



MINUTES
REGULAR CITY COUNCIL
TUESDAY, JULY 22, 2008, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem Emmett Badar
Councilmember Denis Bertone
Councilmember John Ebner
Councilmember Jeff Templeman

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
Parks and Recreation Director Theresa Bruns
Planning Manager Craig Hensley
Senior Engineer Shari Garwick
Associate Planner Kristi Grabow
Associate Planner Marco Espinoza
Environmental Services Coordinator Debby Figoni

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 7:07 p.m. and led the flag salute.

2. PRESENTATIONS

❖ Galen Gillotte, Children's Librarian, San Dimas Library

Galen Gillotte, Children's Librarian, San Dimas Library, introduced new Library Manager Pui Chang who came from Duarte where she worked for five years.

Pui-Ching Ho, Library Manager, San Dimas Library, said she is happy to be here and is looking forward to working with everyone and getting to know the community.

Ms. Gillotte highlighted the summer reading program at the Library and outlined the various activities available at the Library.

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. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time or asked to be heard when that agenda item is considered. 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) **Debby Figoni**, Environmental Services Coordinator, reminded San Dimas residents of the free Household Hazardous Waste Round Up Event at San Dimas High School, on Saturday, August 2, 2008, from 9:00 a.m. to 3:00 p.m.
- 2) **Dr. Marvin Ersher** suggested the City impose a condition on the applicant of convenience markets to present a security plan to the City to be approved by the Sheriff's Department.
- 3) **George Jaeger**, Gladstone Street, asked the City Council to consider amending the Code to allow properties without a side yard access to allow RV, boat or trailer parking on a concrete pad on the front yard.
- 4) **Ted Powl**, President/CEO, Chamber of Commerce, announced 1) the San Dimas Sheriff's Boosters Annual Car Show on Sunday, July 27, 2008, from 10:00 a.m. to 4:00 p.m.; and 2) the City's Annual Birthday Barbecue on Friday, August 1, 2008, from 5:00-10:00 p.m. in the Civic Center Park.
- 5) **Thomas Ward**, Billow Drive, said he also is an RV owner and his home was built prior to Code requirements for a 12-foot setback in the side yard. He proposed re-addressing the RV parking issue.

Councilmember Ebiner requested a memo on motorhome regulations and options for property owners that do not have the required side yards.

- 6) **Sid Maksoudian** said the Chalet Gourmet officially opened July 1 in downtown Pioneer Town. He reported that he submitted an application for membership into the Chamber of Commerce and was denied.

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 or audience requests separate discussion.)

It was moved by Mayor Pro Tem Badar, seconded by Councilmember Bertone, and unanimously carried to accept, approve and act upon the consent calendar, as follows:

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **RESOLUTION NO. 08-44**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF JULY 2007.
 - (2) Amend Resolution 08-36 Pay Plan and Reimbursement Schedule for the addition of a part time Senior Recreation Leader, part time Administrative Secretary/Deputy City Clerk and part time Departmental Assistant/Deputy City Clerk job classification and salary range:
RESOLUTION NO. 08-45, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING AND EXTENDING THE PAY PLAN AND REIMBURSEMENT SCHEDULE FOR CITY EMPLOYEES
- b. Approval of minutes for the regular City Council meeting of July 8, 2008.
- c. Traffic Signal Modifications for San Dimas Avenue Street improvements from Arrow Highway to Railroad Crossing - Waiver of Formal Bid Process to purchase Signal poles from Pacific Lighting Sales/Ameron Pole Manufacturing.
- d. Consider approval of Out-of-State conference expenses exceeding \$1,000.

- e. Approve Concrete Maintenance Contract with YAKAR, Inc. - Contract Extension and Annual Cost of Living Adjustment of 3.3%.
- f. Approve Asphalt Maintenance Contract with PAVECO Construction, Inc. - Contract Extension and Annual Cost of Living Adjustment of 3.3%.
- g. Reject claim for damages from Darrell Lopez.

END OF CONSENT CALENDAR

5. ORDINANCES

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

- (1) **ORDINANCE NO. 1181**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING THE SAN DIMAS MUNICIPAL CODE (MCTA 08-02) BY AMENDING CHAPTER 18.528 (SPECIFIC PLAN NO. 17) TO CONDITIONALLY PERMIT ACCESSORY CONVENIENCE STORES UP TO 1,000 SQUARE FEET. **SECOND READING AND ADOPTION**

SECOND READING AND ADOPTION: After the title was read, it was moved by Councilmember Bertone, seconded by Mayor Pro Tem Badar, to waive further reading and adopt **ORDINANCE NO. 1181**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING THE SAN DIMAS MUNICIPAL CODE (MCTA 08-02) BY AMENDING CHAPTER 18.528 (SPECIFIC PLAN NO. 17) TO CONDITIONALLY PERMIT ACCESSORY CONVENIENCE STORES UP TO 1,000 SQUARE FEET.

In response to Councilmember Ebner, Planning Manager Hensley replied that typically a security plan would be part of this permit.

The motion carried by the following vote:

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

6. PLANNING/DEVELOPMENT SERVICES

- a. A request from San Dimas Montessori School to initiate an amendment to the Single Family Zone to allow day care centers.

Planning Manager Hensley presented a request by San Dimas Montessori School to initiate a code text amendment to allow day care centers in the Single-Family-7500 Zone. The School would like to develop property at 814 West Gladstone Street with a day care center and school. Mr. Hensley pointed out several design issues that must be addressed; however, if the City Council wishes to initiate a code text amendment, staff would suggest that a conditional use permit be concurrently processed with the code text amendment for the day care center.

In response to Mayor Morris, Manager Hensley stated that the Noise Ordinance prohibits subdivision of property for single family residential if the exterior noise level exceeds 65 decibels. He stated that

although there is potential for impact, the ordinance does not apply to the Day Care Center, which is commercial in nature.

Councilmember Bertone said he would not vote in favor of anything that might weaken the single family residential zone. He hopes a place in the city could be located for the Day Care Center.

Mayor Morris invited the applicant to address the City Council.

1) **Jay de Silva**, Applicant, said the School's lease expires in two years and they have been unable to find another site. He emphasized that the school's hours of operation are from 9:00 a.m. to 3:00 p.m. in which students are taught curriculum, and day care is from 6:00 a.m. to 9:00 a.m. and 3:00 to 6:30 p.m. for the convenience of the community. He mentioned that although there would be limited times when students would be in the playground, the students would be in classrooms the vast majority of the time. He requested Council's consideration in their favor.

2) **Allen Smith**, Southwest Design, expressed their concerns with noise impacts and said it is the owners intent to install dual pane glass to mitigate noise. He does not believe there would be much impact since the freeway is raised.

3) **Dr Marvin Ersher** expressed his opposition to allowing Day Care Centers in Single Family residential zones.

4) **Dr. Walter Jayasinghe**, one owner of the school, said this is not a day care center; he emphasized it is a school for children ages 2 to 14. He stated that they accept children from 6:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 6:30 p.m. to be of service to the San Dimas community. However, if the City wishes, the day care hours could be eliminated.

In response to Mayor Morris, Manager Hensley explained that a privately operated school with no day care component could be permitted with a Use Permit. He said the Department of Social Services regulates students below school age and added that the State also regulates construction and operational issues as it pertains to outside facilities and play areas, etc.

In response to Councilmember Templeman, Mr. Hensley stated that while zoning is an issue, the biggest concern is project design.

Councilmember Templeman would like staff to continue exploring the zoning issues on the lot and suggested the applicants invite adjacent neighbors to meet to get their input.

Mayor Pro Tem Badar stated that everyone would like to see this school remain in San Dimas. He felt both the applicant and staff should meet to discuss concerns and come up with a solution.

Councilmember Ebner agreed this is a difficult piece of property to develop, however, at this point, he cannot support moving forward with any option on this piece of property.

Mayor Morris expressed his opposition to spot zoning on this parcel. He did not feel it was prudent to amend the single family residential zone to expose children to a tremendous noise factor.

Unidentified Woman said the Code states that private or public educational institutions and day care centers as accessory uses are allowed.

Manager Hensley responded that under the Conditional Use Permit for Single Family Zone, a private or public school is allowed; however, the only day care centers allowed are an accessory to a church, not with the Montessori School, which is regulated by the State as child care. He said the current operation does not fall within the category of solely educational.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Badar, to deny the request for a code text amendment that would allow day care centers in the Single Family Zone.

Councilmember Templeman stated he would vote in favor of the motion, but he would like staff to come back with additional information on what could be done with this parcel and with this school.

The motion carried unanimously.

It was moved by Councilmember Templeman to direct staff to work with the City Attorney to explore alternatives to enable this school to fit on this site.

The motion was seconded by Councilmember Bertone with the caveat that if the property is not appropriate for a school or single family homes, to direct staff to also explore other zoning alternatives.

Councilmember Ebner stated he is in favor of letting staff explore alternatives; however, he suggested that anything done with this piece of property is not simply a use determination at staff level and that there be a public notice, including a notice to the neighborhood of any development on this piece of property.

The motion carried unanimously.

Mayor Morris suggested staff also consider the application of the noise ordinance to whatever use goes on the property.

7. OTHER MATTERS

- a. City Hall Project Phase I Program and Construction Manager-At-Risk Services Professional Services Contract.

Director of Development Services Coleman presented the staff report and said it was the consensus of the City Council that the City Hall expansion and renovation project was a major priority for completion as soon as possible. He reported that the City contracted with Nestor+Gaffney Architecture LLP that recommended the City consider a new project delivery method known as "Program and Construction Manager-at-Risk (PCMR) to accomplish this goal. Staff recommended that the City Council direct staff to enter into a professional services agreement with Griffin Structures, Inc. in an amount not to exceed \$187,500 for Phase I services (pre-construction); and to approve budget adjustment transferring the amount of the contract from the Reserve for City Hall Renovation in the General Fund to a line item expenditure in Fund 12.

Director Coleman responded to Council's questions regarding the guaranteed maximum cost for Sub-Phase I and said if the City changes the scope of the project, the cost could go up. He said if the Council decides to move forward, the Sub-Phase II contract can be negotiated with Griffin Structures, Inc. for the actual construction of the project. He added that formal bid procedures would be followed and stated that the PCMR would have full authority over the contractor.

Councilmember Templeman recommended that staff run parallel cost estimating to reconcile numbers. Director Coleman replied that Griffin uses in-house estimators as well as consultants for direct real costs.

In response to Mayor Morris, City Attorney Brown believes that Griffin Structures, Inc. meets the City's requirements for competitive bidding.

It was moved by Mayor Pro Tem Badar, seconded by Councilmember Bertone, to direct staff to enter into a professional services agreement with Griffin Structures, Inc. in an amount not to exceed \$187,500 with the agreement language to be completed by the City Manager and City Attorney; approve budget adjustment transferring the amount of the contract from the General Fund Reserves for City Hall Renovation to a line item expenditure in Fund 12. The motion carried unanimously.

Councilmember Templeman suggested that staff provide the schedule to the City Council once the schedule has been prepared.

8. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular City Council meeting at 8:42 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 9:37 p.m.

9. ORAL COMMUNICATIONS

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

1) **Dr. Marvin Ersher**, Paseo Alamos, appreciated comments about sound and high level of carbon monoxide that would affect children's brain development. He said the definition of schools and day care centers should be clearly defined in the Code.

2) **Sid Maksoudian** resumed discussing the Chamber of Commerce decision to deny membership of his business.

Councilmember Bertone clarified that he does not represent the City on the Chamber of Commerce and serves on the Board as an individual member.

- b. City Manager

The City Manager had no comments to make.

- 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.

In response to Mayor Morris, City Attorney Brown replied that reimbursed mileage for attending a meeting is considered a meeting attended at city expense.

Mayor Morris reported that he attended two meetings at city expense: 1) Liability Trust Fund Oversight Committee meeting in Norwalk, on July 10, 2008. He is the Chair of the Oversight Committee and Claim Board that manages the Sheriff's Department Liabilities; 2) Annual Meeting of the Joint Powers Insurance Authority in La Palma.

2) Individual Members' comments and updates.

Councilmember Bertone said he is the member representative on the Joint Powers Organization of the Gold Line that opposes the one-half cent sales tax proposed by the Metropolitan Transportation Authority until the MTA guarantees that the San Gabriel Valley taxpayers funds come back to the San Gabriel Valley. He said if any member of the City Council disagrees with this position, he would like this item placed on the agenda for discussion.

10. CLOSED SESSION

Mayor Morris recessed at 9:50 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

a. **CONFERENCE WITH REAL PROPERTY NEGOTIATION**

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; Assistant City Manager of Community Development.

For Seller: Daniel Singh; Rivers and Mountains Conservancy; and Tzu Chi Buddhist Foundation.

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

b. **CONFERENCE WITH REAL PROPERTY NEGOTIATION**

Property: Fox Project Grove Station L.L.C., San Dimas Avenue

Negotiating Parties:

For Agency: Blaine Michaelis, City Manager/Executive Director, and J. Kenneth Brown, City/Agency Attorney; Assistant City Manager of Community Development.

For Property: William Fox; Jide Alade

Under Negotiation: Terms, conditions, pricing and allocation of affordable units and/or Agency participation.

c. Report on closed session items.

Pursuant to Section 54957.7(a), announcement was made that there was no action taken on closed session items.

11. ADJOURNMENT

Mayor Morris adjourned the meeting at 10:35 p.m. The next meeting is on August 12, 2008, 7:00 p.m.

Respectfully submitted,

Ina Rios, CMC, City Clerk