



# **CITY OF SAN DIMAS MINUTES**

**COUNCIL – STAFF RETREAT SESSION  
April 16, 2007 3:00 PM – 7:00 PM  
CITY COUNCIL CONFERENCE ROOM – CITY HALL  
245 E. Bonita Avenue**

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**PRESENT:**

Mayor Curtis W. Morris (arrived at 3:18 p.m.)  
Mayor Pro Tem Jeff Templeman  
Councilmember Emmett Badar  
Councilmember Denis Bertone  
Councilmember John Ebner

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

**A. Call to Order**

Mayor Pro Tem Templeman called the special meeting to order at 3:08 p.m.

**B. Oral Communications** – Members of the audience. Anyone wishing to address the City Council on an item not on the agenda. No action or discussion shall be undertaken on any time not appearing on the posted agenda. Speakers may be subject to a time limit as may be determined by the chair.

There was no public comment.

**C. Staff presentation** – work program for the next 6-8 months.

1) City Manager Michaelis stated that another study session has been scheduled for Saturday, May 12, 2007 to discuss open space and the Joint Use Committee for a performing arts center.

In response to Councilmember Badar, Councilmembers did not object that he attend School Board meetings and/or Senior Citizen Commission meetings.

In response to Councilmember Bertone, Parks and Recreation Director Bruns replied that Senior Citizen Commission meets on the first Thursday of odd months.

2) City Manager Michaelis stated staff met today with Health Department officials regarding the San Dimas Wine Shop.

Assistant City Manager Stevens stated that he met with Health Department representatives to review the physical environment of the Wine Shop and to discuss the opportunity to get a variance. He said Heidi Daniels gave them a letter outlining the reasons for the variance. Health Department officials took photographs and arranged for Ms. Daniels to meet the next day with the Supervisor of Plan Check operations to review plans and photographs. The Supervisor would make recommendations and make a decision within the next four-to-five days.

In response to Mayor Pro Tem Templeman, Mr. Stevens stated that they also discussed whether or not she could get a health permit to allow her to open as a retail off-sale business while making improvements necessary for wine tasting. Staff offered to talk to health department officials if anything came up that raised concern.

In response to Councilmember Badar, Mr. Stevens replied that Ms. Daniels has already spent a significant amount of money for compliance and knows it requires an economic decision on her part.

Mayor Pro Tem Templeman said although it is not the city's responsibility to make sure outside permits were obtained, however, to be more supportive, he felt the city should have a check list of required permits and certificates.

Mr. Stevens replied that if full tenant improvements were done, it would have been likely the health department issue would have come forward. He said there is probably more than one business that runs into that limitation without knowledge of health department requirements. He said some improvements do not always trigger a need for a health department permit.

In response to Councilmember Badar, Mr. Stevens said a certificate of occupancy is not issued unless there is a change of occupancy from the previous use. He said it could be a different occupancy classification that triggered a full set of plans or change of occupancy and there are a lot of ways for those types of things to happen depending on the type of building, improvements in the building, location, zoning, and what approach is taken.

Mayor Pro Tem Templeman turned the meeting over to Mayor Morris.

Mayor Morris mentioned there is a need for workers compensation, compliance with wages and hours, and there comes a time beyond the city's scope of giving advice.

In response to City Manager Michaelis, President Ted Powl, Chamber of Commerce, stated that the City's Birthday BBQ is nonprofit under the Chamber's permit, and does not fall under the same rules as restaurants for profit.

In response to Councilmember Bertone, Assistant City Manager Duran stated that the Festival of Arts and Historical Society are required to obtain permits for their events.

Mr. Powl said the Chamber receives publications from the Small Business Administration and he suggested that the Chamber put together a document outlining all business requirements that could be supplied to members who want to obtain a business license.

Director of Development Services Coleman suggested modifying the business license application form to include a box to be checked if drinks are going to be served and a requirement to provide a copy of the health department certificate.

### **3) Work Program:**

City Manager Michaelis reported that staff is running at high capacity to meet the daily needs of citizens as major projects are being completed and new staff is trained. He reviewed a summary of the work program for the next 6-8 months and said due to a computer malfunction, some of the materials were lost. Projects include:

Costco - the agreement is executed and when escrow closes, the transfer will take place. He described the process for the warehouse plan checks, various permits, the construction work process, and inspections needed to allow Costco to open by November. Mr. Michaelis said staff's workload is full and he suggested hiring inspection consultants.

Fox project - plans do not include commercial, retail, street plan, and staff is using proposal consultants and inspection consultants.

In response to Councilmember Badar, Mr. Michaelis stated that Willdan is well known; however, staff still needs to provide some supervision.

Mr. Michaelis stated that the Walker House requires steady attention and has a staff liaison group and a good construction manager. He stated that renovation is one aspect, while financing and uses are others. He said the goal is to get ready for 2008.

Mr. Michaelis stated that an opportunity came up with American Golf to renovate the San Dimas Canyon Golf Course Clubhouse.

Mr. Michaelis said the goal for city hall expansion is to have the project in plan check by the end of the year.

Mayor Pro Tem Templeman stated there is no question city hall expansion needs to be done and it is important to consider a master plan for the entire civic center.

Mr. Michaelis said the five-year implementation plan must be completed by June 30, 2007 and the key document is to have a housing element.

He said staff has been working on the Verizon project, but now must shift attention to street maintenance.

Councilmember said they receive complaints about Verizon's engineering graffiti.

Public Works Director Patel explained that Verizon has two sets of activities: install equipment and customer sign up to install service. As part of the process when a homeowner calls for service, the sidewalk is marked by the crew for installation.

Parks and Recreation Director Bruns reported that the Farmer's Market is expected to open May 2, with or without electricity. She said Maurice wants to get started and he has submitted for review insurance policy, traffic plan, and bus route. She replied to Councilmember Bertone that the insurance policy has some issues.

Mr. Michaelis said Waste Management contract expires in 2008 and the city may be faced with a 20% increase. He inquired if the city should go out to bid for services.

Mayor Morris stated that costs continue to go up and the Sanitation District is phasing rate increases over the first year and doubling costs thereafter.

Assistant City Manager Duran replied that rates continue to climb, but staff is working on a formula to allow future rate increases.

Mr. Michaelis said Sheriff's Department Captain Jim Curtis would be leaving soon and the County has submitted names of five candidates and their resumes. He said the replacement should focus on a good response plan, emergency services, and contacts with groups.

In response to Council, Captain Curtis said he would be leaving around May 23, 2007.

Mr. Michaelis said staff is looking to reorganize code enforcement to achieve greater capacity and responsiveness by implementing software application.

He mentioned that Verizon wants to franchise with the State for video services, and impacts on local government are yet unknown.

In response to Council, Mr. Duran stated that effective January 1, 2008, Time Warner would apply for a state franchise and get out from the obligation of providing a cable coordinator. He said the equipment belongs to the city; however, a decision has to be made whether or not someone is hired to replace the cable coordinator, as programming is still the responsibility of the city.

Mr. Michaelis said staff is preparing for emergency preparedness regulations; staff understands there is a window of opportunity on the Canyon Center; staff is meeting with homeowners of Northwoods District to transfer easements and water lines; and staff is working on shopping cart retrieval and fencing replacement. He said staff must respond to claims management lawsuits that take staffs time.

In response to Mayor Pro Tem Templeman, Mr. Michaelis said Councilmembers could be issued a password for access to the City's website and email.

After additional discussion on forwarding email to Council, Mayor Pro Tem Templeman stated that Attorney Scott Grossberg advised that all email is discoverable.

Suggestions were provided to minimize exposure on personal computers.

In response to Mayor Pro Tem Templeman, Mr. Michaelis said two analysts and one secretary were hired and are now working with Mr. Stevens.

In response to Councilmember Badar, Mr. Michaelis stated that various staff persons work on new projects along with consultants and construction managers.

In response to Councilmember Bertone, Mr. Michaelis stated that Mr. Stevens would discuss open space project on May 12, 2007.

**D. Staff presentation regarding the preparation for the 2007-08 Budget** – summary comments and guide posts for the upcoming revenue and expenditure decisions.

City Manager Michaelis shared the 4th Quarter 2006 sales tax revenues received and said two of the top four tax producers left the city over the past two years, and once built Costco should bring in more stability.

Councilmember Badar left the conference room at 4:22 p.m. and returned at 4:24 p.m.

Councilmembers discussed the vacancy rate of larger buildings in town; poor visibility of buildings; and use of advertising signs without destroying the landscaping. Councilmembers expressed concern for the small businesses that needed recognition.

Councilmember Bertone left the conference room at 4:40 p.m. and returned at 4:42 p.m.

Mayor Morris inquired if Mr. Coleman knew of a company that could advise on the effectiveness of signs for businesses. Director Coleman stated that sign companies are in business of selling signs.

**Joe Russell** expressed safety concerns with the lack of signage at major entrances to the city and suggested a directory at San Dimas Avenue and Arrow Highway for emergency response, police station, and fire department.

Director Patel stated the sign program allows a directory.

Mr. Russell said seven years ago he submitted plans and paid for a conditional use permit for an office on Bonita, and has not heard from staff. He mentioned that the Planning Commission issued a list of unacceptable conditions and he was given 20 days to appeal. He stated that staff is requiring him to

pay for a plan check fee, after paying twice for permits. He also mentioned that his house on Fifth Street took years to get permits.

In response to Council, Mr. Coleman replied that Mr. Russell submitted plans for plan check and staff is in the process of reviewing those plans. He mentioned there is a backlog of plan checks. He added that Mr. Russell did not file for plan check with the Building Department seven years ago.

In response to Council, Mr. Michaelis stated that Eric Beilstein coordinates plan check review on a first in, first out basis, and if Council desires to change the process, direction is needed.

Mayor Morris suggested using a system to track the status of projects.

In response to Councilmember Badar, Mayor Morris stated that improvements were building without permits for a conversion of a house to an office.

Mr. Russell stated that seven years ago, he submitted plans and a fee and when the check was cashed he thought it was a done deal. When he got the list of conditions 21 days after the appeal period, he went forward with plans per staff's recommendations.

Director Coleman stated that Mr. Russell had 20 days to appeal the Planning Commission decision, whether approved or denied. What Mr. Russell is referring to are plan check corrections to bring the structure into compliance. Mr. Coleman said other items were discussed with Mr. Russell over a period of years.

City Manager Michaelis stated that staff will make the effort on a step-by-step basis to respond to Mr. Russell's issue.

## **RECESS**

Mayor Morris recessed the meeting at 5:09 p.m. and reconvened at 5:19 p.m.

**E. Staff report on the progress of the Development Services reorganization.** Oral reports regarding 'Are we there yet' progress.

To be discussed on May 12, 2007.

**F. Preliminary discussion regarding the city's Development Plan Review Board** – role, function, and structure.

Assistant City Manager Stevens felt the Development Plan Review Board was critical to maintain quality as has been done in the past. He said the current issues related to how the Board functions, rather than whether it serves a useful purpose. He outlined the Planning Division process, the Director of Development Services' process, and the DRPB process.

In response to Councilmember Bertone, Mr. Stevens replied that the Director's review is performed by staff on behalf of the Director.

Mayor Pro Tem Templeman thought it seemed insignificant to require permits for satellite dishes less than 24" in diameter. Mr. Stevens replied that this section of the ordinance was updated in 1993-94. He added that the ordinance authorizes staff to approve membrane structures, however, staff is concerned with setting a precedent and prefers to refer the matter to the Board for further direction, rather than deny the request at the Director's level.

Mr. Stevens discussed the composition of the DPRB in terms of membership and provided ideas about potential changes such as eliminating or replacing the City Council member; adding a second Planning Commissioner, member at large or a mandatory architect; replacing the Public Works Director with the Building Official; reducing the number of members; or changing meeting time.

Mr. Stevens stated that to accommodate people, arrangements are made to contact them by phone 15-30 minutes prior to their item being heard.

Councilmember Bertone stated he does not mind changing the composition if desired, but he did not feel the change was necessary.

Mayor Morris stated that the DPRB is more technical and hands-on than is the Planning Commission, and the city is fortunate to have architect John Sorcinelli as the member-at-large.

Mr. Coleman stated if John Sorcinelli were not a member, the Board would be missing architectural review. He indicated that if the City Council wants to formally hire an architect, a salary would be appropriate. He said when the membership was created in the 1960's, the city had larger projects.

In response to Mayor Pro Tem Templeman, Mr. Coleman said currently there are more emotional projects.

Councilmember Ebner stated that Councilmember McHenry would comment that the city policy was not clear. Mr. Ebner said instead of appeal, some of the projects should automatically go to someone else.

Mr. Coleman suggested the designated City Councilmember not be a voting member. Mayor Morris replied it is permitted by State law.

Mayor Pro Tem Templeman stated that even in commercial buildings, money could be saved if staff designed it. He said even when an architect designs the work, staff changes it. He inquired if staff is supposed to be redesigning the entire project.

Mr. Stevens replied that with the building on Rennell/Arrow Highway, staff worked with the architect who refused to make any changes and the Board denied the project. Two weeks later, the principal of the firm called saying they did not want a denial. The architect had not communicated with the client. He said miscommunication occurs on both sides. When planners reached an impasse, staff let the Board resolve it.

Mayor Morris stated that one complaint heard by Council is that the process takes too long. He suggested changing the ordinance.

Mr. Stevens stated that the appeal is a two-step process and the first step is not mandated to take it to the Council to decide whether or not to hear the matter.

Suggestions included training staff to do a better job with design review and design assistance program paid for by the City.

Mr. Stevens stated he tries to have staff meetings to provide guidance to planners to empower them to deal with issues, and thought it would be helpful to have all discussions with the DRPB, at the design stage as well as the decision making process. He said John Sorcinelli could see if a plan would not work and has saved people lot of money with relatively simple design changes.

Councilmember Badar stated when he chaired the Planning Commission, staff provided several short meetings whenever a new topic was introduced, and Mr. Badar believes the 20 minute training helped cohesive thinking among Commissioners.

In response to Mayor Morris Mr. Stevens suggested that maybe more could be handled by the Planning Commission, such as licenses and permits and use determination, not designed related issues.

Mayor Morris suggested that unless extraordinary, anything that does not go to the Planning Commission should not go to the City Council.

Mr. Stevens stated that under government code, all matters discussed should be referred to the Planning Commission.

In response to Councilmember Bertone, Mayor Morris stated that the City Council cannot consider anything not considered by the Planning Commission and is obligated to send back to the Planning Commission any amended staff report.

In response to Council, Mr. Stevens stated that if there is a conflict of interest at the review board, that person abstains, and the matter goes before the City Council before the decision is final.

Mayor Morris suggested expanding the rule to include Planning Commissions, DPRB, and City of San Dimas employees.

Mayor Pro Tem Templeman stated that counter approvals need not go to the City Council.

In response to Mayor Morris, Mr. Stevens stated that when he made the recommendation on Councilmember McHenry's case, he did what he thought was right, with the use of all the information provided and comments from City Attorney Ken Brown and the investigation conducted.

Mayor Pro Tem Templeman said a system is needed to protect staff from criticism.

Councilmember discussed the ideas mentioned and Mr. Stevens suggested hiring John Sorcinelli as the paid architect and appointing another public member. He stated that the membership should be maintained at an odd number and staff members should not make up the majority.

Councilmember Badar mentioned that service has gotten better. He said if a planner is on vacation, the client should never be turned away without talking to a backup planner.

Director Coleman suggested people should call ahead instead of dropping by without an appointment anytime during the day because staff might be out in the field.

Mayor Morris inquired about the status of the project management software.

Mayor Pro Tem Templeman mentioned that there are inconsistencies in answers provided by different employees and that has to stop.

Mr. Coleman stated that effective January 1, staff will be sent for training and the public will be educated as well.

In response to Council, Mr. Stevens stated that resurrecting public view standard, nuisance abatement modification, and green lawn ordinance are on the project list to be brought before Council within the next few months.

Mr. Michaelis stated that this discussion would be continued to May 12, 2007. He outlined the city's general reserve which is in great financial condition and able to meet emergency financial obligations, set up a favorable financial plan for capital improvements, or as an investment in the Redevelopment Agency for redevelopment projects.

Mayor Morris has noticed deteriorating of streets and mentioned that funds should be increased for street projects.

Councilmember Badar mentioned that a few citizens have taken up hours of valuable meeting time and once their issues are heard, they should be cut off to move on to the next project.

Mayor Pro Tem Templeman stated that the City Council meeting is not the right venue to hear complaints about a citizen or business.

**ADJOURNMENT**

G. Mayor Morris adjourned the meeting at 6:52 p.m. The next meeting of the City Council is April 24, 2007, 7:00 pm.

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

ATTEST:

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Ina Rios, CMC, City Clerk