



MINUTES
REGULAR CITY COUNCIL
TUESDAY, SEPTEMBER 8, 2009, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem Denis Bertone
Councilmember Emmett Badar
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
Director of Parks and Recreation Theresa Bruns
Recreation Coordinator Latoya Ward

1. CALL TO ORDER AND FLAG SALUTE

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

2. ANNOUNCEMENTS

- San Dimas 5K and 1 mile Family Fun Run and Family Fitness Fair for Saturday, September 26, 2009.

Recreation Coordinator Latoya Ward invited residents to participate in the San Dimas 5K and 1 mile Family Fun Run to be held on Saturday, September 26, 2009, at 7:30 a.m. and 8:30 a.m. respectively. Additional information is available at the Parks and Recreation Department at city hall or by calling 909/394-6230.

- Pui-Ching Ho, Library Manager, San Dimas Library

Pui-Ching Ho, Library Manager, San Dimas Library, said the Library offers free English conversation practice for adults in a small setting; for more information, contact the Library at (909) 599-6738. She invited residents to join the Book Club Discussion Group on Monday, October 14, - the book for September is the Lazarus Project. She said the Library offers electronic resources for school assignments; the Friends of the Library are having a book sale on Friday-Sunday, October 2-4, during Western Days. She reminded parents that the pre-school story time resumes Friday at 10:30 a.m.

- 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) **Gary Enderle**, San Dimas Heroes, thanked the City Council for supporting the Heroes program. He said San Dimas Heroes is asking residents to eat out at one of 12 restaurants participating in their major fundraiser during the month of September. All they have to do is take one of the fliers available at City Hall, Bonded Cleaners, and www.sandimasheroes.org. He said magnets supporting San Dimas Heroes are available for a \$5 donation. San Dimas Heroes will be at the Farmers Market on Wednesdays and at the Los Angeles County Fair on Thursday. For additional information, visit their website.

2) **George Jaeger** hopes the City discusses and agrees to add the Administrative Review to the Ordinance as surrounding cities have done regarding RV parking.

3) **Ernest Banks** hopes Ordinance 1188 is the City's solution to the RV parking problem.

Mayor Morris stated that Ordinance 1188 excludes the Administrative Review process.

4) **Briana Sallette**, ASB pres, SDHS, reported on the activities at San Dimas High School and their relationship with the community. She invited the public to a reception on Monday, September 21, 2009, from 5:00-7:00 p.m., to celebrate the beautiful Orange Crate mural art project at the San Dimas Maintenance Yard. She also mentioned that the Animation class won first place awards at the California State Fair and two students won Los Angeles County Fair scholarships in the amount of \$1,000. She reported on the athletic activities and urged the community to support their football program. She said Tolerance Assembly will be held on September 21, 2009 featuring as guest speaker the Director of Museum of Tolerance. She introduced Principal Michael Kelly.

Mayor Pro Tem Bertone noted that Mr. Kelly's son Matthew recently earned his Eagle Scout.

5) **Margie Green**, representing the Festival of Arts, said the month of September will feature oil painter Bjlane at the 2nd Story Art Gallery, which is open September 11-12 and September 18-19, and wine and hors d'oeuvres will be sponsored by the Festival and Saffrons. Ms. Green invited the community to view the High School Student Art on October 9-10 and the 13th annual Wildlife show on October 17-18, 2009 with live animal encounters and seminars. Abstract Artist Ken Shepherd will be featured on November 13-14, and November 20-21, 2009. She encouraged everyone to come by and enjoy a nice evening out.

6) **Ted Powl**, President/CEO, Chamber of Commerce, invited the community to the annual San Dimas Western Days on October 3-4, 2009 with lots of fun, food, crafts, entertainment, and Lil Miss San Dimas Contest. He said participating for the first time is the Los Angeles County Fire Expo and this would be a great opportunity for everyone to come out to thank our firefighters for the work they've done. Mr. Powl induced businesses in town to participate in the Business Display (formerly the Business Expo) and encouraged organizations, equestrians, and all citizens to participate or volunteer in the Community Parade. For more information, contact the Chamber at (909) 592-3818.

7) **Mayor Pro Tem Bertone** noted that San Dimas Days at the Los Angeles County Fair is Thursday, September 10, 2009 and asked if discount tickets were available at the Chamber.

Mr. Powl said 2-for-1 tickets are available at the County Fair. The Chamber sells discount coupons.

8) **Lauren Becker**, Covina Hills, said she is embarking on a research project with the Critical Gender Studies Department at UC San Diego. Her research is on the East San Gabriel Valley including San Dimas and 15 other cities.

9) **Susie Crawford** is asking for photos or other memorabilia from 1960 forward for the 2010 celebration of the City's 50th birthday. Messages can be left at (909) 592-1190 or www.sandimashistorical.org.

10) **Bill Emerson** thanked the Public Works Department for the magnificent coordination of street repaving. He said the streets were torn up over the weekend and there was no inconvenience.

11) Dr. Marvin Ersher spoke in favor of Ordinance 1188 as approved and introduced at the last meeting with the exclusion of the Administrative Review option. He pointed out that RV parking in front yards is the second most common complaint and people are waiting for the moratorium to be lifted. He said the Administrative Review would serve to expand the RV opportunity in the city and the silent majority fear repercussions of publicly speaking against the Administrative Review process.

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 removal for separate discussion.)

Mayor Morris noted that item 4 (b) has two abstentions from Councilmembers Badar and Ebner.

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

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

(1) **No. 09-43**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF AUGUST AND SEPTEMBER 2009.

c. Approval of the new 5 year Sheriff Service Agreement with the County of Los Angeles.

d. Proclaim September 20-26, 2009 as Childhood Cancer Awareness Week.

END OF CONSENT CALENDAR

4b. Approval of minutes for regular City Council meeting of August 25, 2009 and Special meeting of August 25, 2009.

It was moved by Mayor Pro Tem Bertone, seconded by Councilmember Templeman, to approve the minutes of the August 25, 2009 regular meeting and special meeting. The motion carried with the abstention of Councilmembers Badar and Ebner.

5. ORDINANCES

Mayor Morris said public hearings were held and closed on August 25, 2009 and all ordinances are listed for second reading and adoption.

In response to Councilmember Ebner, Mayor Morris said Councilmembers Badar and Ebner had the opportunity to review the documents and Council discussion on DVD and can fully participate in discussion.

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

(1) **ORDINANCE NO. 1188**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING MUNICIPAL CODE TEXT AMENDMENT 09-02 AMENDING TITLE 18 ZONING CODE REGARDING RECREATIONAL VEHICLE PARKING. **SECOND READING AND ADOPTION**

After the title was read, it was moved by Mayor Pro Tem Bertone, seconded by Mayor Morris, to waive further reading and adopt **ORDINANCE NO. 1188**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING MUNICIPAL CODE TEXT AMENDMENT 09-02 AMENDING TITLE 18 ZONING CODE REGARDING RECREATIONAL VEHICLE PARKING.

In response to Councilmember Ebner, Director of Development Services Coleman displayed photos of RVs parked to the edge of the sidewalk and obstructing street visibility. He said there are provisions in the Ordinance that prohibit parking in the front yard and blocking visibility.

In response to Councilmember Badar, Director Coleman stated that the Director's decision can be appealed to the Development Plan Review Board (DPRB).

In response to Councilmembers Badar and Ebner, Director Coleman replied that in most residential zones the required set back is 20-feet and a six-foot wall can be built behind the front yard set back line, measured from the right-of-way in back of the sidewalk eight to twelve feet, depending on the street.

Councilmember Badar felt the Administrative Review is not unreasonable and provides basic rights to allow residents to argue their case.

Councilmember Templeman said people in the audience need to understand that this Administrative Review is more closely related to Glendora's than to La Verne and there is a process to go through to qualify.

Mayor Pro Tem Bertone stated that in talking to staff, they would prefer not to have the Administrative Review, and since this is the second most important vote, he believes that RVs do not belong in front yards regardless of circumstances.

Councilmember Ebner said he is in favor of the ordinance as introduced at the last meeting; however, he would like to propose an appeal process to consider the following points that staff would add to the Ordinance and bring back for introduction at the next meeting:

- 1) If the 20-foot setback has sufficient space for an RV, and there is an attractive screening, the applicant can appeal an unfavorable ruling.
- 2) If the property is large enough, an RV or trailer can be parked at least 100-feet from the property line; as long as the house is not obscured.
- 3) The RV is parked at and screened by a wide grade separation.
- 4) All the points included by the Planning Commission.

Councilmember Templeman felt it would make better sense from an equity or consistency point of view to include the Director of Development Services in the process, then the applicant can appeal to the DPRB.

Mayor Morris said he has difficulty in knowing how to apply equity and said this problem would not exist if the ordinance had been enforced for the past 50 years. He felt this ordinance should be adopted for the character of this community.

Councilmember Ebner inquired if a consensus is not reached on the alternative Ordinance, would it be possible to bring back the original Ordinance for a second reading and re-vote this evening.

City Attorney Brown said someone that voted in the majority could bring back the Ordinance for re-vote.

Mayor Morris stated there is a motion to waive further reading and adopt Ordinance No. 1188.

The motion to adopt Ordinance No. 1188 **failed** by the following vote:

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

It was moved by Councilmember Ebner that staff be directed to bring back an Ordinance, similar to Ordinance No. 1188 with the additional language that RVs would have to be behind the setback with enough space for ingress and egress; including a wall, fence or similar screening to be approved by the Director of Development Services, or as an alternative to be approved by the Development Plan Review Board; or a an alternative, if the property were large enough, the vehicle could be parked 100-feet from any property line that no screening was necessary as long as it did not block the house; and to include the Planning Commission recommendations concerning a fitted cover.

In response to Councilmember Templeman, Director Coleman said fences are limited to 42-inches within the front yard setback, however, the fence can be 6-feet from the setback and behind. He further replied that the City does not have standards for fence materials.

In response to Councilmember Ebner, City Attorney Brown stated that extensive discussion took place at the Planning Commission and they considered a number of items, including placing screening behind the setback line, and, as a result of the process, they narrowed the list of items. He said the Planning Commission voted against screening, therefore, it is not necessary for the Planning Commission to further discuss this item.

The motion **failed** due to lack of a second to the motion.

It was moved by Councilmember Ebner to reconsider adopting Ordinance No. 1188. The motion was seconded by Mayor Pro Tem Bertone and carried 3.2; Councilmembers Badar and Templeman opposed.

It was moved by Councilmember Ebner, seconded by Mayor Pro Tem Bertone, to waive further reading and adopt **ORDINANCE NO. 1188**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING MUNICIPAL CODE TEXT AMENDMENT 09-02 AMENDING TITLE 18 ZONING CODE REGARDING RECREATIONAL VEHICLE PARKING.

Mayor Morris requested a roll call vote on Ordinance No. 1188.

After a roll call vote, Ordinance No. 1188 was **adopted** by the following vote:

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

(2) **ORDINANCE NO. 1189**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING MUNICIPAL CODE TEXT AMENDMENT NO. 09-03 REGARDING ADMINISTRATIVE PENALTIES AND AMENDING TITLE 1 OF THE SAN DIMAS MUNICIPAL CODE. **SECOND READING AND ADOPTION**

After the title was read, it was moved by Mayor Pro Tem Bertone, seconded by Councilmember Templeman, to waive further reading and adopt **ORDINANCE NO. 1189**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING MUNICIPAL CODE TEXT AMENDMENT NO. 09-03 REGARDING ADMINISTRATIVE PENALTIES AND AMENDING TITLE 1 OF THE SAN DIMAS MUNICIPAL CODE. The motion carried by the following vote:

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

(3) **ORDINANCE NO. 1190**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING TITLE 5 CHAPTERS 5.08, 5.28, 5.32 and 5.77 OF THE SAN DIMAS MUNICIPAL CODE REGARDING PERMITS FOR MASSAGE TECHNICIANS AND CERTAIN FACILITY REQUIREMENTS. **SECOND READING AND ADOPTION**

After the title was read, it was moved by Councilmember Templeman, seconded by Mayor Pro Tem Bertone, to waive further reading and adopt **ORDINANCE NO. 1190**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING TITLE 5 CHAPTERS 5.08, 5.28, 5.32 and 5.77 OF THE SAN DIMAS MUNICIPAL CODE REGARDING PERMITS FOR MASSAGE TECHNICIANS AND CERTAIN FACILITY REQUIREMENTS. The motion carried by the following vote:

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

6. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 8:28 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:30 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 - meeting dates and times for the Fall City Council/Staff Retreat
Monday, November 2, 2009, 5:00 p.m.
Thursday, November 12, 2009, 5:00 p.m.
Friday, November 13, 2009, 2:00 p.m.

It was the consensus of the City Council to schedule the Fall City Council/Staff Retreat on:

- ❖ November 2, 2009, 5:00 p.m.

- 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.

There were no reports.

- 2) Individual Members' comments and updates.

- 1) Councilmember Templeman expressed concern that the swine flu has the potential to be an enormous health risk to city employees and members of the community. He asked Emergency Preparedness Coordinator Duran to explore the possibility of securing sanitary stations.

- 2) Councilmember Templeman said Friday is 9-11 and his flag has flown since 2001. He said it is important to remember 9-11.

- 3) Councilmember Ebner thanked Municipal Arborist Deborah Day for trimming a tree branch blocking the street lights.

- 4) Councilmember Badar thanked Dr. Ersher and the folks who called him during his illness.

- 5) Mayor Pro Tem Bertone said he and Margie Green adopted great looking dogs to go along with our great Dog Park.

- 6) Mayor Morris praised the Public Works Department on the complete rebuild of Walnut with minimum interference.

8. MEMORIAL ADJOURNMENT

Mayor Morris adjourned the meeting at 8:38 p.m. in observance of 9-11-01. The next meeting is 5:00 p.m. on September 22, 2009 for a study session on the financial update of the City's fiscal year-end closing.

Respectfully submitted,

Ina Rios, CMC, City Clerk