



MINUTES
REGULAR CITY COUNCIL
TUESDAY, JANUARY 22, 2008, 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
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
Housing Coordinator Elisa Durazo
Municipal Arborist Deborah Day

ABSENT:

City Clerk Ina Rios

1. CALL TO ORDER

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

2. ANNOUNCEMENTS/PRESENTATIONS

- a. Ted Powl, President/CEO, Chamber of Commerce - present to the City a \$2,000 check from the recent E-Waste collection activity.

Ted Powl, President/CEO, Chamber of Commerce said in conjunction with the City and support of the San Dimas High School, a hazardous waste roundup was held in November and 49,000 lbs of e-waste was collected from local businesses. He introduced Chairperson Rhonda Beltran to present a check to the City in appreciation for the help provided.

On behalf of the Board of Directors, Chairperson **Rhonda Beltran** thanked the City for allowing them to participate and presented to Mayor Morris a check in the amount of \$2,000 from the recent E-Waste collection efforts.

Mayor Morris thanked both Mr. Powl and Ms. Beltran for the funds.

Mr. Powl thanked Kristine Kulow, Principal, San Dimas High School, for use of the parking lot and the students who volunteered the two days.

Ms. Beltran thanked the High School students and staff involved, and said it would not be possible without their help. On behalf of the San Dimas Chamber of Commerce Board of Directors, she presented a check in the amount of \$1,000 to Principal Kulow.

Kristine Kulow, Principal, San Dimas High School thanked the City and Chamber on the joint project and the opportunity to work together.

- b. Announcement: San Dimas has received the Annual Tree City USA Designation for the second straight year.

Parks and Recreation Director Bruns announced that the City of San Dimas was named as Tree City USA by the Arbor Day Foundation, and is the recipient of the Growth Award for Commitment to effective ongoing Community Forest Tree Program. She said this is the second year the City has received national recognition by meeting forestry standards, including establishing a Community Forest Management position, adopting a Tree Management Ordinance, establishing a Community Forest Management Plan, and hosting an annual Arbor Day celebration. She stated that the Arbor Day Foundation, in cooperation with the National Association of State Foresters and USDA Forest Service recognizes the work of elected body, staff, and citizens who plant trees and care for the community forest. Arbor Day Foundation will be hosting Arbor Day celebration on March 6, 2008, at Gladstone Elementary School.

Mayor Morris said everyone is proud of our Tree program and of our entire effort in that regard.

- c. Caryol Smith - report on the activities of the San Dimas Friends of the Dog Park organization.

Caryol Smith, San Dimas Friends of the Dog Park, reported that 43 communities use the Dog Park and people are buying homes in San Dimas because of the dog park. She thanked the Parks and Recreation Department for going along with their idea.

Mayor Morris thanked her for being a big part in developing the Dog Park.

- 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. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

- a. Members of the Audience

1) **Claire Ostrand** would like the City to address his concern with the 4x4 power poles constructed on City property at The Creek homes, at Valley Center and Gainsborough.

2) **Galen Gillotte**, Children's Librarian, San Dimas Library, highlighted the remaining activities for January and said there are six spots left for the SAT test at 1:00 p.m. on Saturday. She outlined the activity schedule for February and said it would be listed on their website.

3) **Virginia Carrillo**, Balboa Court, reported that her property was flooded on January 4 with water she believes came from the Faith Lutheran Church project, and she was advised to hire a soils engineer to resolve her problem. She indicated that sandbags were placed to protect her property from water coming from the storm drain. She said her home is in danger and asked for Council's help in resolving her issues.

In response to Councilmember Bertone, Mr. Michaelis replied that as part of their project on Bonita Avenue, Faith Lutheran Church put in a new storm drain system. He said Mrs. Carrillo lives on Balboa to the north of the Church.

4) Ted Powl, President/CEO, Chamber of Commerce, announced the oncoming Civic Academy, starting on Saturday, March 15, 2008, with a brief history of San Dimas, an overview of the program, followed by eight (8) weeks to learn how the City and School District are funded and operated; how the Sheriff's and Fire Departments are organized and support the community, and the mechanism for economic development in the community. He said the cost is \$98 and class size is limited to 20 people. For registration and information, the Chamber can be reached at 900.592-3818 or city hall at 909.394.6200.

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 Ebner, seconded by Councilmember Badar, 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) **No. 08-03**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF JANUARY AND FEBRUARY, 2007.

b. Approval of minutes for regular meeting of January 8, 2008.

END OF CONSENT CALENDAR

5. PUBLIC HEARING

(The following items have been advertised and/or posted. The meeting will be opened to receive public testimony. Speakers are limited to 5 minutes.)

a. Performance Report for FY 06-07 and FY 07-08 CDBG Program Years and Proposed FY 08-09 Projected Use of funds.

Housing Coordinator Elisa Durazo explained the subject grant program performance and proposed use of 2008-09 funds. She stated that the FY 08-09 grant allocation represents a 3.2% reduction compared to FY 07-08. She recommended approval of the proposed FY 2008-09 CDBG Program as outlined in the staff report.

In response to Mayor Morris, Coordinator Durazo replied that the majority of funds are allocated to the Rehabilitation Program and deferred loan programs.

Mayor Morris opened the public hearing and asked if anyone wished to speak regarding the proposed CDBG program. There being no one, the public hearing was closed.

It was moved by Councilmember Ebner, seconded by Mayor Pro Tem Templeman, to approve the Community Development Block Grant FY 2008-2009 projected use of funds and authorize the City Manager to execute any and all documents necessary to further the projects approved herein, including but not limited to amendments and modifications thereto for CDBG projects with the Los Angeles County Community Development Commission, as recommended by Housing Coordinator Durazo in her staff report for the meeting of January 22, 2008. The motion carried unanimously.

6. PLANNING/DEVELOPMENT SERVICES

- a. Consider requiring Development Plan Review Board approval of swimming pools within Specific Plan No. 4.

Director of Development Services Coleman summarized a request by Paul L. and Karen Feintuch to amend Specific Plan No. 4 to require DPRB review of all new swimming pools within Specific Plan No. 4. Staff presented three options for Council consideration and recommended that the City Council select, by minute action, Option B to require DPRB review for above-ground swimming pools and spas with retaining walls or with more than 50 cubic yards of grading (excluding pool excavation).

Mayor Morris invited testimony from members of the public.

Richard Rauseo stated that the City creates conflicts when the City makes changes to Specific Plan No. 4 and should be enforcing existing regulations. He said there is no need to adopt any option.

Mayor Pro Tem Templeman expressed concern with selectively having a review in Specific Plan No. 4 and not in other specific plans. He was opposed to making any change when senior staff is capable of sending an item to the Development Plan Review Board if necessary.

Mayor Morris mentioned that Specific Plan No. 4 has numerous administrative issues that other specific plans do not have and administering Option B would not put a great burden on staff.

Councilmember Ebiner stated that Option B has three choices within it.

Mayor Morris suggested approving Section A of Option B to apply to all new swimming pools and spas.

Mayor Pro Tem Templeman expressed concern with imposing additional fees and creating a burden on expensive development.

Councilmember Badar said he could support Option B; however, he expressed concern that other specific plans are treated differently than Specific Plan No. 4.

It was moved by Councilmember Bertone, seconded by Councilmember Badar, to approve Option B, Section A, to establish a policy that all new swimming pools and spas in the Specific Plan 4 area require DPRB review. The motion carried 4.1; Mayor Pro Tem Templeman opposed.

- b. Receive report regarding The Creek development project at the end of Valley Center.

In response to concerns expressed on The Creek development project, City Attorney Brown provided a brief history of the development project and provided an overview of facts relating to the property and the project, followed by a detailed summary of the ownership, subdivision agreement, bonds and final tract map, owners and surety; the current status of the property and project; and the options available to the city. He recommended that staff continue to work with the new owners to complete the project, and continue to work with the bond surety to ensure the obligations of surety are in place.

Mr. Brown replied to Council's questions that once the final tract map is recorded, the lots cannot be changed; there is an obligation to provide for installation of streets, gutters, curbs, and drainage; and bonds ensure that street improvements are completed and workers are paid.

Mayor Morris invited testimony from the audience.

Richard Rauseo expressed concern that a new developer would file a new tract map for other than 18 single family homes. The City Council assured Mr. Rauseo that once the tract map is recorded, the lots are set and the City Council would not approve condominiums at that site.

In response to Mayor Pro Tem Templeman, Mr. Stevens replied that equestrian use is still permitted; however, that number is down from earlier versions of the plan.

Mayor Morris stated that several factors reduced the amount of equestrian use - one issue was the possibility of runoff where the horses would be stabled.

7. OTHER BUSINESS

- a. Receive presentation regarding a proposal to construct additional parking adjacent to the softball fields at Gladstone School for joint use with Gladstone School. Confirm the City's amount of financial participation in the project.

City Manager Michaelis said he met with School District officials who have submitted a proposal to provide additional funding toward the project and have offered to meet with City officials to address questions regarding impact fee and RAD expenditures. The proposal includes a \$50,000 contribution from the City with assurance that the parking facility and softball fields will be available for City and Girls Softball use after school hours. Mr. Michaelis recommended appropriation of \$50,000 toward the project subject to conditions outlined in the staff report. He said Superintendent Gary Rapkin is present to represent the District.

Councilmember Ebner inquired how the proposed contribution from the City went from \$30,000 to \$50,000.

Mr. Michaelis replied that the District submitted an alternate proposal and would provide \$35,400. He stated that Mr. Rapkin is present to provide background.

In response to Mayor Morris, Mr. Michaelis stated that \$50,000 is the cost element for estimated costs to relocate the softball fields for which the District is not using impact funds.

In response to Mayor Pro Tem Templeman, Mr. Michaelis replied that without moving the baseball fields, the parking lot and improvements cannot be made to the extent to provide the 30 parking spaces, as well as the size of the pickup/drop off lane.

Mayor Morris welcomed School Board Members and invited Dr. Gary Rapkin to speak.

Gary Rapkin, Superintendent, Bonita Unified School District, stated the District has an opportunity to enhance the safety at Gladstone Elementary School, provide additional parking, and enhance the softball fields to be used by the community. He stated that the District originally came to the City Council asking for \$85,400 and after looking at using development impact fees, was able to reduce that amount to \$50,000. He said with the commitment from the City Council, the District is able to contribute additional funds to move forward with the project.

Jim Elliott, Board Member, Bonita Unified School District, urged the City Council to partner with the District and focus on the future. He introduced President Chuck Coyne, new Board Member Diane Coach, and Vice President Patti Latourelle.

Chuck Coyne, President, Bonita Unified School District, representing the San Dimas Youth Softball Association, invited the City Council to the opening ceremonies in February and encouraged the Council to support the girls' league.

Patti Latourelle, Vice President, said the safety of the kids is important and she urged the City Council to partner with the District on this project.

Diane Coach, Board Member, said constructing an extended parking area will help the neighbors, kids, and students.

In response to Mayor Morris, City Manager Michaelis outlined the recommendation as follows:

- a) That an agreement between the City and District be prepared and executed providing the City and Girls Softball the ability to use the facilities after school hours.
- b) The District and City will meet to prepare a construction schedule for this project to consider the school site and Girls Softball League needs.
- c) That the City be the lead in administering the project on behalf of the District, the District will provide the City a deposit of \$25,000 from their appropriation to be used to complete design work for the project. The design work will commence as soon as the deposit is received.
- d) That two Councilmembers be appointed to meet with the District to review the above elements, accompanied by staff, and results of the meeting to be shared with the City Council.

Mayor Morris proposed that he and Councilmember Bertone be appointed to the Ad Hoc Committee limited to the items outlined.

It was moved by Councilmember Badar, seconded by Councilmember Bertone, to approve the proposal as submitted by the District, contingent upon the conditions as recommended by the City Manager.

In response to Councilmember Ebner, Mr. Patel replied that the timeline to start design work would be between June and August. Staff will work with the School and Softball League.

Councilmember Ebner stated he is not against the project; however, he felt that spending \$50,000 outside the budget process would set a bad precedent.

The motion carried 4.1; Councilmember Ebner opposed.

- b. Oral update regarding Northwood's Open Space Maintenance District.

Parks and Recreation Director Bruns reported that staff has been working with homeowners to discuss drought tolerance landscaping ideas with a landscape architect and has received a proposal from Mariposa Landscape, including a cost estimate for one time clean-up and price for annual maintenance. Meeting notices were mailed to residents and six property owners attended, determined to contract with Mariposa Landscape for the one time clean-up and requested a complete assessment of the irrigation system to determine a budget for the future of the system. Ms. Bruns said funds that cannot be expended for contract maintenance, must be expended for irrigation repairs and upgrades this year. She said property owners are planning to submit a complete proposal for 2008-09 for consideration at the February 12, 2008 meeting, which may include an assessment increase, that would require a ballot procedure.

- c. Receive Farmer's Market evaluation report for 2007 event and consider a request for street closure for 2008 Farmer's Market event on Bonita Avenue from April 2 through September 24, 2008.

Parks and Recreation Director Bruns provided an evaluation of the 2007 Farmers' Market event and reported that the event ran without major incident and can be considered a success. She presented a request by Advocates for Health Living for a 2008 Farmers Market event on Bonita Avenue from April 2 through September 24, 2008. Staff recommended approval of street closures to operate a 2008 Farmers Market; and authorization to renew the temporary use permit for Advocates for Healthy Living to operate a 2008 Farmers' Market in the public right of way subject to standards and conditions.

Ms. Bruns responded to Council concerning the financial statement; and the need to address electrical and parking lot impacts if the Farmer's Market is moved to the parking lot or to First Street at the end of Music in the Park.

Staff was directed to look into moving the Farmer's Market to First Street or the City Hall Parking Lot; verify ADA issues are covered; and check nonprofit requirements.

Maurice Cuellar, Advocates for Healthy Living, said that even without a surplus of funds, he is working with the Inland Valley Council of Churches to donate bread and vegetables to needy families in San Dimas and Pomona. He stated he has applied for the 501C(3) nonprofit classification but does not expect the process to be completed by April, 2008. He indicated he has various insurance policies and workers and volunteers are fully covered. He asked Council for the opportunity to provide a Farmer's Market in 2008.

Councilmember Badar indicated that one driving point is the fact that the Sheriffs reported no problems with youth activities.

It was moved by Councilmember Badar, seconded by Mayor Pro Tem Templeman, to approve the closure of Bonita Avenue from Walnut Avenue to Iglesia Street from 4:00 p.m. to 10:00 p.m. for the purpose of operating a Farmers Market event each Wednesday evening from April 2, 2008 through September 24, 2008; and to authorize staff to renew the temporary use permit for Advocates for Healthy Living to operate the 2008 Farmers Market in the public right of way subject to standards and conditions, and include a review of the location as stated. The motion carried unanimously.

8. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 9:26 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 10:28 p.m.

9. ORAL COMMUNICATIONS

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

1) **Maurice Cuellar** expressed concern with student safety at Ekstrand School with new metering coming onto the 57 Freeway and with impacts on Auto Center Drive and Allen Avenue.

2) **Marvin Ersher** opposed altering the overnight parking permit policy and urged the City Council to reject the request to permit flexibility in the program.

3) **Richard Rauseo** stated that despite his complaints and the fact that numerous City codes and CC&R articles were violated, property owners on Edinburgh were permitted to build a wall in the scenic easement under certain conditions, including that if the wall is not built within 60 days, approval becomes invalid. He stated that to date, a building permit has not been issued and the sixty-day deadline has expired. He would like the wall taken down.

Staff was directed to provide a staff report at the next meeting.

- b. City Manager

- 1) Verbal update on proposed development at northwest corner of Bonita Avenue and San Dimas Canyon Road and consideration of setting a date for a joint study session of the City Council and Planning Commission.

Director of Development Services Coleman reported that the Canyon Center project was deemed incomplete and staff is meeting with the development team to identify design issues. He said at some point a development Agreement prepared by the City Attorney will come before the City Council for consideration. He stated that the City Council discussed establishing a joint study session with the Planning Commission to discuss land use and appropriate density and housing type for that property.

It was the consensus of the City Council to conduct a joint study session with the Planning Commission at 5:00 p.m. on Tuesday, February 12, 2008. Other matters to be discussed include the Landscape Plan for the Walker House, and Design concepts for the renovation of San Dimas Avenue.

- 2) San Dimas Small Business Guides are available at City Hall, the Chamber and online.

City Manager Michaelis stated that the City has developed a San Dimas Small Business Guide to assist local businesses and prospective businesses. He said the Guide provides useful resources and step-by-step guides to help prospective businesses navigate the licensing and permitting process. He said the guides are available at city hall, the Chamber of Commerce, and on the City's website.

- 3) Confirm annual morning meeting with Supervisor Antonovich at 7:30 a.m. (Potential dates: February 13 or February 21, 2008).

It was the consensus of the City Council to meet with Supervisor Antonovich on February 21, 2008, at 7:30 a.m.

c. City Attorney

There were no comments.

d. Members of the City Council

- 1) Correspondence – request to alter the city's overnight parking permit provisions to provide more flexibility in the consideration of available parking spaces -- particularly garage space. Direct staff whether or not to place on a future council meeting for consideration.

City Manager Michaelis provided a brief overview of the issuance of overnight parking permits and believes the current provisions and requirements are in keeping with the objectives of the City's overnight parking program. He does not see the need to change the requirements, however, he requested direction if Council wishes to make changes, and to direct staff to bring back this matter for Council's consideration at a future meeting.

Mayor Pro Tem Templeman sympathized with the issues, however, he did not feel the existing policy was unreasonable.

Assistant City Manager Duran reported that the most frequent reason for denial of an overnight parking permit is using the garage for another purpose than storing vehicles. He said after hiring additional enforcement staff to monitor the program, the request for permit was denied to this individual. He added that staff works with individuals whose children have temporarily moved back home.

- 2) Report regarding recent Gold Line JPA Board action regarding funding alternatives.

City Manager Michaelis said in an effort to demonstrate more local support for project funding, the Gold Line JPA Board adopted a resolution that pledges a willingness to provide additional local dollars for the Gold Line project extension. He indicated that the City is not obligated to provide the funds and authorization is not needed from San Dimas at this time.

Councilmember Bertone provided a brief overview of the request from the Gold Line Authority and said each city would determine and approve the establishment of funds, but the City of San Dimas is not committed.

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

Councilmember Badar reported that he attended the California Contract Cities annual Legislative tour in Sacramento from Sunday evening to Wednesday morning. He provided a brief narrative of the budget, eminent domain, and transportation issues discussed.

- 4) Individual Members' comments and updates.

There were no comments.

10. CLOSED SESSION

Mayor Morris recessed at 11:04 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

a. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

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. Pursuant to Government Code Section 54957:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION.

Title: City Manager

- d. Report on closed session items.

Pursuant to Section 54957.7(a), City Council/Redevelopment Agency announced that it was moved by Councilmember/Board member Bertone, seconded by Councilmember/Board member Templeman, and unanimously approved by the City Council/Redevelopment Agency to authorize Larry Stevens to contract with RKA to provide a study of the Valley Center access to the Tzu Chi property. Mr. Stevens thought the contract would not exceed \$10,000.

11. ADJOURNMENT

Mayor Morris adjourned the meeting at 12:25 p.m. The next meeting is on Tuesday, February 12, 2008, 5:00 p.m. for a Joint City Council/Planning Commission to consider the present general plan and zoning as it relates to the property identified as the Canyon Center, located at the northwest corner of East Bonita Avenue and San Dimas Canyon Road. Also scheduled is a Special Study Session at 6:00 p.m. regarding the landscape plan for the Walker House, and design concepts for the renovation of San Dimas Avenue, north of Gladstone. The regular meeting is at 7:00 p.m.

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

ATTEST:

Ina Rios, CMC, City Clerk