



## **CITY OF SAN DIMAS MINUTES**

**COUNCIL – STAFF RETREAT SESSION  
NOVEMBER 2, 2009 5:00 P.M. - 10:00 P.M.  
CITY COUNCIL CONFERENCE ROOM**

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### **PRESENT:**

Mayor Curtis W. Morris (arrived at 5:12 p.m.)  
Mayor Pro Tem Denis Bertone  
Councilmember Emmett Badar  
Councilmember John Ebner (arrived at 6:01 p.m.)  
Councilmember Jeff Templeman  
City Manager Blaine Michaelis  
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  
San Dimas Sheriff's Captain Joe Hartshorne

### **ABSENT:**

City Attorney J. Kenneth Brown

### **CALL TO ORDER**

Mayor Pro Tem Bertone called the meeting to order at 5:08 p.m.

### **COMMENTS**

There were no comments.

#### **1. Updates (written reports – council to ask questions or discuss as desired – some matters will require council direction):**

- a. RV, trailer, etc. enforcement – report on our administrative plan of action and schedule. Answer any questions.

City Manager Michaelis reported that staff is moving through the process to implement enforcement procedure outlined to the City Council on June 30, 2009 and notify residents of the new procedures.

Director Coleman said street address errors were corrected on the mailing list, and a more focused survey will be conducted this month; notices will be left on the recreation vehicles; and staff will follow-up with a letter.

Councilmember Templeman stated his preference is an administrative review.

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- b. Special Projects status report – review of what is ready for consideration, schedule for the rest of the projects.

Assistant City Manager of Community Development Stevens provided a status report on several first and second priority projects and tasks, as well as other major projects and current planning tasks. He said NJD would be completed this week.

In response to Councilmember Templeman, Mr. Stevens said five items (including façade issues; acquisition project in the downtown; and wagon monument) are listed for discussion at the study session scheduled for Tuesday, November 10, 2009, at 5:00-7:00 p.m.

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- c. 50<sup>th</sup> Anniversary – update, background, council direction.

Parks and Recreation Director Bruns reported that over 50 people representing various organizations and service clubs attended the kickoff rally on October 26, and guidelines for event sanctioning for use of the official logo were distributed. She encouraged everyone to plan for their events, be approved, and officially publicized through the City's website. She said the 50th Anniversary Committee is moving forward with the planning and preparation for the year-long 2010 celebration.

Mayor Pro Tem Bertone complimented Margie Green on the great design of the 50th Anniversary pin.

Director Bruns said each event will feature a distinct commemorative item to be distributed to participants. She said the Anniversary lapel pins are available and will be distributed at events throughout the year. She expressed concern with logistics of ordering and storing inventory.

It was the consensus of the City Council that there is no value in large orders of the commemorative items.

Director Bruns highlighted several ideas to promote the event including special 50th anniversary stickers, posters, press releases, website, and said sponsorship on vertical street banners could be sold for \$250 to advertise an organization or individual. She said the sponsorship would pay the cost of the banner and installation. At the end of the year-long celebration, the banner would be given to the sponsor.

Director Bruns responded to Council that the banners would be sold and hung on Bonita Avenue and Arrow Highway throughout the year.

Mayor Pro Tem Bertone suggested hanging banners in Via Verde.



*The banners would look similar to this sample and would measure 3'x6' (same size as the Heroes banners).*



- d. Agreement with the Pacific Railroad Society – update and council direction.

Assistant City Manager Duran reported that in 1995, the City approved a Lease Agreement with the Pacific Railroad Society for their use of the Santa Fe Depot. It was understood that the Society would make initial upgrades to the Depot, provide ongoing maintenance of the Depot, and provide a railroad Museum open to the general public. In exchange for the above the City would allow the Society to occupy the building for their office and archives. A new lease was entered into in 2002 maintaining the original intent with almost the same terms and conditions as the original lease with the exception of a 10 year term.

Assistant Manager Duran highlighted two significant changes to the Lease proposed by the Pacific Railroad Society:

- 1) The Railroad Society is proposing a ten-year term with a 90 day cancellation clause. They are looking to invest a significant amount of money for capital improvements and would like assurance they can occupy the building beyond 2012.
- 2) Under the existing agreement, the Railroad Society is responsible for maintaining the entire building, although one wing was utilized by the Historical Society. The Railroad Society is proposing that they be absolved of responsibility for the space occupied by the San Dimas Rodeo.

Mayor Morris thought ten years was a long time to encumber city property. He suggested reimbursing the expenditure to paint the building if the Railroad Society's lease is prematurely terminated.

Councilmember Templeman suggested that City Attorney Brown review the Lease Agreement.

In response to Councilmember Badar, Mr. Duran said the City is responsible for maintaining the building and the San Dimas Rodeo would be responsible for custodial care of the space they occupy.



- e. Gray Oaks sign at the entrance to Terrebonne Avenue – update and council direction.

Public Works Director Patel summarized the staff report and said that in April 2008 residents on Terrebonne Avenue and adjacent cul-de-sacs were notified that the Gray Oaks sign would be removed. Director Patel said staff inspected the sign and some loose leaves were removed from the arch and other leaves and lettering were secured to the archway.

Director Patel said Mr. Williams led a group of residents and formed an action committee to preserve the sign and requested time to allow them to work on their preservation effort.

Director Patel said in March 2009 an agreement was discovered that the sign was inherited when the city purchased the San Dimas Canyon Golf Course. Mr. Patel summarized results of a structural engineer report and said the sign's overall condition is considered to be poor. Mr. Patel offered three options for Council to consider:

- Option 1) Remove Archway sign for approximately \$7,000, removing city's maintenance obligations and liability.
- Option 2) Preserve the sign, select the preferred Alternative 1-3, and accept obligation to maintain it.
- Option 3) Remove Archway sign and reconstruct similar self-supporting sign.

It was moved by Mayor Pro Tem Bertone, seconded by Councilmember Templeman to approve option 1.

In response to Mayor Morris, Director Patel replied that the top of the sign is permanently deformed and welds on the tabs are corroded.

In response to Councilmember Templeman, Mr. Patel said the structural engineer's opinion is that the top beam needs to be removed.

Assistant City Manager of Community Development Stevens suggested retaining another structural engineer for a second opinion.

Mayor Pro Tem Bertone amended his motion to authorize staff to retain another structural engineer for a peer review and second opinion, and if the results are the same, to approve Option 1.

Councilmember Templeman agreed a second opinion was important.

It was the consensus of the City Council to secure a second opinion.



## **2. Business – council direction:**

- a. Walker House – report on activities since the completion of the restoration. Update on future events and activities. Also discussion and direction regarding the moving of furniture to accommodate events at the Walker House.

City Manager Michaelis said the Historical Society has made progress moving into the Walker House. He said the tentative opening of the museum on November 20, 2009 will give more dimension to the building and encourage other uses. He added that the Festival has done a great job and has had two successful 2nd Story gallery events, all in line with the use of the building, in addition to the Spring and Fall art shows. He plans to schedule a user meeting in the near future to give the city options to the user agreements. Staff is interested in the Council's overall assessment on how things have been progressing with the use of the building. Staff also needs direction on the moving of furniture to accommodate events at the Walker House.

Mayor Pro Tem Bertone expressed concern that the restaurant was not doing well and asked if they can opt out at anytime. Assistant City Manager Duran replied that Saffron's has the option to terminate the agreement.

Councilmember Templeman commented that the restaurant does well when working in concert with another event.

City Manager Michaelis indicated he is open to suggestions.

Councilmember Templeman said he is not in favor of moving expensive furniture out of the building for the art show. He also felt it was inappropriate for the Historical Society to disconnect computers and remove work stations. He stated that the building can support small art shows, however, the larger events need more space and a tent approach would be more feasible.

Mayor Pro Tem Bertone stated the Walker House was restored for community involvement.

Margie Green clarified that the tent is used for the auction on Sunday. She said the art shows went well in spite of the crowded rooms. The Board plans to revisit this issue to determine a site for the 2011 and future art shows. She suggested that the Festival could rethink additional uses for the building.

Councilmember Badar agreed it would be difficult to move furniture out of the building, however, he suggested the City Council consider the necessity and feasibility of paying a professional company.

Mayor Pro Tem Bertone stated it was pre-agreed that the restaurant would have to close twice a year for scheduled events.

Margie Green stated that the Festival of Arts and Saffron's have a good partnership. She said Saffron's draws people in for the 2nd Story Gallery.

Assistant City Manager Duran reported that Saffron's is appreciative of the recent show and did well on the banquet.

City Manager Michaelis said the furniture must be moved for the 2010 Festival of Arts event and he requested specific direction. He added that the user agreements can be reviewed and amended after the 2010 art show.

In response to Council, Mr. Duran said a 12-month agreement was entered with the users to provide staff an opportunity to evaluate the uses. He said not everyone is in the building at this time and it is suggested that the agreements be extended through 2010.

Councilmember Templeman stated that if the city hall, civic center plaza and Plummer building renovation project is approved, the Festival of Arts can be given the option of hosting the art show in the newly remodeled Plummer building, or pay to move furniture out of the Walker House.

It was the consensus of the City Council to direct staff to extend the agreement with users for 2010 and re-evaluate user agreements after 2010.



- b. Christmas - Holiday decorations for the downtown – review of what has been done in recent years, merchant's desire for new decorations – direction from the city council and potential authorization of funding. Report on plan of action for holiday lighting for the Walker House. Request to light the two large trees on San Dimas Avenue.

Downtown:

Director of Parks and Recreation Bruns reported that in the past, holiday decorations were hung from the downtown street light poles until they were no longer usable. She said with Public Works completing the downtown street light project, new poles would accommodate electrical outlets. Downtown merchants are asking the possibility of downtown decorations and staff is proposing two options for Council

consideration: 1) Silhouette Shooting Star; 2) Silhouette Holly Leaf. Staff suggested staggering the decorations between Cataract Street and Walnut Avenue on the north and south side of the street. She said a total of \$11,500 would be required for the purchase of these decorations and brackets, and if approved, monies would be appropriated from the infrastructure fund. She stated that Public Works crews would install the decorations.



In response to Mayor Pro Tem Bertone, Director Brunns replied that electricity is not available in the Via Verde area.

It was moved by Mayor Pro Tem Bertone, seconded by Councilmember Badar to authorize appropriation of funds for the purchase of holiday street decorations for the Downtown and to delegate responsibility to Director Brunns for the selection of holiday decorations. The motion carried unanimously.

Walker House: In response to interest expressed about hanging holiday lights at the Walker House, Director Brunns provided cost estimates in the amount of \$3,550 to install warm, white LED, energy efficient lights on the north and east facing, upper and lower rooflines of the Walker House. The estimate includes purchase of materials, installation, and removal.

It was moved by Councilmember Badar, seconded by Mayor Pro Tem Bertone, to appropriate \$3,550 for the purchase, installation and removal of energy efficient lights for the Walker House. The motion carried unanimously.

In addition, a request has been received to include lights in the two significant trees on the east yard of the Walker House. Currently there is no electrical service proximate to the trees to accomplish this task and electricity would be run from the main panel at the Walker House. Staff obtained a preliminary estimate in the amount of \$3,900 for the installation of sufficient circuitry, conduit and breakers. An estimate was secured in the amount of \$1,264 to tight-wrap the trunks of each tree with clear LED mini lights to a height of approximately 25'.

It was the consensus of the City Council to defer this project and direct staff to allocate funds in the next fiscal year budget.



City Manager Michaelis said members of the public are present and he suggested the City Council next consider item (f) Open Space Preservation. It was the consensus of the City Council to discuss item (f).

- f. 18 acre development at the end of Valley Center – direction regarding open space preservation.

Assistant City Manager of Community Development Stevens said Mayor Pro Tem Bertone requested this item be placed on the agenda. Mr. Stevens reported that the Tract Map to create the 18-lot subdivision was recorded in May 2007, and before the developer/ ownership group went into foreclosure, the site was partially graded with the installation of some retaining walls. At that time, sandbags were placed at the site for erosion protection. Mr. Stevens said there have been recent inquiries from potential buyers (Abell-Helou Homes and Tzu Chi Buddhist Foundation). Abell-Helou advises us they have a 45-day exclusive contingency review period expiring November 15 and will offer \$2.5 million. The asking price for the property is believed to be \$2.9 million.

In response to Mayor Morris, Mr. Stevens replied that the Tzu Chi Buddhist Foundation has been advised that the City Council had previously rejected the construction of schools and highlighted the reasons for open space.

Open Space Preservation Policy: in 2007, The City Council adopted Resolution No. 07-53 setting forth procedures and guidelines in selecting open space parcels to be protected. The subject property was not ranked at that time – presumably because it was nearing development.

In response to Councilmember Badar, Mr. Stevens replied that a Master Plan will be prepared to decide the kind of open space use desired. He said there would be restoration costs due to grading on the site and staff will introduce plant materials on the barren portion of the property.

In response to Mayor Pro Tem Bertone, Mr. Stevens stated that because trees were removed, pursuant to the conditions of approval, trees must be installed as part of the development. He said if Tzu Chi purchased the property, they would probably want to merge all parcel lines. When the grading plan is submitted, staff will address the trees.

Mayor Pro Tem Bertone moved that the City consider the purchase of the 18-acre development at the end of Valley Center.

Councilmember Badar stated he would probably not endorse the purchase of that property and said staff is looking at the possible purchase of the Northern Foothills for open space. He added that should the Chevron Gas Station become available, he would support that endeavor. He mentioned that costs are overbearing to rehabilitate the 18-acre parcel.

In response to Councilmember Ebner, Mr. Stevens replied that the asking price is \$2.9 million and Tzu Chi offered approximately \$2.5 million.

Councilmember Ebner said he likes the idea of open space, however, he is reluctant to commit \$2.5 million at this time. He added that in the event the city hall renovation project does not go forward, there may be other priority projects.

The motion failed due to lack of a second.



- g. Report regarding the Chevron Service Station at Bonita and San Dimas Avenue.

Current Status: Assistant City Manager of Community Development Stevens said the current owners (Yang & Pil Han) acquired the property in 2005 for \$1.7 million. Staff met with them about 12 months ago regarding an obligation they had with Chevron to construct a convenience store. A letter was prepared advising that the current zoning did not permit such improvements. There was also a brief discussion about possible city interest in the property at some time in the future to which the owners were receptive. Staff has secured a preliminary title report for the property, however, Chevron may have a right of first refusal relative to any sale.

In response to Mayor Pro Tem Bertone, Mr. Stevens said the owners are willing to discuss the sale of the station and would consider an exchange of a piece of property of similar value. He added that the purchase of the subject property may not be first priority and the City Council will consider and rank other important downtown projects at the November 10, 2009 study session.

Downtown Plan: Staff has scheduled discussion for the November 10 Study Session on prioritization of various possible Downtown projects (acquisitions and/or improvements) as part of preparations for the last phase of the Downtown Specific Plan prior to hearings early next year.



- c. Banners in the downtown area – review merchant interest in seasonal – event oriented banners – provide direction.

City Manager Michaelis said staff plans to define the existing banner policy to allow seasonal banners or flags on existing light standards in the downtown area. He requested Council feedback.

Assistant City Manager of Community Development Stevens said this will provide the opportunity to change out Special Event banners, which will be installed by the Public Works crews in brackets similar to the 50th Anniversary banners.

In response to Councilmember Templeman, Mr. Stevens said there was no discussion about commercial banners. This policy applies strictly to special events such as Western Days, Spring Fling, etc.

In response to Council, Mr. Stevens said new light poles were installed on San Dimas Avenue and there is an opportunity to install banners on that street; however, the light poles are a different style on Bonita, east of San Dimas Avenue, and until they are changed, they will be unable to hang banners there.



- d. Grove Station – presentation on the current situation regarding the completion of the construction, stabilizing the rest of the property, property ownership status, status of the city owned residential units, and an update on development interest with the remaining vacant property. Potential council direction.

Assistant City Manager of Community Development Stevens referred to a memorandum from City Attorney Brown providing a status report on the development. Mr. Stevens said the office/retail building has been completed and some tenants are occupying the units. Construction on the 14 units continues and was represented as ready for occupancy in January or February 2010. He stated that William Fox is in foreclosure and it appears that they will abandon the remaining two phases - the condominiums in the center and the rear units.

In response to Mayor Pro Tem Bertone, Mr. Stevens replied that the Developer is going forward with the project in concert with the Bank; however, the bank will own the property and attempt to sell it. He said to retain control of the outcome of the changed project, staff is monitoring the project and the principle goal is to maintain the pace of construction and get to timely completion.

He said the Agency has \$1.95 million invested in the acquisition of four units of the 14 units in construction. Upon completion of the 14 units, the Agency will own the four units. He stated that \$2.7 million deposited for the acquisition of eight units in the next phase was returned. Any agreements with the now defunct developer related to affordability are considered null and void. He said, last Friday, the FDIC took over the project, sold Cal National Bank to U. S. Bank, which is now the owner of the loan funds for our development project. He said approximately \$80,000 represents the Agency's unspent portion for the four units. He said when Fox Homes steps out, the foreclosure will be addressed and the Bank will hire a new General Contractor to bring the project to conclusion. Mr. Stevens expressed concern that some project changes are being pursued to save construction dollars which may be a detriment to the remainder of the undeveloped portions of the property. Staff intends to hold a firm line on not allowing such changes and will not allow quality reductions in any changes.

In response to Councilmember Templeman, Mr. Stevens stated that the Building Inspector has been instructed to pay a high level of attention to all aspects of the construction. However, because some aspects of the job are beyond the scope of the Building Inspector, he recommended hiring Architect Steve Gaffney to perform detailed reviews of the construction, at an estimated cost of \$10,000. Mr. Stevens said he has a list of alternate Architects including Onyx Architects. He needs authority to hire the architect.

Future Development of Remaining Vacant Parcels: Staff has been in contact with at least two developers who have expressed interest in acquiring and developing the remaining portions of the Grove Station project.

In response to Councilmember Templeman, Mr. Stevens said U.S.A. Properties remains interested and is preparing to submit a revised offer. Mr. Stevens highlighted five principles for any proposal that comes forward.

Mayor Morris stated it is unlikely that the Council would approve an amendment to the Specific Plan to allow more density. He instructed staff to make it clear that zone changes are problematic.

Mr. Stevens stated that USA previously proposed to buy the property for \$3.7 million and staff explained that the price of land would be a consideration in the evaluation of any assistance.

Mr. Stevens said the second party contacted William Fox with interest to develop the middle phase of units as approved, with minor changes to the rear building. They are reducing the units and offering them for sale.

In response to Councilmember Ebner, Mr. Stevens said the general plan designation was carefully crafted and any changes require staff's discretionary decision. He said the developer should follow the five points with the understanding they cannot presume the General Plan or Specific Plan would be changed.

Director of Development Services Coleman inquired if no one buys the property, is City drawdown money recovered.

Mr. Stevens said the City prepaid for the four affordable units and funds would not be recovered. He added that the only detriment is not completing the units. He said it is in everyone's best interest to complete the project with the funds in the bank.

In response to Mayor Morris, Mr. Stevens said the units will be sold to moderate income persons. If the City Council decides they want to not sell the units, it is City Attorney Brown's intention to revisit that as we get closer to completion of construction.

There was no opposition to hiring an Architect to oversee the details of the project.



- e. Commercial Use of public facilities and areas – particularly parks (open areas, parking lots, courts and fields), public parking lots, etc. Review of some recent issues, requesting general council discussion regarding the initial direction council may desire to take with these situations.

Director of Parks and Recreation Bruns requested Council input and direction regarding the use of public facilities for private business entities conducting for-profit business activities in various public spaces. She said public space is open and available for public use, however, the question arises as to whether for-profit businesses should benefit from use of public space. She indicated that potential conflicts with the types of activities being conducted in inappropriate spaces and safety and liability issues result from such unauthorized use.

Director Bruns cited three Municipal Code sections which have aided staff in the deterrence of these activities, but do not fully address the restriction of conducting business in public space.

*Municipal Code Section 13.16.160 addresses and prohibits solicitation in parks for any purpose to sell or offer for sale any goods, wares, or merchandise or distribute or pass out any handbills advertising matter or literature, but does not address the conduction of business or services for a fee. Staff has cited this code when working with a few of the offenders, but again, it is a loose interpretation and not specific to fee for service activity.*

*Section 13.16.070 addresses disturbances and prohibits the disruption of peace and quiet in any park. This code has been cited when exercise camps have been operating with bull horns or whistles in the very early morning hours.*

In response to Councilmember Templeman, Director Bruns said Horsethief Canyon Park is used for boot camps.

*Section 13.16.190 is specific to park hours and has been referenced for those groups operating in the pre-dawn hours.*

Director Bruns said staff has approached and suggested working with the various operators to provide their program or activity as a contract program through the Parks and Recreation Department with negative outcome since with that arrangement the City would receive a percentage of their revenue. She indicated that by using the public property, there is no overhead cost for space rental or lease to impact their net profits.

Director Bruns asked for Council input on whether or not to amend the Ordinance to include language that restricts commercial use for compensation.

In response to Councilmember Templeman, Director Bruns said a survey was conducted of 80 cities and some restrict the use, while others have executed a vendor agreement.

Councilmember Ebner thought that commercial uses on public property without the City's permission should be regulated.

Councilmember Templeman said he could support permitting, licensing, and requiring insurance, however, he opposed charging a fee for the space.

Mayor Morris said a fair program is needed and thought a fee should be charged for the cost of monitoring the use.

Director Bruns said currently there is no enforcement strategy. She said she would craft language for the policies and procedures, including licensing and indemnification requirements, and come up with a strategy.

Director Bruns said city policy currently requires that parks are available on a first come, first served basis. She asked for Council input on whether or not park areas should only be available by reservation for group activities and if the City should construct a gazebo at the parks.

Mayor Morris stated that people use the parks and staff can craft a policy that works for everyone. Director Bruns said it is important to not reserve everything.

Assistant City Manager Stevens said organized activities should be handled through a program, however, there is a risk that someone not going through the program will monopolize the site.

Director Bruns said when staff receives calls to reserve the park for large events, staff notifies the Sheriffs Station. She responded to Council's questions and said the County takes reservations for Bonelli Park and charges a fee. She will bring back a policy for Council's consideration.



- 3. Oral Communications** – Members of the audience. Anyone wishing to address the City Council on an item on the agenda. No action or discussion shall be undertaken on any item not appearing on the posted agenda. Speakers may be subject to a time limit as may be determined by the chair.

Councilmember Templeman thanked Captain Hartshorne for providing deputy patrol at the Civic Center for street people who drink heavily.

Captain Hartstorne reported that an arrest was made on the bank robbery in Via Verde.

Assistant City Manager Stevens said the Census on the Homeless conducted eight months ago was released and the number counted for San Dimas was zero. He said the housing obligations for special needs population is less than previously thought, which means the City will pay less money to remediate issues with the homeless.

Councilmember Templeman reported that the pepper tree by Arrow Highway and Bonita Avenue needs trimming.

Mayor Morris suggested reflectors to aide night-time drivers on Bonita Avenue in seeing the bulb-outs.

Director Patel stated that this issue will be addressed at the next Traffic Safety Committee meeting.

4. **Adjournment** – next meeting of the City Council November 10, 2009 5 pm Study Session – downtown matters in the Council Conference Room. Regular meeting at 7:00 pm City Council Chambers.

Mayor Morris adjourned the meeting at 8:26 p.m. The next meeting of the City Council is 5:00 p.m. on November 10, 2009, to discuss downtown matters in the City Council Conference Room.

Respectfully submitted,

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Ina Rios, CMC  
City Clerk