



MINUTES
SPECIAL MEETING OF
CITY COUNCIL
TUESDAY, AUGUST 28, 2007, 6:00 P. M.
CITY COUNCIL CONFERENCE ROOM
245 E. BONITA AVE.

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem Jeff Templeman
Councilmember Emmett Badar
Councilmember Denis Bertone
Councilmember John Ebner (arrived 6:11 p.m.)

City Manager Blaine Michaelis
City Attorney J. Kenneth Brown
City Clerk Ina Rios
Assistant City Manager Community Development 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
Planning Assistant Kristine Grabow

1. CALL TO ORDER

Mayor Morris called the meeting to order at 6:00 p.m.

2. ORAL COMMUNICATIONS

(For anyone wishing to address the City Council on an item on this 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 or as may be determined by the Chair.)

- a. Members of the Audience

There were no comments at this time.

3. STUDY SESSION

- a. Council decision regarding Specific Plan No. 4 issues; real property generally in the area of Gainsborough and Edinburgh.

Assistant City Manager Stevens reported that at the previous meeting he had outlined issue areas, Mr. Holt's report and recommendation, and staff's recommendation that was in agreement with Mr. Holt with one exception. Staff is opposed to having all proposals in Specific Plan No. 4 processed through the Development Plan Review Board. Mr. Stevens provided additional information to further illustrate the basis for staff's recommendation as outlined.

Mayor Morris invited audience members to speak specifically regarding staff's comments.

Richard Rauseo stated he hopes the issues would be addressed as a result of the study sessions.

In response to Councilmember Badar, Mr. Rauseo stated that there are two issues - visual and auditory - and would like both issues addressed. However, as an alternative, he would like monetary damages.

In response to Mayor Pro Tem Templeman, Mr. Stevens said the DeLeons were sent every staff report and agenda, and before Mr. Holt was hired, staff met with Mrs. DeLeon to address the issue of path and lack of permits.

In response to Councilmember Bertone, Mr. Stevens said the DeLeons were told a permit was not required; however, based on the complaints, it was determined permits were required because of surcharge. No further action was pursued pending Mr. Holt's report.

In response to Mayor Morris, Mr. Stevens stated that depending on action taken, code enforcement is in abeyance, pending direction. Both Mr. Holt and staff recommend addressing this issue by filing of an application; if not filed, staff would undertake code enforcement.

In response to Councilmember Bertone, Mr. Stevens said the pool was determined to not be in the scenic easement and was approved by staff over the counter. Also, when the building inspector went out, he did not require the scenic easement to be delineated when it was approved. Staff's recommendation is to take no further action.

Councilmember Ebiner felt the scenic easement should be determined.

Mayor Pro Tem Templeman did not want Specific Plan No. 4 to take on a different approval process than other specific plans; however, he believed the appearance of the pool should be improved. He supported staff's recommendation, but with all the technology available, he agreed that the scenic easement should be identified.

Mayor Morris stated that the problem is that the scenic easement described on the original drawings is different than the document that was approved. He said what has been done is amend the zoning code to try to establish where the scenic easement line could be enforced.

In response to Councilmember Badar, Mr. Stevens explained that the scenic easement is a concept to delineate a separation of the lot and staff determines how that concept applies to a specific development proposal.

Mayor Morris indicated that Mr. Holt and staff recommend no action be taken on the swimming pool and the issue of retaining wall and path has been forwarded to the DPRB for consideration. He pointed out that Council could vote on the future handling of Specific Plan No. 4.

In response to Council, Mr. Stevens stated that there is a need to remediate the removal of natural landscaping in the scenic easement areas, and as part of the code enforcement action, the DeLeons have been requested to submit landscape plans with some mitigating screening effect for the pool.

Claire Ostrand addressed the City Council on the drawing of the scenic easement line at his residence.

In response to Mr. Ostrand, Mayor Morris replied that fruit trees could be removed without a permit; permits are required for the removal of oak trees; Mr. Stevens replied that if a resident has a site plan, staff could approximate the scenic easement line to their parcel.

Sid Maksoudian supported Dick Rauseo's request for a remedy.

Mayor Morris suggested that 1) the City Council adopt staff's recommendations, incorporating Mr. Holt's recommendations; 2) that the specific plan not be amended; 3) that all proposals for exterior items related to Specific Plan No. 4 be reviewed by the Development Plan Review Board for a period of two years; 4) and at the end of the term, staff is directed to bring back a determination.

Mr. Stevens stated that the code would not be amended and staff would craft a resolution effective for a period of two years and bring it before Council for approval and adoption.

4. ADJOURNMENT

Mayor Morris adjourned the special meeting at 7:03 p.m. The next City Council meeting is August 28, 2007, 7:00 p.m.

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

ATTEST:

Ina Rios, CMC, City Clerk