \$20,000 from the general fund to resume with the proposed phase 2 borings and analysis and to retain PIC Environmental Services to continue with the studies.

In response to Councilmember Bertone, Director Patel replied that the proposed boring would go on within the city easement at 928 Calle Primavera. He said the Water Company has agreed to share some of the cost.

Mayor Morris asked if anyone in audience wished to comment or ask questions about this issue.

1) William Madsen, 932 Calle Primavera, said due to work schedules, Ken Chang is unable to attend the meeting. On behalf of the neighborhood, he said drilling is an excellent beginning and he thanked staff and the City Council for their participation in working to resolve this issue.

Councilmember McHenry appreciates his comments and said the problem has to be clearly identified before a good cogent solution is found. He added that a fill lot could be every bit as good as a cut lot. He stated that due to seismic events, water seepage could actually move across the hills.

2) Sue Ayotte, 998 Calle Primavera, thanked staff and the Council for the great, informative meeting. She inquired if the running water is a constant flow and is staff able to monitor it.

Director Patel said based on the review of the video shown at the meeting, it is a constant flow with water entering our storm drain thru joints. He further replied that the consultant is looking at spring and irrigation water as well.

In response to Ms. Ayotte, Director Patel stated that in conjunction with Golden Gate Water Company, the city is able to provide informative brochures to residents.

Councilmember McHenry further clarified that while contributory, the water from over-irrigation is minor in nature and the leak is primarily coming from naturally occurring spring water.

It was moved by Councilmember McHenry, seconded by Councilmember Bertone, to authorize phase 2 borings and analysis at a cost of \$20,000 from the general fund, as well as to retain PIC Environmental Services to continue with the studies. The motion carried unanimously.

In response to Mayor Morris, Mr. Hersch replied that the drilling equipment could be scheduled for two-to-three weeks and follow up test results and reporting is estimated at an additional two-to-three weeks for approximately two months or less.

6. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 8:50 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:52 p.m. with all members present.

7. ORAL COMMUNICATIONS

a. Members of the Audience

In response to **Emish Patel**, Manager Stevens intends to bring to the next Council meeting a report relative to potential development on the two-pad parcel adjacent to the bowling alley. He added there have been at least two and possibly three proposals for the 4.5 acre parcel on Bonita and Cataract, and he anticipates presenting to Council a report relative to interest expressed in development proposals for that site and to secure direction from the Council as to where to proceed. He further responded that the decision would be based on open meetings and the report based on information he and the consultant compiled from various discussions with the interested parties.

b. City Manager

- 1) Establish a date for the fall Council/Staff Retreat session.

It was the consensus of the City Council to tentatively schedule the Council/Staff Retreat on:

- Monday, November 20, 2006, 3:00 p.m. to 7:00 p.m. and
- Tuesday, November 21, 2006, 6:30 p.m.

c. City Attorney

No report.

d. Members of the City Council

- 1) Mayor Morris announced and outlined the Downtown Charrette schedule for people in the audience interested in participating. He said there is no limit to the number of people attending, and welcomed attendance and input.

Councilmember Ebiner, as co-member on the Steering Committee, said the calendar is listed on the website at cityofsandimas.com, and if time permits, citizens are encouraged to fill out the consultant firms' auto-tabulating survey that would be used as a tool to give the consultant an idea of what people envision for the downtown. He stated that some pre-charrette briefing books are available at city hall and at the Senior Citizens/Community Center. He said everyone's opinion is valuable and he encouraged participation.

- 1) Report on meetings.

- a) Mayor Pro Tem Templeman said he, Councilmember Bertone and City Manager Michaelis, attended the League of California Cities annual conference and exhibition in San Diego. Two issues he thought

most valuable were: 1) Mansionization and 2) State Mandates on Housing. He felt it was critical that staff invest time in planning the housing element to prevent the state from taking control of local land uses. He added that the Southern California Association of Governments (SCAG) assigns the number of houses that are the fair share of the housing allotment.

Councilmember Bertone stated he provided information to the City Manager regarding SCAG workshops.

Manager Stevens said that SCAG offers guidelines and the Council of Governments (COG) has the opportunity to work with cities to develop their own numbers; however, SCAG takes those numbers and further manipulates them before arriving at the final arena numbers. He said the next update is due in 2008 and staff intends to participate and be more vigilant.

In response to Council, Manager Stevens stated that San Dimas has an approved housing element good through 2008 and staff intends to bring back an update. He said SCAG would not re-manipulate numbers once adopted, unless cities in individual housing elements are not complying with mandates.

Councilmember McHenry thought the City should actively look for groups willing to challenge the state on this issue.

b) Councilmember Bertone stated he also attended the League of California Cities meeting and found two issues interesting: 1) Do it or else: A Better Approach to Code Enforcement - he thought that a city should eliminate a code they are not prepared to enforce. 2) Historical Preservation – he mentioned that the speaker pointed out that cities that have historical preservation really stand out from other cities.

2) Update on mansionization issues.

In response to Councilmember Ebner, Manager Stevens replied that he would present an update to lay out preliminary strategy and time milestones.

Councilmember Ebner suggested having some preliminary guidelines or policy until a thorough review could be conducted.

Mayor Morris suggested waiting until after the election. He said if Proposition 90 is adopted, the city would have to conform to those changes.

3) Councilmember Ebner said he attended the Senior Citizens Commission meeting and Don Herring, Executive Director of Intervale Senior Citizen Services, explained what happened with food providers. He stated that staff recognizes the problem and is working to resolve issues.

4) Councilmember McHenry attended the joint meeting with the City and School District and reported that concerns were raised about traffic coming across from Gladstone School. This issue would be presented to the Traffic Committee for resolution.

Councilmember McHenry added that the District expressed frustration with setting up a joint committee between the District and City about the possible joint use of a performing arts center. The City Manager would bring a recommendation to the Council.

Councilmember McHenry reported that the district modernization is going fairly well as is the search for the new Superintendent.

5) Councilmember McHenry said a number of items were approved at the Development Plan Review Board meeting and he noticed Thursday's DPRB agenda lists fairly large houses on very steep slopes for

consideration. He urged the City Council to look at plans and comment because the buildable envelope on a number of lots is being consumed and the Board is continuously dealing with parking issues.

8. CLOSED SESSION

Mayor Morris recessed the meeting at 9:28 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: 8383-009-034, 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

b. Report on closed session.

No reportable action.

9. ADJOURNMENT

The meeting was adjourned at 9:38 p.m. The next meeting is on September 26, 2006, 5:00 p.m. for a study session on Walker House uses.

Mayor of the City of San Dimas

ATTEST:

City Clerk