



MINUTES
REGULAR CITY COUNCIL
TUESDAY, NOVEMBER 25, 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 Ebiner
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
Director of Parks and Recreation Theresa Bruns
Senior Planner Craig Hensley
Administrative Aide Kevin Frey

1. CALL TO ORDER

Mayor Morris called the meeting to order at 7:01 p.m.

2. PRESENTATION/RECOGNITION

- Honor and commend Craig Hensley for his 18 years of service.

City Manager Michaelis reported that Mr. Hensley has accepted a position as Planning Director for the City of Duarte. He expressed appreciation for Mr. Hensley's dedication and contributions on the many productive projects over the past eighteen years.

Councilmembers congratulated Mr. Hensley and extended best wishes on his new position in Duarte.

Mayor Morris commended Craig Hensley for his distinguished service to the City of San Dimas and congratulated him on his new assignment.

- Announce Holiday Fest activity for December 13, 2008 at the Civic Center

Recreation Services Manager Raya highlighted the Holiday Fest activities to be held on Saturday, December 13, 2008 at the Civic Center and said tickets to Santa's Hay Ride on December 19 at Horsethief Canyon Park are available at the Parks and Recreation Department.

Mayor Morris announced the Annual Christmas Tree Lighting on December 3, 2008 at 6:00 p.m. and invited the community to join Santa's Parade down Bonita Avenue to Rhoad's 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. 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) **Pui Ching Ho**, Manager, San Dimas Library, announced the winners of the Annual Bookmark contest and reviewed the activities and programs for the month of December. She noted that the Library would be closed on Thursday and Friday for the Thanksgiving Holiday and Story Time would not be held on Friday.

2) **Janelle Strunk**, Licensed Massage Therapist, stated she wrote a letter requesting approval of the proposed amendments to allow massage therapy to continue to be offered at Blue Water Day Spa in Via Verde.

Mayor Morris stated that her comments would be considered when the public hearing is held.

3) **Margie Green** invited the community to the Annual Christmas Tree Lighting ceremony on December 3, 2008, at 6:00 p.m. at Rhoad's Park. She highlighted the activities including music, refreshments, and a drawing for cash prizes.

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.)

Councilmember Bertone requested the removal of item 4c for separate consideration.

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

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **Resolution No. 08-65**, A Resolution of the City Council of the City of San Dimas, California, approving certain demands for the month of November, 2007.
- b. Approval of minutes for the adjourned City Council meeting of November 12, 2008.
- d. Appropriation of \$225,000 from the Redevelopment Funds to complete the overhead utility conversion on San Dimas Avenue between Arrow Highway and the Railroad Crossing.
- e. Request for allocation of an additional \$1,500 from Fund 20 for Via Verde Park Pathway redesign.

END OF CONSENT CALENDAR

4c. Approval of the Annual Audited Financial Statements.

Councilmember Bertone requested that the audit be brought back to the next meeting with a written explanation of the auditor's findings.

5. PUBLIC HEARING

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

- a. Municipal Code Text Amendment 08-05: Consider various amendments to zoning and business licensing regulations related to accessory massage establishments. Categorical Exemption Section 15305.

ORDINANCE NO. 1184, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING CHAPTERS 5.08 AND 5.77 OF THE SAN DIMAS MUNICIPAL CODE REGARDING MASSAGE BUSINESSES.

ORDINANCE NO. 1185, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 08-05, AMENDING VARIOUS CHAPTERS OF TITLE 18 OF THE SAN DIMAS ZONING CODE REGARDING MASSAGE BUSINESSES.

Administrative Aide Frey reviewed changes to the Municipal Code to provide a clear definition of "accessory massage". He stated that the proposed amendments will replace "accessory sports massage" and "medical accessory massage" with "accessory massage" as a permitted use in the following zones: commercial highway, commercial neighborhood, light manufacturing, public/semi-public, administrative professional, creative growth 1, 2, 3 and 4; and specific plan 2, 6, 9, 17, 18, 20, 23 and 24. Mr. Frey pointed out that an additional change was made to Ordinance No. 1185 to add Section 27 that adds text: "Accessory Massage with permitted service businesses". Staff recommended introduction of Ordinance No. 1184 amending Title 5, Chapters 8 and 77 of the San Dimas Municipal Code and introduction of Ordinance No. 1185 amending various chapters of Title 18 of the San Dimas Municipal Code.

Mr. Frey responded to Council's questions regarding the process for background checks; permits and licensing; existing and proposed code conditions; and duration of permit.

Mayor Morris opened the public hearing and stated that testimony from Janelle Strunk would be included in the public record. He stated that also included as part of the record is a letter received from Harry Wei, owner of Swan Women Spa, with an attached petition signed by approximately 100 individuals in support of the amendments. Mayor Morris invited public testimony in favor of, or in opposition to, the recommended amendments.

1) Jan Fonteneau, Replenish Day Spa, approves of all proposed measures; however, she expressed concern about the business moving if the zone is amended.

Mr. Frey stated that as part of the proposed amendment, businesses would not be required to move from their present location.

Assistant City Manager Stevens stated that no businesses would be required to move. He elaborated that once amendments are adopted, all locations would be covered by the changes in the zoning code and different levels of paperwork would have to be executed to accommodate some businesses.

2) **Harry Wei**, Swan Women Spa, inquired how soon businesses would be able to hire therapists. Mr. Stevens outlined the ordinance process and said services could be offered on January 9, 2009, provided the business complies with licensing requirements.

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

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. 1184**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING CHAPTERS 5.08 AND 5.77 OF THE SAN DIMAS MUNICIPAL CODE REGARDING MASSAGE BUSINESSES. The motion carried unanimously.

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. 1185**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 08-05, AMENDING VARIOUS CHAPTERS OF TITLE 18 OF THE SAN DIMAS ZONING CODE REGARDING MASSAGE BUSINESSES. The motion carried unanimously.

Mr. Stevens stated that Ordinance No. 1185 would include the revision pointed out by Mr. Frey in his report.

- b. Consider General Plan Amendment 08-01 the proposed adoption of the 2008-2014 San Dimas Housing Element. The proposed amendment would replace the existing Housing Element of the General Plan to meet State mandated housing policy issues. Adoption of a Negative Declaration is also proposed. Applicant: City of San Dimas

RESOLUTION NO. 08-66, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING GENERAL PLAN AMENDMENT 08-01, ADOPTING THE 2008-2014 SAN DIMAS HOUSING ELEMENT OF THE GENERAL PLAN.

Senior Planner Hensley said the City Council reviewed the Draft Housing Element in February 2008 and approved its submittal to the State Office of Housing and Community Development (HCD) for review and approval. Mr. Hensley reported that after a process of discussion and revision, the HCD has approved the City's 2008-2014 Housing Element and he credited consultants Karen Warner and Beth Stoppl who worked on the Housing Element. After reviewing the revisions in the document, staff recommended approval of Resolution No. 08-66 adopting the 2008-2014 San Dimas Housing Element and adopting a negative declaration for the project.

Councilmember Templeman expressed concern with Golden State Water Company's determination that water supply is reliable through 2030.

Consultant Warner replied that the Water Purveyor has confirmed that the City has an adequate water supply to meet the amount of growth projected by Southern California Association of Governments (SCAG).

Councilmember Bertone stated he could endorse the document if the declaration were moved to less than significant.

Mayor Morris opened the public hearing and invited public testimony. There being no one wishing to speak, the public hearing was closed.

Councilmembers reiterated concern about the availability of water and requested that the determination be changed from "no impact" to "less than significant."

Planner Hensley stated that changing the document from "no impact" to "less than significant" needs to be part of the motion made. He stated it would not change the process and added that the document does not go back to the HCD.

After the title was read, it was moved by Councilmember Bertone, to waive further reading and adopt **RESOLUTION NO. 08-66**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING GENERAL PLAN AMENDMENT 08-01, ADOPTING THE 2008-2014 SAN DIMAS HOUSING ELEMENT OF THE GENERAL PLAN with one change: to change item 16 (d) in the Negative Declaration from "no impact" to "less than significant impact".

The motion was seconded by Councilmember Templeman and carried unanimously.

6. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 8:28 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting was reconvened at 8:43 p.m.

7. ORAL COMMUNICATIONS

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

There were no comments.

- b. City Manager

There were no comments.

- c. City Attorney

City Attorney Brown praised Senior Planner Hensley and said it was fun to be part of his team. He congratulated him on his new position with the City of Duarte.

- d. Members of the City Council

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

Members of the Council reported they did not attend meetings at the expense of the local agency.

- 2) Reappointment of Youth Commissioner to Parks and Recreation Commission.

It was moved by Councilmember Ebner, seconded by Councilmember Bertone, to reappoint Sam Tofan as the Youth Member on the Parks and Recreation Commission for a one-year term. The motion carried unanimously.

- 3) Individual Members' comments and updates.

- 1) Councilmember Templeman said he received several complaints about the stale information on the government Channel 3 and inquired when fresh programs would be broadcast.

- 2) Councilmember Ebner pointed out the difficulties with the microphones and requested maintenance.
- 3) Councilmember Bertone extended best wishes to Mr. Hensley in his new position.
- 4) Mayor Pro Tem Badar requested the City Manager to report on the three legal designated sites to post agendas. He mentioned he was informed that the web server was not accessible due to maintenance.

City Manager Michaelis reported that Ordinance No. 1132 adopted in 2003 designates three official sites for posting of agendas. Those locations are: City Hall, San Dimas Library, and United States Post Office. He added that other sites are posted as a convenience to residents but are not required to be posted.

- 5) Mayor Pro Tem Badar asked where are signs posted to alert residents of the overnight parking restrictions and what happens if a new resident is cited. He suggested an article be published in the Community News to let residents know of the restrictions.

City Manager Michaelis replied that signs are posted at main entrances to the city and a stronger enforcement program was noticed in the City's newsletter delivered to every household, as well as an article on the website. He reminded the public that there is no overnight street parking between 2:00 a.m. to 5:00 a.m. without a permit. He added that it is staff's intention to inform everyone and not penalize new residents.

- 6) Mayor Morris reported that there is a tremendous increase in noise due to increased traffic on Via Verde Avenue and asked for consensus to direct Planning staff to look at updating the fencing part of the ordinance to permit solid walls of glass with landscaping in the Via Verde area.
- 7) Councilmember Templeman said the speaker at the Historical Society dinner commented on how beautiful and well kept San Dimas is. Mr. Templeman wished everyone a happy Thanksgiving and said there is a lot to be thankful for in San Dimas.

8. CLOSED SESSION

Mayor Morris recessed at 8:57 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Property at the northwest corner of Bonita Avenue and San Dimas Canyon Road. (APN: 8390-013-010, 011, AND 012).

Negotiating Parties:

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

For Buyer: Larry Kosmont, VCH-San Dimas Company, LLC

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

b. REPORT OF CLOSED SESSION ACTION

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

9. ADJOURNMENT

Mayor Morris adjourned the meeting at 9:23 p.m. The City Council will next meet on Tuesday, December 9, 2008, 5:00 p.m. for a study session on the city hall expansion project.

Respectfully submitted,

Ina Rios, CMC, City Clerk