



MINUTES
REGULAR CITY COUNCIL
TUESDAY, SEPTEMBER 25, 2007, 6:30 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

City Manager Blaine Michaelis
City Attorney J. Kenneth Brown
City Clerk Ina Rios
Assistant City Manager of 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

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 6:30 p.m. in memory of Leonard "Mac" McCarthy, Public Works Superintendent, from 1967 to 1987, and was a long time neighbor.

Ron Kranzer illustrated a Powerpoint presentation of the life of Leonard "Mac" McCarthy through pictures. "Mac" was best known as the Superintendent of Public Works for the City of San Dimas. He left a written history of his life through stories he wrote that included his *Days and Nights in the Army*, which was published in the Army Veteran Publications; the *Houses he lived in*; and *His life with horses*. "Mac" served 15 years as a member of the Mounted Posse and retired with the rank of Captain. "Mac" raised his family between Cleveland and San Dimas; appeared in Vaudeville shows; continued his work as a brick layer and his work is still standing in many parts of the city. Mr. Kranzer stated that "Mac" had a great sense of humor - He introduced the family members present and said "Mac" will be missed.

Alline Kranzer said "Mac" was fond of sweets and in his honor, sweets will be available at the reception.

Mr. Kranzer stated that "Mac's" grandson Michael and his trained police dog, "Chris", will provide a demonstration after the reception.

Paul Stroschein said he and "Mac" worked together as brick layers, and "Mac" was an inspiration to everyone. He said if you tried to keep up with "Mac", you might get there some day.

Former City Manager **Bob Poff** said he and "Mac" worked out a plan to bring closer the maintenance yard personnel. They scheduled a meeting every Friday at Pizza Royale and shared pizza, beer, and peanuts.

Mr. Kranzer thanked members of the Mounted Posse, city staff, and family members for joining them this evening.

2. TRIBUTE

- Program and reception to celebrate the life of Leonard "Mac" McCarthy, long term city employee.

Mayor Morris recessed the meeting at 7:05 p.m. to the reception in the city hall lobby to honor Leonard "Mac" McCarthy.

RECONVENE

Mayor Morris reconvened the regular meeting at 7:18 p.m.

3. 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) **Bob Hook**, Acting Assistant Fire Chief, Los Angeles County Fire Department, presented the Council and staff with a token of appreciation and reported that they have great relationships with nine cities under their jurisdiction. He said the two stations in San Dimas have new fire trucks that would help the public.

Mayor Morris thanked him and commented that the City and the community have a great relationship with the local Fire Station crew.

2) **Dr. Maria Dunton** announced the annual Walk to School Day to promote health and pedestrian safety. She invited the Council and citizens to walk with kids on Wednesday, October 3, 2007, at 7:30 a.m. from one of two stations: 1) Gladstone/San Dimas Canyon Road and 2) San Dimas Avenue/Foothill Boulevard.

3) **Matt Draayom** inquired if there was a code prohibiting excessive motorcycle noise. He said he contacted the Sheriffs concerning his new neighbors' noisy Harley Davidsons, who, with his friends, retaliated by speeding down the street.

4) **Lynn Ellis**, near San Dimas Avenue, thanked the Council and city staff, for working hard to improve the city. She said the new neighbor moved in and peace was diminished by his motorcycles. She inquired what the city could do about the unsafe actions and noise.

5) **Michelle Ritz** expressed concern for her children and noise associated with the motorcycles. She stated she spoke with her neighbor and things have gotten a little better.

6) **Jeffrey Shaw** said he is in agreement with his neighbors about the excessive noise of the motorbikes and numerous parties into all hours of the night. He would like to see what further action could be taken.

7) **Councilmember Ebiner** attested to the validity of the concerns and said he hopes residents' comments are taken to heart.

Mayor Morris said the sound of motorcycles are preempted by the State and the City's noise ordinance does not apply and requires action by Sheriff's Department with a report back to the Council.

8) **Galen Gillotte**, Children's Librarian, reminded citizens of all events coming up in October.

Mayor Morris said all events are on the City's website and Library website.

9) **Ted Powl**, President/CEO, Chamber of Commerce, reminded citizens of Western Days Parade on Saturday, October 6, at 10:00 a.m. and he highlighted the activities for the fun Western Days weekend.

10) **Sid Maksoudian** reported violations of business banners and said the ordinance should be enforced or abolished.

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.)

It was moved by Councilmember Badar, seconded by Councilmember Bertone, and carried unanimously 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) **No. 07-59**, A Resolution of the City Council of the City of San Dimas approving certain demands for the month of September 2007.
- b. Approval of minutes for regular meeting of September 11, 2007; special meeting of August 28, 2007.
- c. Reject claim for damages from Aysar Zayed.
- d. Reject claim for damages from Tahani Ibrahim.
- e. Approval to enter into a Cooperative Agreement with the County of Los Angeles for the construction of Foothill Boulevard improvements.
- f. Award of the following contracts for Reconstruction and Overlay of Foothill Boulevard from West City Limit to East City Limit:
 1. Cash Contract 2007-01 for construction of improvements to Silvia Construction, Inc. for the bid amount of \$1,994,676.80.
 2. Project construction management services to assist in processing Federal filing requirements for CC 2007-01 to LAE Associates in the amount of \$24,960.00
 3. Construction Survey and engineering services to SA Associates for the amount of \$30,000.
 4. Soil engineering services to John Byerly, Incorporated for the amount of \$40,620.
 5. Independent Assurance Testing services (federal requirement) of soils laboratory and technicians to Kleinfelder for the amount of \$10,000.
 6. Construction Inspection services to augment Staff inspection to AAA Highway Inspection for \$25,000.

END OF CONSENT CALENDAR

5. PLANNING/DEVELOPMENT SERVICES

- a. Proposed Interim Policy Resolution regarding Development Plan Review Board review for certain projects and improvements within Specific Plan No. 4:

RESOLUTION NO. 07-60, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ESTABLISHING INTERIM POLICY GUIDELINES AFFECTING DISCRETIONARY APPROVALS ON PROPERTY WITHIN SPECIFIC PLAN NO. 4.

Director of Development Services Coleman distributed to the audience a comparison chart of the existing plans and CC&Rs and provided a brief background of the issue. He clarified the proposed Resolution and how it relates to the CC&Rs and said the City is not proposing to change anything in the CC&Rs which requires 100% approval of all property owners. He presented for Council's approval the proposed interim policy resolution requiring review by the Development Plan Review Board for certain projects and improvements within Specific Plan No. 4. Staff continued to oppose adoption of this resolution; however, if the Resolution is adopted, staff suggested one modification to only apply it to lots that have a scenic easement. Mr. Coleman replied to Council's questions regarding the enforcement opportunities of the CC&Rs and that although other specific plans have scenic easements, none are this stringent.

Mayor Morris said a number of emails and correspondence were received on this issue and will be made a part of the record. He invited public testimony on this issue.

- 1) **Debbie Eid** is opposed to the changes.
- 2) **Tony Panzo** requested more time to get neighbor's input to understand the issues before the Council makes a decision that would impact their neighborhood.

Mayor Morris explained that over the years amendments have been made to the zoning code to accommodate residents, and now problems have arisen with the city administration of areas subject to the scenic easement in Specific Plan 4. He said that although the CC&Rs state that issues should go to the Development Plan Review Board, the ordinance does not require it and the city is not obligated to enforce the CC&Rs. After several study sessions, staff was directed to bring to Council a two-year interim policy to ensure all issues involving the scenic easement get management level attention in Planning. He said the Planning Department is opposed to the policy and Council is looking for public input on what is a reasonable way to administer Specific Plan No. 4.

- 3) **Frank Bristing** supports denying the plan. There is no reason to go to this extent.
- 4) **Jasmine Joshi** said 1) people in Specific Plan 4 appreciate their neighbors' diversity; 2) fees and timeline would be overly burdensome; 3) if things get out of hand, residents are capable of policing themselves and have the option of private enforcement; 4) there is a better use of public resources than to review every issue. She urged additional time to allow residents to prepare opinions in opposition to the plan.

Mayor Morris said the magnitude of fees are \$78 for the Review Board; and \$1,038 for a Conditional Use Permit.

- 5) **Dorothy Bristing** said she chose not to buy into a Homeowners' Association and wants the freedom to plant what she wants within the rules.
- 6) **Punit Joshi** said the current situation is fine and he is opposed to the changes. He felt cleaning out dead brush to prevent fires could be perceived as landscaping and trigger a review. He suggested the City allow the neighborhood to police itself and resolve its issues.

7) **Phyllis Ardrary** values diversity and does not want changes. She does not know what precipitated this issue, but any change in the CC&Rs requires 100% vote of the residents.

8) **Dick Rauseo** said the City has allowed construction in the scenic easement in conflict with the CC&Rs of Specific Plan 4 and he told the City to keep the zoning in accord with the CC&Rs.

City Attorney Brown requested that Mr. Rauseo address the City Council, not the audience.

9) **Dr. Bernard Buchanan** said he spoke with neighbors who are surprised two individuals were able to convince the City to hire an independent consultant to mediate for the neighborhood. He said he and his neighbors are against the City modifying the existing zoning code and if Mr. Rauseo has a specific problem with neighbors encroaching in the scenic easement areas, he could pursue legal action. He said it is not the City's responsibility to enforce the CC&Rs.

10) **Mike Celeste** resident of San Dimas prior to the City's incorporation, inquired if anyone has commented in support of the proposal and if elements of the CC&Rs are included in the Resolution.

Mr. Coleman responded that emails, letters, and phone calls received have expressed opposition to the proposal. He further responded that the idea of the proposal was to strike a balance between the existing plan and the CC&Rs.

Mr. Celeste opposed the issue on lighting and said before filing a lawsuit, Mr. Rauseo is limited to filing claims against the City for monetary damages for visual and auditory issues.

In response to City Attorney Brown, Mr. Duran confirmed that two claims were filed against the City.

In response to Mr. Celeste, Mayor Morris replied that the CC&Rs provide for a scenic easement and no action by the City could change that. Only by 100% vote of the residents and the City could the CC&Rs be changed. Any individual could enforce the CC&Rs internally.

11) **Sid Maksoudian** said Mr. Rauseo's issue is that a family illegally built a swimming pool and the City should correct it, and move on.

Mayor Morris clarified that the residents submitted plans and after approval, obtained permits to construct the swimming pool. He added that another issue is the difference of opinion with the path. He is in favor of issues regarding building in the scenic easement going to the Review Board to assure the process would be followed and receive management level attention. He said another problem is locating the actual scenic easement line and the Council has spent a lot of time, effort and money to resolve this issue. He felt the Resolution should include delineating the scenic easement.

In response to Mr. Maksoudian, Councilmember Bertone said he abstained from voting at the Review Board because he knew the issue would be appealed and come before the City Council. He said a vote should be taken tonight to reject the Resolution. He expressed the Mayor's concerns about building in the scenic easement and supported directing staff to delineate the scenic easement.

Councilmember Ebner said the City has a real interest in protecting the scenic easement and suggested directing staff to bring back a resolution to limit policy to those properties in the scenic easement.

Councilmember Bertone moved to reject Resolution No. 07-60 and direct staff to bring back a policy that deals specifically with the scenic easement, delineating the scenic easement, and limiting the policy to those properties with a scenic easement.

Councilmember Ebner seconded the motion. The motion carried 5.0.

Mayor Morris moved and Councilmember Badar seconded to direct staff to make a recommendation on what is needed to delineate the scenic easement on every lot where it applies; create a procedure and make a preliminary determination where the scenic easement line is; provide the opportunity to every property owner subject to the CC&Rs to voice their objections; and to come to a resolution. The motion carried 5.0.

6. OTHER BUSINESS

- a. Draft Request for Qualification to solicit Food Service/Restaurant Uses for the Walker House.

Assistant City Manager Stevens provided a brief background on the Walker House renovation project and said he is soliciting for food service/restaurant type of tenant for the first floor. He outlined the limitations of modifying the building in order to retain the historic character and said other users would share the building. He indicated there would be no formal agreements and public events would take precedence over food service. Mr. Stevens summarized the factors for consideration and Statement of Qualifications, and a rough schedule including a building tour and review period. He described the initial site plan, floor plan and building photographs and pointed out that different people developed thoughts and provided ideas, guidance, and a list of users that might be interested in the operation. Staff also advertised in the newspaper and one proposal was received and incorporated into the review process. He said depending on Council direction, the proposal could be mailed out next week.

Councilmember Badar indicated that several people have expressed an interest in being involved and he inquired about the Committee to discuss options.

Mayor Morris stated this is the first step and the community group can't provide input until the uses are determined.

Mr. Stevens said staff has started the process to determine if there is enough interest for food use. He said previous discussions related to whether or not there should be a foundation role in the overall activity.

Councilmember Ebner said he would like to see a level of interest in a restaurant and said there are many good, reasonable small restaurants.

Mr. Stevens indicated that he has had a lot of discussion and gotten some good ideas in terms of food uses. He understands the constraints of the building and has to be careful how much of the building has been committed. He has also had a lot of discussion of the second floor for use by the Festival of Arts, public use, and interest has been expressed by the Historical Society.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember Badar to approve the Request for Qualifications.

Patrick Jones asked if there were any restrictions of use of the Walker House due to the use of redevelopment funds. Mayor Morris replied that there are no restrictions and uses are consistent with the historic nature of the Walker House.

Mayor Morris emphasized that the City has no commitments from anyone. He said about five years ago the Festival of Arts presented a possible Memorandum of Understanding, and two years ago, the Historical Society submitted a request for consideration. He said the purpose is to find a way to get maximum public usage, and public meetings would be held to make that determination.

The motion carried unanimously.

7. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 10:06 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 10:09 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) In response to **Ron Kranzer**, City Manager Michaelis replied that the City has a use agreement with the Chamber of Commerce to provide services.

- 2) **Sid Maksoudian** stated he contacted the Manager of Motel 6 about the shopping carts.

- b. City Manager

- 1) Set date for Fall City Council/Staff Retreat. Single meeting - possible date(s): Saturday, November 3, 8:00-11:00 a.m.; or, Monday November 5; Tuesday, November 6; Wednesday, November 14; 3:00-7:00 p.m.

It was the consensus of the City Council to set the following date for the Fall City Council/Staff Retreat:

- Saturday, November 3, 2007, 8:00 a.m. - 12:00 p.m.
- 2) Set date for an additional joint session with the Planning Commission. Single meeting - possible date(s): Saturday, January 12, 2008, 8:00-11:00 a.m., or Monday, January 14, 2008, 5:00-8:00 p.m.

It was the consensus of the City Council to meet in Joint session with the Planning Commission on:

- Saturday January 12, 2008, 8:00 a.m.- 12:00 p.m.

- c. City Attorney

There were no comments.

- d. Members of the City Council

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

There were no comments.

- 2) Appointment to Golf Course Advisory Committee

It was moved by Mayor Morris, seconded by Councilmember Bertone, to reappoint Don Green to the Golf Course Advisory Committee. The motion carried unanimously.

Interviews were conducted on Wednesday, September 12, 2007. It was moved by Mayor Morris, seconded by Councilmember Bertone, to appoint Arden F. "Shorty" Feldbush to the Golf Course Advisory Committee for a two year term to expire September 30, 2009. The motion carried unanimously.

9. CLOSED SESSION

The meeting recessed at 10:24 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 southeast corner of Bonita Avenue and Eucla.

Negotiating Parties:

For Agency: Blaine Michaelis, City Manager/Executive Director, and J. Kenneth Brown, City/Agency Attorney.

For Buyer: Mike Patel, Chaparral Lanes

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

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

Negotiating Parties:

For Agency: Blaine Michaelis, City Manager/Executive Director, 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.

c. Property: Discussion regarding potential property acquisition involving Vista Verde. Ranch property generally located in the unincorporated county area adjacent to and north of the development in Via Verde.

Negotiating Parties:

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

For Seller: Daniel Singh

Under Negotiation: Terms and conditions of sale of grant application involving potential acquisition of land and possible City participation.

d. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION (SUBDIVISION (a) OF GOVERNMENT CODE SECTION 54956.9)

Name of Case: Palumbo v. City of San Dimas, LASC Case No. KC048130G

e. Adjourn to closed session pursuant to Government Code Section 54957:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION.

Title: City Manager

f. Report on closed session.

Pursuant to Section 54957.7(a), the City Council announced that there was no action taken on closed session items.

10. ADJOURNMENT

Mayor Morris adjourned the meeting at 12:05 p.m. The next meeting is on October 9, 2007, 7:00 p.m.

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

ATTEST:

Ina Rios, CMC, City Clerk