



MINUTES
REGULAR CITY COUNCIL
TUESDAY, APRIL 24, 2007, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem Jeff Templeman
Councilmember Emmett Badar
Councilmember Denis Bertone
Councilmember John Ebner (Arrived 7:21 p.m.)

City Manager Michaelis
City Attorney Brown
City Clerk Rios
Assistant City Manager Stevens
Assistant City Manager Duran
Director of Development Services Coleman
Public Works Director Patel
Parks and Recreation Director Bruns
Planning Manager Hensley
Senior Engineer Garwick

1. CALL TO ORDER

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

2. PRESENTATIONS

- ❖ Catherine Rojas, Ekstrand Elementary, introduce Hayley Brang and her parents

Catherine Rojas, Teacher, Ekstrand Elementary School, introduced Mrs. Brang and her daughter, Hayley. Ms. Rojas said her Fourth and Fifth Grade students are recycling bottles and cans to help raise money for the operation that can put a smile on Hayley's face. She encouraged citizens to donate cans and bottles to Ekstrand Elementary School at 909/971-8203 and contributions could be mailed to Hayley's Smile Fund, P. O. Box 4032 , San Dimas, CA 91773

Chelsea Carpenter, 4th grade student at Ekstrand Elementary School, has helped with the project, and thanked the City Council and all city employees who have donated their cans and bottles.

Jessica Swaitzer, 4th grade student at Ekstrand Elementary School, learned about the three levels of citizenship. Setting up the recycling program to involve the entire school and other community organizations has shown participatory citizenship and thus far, over \$5,000 has been raised for Hayley through the recycling efforts of the entire community.

Heather Brang, Hayley's mother, thanked Ekstrand Elementary School, City Officials, and the community for coming together to make her daughter's surgery possible. She explained that Hayley suffers from Moebius Syndrome, a rare disorder characterized by lifetime facial paralysis. She added that Hayley has to wait until she is five years old for the surgery, which is not covered by her insurance and the donations will help offset the costs.

❖ Presentation by Friends of San Dimas Dog Park

Sheryl Brezina, 128 W. Ashvale Drive, presented a Thank You card to San Dimas City Council and Parks & Recreation, in appreciation for providing a wonderful place to share with canine companions. She stated that the Dog Park is a place where seniors could participate with their beloved companions to exercise and socialize; gives children responsibility; and offers an opportunity to meet others and discuss dog care training as well as other issues.

Caryol Smith, 1845 Fernridge Drive, Friends of San Dimas Dog Park said the Thank You card has over 15 pages of signatures and over 200 pictures of dogs who visit the Dog Park. In gratitude, she presented to Mayor Morris a check for \$1,000 towards improvements to the San Dimas Dog Park.

Mayor Morris thanked the Friends of San Dimas Dog Park for their generous contribution. He said the people who use it and participate make it a successful program.

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. Speakers are limited to three minutes for thirty minutes.)

a. Members of the Audience

1) **Claire Ostrand**, 1721 Gainsborough Road, reported that Mrs. Faye Shoemaker passed away last week, and her funeral was held at 11:00 a.m. at Hilldale Cemetery.

Mayor Morris stated he was not aware she had died.

2) **Galen Gillote**, Children's Librarian, San Dimas Library, thanked staff for providing a link to the Library on the City's website, and thanked City Manager Michaelis for reading stories to preschoolers. She provided the summer reading program schedules, summer volunteer program, and other activities available at the Library for kids and young adults.

3) **Margie Green**, 127 Maverick, invited the community to attend the annual Festival of Arts show Friday through Sunday, April 27-29, 2007, and the various activities including high school student art, Rotary breakfast, Trading Post, Art Gallery featuring 30 artists, and lots of entertainment and food.

4) **Maurice Cuellar**, Advocates for Healthy Living, provided a brief update on the San Dimas Farmers Market and said if all goes well, it would be up and running on Wednesday, May 2, 2007, from 5:00-9:00 p.m. on Bonita in front of city hall, and music is scheduled from 5:45-8:45 p.m.. He said everything is going well, insurance is not a problem, and all requirements are going to be met. He invited the community to attend.

5) **Cheryl Brezina**, 128 W. Ashvale, said she was given the opportunity to participate in the Sheriff's Citizen Academy, Whittier Training Facility, and last Wednesday, an expert on gangs discussed how gangs operate in other areas. She indicated the speaker reported that San Dimas is one of the safest communities.

6) **Sid Maksoudian**, 1156 Camino del Sur, mentioned that April 24 is a day of remembrance for millions of Armenians that perished in the slaughter by the Turkish government in 1915. He read a few phrases by William Saroyan and commemorated the event by passing out packages to the City Council, excepting Councilmember Ebiner.

Councilmember Ebner said he admires William Saroyan and said April 24 is a day to remember to mourn the genocide of approximately 300 Armenians by the Turkish government.

7) **Gary Enderle**, 2044 Via Esperanza, shared a letter received as part of the San Dimas Heroes program in appreciation of all that is being done for the young men and women in uniform. He also provided an updated list of the names of military personnel whose banners are hung, money collected, and names received for the permanent memorial.

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.)

At the request of Councilmember Ebner, minutes were removed from the Consent Calendar for consideration at the next meeting.

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

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **NO. 07-29**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF APRIL, 2007.
 - (2) Proposed 2007-2008 Assessment Rates for Open Space Maintenance Districts:
RESOLUTION NO. 07-30, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING ENGINEER'S REPORT AND SETTING PUBLIC HEARING FOR OPEN SPACE MAINTENANCE DISTRICT NO. 1 (BOULEVARD TRACT 32818).
 - (3) Proposal to convert Administrative Secretary position to a Human Resources Specialist position.
NO. 07-31, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, AMENDING SECTION 1 OF RESOLUTION NO. 06-60 TO ADD A POSITION CLASSIFICATION FOR HUMAN RESOURCES SPECIALIST.
- b. 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. Cash Contract No. 2007-04 - slurry seal of City Streets in Maintenance Zone "E".
 - 1) Appropriation of funds in the amount of \$92,000 from the Gas Tax and Additional Prop C Local Transportation Funds;
 - 2) Award of Cash Contract 2007-04, to Doug Martin Contracting, in the amount of \$351,733.08, for slurry seal of City Streets in Maintenance Zone "E".
- e. Approval of budget appropriation of \$28,730 from the Air Quality Fund and award of bid for purchase of Ford Escape Hybrid from Downtown Ford Sales.
- f. Rejecting claim for damages from Michelle Campbell.
- g. Rejecting claim for damages from Tanya Aquinaga.
- h. Proclaiming May 3, 2007 the National Day of Prayer.
- i. Proclaiming April as County of Los Angeles Earthquake Preparedness Month.

- j. Proclaiming April as Child Abuse Prevention Month.
- k. Proclaiming April 22-28, 2007 Safety Seat Checkup Week.

END OF CONSENT CALENDAR

- c. Approval of minutes for regular meeting of February 13, 2007.

Councilmember Ebner requested minutes be brought back at the next meeting after clarification of his comments on page 8 of the February 13, 2007 minutes concerning the elimination of horse keeping.

5. COMMUNITY DEVELOPMENT/PLANNING

- a. Adoption of an interim ordinance prohibiting medical marijuana dispensaries in all zones.

ORDINANCE NO. 1166, AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS PROHIBITING MEDICAL MARIJUANA DISPENSARIES IN ALL ZONES, PROHIBITING THE ISSUANCE OF BUILDING PERMITS AND OTHER LAND USE ENTITLEMENTS THEREFORE, AND DECLARING THE URGENCY THEREOF.

Director of Development Services Coleman recommended that the Council adopt an urgency ordinance prohibiting medical marijuana dispensaries in all zones in order to provide time for proper study of this issue. He stated that medical marijuana dispensaries are not listed in the Zoning Code as a permitted or conditionally permitted use within any zone in the City. He mentioned that Helping Hands Collective Caregivers have requested a Code Amendment to allow medical marijuana dispensary as a permitted use in the Commercial Highway (CH) Zone for their proposed business at 1173 Dixie Drive.

In response to Councilmember Bertone, Director Coleman stated that in case *Gonzales v. Raich*, which involved interstate transport of medical marijuana, the United States Supreme Court in 2005 upheld Federal regulations. He further replied that the County of Los Angeles requires a 1,000 foot separation from any park and Dixie Drive is within 1,000 feet of Horsethief Canyon Park.

In response to Councilmember Ebner, Director Coleman replied that several cities have dealt with this issue and there is a wealth of information available. He expects the ordinance to be brought before Council in June.

In response to Councilmember Ebner, Assistant City Manager Stevens stated that City of Claremont is currently undertaking a study, but a decision has not been determined.

Mayor Morris stated this is not a public hearing matter, nevertheless, he invited comments from the audience.

After the title was read, it was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to adopt **ORDINANCE NO. 1166, AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS PROHIBITING MEDICAL MARIJUANA DISPENSARIES IN ALL ZONES, PROHIBITING THE ISSUANCE OF BUILDING PERMITS AND OTHER LAND USE ENTITLEMENTS THEREFORE, AND DECLARING THE URGENCY THEREOF.**

The motion carried unanimously.

6. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 7:44 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 7:47 p.m.

7. ORAL COMMUNICATIONS

- a. Members of the Audience (Speakers may be subject to a time limit as may be determined by the chair.)

1) **Patrick Jones**, 239 Avenida Melisenda, opposed the conditions on time limits for speakers. He stated that most people do not wish to wait to speak at the second Oral Communications. He would like to see the time limit changed to five minutes.

Mayor Morris indicated that limiting speakers to three minutes provides the Council the opportunity to conduct regular business. He said citizens have two timed public comment opportunities, and a reasonable time to speak on agenda items.

2) **Patrick Jones** objected to the sudden issuance of parking citations with the hiring of Parking Control Officers. He said some residents do not have sufficient space on their properties and are required to purchase an overnight parking permit for a specific vehicle. He objected to the process of affixing the permit to one window of one vehicle. He also felt residents should have the option of calling the Sheriff's Station X times per year to permit the parking of their vehicle in the street without leaving the safety of their home.

Mayor Pro Tem Templeman replied that the City Council took action because a lot of complaints are received concerning overnight parking. The City Council's intent is to curb the use of garage space for storage and the issuance of a permit allows law enforcement to identify the owner of a vehicle.

3) **Gary Enderle** suggested Council consider allowing citizens additional time if they have more than one subject to discuss.

4) **Gary Enderle** indicated that the first issue of the Sheriff's Boosters was published in-house. He stated he is working on the magazine now and hopes to get more ads. He asked for ideas on articles.

5) **Sid Maksoudian** stated he forgot to mention earlier that the package to Council also includes a book, "Armenian Genocide."

6) **Sid Maksoudian** stated the responsibility of oversight belongs to the City Council of persons who are appointed to various committees.

7) **Sid Maksoudian** thanked Councilmember Badar and asked him to elaborate on creating an ethics committee.

Councilmember Badar replied that he could consider an Ethics Committee because of situations that have occurred over the years. He said the Committee could be comprised of Councilmembers or private members, but he recalls Mayor Morris mentioning that there are legal avenues available with the District Attorney's office.

8) **Sid Maksoudian** reminded the City Council that family members are fair game to attacks unless they keep their family out of the political arena. He mentioned that Mrs. Ebiner and son Philip made comments at a previous meeting.

Councilmember Ebner stated that Philip watched the meeting and it was his decision to speak. Councilmember Ebner said he is proud of his son, a senior at Damien High School accepted at four colleges; however, he did not invite him to speak and he did not know what his son was going to say.

Mayor Pro Tem Templeman stated that his wife and adult children are citizens of San Dimas and have a right to speak at Council meetings.

9) Margie Green, 127 Maverick, stated that at the Forum, one person inquired how to get more youth involved in the community. She said it is great to have them involved, and when they show up, they should be recognized. She indicated that as a woman, she is glad to have the opportunity to vote and likes to speak from time to time.

b. City Manager

The City Manager submitted no report.

c. City Attorney

City Attorney Brown requested adding for discussion one item to the agenda that came up after the agenda was posted. He reported that two cases came down from two different appellate courts that came to opposite conclusions involving an issue of when in the process of negotiating with a developer is it appropriate or required to undertake an environmental review. He mentioned the City of San Dimas' process of entering into an Exclusive Negotiating Agreement with Fox Development, conducting discussions, reaching a decision, and as part of the planning process, undertaking an environmental review. He stated that in the case of West Hollywood, the Court concluded the environmental impact report should have been conducted long before there was a decision on the project.

Councilmember Bertone stated he does not have sufficient information and would like to see a written report before a decision could be made.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember Ebner, and carried by a vote of 4.1, with Councilmember Bertone opposed, to add a request for amicus participation involving the City of West Hollywood to the agenda for discussion.

- 1) Request for amicus participation in *Save Tara v. City of West Hollywood* (2007) 147 Cal. App. 4th 1091

In response to Mayor Pro Tem Templeman, City Attorney replied that he would be submitting a letter from the City of San Dimas asking the Supreme Court to please accept the appeal to consider review of this decision, especially since there are two opposite decisions from two different courts of appeal.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember Badar, to add the City's name as an amicus in this case. The motion carried unanimously.

d. Members of the City Council

- 1) Councilmembers' report on meetings attended at the expense of the local agency.

Councilmembers did not attend a meeting and had nothing to report.

- 2) Verbal report on Planning Commission Recruitment process.

City Manager Michaelis reported that ten applications were received, copies were provided to the Council, and he requested direction on how to proceed.

The City Clerk was directed to schedule interviews by the entire City Council on May 14 and 15, 2007, from 5:00 p.m. to 7:00 p.m..

In response to Councilmember Ebner, City Attorney Brown replied that the Council must conduct the meeting in public.

- 3) Councilmember Ebner suggested implementing a rule against personal attacks during a meeting.

Mayor Morris suggested rules of decorum; however, he stated the public has a right to attack the City Council.

- 4) Councilmember Badar reported that last weekend the San Dimas Sheriff's Station became involved in an event affecting a school in an incorporated area of La Verne and several Deputies who also represented the San Dimas Run from Bakersfield to Las Vegas were called out and had to shuttle back and forth. He said the investigation was successfully concluded and the run was completed. He thanked Lieutenant Kimble for a great job.

Lieutenant Gary Kimble, thanked Councilmember Badar and stated those are benefits enjoyed contracting with the Sheriff's Department that has added resources smaller municipalities do not have. He credited outside Sheriff's agencies that came to help solve the incident and he said investigations are continuing, many people are in custody, and cases will be presented to the District Attorney to consider filing several charges.

- 5) Councilmember Bertone said Margie Green announced the Festival of Arts and he said the event is free featuring world class art, a trading post, activities for kids, and student art. He invited the community to attend on April 28 and 29.

Mayor Morris added that a lot of people in the community actively do a lot of work for the community including the Rotarians that cook breakfast at the event.

8. ADJOURNMENT

Mayor Morris adjourned the meeting at 8:39 p.m. The next meeting will be held on May 8, 2007, 7:00 p.m.

Mayor of the City of San Dimas

ATTEST:

City Clerk