



MINUTES
REGULAR CITY COUNCIL
TUESDAY, MAY 8, 2007, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem Jeff Templeman
Councilmember Emmett G. Badar
Councilmember Denis Bertone
Councilmember John Ebner

City Manager Michaelis
Assistant City Attorney Steres
City Clerk Rios
Assistant City Manager Stevens
Assistant City Manager Duran
Development Services Director Coleman
Public Works Director Patel
Parks and Recreation Director 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. PRESENTATIONS

- San Dimas Senior Citizens Center "Roundup Gang" Welcoming Committee

Councilmember Bertone stated that when staff learned from Senior Citizen Commissioners that many citizens are not taking advantage of programs offered by the city, they set in motion a program to not wait for them to come to the city, the city would take the programs to them. He introduced members **Marguerite Nelson, Jay Pace, Prudence Short, Judy Kephart, and Erica Rodriguez**, who works on city staff with seniors.

Erica Rodriguez, Recreation Coordinator, said the Roundup Gang is comprised of Commissioners and volunteers who go out to the community to identify needs, and provide information on transportation, health and wellness, and senior programs.

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 have three (3) minutes to speak.)

Mayor Morris stated the Festival of Arts would like to present a check to the City.

- Festival of Arts presentation

1) **Alta Skinner**, on behalf of the Festival of Arts, presented Mayor Morris with a check for \$60,000.00 to use at discretion to apply toward the restoration of the Walker House project. She thanked the City of San Dimas for a great partnership for the past 31 years; hopefully the Festival will be around for another 31 years to complete more projects.

2) **Margie Green** thanked everyone in city hall and the community who participated in the Golf Tournament.

3) **Jim Elliott** thanked the City for the partnership, and deeply appreciates staff members who donated their weekend to make sure the event was supervised properly, to make the event a success.

a. Members of the Audience

1) **Ted Powl**, President/CEO, Chamber of Commerce, invited community participation at two upcoming events: 1) Installation & Awards Dinner on June 14, 2007. The Chamber is still accepting nominations for Businessman of the Year; Businesswoman of the Year; New Business of the Year; Business of the Year; New Commercial Building of the Year; and Renovated or Improved Business of the Year. He said if anyone is interested in seeing someone in the community appropriately acknowledged, they could contact the Chamber for nomination forms. 2) Annual Golf Tournament on June 18, 2007, at Sierra La Verne Country Club, in conjunction with La Verne Chamber. He said a portion of the proceeds would go to David and Margaret Home. He hopes people come out and have a good time.

2) **Dorothy Bender**, Volunteers with the Relay for Life San Dimas, invited community members to walk at the Relay for Life San Dimas at Horsethief Canyon Park on June 2-3, 2007. She said there will be 24 hours of entertainment and free food. She would love to have team sponsors help make this the biggest year yet.

3) **Sharon Truman** said she and Dorothy are in charge of the Luminaria celebration for the Relay of Life. Luminaria cost \$10 each and an invocation will be read in honor of survivors and in memory of loved ones.

In response to Mayor Morris, Director Bruns replied the event would be held at Horsethief Canyon Park by the new gazebo. She said San Dimas staff has a team and invited participation or donation.

4) **Richard Rauseo**, 1184 Edinburgh Road, stated he and Mr. Ostrand are waiting for a response from the city on issues regarding SP-4.

5) **Richard Rauseo** mentioned that a temporary fence was erroneously installed on Gainsborough Road next to the 19-acre parcel and removal was refused.

6) **Richard Rauseo** was informed that a pre-grading meeting would take place on the 19-acre parcel without tract map approval by the Fire Marshall. He added that he has not been kept in the loop as he requested.

City Manager Michaelis replied that a study session would be held in the near future and Mr. Rauseo would be notified.

7) **Jim Elliott**, Bonita Unified School District Governing Board, thanked the San Dimas Station of the Los Angeles County Sheriff's Department for the great leadership and management demonstrated over the long weekend at Bonita High School. He said no one was hurt and classes were cancelled for one day.

8) **Jim Elliott** encouraged consideration of item 6(a) a request from La Verne/San Dimas Educational Foundation to waive fees for street banner installation.

9) **Debbie Yasher**, Librarian, San Dimas Library, announced and invited the community to three events at the Library in May.

Mayor Morris announced that the link to the Library is on the City's website.

10) **Gary Enderle**, 2044 Via Esperanza, stated he would like the Council to consider extending the time limit to five minutes. He inquired if the limit violated the Brown Act and suggested the thirty minute time frame be posted on the agenda.

Assistant City Attorney Steres replied that the City Council could control meetings and the order of business. He stated that the first oral communications is limited to thirty minutes to allow the City Council to conduct the business listed on the agenda and the second oral communications does not have that restriction.

11) **Patrick Jones**, 239 Avenida Melisenda, stated that the Attorney General's legal opinion is that five minutes is a reasonable period of time and suggested placing the item on the agenda for discussion by other elected officials.

Councilmember Bertone stated he approved of the three minute time restriction and stated he has been contacted by community members supporting the time limit.

12) **Patrick Jones** expressed concern about the City supporting the Chamber of Commerce when the Chamber holds their meetings in the city of Pomona.

13) **Patrick Jones** inquired if the Council was going to discuss consent calendar item regarding Records Request. Mayor Morris stated any item may be removed for separate consideration.

14) **Sid Maksoudian**, 1156 Camino del Sur, also expressed concern with the Chamber of Commerce meeting outside city limits. He mentioned that he has been requested by the Chamber to submit requests in writing for information.

15) **Sid Maksoudian** suggested rules of decorum in conducting the meetings.

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.)

Pursuant to Mr. Jones request, Mayor Morris removed item 4 (e) for separate discussion.

Councilmember Ebner reported a conflict of interest on item 4(d). City Attorney Steres advised abstention, but stated Mr. Ebner could remain on the dais.

Councilmember Ebner requested clarification of February 27, 2007 minutes, on page 12, regarding Mr. Maksoudian's comments and suggested they be specific to reflect "remarks were made by Councilmember Ebner to Mr. Maksoudian."

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) **RESOLUTION NO. 07-32**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF APRIL AND MAY, 2007.
 - (2) **RESOLUTION NO. 07-33**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD UNDER THE CALIFORNIA USED OIL RECYCLING ENHANCEMENT ACT.
- b. Approval of minutes for regular meetings of February 13, 2007 and February 27, 2007.
 - c. Award of Cash Contract No. 2007-03 to Freeway Electric, in the amount of \$29,290.00, for First Street Downtown Parking Lighting Project – Lot #1.
 - f. Proclaim May 2007 as A.L.S. Awareness Month.

END OF CONSENT CALENDAR

- d. Cash Contract No. 2007-05, Alley Reconstruction- Alleys "D" and "W" - Northwest of Fifth Street and Monte Vista Avenue intersection.
 - (1) Appropriation of funds in the amount of \$24,000 from the Infrastructure Fund (Fund 2)
 - (2) Award of Cash Contract 2007-05 to Imperial Paving, in the amount of \$115,469.75.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to approve item 4(d). The motion carried 4.1; Councilmember Ebner abstained as he owns property within 500 feet of the subject area.

- e. Policy regarding Public Records Request involving Code Compliance.

Director Coleman reported that this item is before the Council for consideration as a result of a request received for copies of all code enforcement open case files not yet resolved in the entire city. He added that another reason arose, this week staff kicked off the implementation of the computer tracking system for code enforcement cases, and for staff to properly design the system, answers are necessary whether or not to keep confidential the name of the complainant. He stated that the City Attorney and staff recommended the policy to authorize striking out complainant information before the data is made available to the public.

Assistant City Attorney Steres replied that most cities do not provide that information and if copies are requested, the complainant data is redacted. He thought it best to bring it forward as an official policy from the City Council to make easier to implement in the future. He said if it goes to prosecution as part of defense, if a witness is needed, the code enforcement officer is an acceptable witness. He said the background of the Public Records Act is for the public to understand how business is being operated within the City and the complainant's name and address are not important facts to determine how the city implements rules and regulations of code enforcement, and balancing privacy outweighs the need to know.

It was moved by Councilmember Badar, seconded by Councilmember Ebner, to approve the policy as presented by staff. The motion carried 5.0.

5. COMMUNITY DEVELOPMENT/PLANNING

a. Regional Housing Needs Assessment Update.

Assistant City Manager Stevens stated that pursuant to Government Code amendments, Southern California Association of Governments (SCAG) is required to prepare region-wide housing needs assessment and part of the process is to assign numbers for the upcoming housing element cycle to each entity within the counties of the SCAG region, which becomes a target for providing our fair share of housing growth. He reported that SCAG completed the process and released preliminary numbers which indicated that by 2014, City of San Dimas' target for housing growth would be 3,700 housing units. Staff objected to those numbers, participated in their workshop, and ultimately SCAG reduced the numbers to 1,760, which staff still felt was inappropriate. Mr. Stevens reported that staff filed a request for a revision recommending the number be reduced to 620, and SCAG supported the recommendation. He said staff will do their best to work with that number for the upcoming housing element cycle. He mentioned staff is looking at self-certification as another option as well finding a way to achieve the target.

Mr. Stevens responded to Council's questions related to litigation; getting a certified housing element and considering self-certification; and stated the housing element has to be completed by June 2008. He added that staff is in the process of hiring a consultant to start the housing element process.

In addition to Councilmember Badar meeting with Assemblyman Adams, a letter would be sent to Senator Margett asking him to vote no on Senate Bill 303, which requires having zoning in place.

Director Coleman was directed to work with the City Attorney to schedule a joint meeting of the City Council and Planning Commission to give a presentation on the major legislative enactments that severely restrict local zoning and land use.

6. OTHER MATTERS

a. Request from La Verne /San Dimas Educational Foundation to waive fee for street banner installation.

Assistant City Manager Duran reported receiving a request from the La Verne/San Dimas Education Foundation to again hang vertical pole banners on Arrow Highway and to waive the installation cost. The estimate to install and remove 25 banners is approximately \$3,600. Staff requested direction from Council for future needs from the Foundation to waive the installation fee.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to waive the cost for installation of vertical pole banners for the La Verne/San Dimas Education Foundation.

Mayor Morris stated he would vote against this motion because contributions exceed scholarships and merchants are charged \$120 for the banner, at a cost of \$144 to hang the banner.

Councilmember Bertone stated that the main objective of the banners is to market the organization, not to raise funds.

Alta Skinner reported that she spent time on this worthy organization that also grants funds to teachers for programs not covered by the School District. She mentioned that the Education Foundation has struggled the past few years, and hanging banners is a service effort to let communities know they are alive and well. She urged the Council to help the Foundation build their organization to help kids.

In response to Councilmember Badar, Mrs. Skinner replied that the Foundation raises about \$9,000 with their golf tournament, and a small body of people volunteer to rebuild the organization.

Sid Maksoudian stated that it seems like a good program; however, he agreed with Mayor Morris that donating \$3,600 to give back \$1,200 does not make sense.

Councilmember Bertone recommended approval tonight and having Messrs. Michaelis and Duran schedule a meeting between the Education Foundation and Mayor Morris to express concerns.

Councilmember Ebiner stated he is willing to go along with one year to provide seed money to help a worthy organization; however, he would like to see a report on how much money was raised and how the funds were spent.

In response to Councilmember Badar, staff and Councilmembers replied that banners are hung for city sponsored events, San Dimas Heroes, and the Los Angeles County Fair pays to have banners hung. Assistant City Manager Duran said for non-city organizations that qualify under the City's guidelines, there is a \$200 cost to hang the street banners.

The motion carried 4.1, Mayor Morris was opposed.

- b. Advance Traffic Management System (ATMS) and Intelligent Transportation System Project:
 - 1) Tentative Approval of Draft Cooperative Agreement with the County of Los Angeles for Traffic Control Center.
 - 2) Approval and Award of Contract to Kimley-Horn and Associates, Inc. for the installation and maintenance of the project.

Public Works Director Patel reported that one of the most important projects worked on by Los Angeles County and Pomona Valley Cities has been the Pomona Valley Intelligent Transportation System (PVITS). The County has several Metropolitan Transportation Authority transportation grants and would provide the necessary matching funds for implementing a City Traffic Control Center. Under this project, the County will fund a Traffic Control Center at city hall for a remote control of the City's traffic signals. Staff recommends Council approve the Draft Cooperative Agreement accepting full funding of the Traffic Control Center from Los Angeles County estimated at \$220,000; and approve award of the PVITS project in San Dimas to Kimley-Horn and Associates for an estimated cost of \$220,000 subject to and approval of the Cooperative Agreement by the County Board of Supervisors.

In response to Mayor Pro Tem Templeman, Director Patel replied that Engineering Division would have a monitor and computer which would be linked to the County; however, the County would not have the ability to over ride without the City's consent. He added that one goal is to retain all information.

Mayor Pro Tem Templeman mentioned he had the opportunity of observing Los Angeles City's Transportation Control Center and felt this would help our Traffic Safety program in several ways in reconstructing accidents. He would like the unit to have the ability to record.

Director Patel responded to Council's questions related to the unit's capabilities; authorizing over ride; ability to print reports; hiring someone to conduct traffic counts; also have master control at County linked to the City to take care of traffic flows; and choice of vendor.

In response to Councilmember Ebiner, Director Patel replied that San Dimas is looking at the possibility of having CCTV cameras on San Dimas Avenue/Via Verde, and Foothill Boulevard/San Dimas Avenue, based on projected traffic growth.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember Badar, to approve the Draft Cooperative Agreement accepting full funding of the Traffic Control Center from Los Angeles County estimated at \$220,000; and approve award of the PVITS project in San Dimas to Kimley-Horn and Associates for an estimated cost of \$220,000 subject to approval of the Cooperative Agreement by the County Board of Supervisors.

1) Maurice Cuellar stated that since Caltrans controls the intersection at Bonita Avenue/Arrow Highway, he felt the City would be better served to install closed circuit cameras at the Costco site on Lonehill, where the City would have control.

In response to Mayor Morris, Director Patel replied that Caltrans signals would not be integrated and one of the goals is to put pressure on Caltrans to be part of the program.

In response to Councilmember Ebiner, Director Patel stated that based on priority and traffic volumes, the purpose of the camera would help staff control our signal lights to get traffic through if there are traffic issues.

2) Patrick Jones stated that if the cameras are not monitored, the signal is controlled by Caltrans, and it appears the County wants control of directing traffic into San Dimas if they have a problem. He would rather see the City invest in a recording environment for intersections covered and felt it would be a great asset for crime prevention and accident reconstruction.

Director Patel replied the one of the long term goals is replacing the cameras at all intersections to have the ability to record.

In response to Council, Director Patel stated that signal lights controlled by the camera are at intersections San Dimas Avenue/Arrow Highway; Village Court/Arrow Highway, and one was installed at Covina/Lone Hill Avenue. He added that synchronization is a different program; cameras were installed to move traffic flow. He said that one goal of the program as phased, is to have a monitor at the Sheriff's Station, Fire Department, and possibly at the Maintenance Yard as the program evolves over the years, and the City will own the equipment.

3) Sid Maksoudian felt someone should be hired to monitor the cameras and the City should have control over monitoring the flow of traffic and invest in recording capability.

Director Patel replied that the two computers constantly give out data and when staff receives notice of a problem from the Sheriff's Station, staff will activate monitoring, assess in the field, and control traffic.

The motion carried unanimously.

7. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 9:04 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The meeting reconvened at 9:05 p.m.

8. ORAL COMMUNICATIONS

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

1) Maurice Cuellar, Advocates for Healthy Living, invited the community to the Farmer's Market, from 5:00 p.m. - 9:00 p.m. Wednesdays, on Bonita Avenue, in front of city hall.

2) **Sid Maksoudian** said he was made to look like a villain for doing the right thing in reporting an illegal business in town.

3) **Sid Maksoudian** mentioned that yellow ribbons are symbols for hope, and lately he sees them on businesses and sidewalks. He felt they should be attached on humans for sadness.

b. City Manager

The City Manager had nothing to report.

c. City Attorney

There was nothing to report.

d. Members of the City Council

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

Mayor Morris stated he attended a California Joint Powers Association annual workshop paid for by the CAJPIA. He said it was a very interesting meeting for future planning that affects all cities.

2) Appointments to the Public Safety Commission.

It was moved by Mayor Morris, seconded by Mayor Pro Tem Templeman, to reappoint David Campbell, Don Handley, and Bob Olander to serve an additional two year term on the Public Safety Commission. The motion carried 5.0.

3) Mayor Pro Tem Templeman understands the owner of Rhoady's Restaurant is interested in restoring the neon sign and would like assistance from the City on how to proceed.

Councilmember Ebner reported that neon signs are not allowed in the Frontier Village area, and thought perhaps the code could be amended to permit the signs.

Assistant City Manager Stevens stated that there is a special provision that was included in the last update of the Sign Code as it relates to historic signs.

4) Mayor Pro Tem Templeman reported that a roofing truck drove through the intersection of Shullman/Gladstone through the job site. He suggested having the Sheriff Department keep an eye on traffic.

5) Mayor Pro Tem Templeman said code enforcement needs to be proactive to street vendors selling commodities down the freeway offramp at Arrow Highway/210 Freeway.

6) Mayor Pro Tem Templeman inquired if anything could be done about the feedback in the audio system.

7) Councilmember Badar said he received a call from owners of Union Station in Via Verde/San Dimas Avenue stating they were under the impression planning staff would look at CC&R issues and take a report to Planning Commission to consider enlarging their concession stand. He said they were experiencing difficulty with rising gas prices and were concerned about their business.

Mayor Pro Tem Templeman stated that Mr. Ghosn was present at the City Council meeting at which time the City Council voted against the expansion.

Mayor Morris advised that City Attorney Brown reported on the Covenants, Conditions and Restrictions which prohibit the addition of a convenience market.

The City Clerk was directed to provide to Councilmember a copy of the minutes reflecting the vote.

8) Councilmember Bertone announced that there are three vacancies on the Senior Citizen Commission with a deadline to apply by May 31, 2007, and said applications are available with the City Clerk if anyone is interested or knows someone who is interested in serving on the Commission.

9. CLOSED SESSION

Mayor Morris recessed at 9:24 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.6:

a. **CONFERENCE WITH LABOR NEGOTIATOR (G.C. Section 54956.6)**

City Representative: Blaine Michaelis, City Manager

Employee Group: City of San Dimas employees.

b. **REPORT OF CLOSED SESSION ACTION**

Pursuant to G.C. Section 54957.1, the City Council reported action taken in closed session and the vote or abstention of every member present thereon, as follows:

There was no action taken on any items.

10. ADJOURNMENT

Mayor Morris adjourned the meeting at 10:20 p.m. The next meeting is Saturday, May 12, 2007, 8:00 a.m. for Council/Staff Retreat, in the Senior Citizen/Community Center.

Mayor of the City of San Dimas

ATTEST:

City Clerk