



MINUTES
REGULAR CITY COUNCIL
TUESDAY, NOVEMBER 13, 2007, 7:00 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 Ebiner

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
Superintendent of Building and Safety Eric Beilstein
Assistant Planner Marco Espinoza

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the regular meeting to order at 7:00 p.m. and led the flag salute.

2. RECOGNITIONS AND ANNOUNCEMENTS

- Proclaim November 28, 2007 Fire Fighter Appreciation Day.

Mayor Morris read and presented the proclamation declaring November 28, 2007 as Fire Fighter Appreciation Day to Battalion Chief **Gary Aalberts** (BC2), Captain **Scott Zbinden** and crew (E64), and Captain **Steve Marquez** and crew (E264), Los Angeles County Fire Station #64.

Captain Zbinden, on behalf of Los Angeles County Fire Department, thanked the City Council for the much appreciated recognition.

- Proclaim the week of November 12-18, 2007 "Children's Book Week" for Los Angeles County Library, San Dimas Branch.

Mayor Morris read and presented to **Galen Gilotte**, Children's Librarian, San Dimas Library, the proclamation declaring the week of November 12-18, 2007 as "Children's Book Week." He said the theme "*Rise Up Reading*" chosen by the Children's Book Council for this annual observance promotes the enjoyment of books for young people.

Galen Gilotte, Children's Librarian, San Dimas Library, thanked the City Council for the recognition and invited residents to come by the Library to take a look at their quality children's programs.

- Announce Flu Shot Clinic for adults 60 years and over to be held on Wednesday, November 14 at 9:00 a.m. at the Community Building.

Mayor Morris announced that flu shots would be available at the Community Building, on Wednesday, November 14, 2007, at 9:00 a.m.

Director of Parks and Recreation Bruns said the City of San Dimas is offering free flu shots, sponsored by the Los Angeles County Health Department, between 9:00 a.m. - 12:00 Noon, to adults 60 years or older with valid I.D. on a first come, first served basis. In addition, bone density screens will be conducted and free coffee and cookies will be served.

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) **Diane Higashi**, Covina Hills, expressed her displeasure at being evicted from the Sycamore Canyon Equestrian Center, and would like the lease agreement explained in detail.
- 2) **Steve Madrigal** submitted a petition signed by neighbors for the removal and revocation of the group home operated by the David and Margaret Organization at 125 Gaffney Street. He expressed concerns of harassment and intimidation of neighbors, drinking, and gang activity by young men living in the facility.
- 3) **Claire Ostrand** addressed concerns with the Creek Development on Gainsborough. He said the developer has abandoned the site which is partially graded with no erosion control measures.
- 4) **Claire Ostrand** reported that Development Services concurred that the public record for Gainsborough clearly shows the scenic easement line from the curb.
- 5) **Galen Gillotte**, Children's Librarian, San Dimas Library, shared the proposed activities and announced the winners of the Book Mark Contest.
- 6) **Ron Cerecedes** reported that coyotes are stalking pets at Lone Hill near the Costco site, and Animal Control is unable to assist. He suggested Hughes Corp. look into relocating the coyotes.
- 7) **Richard Rauseo** expressed his disappointment with the decision at the October 23, 2007 meeting regarding the appeal of DPRB Case No. 07-49.
- 8) **Richard Rauseo** felt that rejection of his and Mr. Ostrand's claims are a disservice to him and Mr. Ostrand.
- 9) **Nathan Klein** announced the 5th Annual Angels Sing on December 4, 2007, 4:00pm-9:00 pm, sponsored by Visiting Angels & Azusa Pacific University. He invited carolers to join in bringing Christmas joy to the elderly in Azusa, Claremont, Covina, Glendora, La Verne, San Dimas and Upland. Carolers could volunteer by contacting www.angelcaregiving.com or calling 626/646-1909.
- 10) **Sid Maksoudian** shared a negative flier that was left at his store.

11) **Ted Powl**, President/CEO, Chamber of Commerce, mentioned that 81 pallets of e-waste were collected at the E-Waste event on Friday and Saturday.

12) **Ted Powl**, President/CEO, Chamber of Commerce, invited the community to the annual Christmas Tree Lighting Ceremony on December 5, 2007, in front of the San Dimas Depot.

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.)

Mayor Morris removed item 4a (3) for separate consideration and said he would abstain from vote on the minutes of the October 23, 2007 meeting.

It was moved by Councilmember Bertone, seconded by Councilmember Ebner, and carried unanimously by those present to accept, approve, and act upon the consent calendar, as amended, as presented, as follows:

a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:

(1) Consider approval of Warrant Register.

RESOLUTION NO. 07-63, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF OCTOBER AND NOVEMBER, 2007.

(2) Consider amendment to the Optional Benefit Plan Contribution.

RESOLUTION NO. 07-64, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING SECTION 2 OF RESOLUTION 07-51 TO PROVIDE FOR AN INCREASE IN THE CITY'S OPTIONAL BENEFIT PLAN.

(4) Master Federal Agreement and Supplement Federal Agreement.

RESOLUTION NO. 07-67, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING THE FEDERAL MASTER AGREEMENT NO. 07-5367R BETWEEN THE STATE OF CALIFORNIA TRANSPORTATION DEPARTMENT (CALTRANS) AND THE CITY OF SAN DIMAS FOR THE FEDERALLY FUNDED PROJECT AND THE PROGRAM SUPPLEMENT NO. N001 FOR THE SURFACE TRANSPORTATION PROGRAM (STP).

(5) Summary Vacation of a portion of Eucla Avenue (Holiday Inn Express).

RESOLUTION NO. 07-68, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, SUMMARILY VACATING A 2 FOOT WIDE SECTION OF PUBLIC STREET ON THE EAST SIDE OF EUCLA AVENUE LYING APPROXIMATELY 78 FEET NORTH OF THE CENTERLINE OF ARROW HIGHWAY RUNNING APPROXIMATELY 245 FEET NORTHEASTERLY

c. Rejection of claim for damages from Claire H. Ostrand.

d. Rejection of claim for damages from Richard Rauseo.

e. Rejection of claim for damages from Verizon, CMC Claims T.P.A.

f. Approval of Community Forest Management Plan as prepared by the Municipal Arborist.

- g. Approval of increase in golf course fees as recommended by the Golf Course Advisory Committee.

END OF CONSENT CALENDAR

- 4a(3) Denying the Appeal and upholding the decision of the DPRB for a retaining wall and walking path constructed within scenic easement in Specific Plan No. 4, Area 1, at 1172 Edinburgh Road (APN: 8426-034-013).

RESOLUTION NO. 07-65, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, DENYING THE APPEAL AND UPHOLDING THE DEVELOPMENT PLAN REVIEW BOARD DECISION APPROVING DEVELOPMENT PLAN REVIEW NO. 07-49 FOR A RETAINING WALL AND WALKING PATH WITHIN THE SCENIC EASEMENT IN SPECIFIC PLAN NO. 4, AREA 1, LOCATED AT 1172 EDINBURGH ROAD; AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 8426-034-013.

It was moved by Councilmember Bertone, seconded by Councilmember Badar, to waive further reading and adopt **RESOLUTION NO. 07-65**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, DENYING THE APPEAL AND UPHOLDING THE DEVELOPMENT PLAN REVIEW BOARD DECISION APPROVING DEVELOPMENT PLAN REVIEW NO. 07-49 FOR A RETAINING WALL AND WALKING PATH WITHIN THE SCENIC EASEMENT IN SPECIFIC PLAN NO. 4, AREA 1, LOCATED AT 1172 EDINBURGH ROAD; AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 8426-034-013. The motion carried by the following vote:

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

- 4 b. Approval of minutes for the regular City Council meeting of October 23, 2007.

It was moved by Councilmember Ebner, seconded by Mayor Pro Tem Templeman, to approve the minutes of the regular City Council meeting of October 23, 2007. The motion carried; Mayor Morris abstained.

- 4 b. Approval of minutes for the study sessions of November 20, 2006 and November 28, 2006.

It was moved by Councilmember Bertone, seconded by Councilmember Ebner, to approve the minutes of the study sessions of November 20, 2006 and November 28, 2006. The motion carried; Councilmember Badar abstained.

5. PUBLIC HEARING (*The following item has been advertised and/or posted. The meeting will be opened to receive public testimony.*)

- a. Second reading and Adoption of Uniform Building Codes.

ORDINANCE NO. 1173, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING SPECIFIED CHAPTERS OF TITLE 15 OF THE SAN DIMAS MUNICIPAL CODE AND ADOPT BY REFERENCE THE 2007 EDITION OF THE CALIFORNIA BUILDING CODE VOLUMES 1 AND 2, THE 2007 EDITION OF THE CALIFORNIA PLUMBING CODE, THE 2007 EDITION OF THE CALIFORNIA MECHANICAL CODE, THE 2007 EDITION OF THE CALIFORNIA ELECTRICAL CODE, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS. **SECOND READING AND ADOPTION**

Superintendent of Building and Safety Beilstein explained that Title 15 of the San Dimas Municipal Code adopts the State building standards and additional model codes by reference, with some local amendments. Staff recommended Title 15 of the San Dimas Municipal Code be updated to stay in line with State mandated standards, as well as to eliminate any conflicts with other standards contained throughout the municipal code.

Mayor Morris opened the public hearing and invited testimony from the audience regarding the Uniform Building Code.

1) **Richard Rauseo** recommended the new code be implemented for the creek project abandoned by the developer.

There being no one else wishing to speak, Mayor Morris closed the public hearing.

Mayor Pro Tem Templeman directed staff to provide training on the new code to all field personnel, Inspectors, City Engineer, and impacted employees.

After the title was read, it was moved by Mayor Pro Tem Templeman, seconded by Councilmember Ebner, to waive further reading and adopt **ORDINANCE NO. 1173**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING SPECIFIED CHAPTERS OF TITLE 15 OF THE SAN DIMAS MUNICIPAL CODE AND ADOPT BY REFERENCE THE 2007 EDITION OF THE CALIFORNIA BUILDING CODE VOLUMES 1 AND 2, THE 2007 EDITION OF THE CALIFORNIA PLUMBING CODE, THE 2007 EDITION OF THE CALIFORNIA MECHANICAL CODE, THE 2007 EDITION OF THE CALIFORNIA ELECTRICAL CODE, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS.

The motion carried unanimously.

6. PLANNING/DEVELOPMENT SERVICES

- a. Request to initiate a Municipal Code Text Amendment to Specific Plan No. 25, Exhibit C, to adjust location of Primary and Secondary Ridgelines near the intersection of Sycamore Canyon Road and Wildwood Motorway, and amending Section 18.542.140 Accessory Uses to conditionally permit aviaries. Applicant: John DeFalco

Director of Development Services Coleman reported that Mr. DeFalco submitted development plans to construct his house at the end of the primary ridgeline, as well as a caretaker unit, accessory structures and improvements to his property within Specific Plan No. 25. Director Coleman said under Specific Plan No. 25 regulations an applicant cannot build on top of the primary ridgeline as Mr. DeFalco desires. He said the proposed amendment would revise Exhibit "C" in the Specific Plan to be changed from primary to secondary ridgeline. In addition, he said Mr. DeFalco constructed five aviaries where he raises several types of birds under permit with the California Department of Fish and Game. SP25 does not address this issue and the proposed amendment would allow aviaries subject to a Conditional Use Permit process. Also, as consideration for giving the amendment, Staff recommended entering into a Development Agreement to prohibit future subdivision of the property and require Mr. DeFalco to obtain building permits for work completed to date on the property. He outlined the city and applicant benefits and requested direction on how to proceed.

Mayor Morris and Councilmembers Badar and Bertone commented that they visited the property site and are familiar with the site and area.

Councilmember Bertone stated this is a good deal for those interested in preserving the foothills. He recommended approval and suggested the caretaker unit and barn also be subject to a Conditional Use Permit to require those units be built in a more appropriate area than on the ridgeline.

Mayor Morris mentioned that could be covered as part of the Development Agreement.

In response to Council, City Attorney Brown said there will be public hearings on this item and those issues could be addressed.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to initiate the process.

Councilmember Ebner said he is in favor of initiating the process; however, he would like to make it clear that a decision will not be reached until public hearings are held and staff makes a full report on the viewshed analysis.

The motion carried unanimously.

Item 5(a) Public Hearing - Second reading and Adoption of Uniform Building Codes.

Mayor Morris reported that the City Attorney requested revisiting the public hearing on Ordinance No. 1173.

City Attorney Brown stated the ordinance title was incomplete and he asked the City Clerk to re-read Ordinance No. 1173 so the minutes would reflect the correct title.

Mayor Morris requested a motion to rescind the prior motion.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember Ebner, to rescind the first motion to adopt Ordinance No. 1173. The motion carried unanimously.

After the title was read, it was moved by Mayor Pro Tem Templeman, seconded by Councilmember Ebner, to waive further reading and adopt **ORDINANCE NO. 1173, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING SPECIFIED CHAPTERS OF TITLE 15 OF THE SAN DIMAS MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2007 EDITION OF THE CALIFORNIA BUILDING CODE Volumes 1 & 2, THE 2007 EDITION OF THE CALIFORNIA PLUMBING CODE, THE 2007 EDITION OF THE CALIFORNIA MECHANICAL CODE, THE 2007 EDITION OF THE CALIFORNIA ELECTRICAL CODE, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.** The motion carried unanimously.

City Attorney Brown clarified that the only change was that the ordinance provides penalties for the violation and he wanted to make sure that was reflected in the minutes and the caption.

6a - Municipal Code Text Amendment to Specific Plan No. 25:

Director Coleman also clarified that staff will not bring back the Municipal Code Text Amendment on Specific Plan No. 25 until such time as staff has a complete development application.

- b. New Policies and Standards for the Use of Vinyl Siding, City Wide.
(Associated Case DPRB 07-38)

RESOLUTION NO. 07-66, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING VINYL SIDING STANDARDS AND POLICIES FOR THE USE OF VINYL SIDING CITYWIDE.

Assistant Planner Espinoza reported that at their September 11, 2007 meeting, the City Council discussed existing policy regarding vinyl siding and directed staff to prepare new standards and policies for the use of vinyl siding citywide. Mr. Espinoza outlined the proposed standards and policies that will facilitate selecting appropriate vinyl siding material and accessories in addition to clarifying the review process, and stated that the standards would preclude historic homes. Staff recommended adoption of Resolution No. 07-66.

Planner Espinoza responded to Mayor Morris that the Dutch Lap panel is prohibited because the exposure between the first and second panel is greater than on the real product.

In response to Councilmember Badar, Planner Espinoza replied that he did not speak to the Fire Department; he spoke to manufacturers and representatives of different vinyl siding.

In response to Mayor Pro Tem Templeman, Planner Espinoza said the applicants are not on the survey of historic homes and are eligible for the siding.

Councilmember Ebner recommended making available a list of resources that provide siding replacement for historic homes.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember Ebner, to approve the recommendation to direct staff to have a list of resources available to residents of historic homes. The motion carried unanimously.

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. 07-66, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ESTABLISHING STANDARDS AND POLICIES FOR THE USE OF VINYL SIDING CITYWIDE.** The motion carried unanimously.

7. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 8:20 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:32 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 **Claire Ostrand**, Mayor Morris said the City Council voted to identify the scenic easement line for homes in the scenic easement area.

Mr. Coleman said of 67 lots, 25 lots have records identifying the easement line. Staff has a binder on the Planning Counter that shows all plans.

2) **Richard Rauseo** said there has been no movement on the creek project for over a month; the fence was improperly placed; the construction trailer was abandoned; there is a rodent problem; and there are no erosion control measures in place.

Councilmember Bertone said the Creek is a sensitive piece of property and he would like a full report about what should be done about erosion and whether or not the city has liability.

3) Sid Maksoudian stated he would like to see Bonita Avenue corridor flourish with vehicles stopping to make purchases. However, he said business owners park their vehicles on the street. He suggested meters be installed or a dedicated enforcement officer be hired to issue citations.

b. City Manager

There were no comments.

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.

A) Mayor Pro Tem Templeman said he attended the California Joint Powers Insurance Authority conference and will report at the next meeting.

B) Councilmember Badar said he too, attended the CJPIA conference. He said one issue was about ADA issues and it is obvious ADA issues are at the forefront of all levels of government.

2) Individual Members' comments and updates.

A) Mayor Pro Tem Templeman requested he would like to have the President/Chair of the local water agency come before the City Council. Mr. Michaelis replied the Water Company has been contacted, and he is waiting to hear from them.

B) Councilmember Ebner suggested bringing back a report to the City Council on what the Equestrian Lease Agreement says about evictions and what the boarder's rights are.

C) Councilmember Bertone requested that before any action is taken, the entire City Council be informed about the investigation concerning the problem with coyotes near the Costco project. He also would like to be informed about conversations with the Humane Society.

D) Councilmember Badar clarified that staff is now looking at January to schedule community involvement meetings as it relates to uses for the Walker House.

Mayor Morris stated that the decision is primarily governed by responses to the Request for Qualifications for a possible food service.

E) Mayor Pro Tem Templeman said anytime a citizen brings up an area of concern, the entire City Council should be informed. He would like information on how the Council could be of help in the case of the Group Home.

Mayor Morris said the City has a limited opportunity on the permit process; however, has more authority on conduct. He felt it would be worthwhile to schedule a meeting with Mr. Rich and he would be happy to attend.

Councilmember Badar suggested checking with the Sheriff's Department to see if they have increased calls for service.

9. CLOSED SESSION

Mayor Morris reported the closed session would not be held, however, anyone interested is welcome to attend the Farmer's Market evaluation meeting at 5:00 p.m. on Tuesday, November 27, 2007.

Staff was directed to agendize that meeting.

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: 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.

c. Report on closed session items.

Pursuant to Section 54957.7(a), the City Council announced that the meeting was not conducted and there was nothing to report.

10. ADJOURNMENT

Mayor Morris adjourned the meeting at 8:58 p.m. The next meeting will be held on Tuesday, November 27, 2007, at 5:00 p.m. for Farmer's Market Evaluation meeting.

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

ATTEST:

Ina Rios, CMC, City Clerk