



**MINUTES**  
**REGULAR CITY COUNCIL**  
**TUESDAY, AUGUST 26, 2008, 7:00 P. M.**  
**COUNCIL CHAMBERS, 245 E. BONITA AVE.**

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**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  
Superintendent Eric Beilstein  
Associate Planner Kristi Grabow  
Associate Planner Marco Espinoza

**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. RECOGNITIONS**

- ❖ Recognition of San Dimas Little League teams that won Section III Tournaments.

Mayor Morris congratulated members of the San Dimas All Stars who won the Section Three Championships in three divisions: 9 and 10 year old All Stars; 10 and 11 year old All Stars, and Junior All Stars. In recognition of their achievement, City proclamations were read and presented to **Brian Begin, Ty Combs, Art Corona Jr., Matthew Corona, Austin Falcetti, Andrew Garcia, Chase Gonzalez, Cody Hanes, Peter Lambert, Brady Lange, Matthew Madrid, Jeremy Marquez, Derek Matthews, Montgomery Montenegro, Cody Prince, Noah Reep, Jordan Rodgers, Ryan Schneider, Christopher Smith, Michael Starns, David Vargas, Paul Vasquez, Erick Ware, Michael Watters, Noah Williams, Alec Zenner, Coaches James Lambert, Paul Matthews, and Managers Ken Garcia and Benny Marquez.**

**Ken Garcia**, Manager for the 9 and 10 year old All Stars, thanked the City Council, Head Coach Paul Matthews, and parents for their support. He said the kids worked very hard and did a fantastic job this year.

**Benny Marquez**, Manager for the 10 and 11 year old All Stars, thanked the City Council for recognizing their accomplishments. He said the players learned a lot, which will make them better players next year. He thanked Coach Gabe Vargas, staff Chase Gonzalez, Richard Segovia, and parents for their support getting the players through the tough practice leading up to the All Stars.

- ❖ Recognition of City Swim Team members who represented San Dimas at the Southern California Swimming Championships in La Mirada, California.

Mayor Morris congratulated, read and presented proclamations to **Brook Bernal, Amber Blakesley, Alexis Moore, Vesta Pitts, Kayla Smith, Jacob Boulgarides, James Hull, Andrew Mayer, Joshua Smith and Darin Vera**, members of the City's Swim Team who qualified to represent City of San Dimas and the regional in the Southern California Municipal Athletic Federation Championship in La Mirada.

Facilities Manager Karon DeLeon praised the ten swimmers who qualified to represent the City in the finals. She expressed pride in the team, coaches Megan Avery, Whitney Banks, Devon Millinger, and Garrett Burton, and Aquatic Coordinator Katy Guatschi.

### 3. PRESENTATIONS

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

**Pui-Ching Ho**, Library Manager, San Dimas Library, highlighted the reading programs at the Library and said they are looking for adult volunteers to help out in the new English Conversation Practice Program, which will begin January, 2009. Ms. Ho announced an opportunity for students to become familiar with on-line tours to assist them in school and later in college.

Mayor Morris said additional information on Library programs is available at the Library website or a link on the City's website.

4. **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) **Jenetta Harris**, Public Affairs Regional Manager, Southern California Edison, said after 35 years with Edison, 16 years in San Dimas, Edison has given her the opportunity to serve on the future Leaders Program after which she will be placed in an executive position. She thanked the Mayor and Councilmembers for making her feel welcome. She said she had an opportunity to serve on the Chamber of Commerce, and it has been a pleasure to work with staff of each City department, Fire Department, and Sheriff's Station.

Mayor Morris said he speaks for all members, that they realize this is a fantastic opportunity; however, they will all miss her. He wished her well in her new endeavor.

2) **Joe Fransen**, Selection Committee for Los Angeles Times, Los Angeles County Fair, introduced Community Hero Charles McCants and Youth Community Hero Paolo Kespradit. He said Paolo & Charles will be formally recognized at the Los Angeles County Fair on Friday, September 12, 2008. Mr. Fransen said San Dimas Day at the Fair is two for one day for all San Dimas residents and invited everyone to come out for the San Dimas Day Parade, community events, and entertainment.

**Leon Raya**, Recreation Services Manager, provided a brief bio on Youth Community Hero Paolo Kespradit, an invaluable volunteer who helps out every day at the Student Union. He feels proud and honored to have Paolo work with the Recreation Department and represent San Dimas as Community Hero.

**Mr. Fransen** praised Charles McCants for volunteering with the San Dimas Rustlers, Festival of Arts, Historical Society, Farmer's Market, American Cancer Society Relay for Life, and said he's a very good role model for any volunteer that wants work in San Dimas. He thanked the Los Angeles Time and Los Angeles County Fair for putting on this great program.

**Paolo Kespradit** said he is honored to receive this award at the Los Angeles County Fair. He thanked his mentors for their support and patience, his mother and father, and the City Council.

**Charles McCants** said he is proud and happy to be a Community Hero for San Dimas. He thanked his parents, the City Council, and the numerous organizations that supported him, including the Sheriff's Boosters, Chamber of Commerce, San Dimas Farmer's Market, Relay for Life, San Dimas Rodeo and DCS. He hopes to see everyone at San Dimas Day at the Fair.

## 5. 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.)

Councilmember Ebner said he would abstain from approval of minutes and moved approval of the consent calendar. The motion was seconded by Mayor Pro Tem Badar, and 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) **No. 08-49**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF AUGUST, 2008.
- b. Approval of minutes for regular meeting of August 12, 2008. Councilmember Ebner abstained.
- c. Lot Line Adjustment 07-02, 505 W. Gladstone Street (APN: 9392-015-039 & 8392-020-033)  
A request to move the west property line of Lot No. 1 68 feet further west into Lot No. 2.
- d. Proclaim September 2008 as National Alcohol & Drug Addiction Recovery Month.

END OF CONSENT CALENDAR

## 6. PUBLIC HEARINGS

*(The following items have been published and/or posted. The Mayor will open the meeting to receive public testimony. Written or graphic evidence presented shall be retained by the City Clerk as part of the official record.)*

- a. Municipal Code Text Amendment 08-03 - A request to consider increasing the number of temporary banners from four to six banners per year.

**ORDINANCE NO. 1182**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 08-03, A REQUEST TO INCREASE THE NUMBER OF ALLOWABLE TEMPORARY BANNERS FROM FOUR TO SIX PER YEAR. **INTRODUCTION AND FIRST READING**

Director of Development Services Coleman reported that Christ's Church of the Valley requested that the City amend the San Dimas Municipal Code to allow more than four temporary banner permits in a year. He said the City Council voted unanimously in July to initiate an amendment to increase the number of temporary banners from four to six per year.

Mayor Morris opened the public hearing and invited comments in favor of, or in opposition to, the change in the number of banners from four to six. There being no one wishing to speak, Mayor Morris closed the public hearing.

After the title was read, it was moved by Councilmember Bertone, seconded by Mayor Pro Tem Badar, to waive further reading and introduce **ORDINANCE NO. 1182**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 08-03, A REQUEST TO INCREASE THE NUMBER OF ALLOWABLE TEMPORARY BANNERS FROM FOUR TO SIX PER YEAR. The motion carried unanimously.

## 7. PLANNING/DEVELOPMENT SERVICES

- a. Request to consider amendment to RV and trailer parking regulations.

Director of Development Services Coleman summarized the RV parking restrictions and said the City's trailer storage Ordinance No. 37 was adopted in 1961 as part of the first zoning code for San Dimas and mirrored the County of Los Angeles ordinance that preceded incorporation. In 1973 the City adopted RV storage Ordinance No. 412. Mr. Coleman said that between 2004 and 2007, there has been a proliferation of properties that are out of compliance with the Municipal Code because many of these properties were either built prior to 1973 or lack RV and trailer storage facilities. Staff conducted a survey of surrounding cities' RV parking regulations and found that some cities allow flexibility of the restrictions through an administrative review process, while the City of San Dimas provides flexibility through a variance with a public hearing process. Mr. Coleman recommended no change to RV and trailer parking regulations.

Director Coleman responded to Council that it has been city practice to follow up on any complaints received because the City has two code enforcement officers to cover the entire community. He said if a violation exists, the Officer establishes contact with the property owner directly or by mail. He explained the variance process that would go to the Planning Commission for public hearing.

Mayor Morris invited comments from members of the public and said each speaker would be limited to three minutes.

- 1) **Dave Catherman**, North Delancey, received two violations for parking his trailer in his driveway two days prior to leaving on his trip. He said when he parked on the street, his trailer was vandalized. He normally stores his trailer at Bracketfield Airfield.

Mayor Morris suggested staff look into allowing a citizen to use their driveway instead of the street for up to three days with a permit.

Mr. Catherman said the City of La Verne allows an annual permit for a fee to allow citizens to park their units in the front yard if a side yard is not accessible and he suggested the City of San Dimas consider that option.

- 2) **George Jaeger**, E. Gladstone since 1974, said he parks his motorhome in his driveway to charge the battery for emergency preparedness. He recommended amending the City code to allow front yard parking similar to many surrounding cities.

Councilmember Templeman expressed concern about a proliferation of recreational vehicles parked in front yards if the code was amended to allow front yard parking.

3) **Ernest Banks**, No. Oceanbluff Avenue, said for the past 45 years, there has not been a problem with parking RV's, trailers, utility trailers, or similar vehicles in the front yard. He said the problem only started the last several months. He said the law does not cover homes built prior to 1973 and he felt it was unfair to get penalized for a house that does not have access on either side yard.

Mayor Morris stated that there has been a law prohibiting parking vehicles in the front yard since long before San Dimas was incorporated and may not have been enforced in his neighborhood, but was always enforced when the City received a complaint. Mayor Morris stated that the Code Enforcement Officer does not need a complaint to enforce the code; however, due to volume it has generally been the practice that Code Enforcement Officers only send notices or make contact if there is a complaint on this type of violation.

4) **Michael Whiteside**, Northcape, would like the City Council to consider amending the code to adopt the ordinance of surrounding cities.

5) **Brent Banks**, North Pershore, said complaint-driven enforcement divides a community and creates enemies. He requested that the City Council consider grandfathering in older homes built prior to 1973 without side yards, to permit parking in their front yard of RV's, trailers, boats, and similar vehicles.

6) **Gary Morillo**, North Delancey, said he was cited for parking his toy hauler for one night. He agreed homes built prior to 1973 should be grandfathered in for those residents without a side yard.

7) **Jim Haverman**, East Payson, said eight years ago, he bought a motorhome, which he parked on his front yard and never had a problem until recently when he received numerous tickets. He felt residents should be allowed to park their motorhomes, boats, trailers in their front yard if they are maintained properly.

8) **Jean Banks**, North Oceanbluff Avenue, said this is an aesthetic issue, not a matter of property value. She said the notice gave them 12 hours to find a storage facility for their recreation vehicle and added that storage fees pose a financial hardship for them.

9) **George Flores**, Churchill Avenue, Realtor, Citrus Valley of Realtors, said he is being forced to sell his boat to cover costs of storing his recreation vehicle which does not fit in his yard. He felt it was unfair that one person complained about a neighborhood that maintains their properties.

10) **Tom Ward**, Billow Drive, said his house was built in 1960 and he has parked his RV since 1996 with no problems until now. He requested the City Council consider grandfathering in those eligible residents.

11) **Steve Nesbit**, Temecula Court, urged the City Council to vote in favor of all the people present. He felt that if an individual is cited, everyone should be cited for the same violation.

In response to Mr. Nesbit, Mayor Morris stated that this has been the ordinance for many years and whenever a suggestion comes forward to amend the code, many people oppose it. He said a public hearing is required to consider changing the code and a public notice would be published. He stated this meeting is not a public hearing, but is being held to direct staff to start the process.

12) **Cindy Jaeger**, East Gladstone, does not see a problem with recreation vehicles parked on front yards if it does not bother the neighbors.

In response to Ms. Jaeger, Mayor Morris replied that it has long been a policy decision to not permit recreation vehicles to park in the front yard. He further replied that the City accepts anonymous complaints and Code Enforcement Officers determine if a violation has been committed.

13) **Irene Pauley**, East Gladstone, said everyone is present that is against the existing ordinance and want it changed. She inquired where are the people who oppose the change.

Mayor Morris stated that the people in the community were not notified of this meeting which is being held only to direct staff whether or not the City Council wants them to propose a change in the code and there would then be a public hearing and a public notice would be published.

14) **Sid Maksoudian**, Camino del Sur, said the people have a right to be heard and request a change of laws enacted in the past that no longer serve them.

There being no one else wishing to speak, Mayor Morris brought back this item for City Council decision.

Councilmember Bertone would like the City Council to consider allowing recreational vehicles to temporarily park on the property to load and unload prior to leaving for vacation, pursuant to policy requirements.

Mayor Pro Tem Badar suggested placing this item on the ballot for voters to decide.

Councilmember Templeman said a majority of people were not in favor of amending the code. He is interested in allowing parking on the property with a three-day notice or permit to load and unload the recreation vehicle. He said discussions with staff took place regarding an administrative review process for homes legally constructed prior to 1973 and do not have a 12-foot side setback.

Councilmember Bertone said his home was constructed in 1975 and does not have side setbacks to park an RV or boat. He felt that everyone's home should be considered.

Councilmember Ebner said there should be standards, which may exclude some people from parking recreation vehicles in the yard. He opposed providing a permit to park recreation vehicles or similar vehicles in the driveway.

Mayor Pro Tem Badar moved to place an advisory measure on the General Municipal Election ballot to let voters decide whether or not to allow recreation vehicles to be parked in the front yard.

The motion died for lack of a second.

Councilmember Templeman said this was a procedural meeting to give the City Council an opportunity to determine the direction they want to go. He suggested continuing the meeting, publishing an announcement to get public input, and the City Council can then make a decision.

It was moved by Councilmember Ebner, seconded by Councilmember Templeman, to direct staff to conduct a study and report to the City Council alternate ways to qualify residents to park in their front yard if they do not have side setbacks. The City Council will further direct staff on any action to be taken.

The motion carried 3.2; Councilmember Bertone and Mayor Morris expressed opposition.

It was moved by Councilmember Ebner, seconded by Councilmember Templeman to place a moratorium against enforcement on front yard parking recreation vehicles, trailers, boats, with the exception of commercial disposal trucks, until the analysis has been completed and presented to the City Council.

Assistant City Manager Stevens suggested the motion be a direction to staff to withhold enforcement on these types of vehicles.

It was moved by Councilmember Bertone to direct staff to withhold enforcement on all wheeled vehicles, with the exception of commercial disposal trucks until a completed analysis has been presented to the City Council. The motion was seconded by Councilmember Templeman and carried unanimously.

❖ Recognition of San Dimas Little League teams that won Section III Tournaments.

Mayor Morris congratulated members of the San Dimas All Stars who won the Section Three Championships in three divisions: 9 and 10 year old All Stars; 10 and 11 year old All Stars, and Junior All Stars. In recognition of their achievement, City proclamations were read and presented to Junior All Stars: **Andrew Amplayo, Jeffrey Charca, Casey Clarke, Tony Dell, Andrew Espinoza, Kevin Flanders, Nikolas Jackson, Shawn Kennedy, Jimmy Lambert, Kyle Litle, Everado Navarro, Brandon Schneider, Christopher Smith, Alec Zenner and Coaches Shawn Kennedy, James Smith, and Manuel Charca, and Manager Mark Jackson.**

**RECESS**

Mayor Morris recessed the regular meeting at 9:23 p.m. The regular meeting was reconvened at 9:29 p.m.

- b. Request to review City's Building Inspection Policy related to building and zoning code violations.

Director of Development Services Coleman reported that the property owner at 403 N. Shaftsbury has been in code enforcement since April 11, 2008 for construction within a required setback without a building permit. He said the owner is requesting this matter be placed on a City Council agenda to reconsider the City's policy and seek exemption from enforcement. Mr. Coleman said this case is a violation of the California Building Code adopted by the City of San Dimas and he believes it would set an undesirable precedent to place an active code enforcement case on a Council agenda as a means to seek a pardon or as a means of postponing further enforcement and inevitable abatement. Staff strongly advised against any change in the code enforcement policy.

Superintendent of Building and Safety Beilstein replied to Council that the City adopts the State Building Codes which outline the necessary fire setbacks for combustible materials. He said in this case the attachment to the fascia board is inadequate and does not meet construction standards.

Mayor Morris invited the applicants to speak.

**Jeff Russell**, 403 No. Shaftsbury, said the original notice of violation assumed roof work was being done when the workers were preparing the structure for paint.

In response to Mayor Morris, Mr. Russell stated he obtained a roof permit at a later date.

In response to Mayor Morris, Superintendent Beilstein replied that the removal and replacement of fascia boards, roof materials, plywood sheathing and paper underlayment clearly require a permit. He said the Inspector was in consultation with the Building and Safety Division before he issued a Stop Work Notice.

Mr. Russell stated that while the Inspector was there he became irate and focused on the patio cover.

Mayor Morris said unlike code enforcement which is complaint-driven, if a Building and Safety Inspector sees a condition that does not comply with the Building Code he is required to enforce the code. He added that once Mr. Russell obtained a permit and the inspection was signed off, the issue was abated.

Mayor Morris said the City Council cannot approve a structure that does not meet building codes.

Superintendent Beilstein clarified for the record that a credentialed Contract Building Inspector was hired to help with the Costco project, and at all times has acted in a professional manner. He recalled that the individual was assigned to inspect a neighbor's house and noticed construction at the applicant's house. In consultation with the City, he appropriately wrote the Stop Work Notice regarding the illegal patio cover which he turned over to Code Enforcement. Mr. Beilstein said the Inspector was not agitated and inflammatory accusations are offensive and unfounded.

Mr. Russell apologized for the remarks made upon hearsay of three construction workers. He asked if there is anything he can do to restore the work already completed.

Mayor Morris said there is consensus to decline to stop enforcement and the matter is in the hands of the prosecutor.

Director Coleman stated he would prefer to set aside enforcement and work with the property owner for compliance.

## **8. OTHER MATTERS**

- a. Provide comments to the Foothill Transit Board regarding a proposal to add the City of Pasadena as a Member Agency.

City Manager Michaelis said Foothill Transit extended an invitation to the City of Pasadena to join their Governing Board and has asked member agencies for comments. Staff concludes that there are benefits in having Pasadena part of Foothill Transit by providing Foothill Transit with a link to the transportation corridors and resources of the San Fernando Valley, as well as additional clout in Sacramento and Washington. Staff recommends support of City of Pasadena joining the Governing Board.

Mayor Pro Tem Badar recommended sending the letter of approval to admit the City of Pasadena into Foothill Transit Governing Board.

**David Reyno**, Government Relations, Foothill Transit, said Pasadena indicated interest in joining and as Project Manager, he is visiting to see where the City Council stands.

It was moved by Councilmember Bertone, seconded by Councilmember Templeman, to authorize the Mayor to sign a letter in support of Pasadena joining the Foothill Transit Governing Board. The motion carried unanimously.

## **9. SAN DIMAS REDEVELOPMENT AGENCY**

Mayor Morris recessed the regular City Council meeting at 10:15 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 10:53 p.m.

## **10. ORAL COMMUNICATIONS**

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

1) **Sid Maksoudian**, Chalet Gourmet, said he and his family received a threatening letter and derogatory phone mail.

b. City Manager

There were no comments.

c. City Attorney

City Attorney Brown reported that all documentation was finalized for the Grove Station project and is expected to fund this week.

d. Members of the City Council

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

There were no reports.

2) Individual Members' comments and updates.

1) Councilmember Templeman congratulated Charles McCants, and said he is the first one to show up at an event, and the last one to leave. He applauded Mr. McCants as the Community Hero.

2) Councilmember Ebner said in light of Mr. Maksoudian's comments, any kind of threat received should be filed as a police report.

Mr. Maksoudian said a police report was filed and the San Dimas Sheriff's has assigned a Detective to handle the case.

3) Councilmember Bertone said City Attorney Brown has been a member of this Council for a long time and he respects his opinions.

4) Councilmember Bertone looks forward to the three organizations working well together in the Walker House.

3) Consider approval of League of California Cities 2008 Annual Conference Resolutions.

Mayor Morris stated that the League of California Cities' is considering approval of previously introduced resolutions to decide policy on important issues facing cities and the League.

Councilmember Bertone said he read the Resolutions and approves of all.

Mayor Pro Tem Badar thanked the Council for their input.

## 11. CLOSED SESSION

Mayor Morris recessed at 11:08 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

a. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

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 NEGOTIATOR**

Property: Agency owned property at 121 North San Dimas Avenue

Negotiating Parties:

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

For Concessionaire: Saffron

Under Negotiation: Terms and conditions for concession agreement.

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.

**12. ADJOURNMENT**

Mayor Morris adjourned the meeting at 11:50 p.m. The next meeting is on September 9, 2008 at 5:45 p.m. for a study session regarding the city hall project.

Respectfully submitted,

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Ina Rios, CMC, City Clerk