



MINUTES
REGULAR CITY COUNCIL
TUESDAY, AUGUST 14, 2007, 7:00 P.M.
COUNCIL CHAMBERS, 245 E. BONITA AVENUE

PRESENT:

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

City Manager Blaine Michaelis
City Attorney J. Kenneth Brown
City Clerk Ina Rios
Assistant City Manager Development Services Larry Stevens
Assistant City Manager Ken Duran
Director of Development Services Dan Coleman
Director of Public Works Krishna Patel
Director of Parks and Recreation Theresa Bruns
Planning Manager Craig Hensley

ABSENT:

Councilmember John Ebiner

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the regular City Council meeting to order at 7:13 p.m. and led the flag salute.

Debbie Figoni announced that the City of San Dimas is the proud sponsor of the Los Angeles County household hazardous waste and e-waste event on Saturday, August 25, 2007, from 9:00 a.m. to 3:00 p.m., at San Dimas High School. She stated that this is an opportunity for residents to get rid of their hazardous waste and e-waste at no charge. She suggested they place the materials in a sturdy box in the trunk of their vehicle for easy retrieval. She said informational brochures are available at city hall, the Library, Senior Citizens/Community Center, and local businesses in San Dimas. If anyone would like additional information, they could call 1 (888) 238-0172 (CLEAN-LA) or contact her at 909/394-6240.

2. ORAL COMMUNICATIONS

(Members of the audience are invited to address the City Council on any 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. However, your concerns may be referred to staff or set for discussion at a later date. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

a. Members of the Audience

1) **Galen Gillotte**, Children's Librarian, San Dimas Library, said the reading program concluded on July 31, 2007, and everyone had a good time and enjoyed the chance to win prizes for reading. She said the Children's program would continue through August and kids could continue to read and earn tokens for prizes. Ms. Gillotte asked for patience since she no longer has volunteers. She said Preschool Story Time would start up again on Friday, September 7, at 10:30 a.m. and encouraged everyone to bring their pre-schoolers for great stories, songs, and fun. She added that Barbara Nightingale is having a book party on

Monday, September 10, 2007, 10:30 a.m., at the Senior Citizens Community Center, to discuss *Pompei* by Robert Harris. She thanked the City for permitting her to use the community building for many of their performances.

2) **Ted Ross**, Via Verde, asked if someone could look at the vinyl fencing along Via Verde, before Covina Hills Road. He said cars parked there have repeatedly backed into the fence, and it has been in disrepair for about seven months.

3) **Ted Ross** said there continues to be water runoff on a dirt path on Puente, between Esperanza to Via Verde, which forces everyone to walk on the street. He reminded the City Council that an accident occurred on that street and he would like the City to advise homeowners to turn off the water sooner to prevent the runoff from causing an accident.

In response to Councilmember Bertone, Mr. Ross replied that water is left on by individual property owners on the south side of the street.

4) **Ted Powl**, President/CEO, Chamber of Commerce, reported that about 1500 people attended the City's 47th Birthday Party on August 3, 2007, and everything went well. He thanked all the volunteers and staff for their assistance and support.

3. CONSENT CALENDAR

(All items on the Consent Calendar are considered to be routine and will be enacted by one motion unless a member of the City Council or citizen requests removal for separate discussion.)

It was moved by Councilmember Badar, seconded by Councilmember Bertone, and carried unanimously by those present 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) **RESOLUTION NO. 07-52**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF JULY AND AUGUST, 2007.
- b. Ordinances read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **ORDINANCE NO. 1170**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING TITLE 8 OF THE SAN DIMAS MUNICIPAL CODE AND TITLE 18 ZONING CODE. **SECOND READING AND ADOPTION**
- c. Approval of minutes for the regular City Council meeting of July 24, 2007; special meetings of July 10, 2007; March 13, 2007; February 27, 2007; and February 13, 2007.
- d. Reject claim for damages from Frank Wilsford.

END OF CONSENT CALENDAR

4. PUBLIC HEARING

(The following item has been advertised and/or posted. The meeting will be opened to receive public testimony. Written or graphic evidence presented shall be retained by the City Clerk as part of the official record.)

- a. Smoking Prohibited in City Parks and Facilities

ORDINANCE NO. 1171, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING CHAPTER 13 OF THE SAN DIMAS MUNICIPAL CODE BY ADDING SECTION 13.16.340 PROHIBITING SMOKING IN PUBLIC PARKS AND FACILITIES OWNED OR OPERATED BY THE CITY OF SAN DIMAS.
FIRST READING AND INTRODUCTION

Director of Parks and Recreation Bruns reported that staff researched ordinances and resolutions of approximately 24 cities throughout Southern California that also have smoke-free parks. Ms. Bruns said that after the staff report was submitted, an email was received by a citizen who found smoke offensive at all outdoor events. Ms. Bruns said staff and the Parks and Recreation Commission recommend adoption of Ordinance No. 1171 to prohibit smoking in public parks, facilities, playgrounds, dog park, skate park, recreation center, trail, bikeway, or any other area, building or structure owned or operated by the City for the purpose of providing park and recreation activities, programs, services or facilities to the public. The ordinance does not include parking lots and roadways at or near such public parks or facilities, or outdoor area at San Dimas Canyon Golf Course.

Ms. Bruns responded to Council that smoking would be prohibited at all city facility patio areas as well as the rodeo event. She said parking lots are exempt and signs would be posted upon effect of the ordinance.

Mayor Morris opened the public hearing and invited testimony in favor of the ordinance.

1) **Sheryl Brezina** thought cigarette smoking presented significant safety hazards for the community, and she supported enacting the ordinance.

2) **Maurice Kane**, Via Verde, said the ordinance specifically addresses public health concerns and should be endorsed by the City Council.

3) **Caryol Smith**, Parks and Recreation Commissioner, said her home backs up to the natural environment and there is always a fire worry. She is also the Ambassador to Friends of the Dog Park and said second hand smoke is harmful to dogs. She supports the ordinance.

4) In response to **Steve Kaufman**, City Attorney Brown explained the process for introducing the ordinance, adopting the ordinance at the second reading, publication requirements, and effective date.

Mayor Morris replied that the public hearing is held and typically, the second reading is placed on the consent calendar.

City Attorney Brown said there are limited circumstances when the City Council could adopt an ordinance that could become effective at the time introduced.

Mayor Morris invited testimony from those opposed to the ordinance. There being no one else wishing to speak, the public hearing was closed.

Mayor Pro Tem Templeman said there is no question the ordinance makes a good statement for health and safety; however, violators would not heed the signs and the ordinance would not be enforced. He mentioned there is a problem with skate boarders at the civic center, and Sheriffs said improved signage could be used. He said the Sheriffs do not enforce the code at municipal parks, and the staff member is not trained for a possible confrontation if a complaint is made. He suggested training for park staff.

Councilmember Badar said many people believe a smoking ban is appropriate and the Parks and Recreation Commission support the ordinance. He said it is up to the Sheriffs to enforce not only the penal code, but the municipal code.

After the title was read, it was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to waive further reading and introduce **ORDINANCE NO. 1171**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING CHAPTER 13 OF THE SAN DIMAS MUNICIPAL CODE BY ADDING SECTION 13.16.340 PROHIBITING SMOKING IN PUBLIC PARKS AND FACILITIES OWNED OR OPERATED BY THE CITY OF SAN DIMAS. The motion carried 4.0, Councilmember Ebner was absent.

5. PLANNING/DEVELOPMENT SERVICES

- a. Consideration of an Open Space Preservation Policy to provide guidelines, standards and priorities for future preservation and acquisition of open space.

RESOLUTION NO. 07-53, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING AN OPEN SPACE PRESERVATION POLICY.

Assistant City Manager of Development Services Stevens reported that staff has been working on the Open Space Preservation Policy for the past year or so and has recently completed the updates contemplated from the discussion held at the Spring 2007 Retreat. Staff presented the Policy setting forth standards and priorities for potential funding opportunities for grants and submitting proposals related to open space acquisition.

Councilmember Bertone praised staff for the excellent report. He said adoption of the policy would put the city in the position to immediately act when funds were received. He mentioned that on Monday, August 27, 2007, the City of San Dimas is hosting a workshop on how to apply for grants. The workshop will be held in the Council Chambers.

In response to Council, Mr. Stevens said this information will help staff expeditiously prepare applications for the Rivers and Mountains Conservancy's Call for Projects to be undertaken this fall. He added that all cities within the boundaries of the RMC will participate. He said a large area would be applying for funds and approval of the policy gives staff a better opportunity to receive grant funds.

Mayor Morris asked if anyone in the audience wished to comment. He said approval of the policy enables the City to participate in preservation of open space, by getting grant funds.

After the title was read, it was moved by Councilmember Badar, seconded by Mayor Pro Tem Templeman, to waive further reading and adopt **RESOLUTION NO. 07-53, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING AN OPEN SPACE PRESERVATION POLICY.** The motion carried 4.0; Councilmember Ebner was absent.

6. OTHER MATTERS

- a. Approval to perform night work on Cash Contract 2007-01 - Foothill Boulevard Rehabilitation and Resurfacing construction project from the easterly to westerly city limits.

Director of Public Works Patel stated that construction of the Foothill Boulevard rehabilitation and resurfacing project is scheduled to commence in October, 2007. The project involves substantial rehabilitation on a major arterial street corridor and due to impacts on businesses, residents, and traffic considerations, staff is requesting Council to consider allowing all pavement related work to be performed at night. Mr. Patel presented advantages and disadvantages of working at night and requested Council feedback.

In response to Mayor Pro Tem Templeman, Director Patel replied that, depending on the weather, the goal is to have the work completed in 75 days instead of 90 days.

Mayor Pro Tem Templeman suggested noticing impacted neighborhoods first to inform them the Council is considering night time work that would include grinding, and getting their feedback.

Director Patel shared Mr. Templeman's concerns in notifying residents, however, he said there is a buffer and substantial backyard separation on Foothill Boulevard. He said the goal is to work with the contractor to complete the residential areas first to minimize some of the noise and speed up the work safely by performing the work at night.

It was moved by Councilmember Bertone, seconded by Councilmember Badar, to approve Cash Contract No. 2007-01 authorizing staff to commence the Foothill Boulevard rehabilitation and resurfacing construction project, easterly to westerly city limits, and to permit all pavement-related work to be performed at night.

Mayor Pro Tem Templeman opposed performing the work at night in a residential community. He felt the night work would benefit the contractor and his crew.

Mayor Morris inquired if it were possible to split the work into day and night. He asked if the noise could be minimized.

Director Patel replied that the cost of the project would increase if the work were conducted during the day and night. He said to ensure safety, the truck's back-up noise cannot be shut down. He added that some of the concerns raised could be addressed as part of the contract to start the east bound lanes first.

Councilmember Badar agreed that residents have some concerns, but he felt getting the project done promptly outweighed the inconvenience.

Mayor Morris said he would reluctantly support the proposal and requested everything be done to minimize the impacts.

The motion carried by the following vote:

AYES: Councilmembers Badar, Bertone, Morris
NOES: Councilmember Templeman
ABSENT: Councilmember Ebner
ABSTAIN: None

7. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 8:21 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:22 p.m.

8. ORAL COMMUNICATIONS

- a. Members of the Audience (*Speakers are limited to five (5) minutes or as may be determined by the Chair.*)

1) Gary Enderle mentioned that the post office landscaping is dead. He said Planning Manager Hensley is working with the post office representatives to get compliance. He would also like code enforcement to look at weeds growing at the old Sheriff's Station. He does not know if the city has an option on the building.

Mayor Morris said the building is still under the ownership of the County of Los Angeles and they do not intend to surplus the property. He said unfortunately the city has no jurisdiction over the county building, but they would be asked to maintain the property.

Captain Joe Hartshorne, San Dimas Station, explained that the water was shut off because the irrigation pipe is aging. He said the property would be maintained until the County takes over the building.

b. City Manager

- 1) Request City Council direction on possible joint meeting with the Planning Commission. Date and time; and agenda.

City Manager Michaelis said the Council has previously expressed an interest in meeting with the Planning Commission and staff recommended a joint meeting on Wednesday, September 19, 2007, from 6:00 p.m. to 9:00 p.m. to discuss the Brown Act and meeting requirements, legislative responsibilities as a Council and Commission member; update on housing and land use requirements.

It was the consensus of the Council to set a tentative date of October 17, 2007 to be confirmed at the August 28, 2007 meeting.

c. City Attorney

The City Attorney had no comment.

d. Members of the City Council

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

Councilmember Bertone said he attended the League of California Cities conference in Monterey and it appears the State will continue to take away authority from cities regarding housing. He also attended a workshop on NIMBY (not in my back yard), and said voters elected them to protect their real estate. He distributed pamphlets to Council on ethics codes and ways to deal with ethics. The most important issue was having confidence in the city manager and city attorney.

- 2) Appointment to Equestrian Commission

Mayor Pro Tem Templeman reported that as representative to the Equestrian Commission, he and Equestrian Commissioner Misty Reiss interviewed Rebecca Mollé on Wednesday, August 1, 2007 and recommended appointment.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember Bertone, to appoint Rebecca Mollé to the Equestrian Commission for a two-year term through July 31, 2009, and to leave the application process open for receipt of additional applications. The motion carried unanimously.

3) In response to Councilmember Badar, Councilmember Bertone replied that six candidates would be interviewed on Thursday, August 23, 2007 for Senior Citizen Commission.

4) Mayor Pro Tem Templeman said the City's BBQ was the best one and everyone had a good time. He said not enough is done to recognize the many volunteers that make the event happen.

5) Councilmember Badar said the BBQ was a great party. He was delighted to get email from members of the committee association asking for input on ways to make it better each year. He said if anyone in the community has an idea to share, they could contact the Chamber of Commerce.

6) Mayor Morris requested a summary report on the challenges at the Canyon Center. He asked if the Redevelopment Agency is participating with funding of the housing element.

9. CLOSED SESSION

Mayor Morris recessed at 8:40 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

a. CONFERENCE WITH REAL PROPERTY NEGOTIATION

Property: Agency owned property at the southwest corner of Bonita Avenue and Cataract.

Negotiating Parties:

For Agency: Blaine Michaelis, City Manager/Executive Director, Larry Stevens, Assistant Manager Development Services, and J. Kenneth Brown, City/Agency Attorney.

For Buyer: Gary Parkinson

Under Negotiation: Terms and conditions of sale of land and City/Agency possible participation.

b. Property: Agency owned property at the southeast corner of Bonita Avenue and Eucla;

Negotiating Parties:

For Agency: Blaine Michaelis, City Manager/Executive Director, Larry Stevens, Assistant Manager Development Services, and J. Kenneth Brown, City/Agency Attorney.

For Buyer: Mike Patel, Chaparral Lanes and Jerry Zimmerman, Bravo Burgers

Under Negotiation: Terms and conditions of sale of land and City/Agency possible participation.

c. Report on closed session.

Pursuant to section 54957.7(a), the Council reconvened the regular meeting and reported that there was no reportable action on any closed session items.

10. ADJOURNMENT

Mayor Morris adjourned the meeting at 9:30 p.m. The next meeting is August 28, 2007, 6:00 p.m. to conclude SP-4 issues.

Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

Ina Rios, CMC, City Clerk