



MINUTES
REGULAR CITY COUNCIL
TUESDAY, JULY 13, 2010, 7:00 P. M.
MULTI-PURPOSE ROOM
SENIOR CITIZEN/COMMUNITY CENTER
201 E. BONITA AVENUE

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem John Ebner
Councilmember Emmett Badar
Councilmember Denis Bertone
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
Planning Intern Michael Concepcion

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 7:06 p.m. and led the flag salute.

2. RECOGNITION

- Proclaim July as Parks and Recreation Month

A Proclamation designating July as Parks and Recreation Month was read and presented by Mayor Morris to Parks and Recreation Director Theresa Bruns. He congratulated Ms. Bruns and her staff and said they all do an outstanding job.

On behalf of Parks and Recreation, Director Bruns accepted the Proclamation and thanked the Council for their continued support and introduced her hardworking staff. She presented the Mayor and Councilmembers with 50th Anniversary Polo Shirts to wear to the City's Birthday Party Barbecue on August 7, 2010. She also invited the Council and the community to the New Years Eve Party Event on December 31, 2010, at the Via Verde Country Club, to conclude the City's 50th Anniversary celebration and ring in the next 50 years.

3. PRESENTATIONS

- 50th Anniversary Flashbacks

Susan Davis, Representative, San Dimas Historical Society, shared a 1971 Calendar and asked for help in identifying the source. She said the calendar includes the motto "San Dimas the Refreshing New City" and advertisements that tie in with the theme. She said the calendar featured a local establishment, Pootsie's at 124 East Bonita Avenue, as well as various names of citizens, birthdates and anniversary dates. If anyone has information please contact the Historical Society at (909) 592-1190.

Ms. Davis invited the public to a walking tour of the historic part of San Dimas on Saturday, July 17. Docents will meet at and leave from the Walker House entrance at 10:00 a.m.. She mentioned the Historical Society Museum is open from 10:00 a.m. to 2:00 p.m. and invited the community to stop by.

➤ Pui-Ching Ho, Librarian, San Dimas Library

Pui-Ching Ho, Library Manager, San Dimas Library, said the summer Reading Program continues with great prizes and program sign-up through July 30. She invited the community to enjoy the various activities including an Animal Magic Show on July 14; Mad Science, a creative science program designed for elementary school students, on July 17; Flights of Fantasy, Folk Tales around the World on July 21; Another Magic Show on July 28; Board Games every Thursday from 2:30-4:00 p.m.; and on July 24, local artist extraordinaire Mitzi Kubota will be presenting a clay sculpting workshop. Space for this class is limited; please sign up at the Reference Desk. She said for information on any program, contact the Library at (909) 599-6738 or access their website www.co.la.publib.org.

In response to Mayor Pro Tem Ebner, Ms. Ho said the new Library hours begin July 26, 2010, as follows: Tuesday-Thursday, 10:00 a.m. -8:00 p.m.; Friday-Saturday, 8:00 a.m.-6:00 p.m. Closed Sunday and Monday.

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) **Dennis Phillips**, Amelia Avenue, expressed his frustration in attempting to pull permits for his room addition.
- 2) **Erica Landmann-Johnsey**, Glendora, implored the City Council to assist in reopening the Gymboree to allow the children to have fun in a safe place.
- 3) **Bill Ireland**, Benbow, said he went to great expense to comply with the City's regulations on parking his Recreation Vehicle on his property. He reported he received a citation for parking his Motorhome on his property, although he purchased and displayed an overnight parking permit. Mayor Morris referred him to Assistant City Manager Duran for investigation.
- 5) **Sharon Alby**, La Verne, said she and her family own and board horses at the Sycamore Canyon Equestrian Center and supports the extension of the Lease.
- 6) **Nancy Newman**, reported that motorcycles and vehicles continually conduct drag races on Cypress, east of Valley Center. She mentioned that a pedestrian was struck as he crossed the street between Valley Center and Lone Hill Avenue and suggested a stop sign be installed on Cypress at that location. Mayor Morris directed this suggestion to Director Patel and suggested she contact Sheriff's Department to report the drag races.
- 7) **Laura Alvarado** invited the City Council and the community to the free annual Sheriff's Boosters Car Show, in downtown historic San Dimas on Bonita Avenue, at 6:30 a.m. on July 25th. She said the event includes a pancake breakfast served by United Methodist Church; car cruise starts at 8:30 a.m.; music and various attractions. She said the fundraiser benefits volunteer organizations at the Sheriff's Station - such as Mountain Rescue, Mounted Posse, Explorers, Disaster Communication Services, and civilian volunteers. T-Shirts depicting the site of the event were presented to the City Council.

8) **Daily Baise** said the design was chosen to use the newly restored Walker House as the backdrop for the car show T-shirt. He said T-shirts will be available at the event in sizes S-XXXL.

9) **Mitch Crawford**, representing the San Dimas Chamber of Commerce, invited friends and family of San Dimas to join the very special birthday party co-hosted by the City of San Dimas and Chamber of Commerce on August 7, 2010, in the Civic Center Park, to celebrate the City's 50th birthday. He said the event will be co-chaired by Scott Dilley and Laura Smolka. He introduced Leon Raya to highlight the activities for the event.

10) **Leon Raya**, Recreation Services Manager, highlighted the various daytime activities for the event that will commence at 2:00 p.m. and include games, musical entertainment, food, and 50th Anniversary Commemorative T-Shirts for sale. He encouraged stopping by the Recreation Booth to create a unique commemorative postcard that will include a photo and be cancelled with a special commemorative cancel stamp, courtesy of the Postal Service.

In response to Mayor Morris, Mr. Crawford said the 25-year time capsule will be opened at the event and a traditional deep pit barbecue dinner will be served from 5:30 p.m. to 7:30 p.m. After dinner, The Answer will provide entertainment. Dinner tickets can be purchased at the Chamber of Commerce, Temporary City Hall, and the Senior Citizen/Community Center for \$5 adults; \$4 seniors, and \$3 children. Additional information can be found on the City's website at www.cityofsandimas.com.

11) **Robert Hardcastle**, San Dimas Rodeo, invited the community to enjoy great music at Concert in the Park on Wednesday, July 21, and donate blood at the San Dimas Rodeo's first hosted blood drive of the year. He said at 4:00 p.m. on Wednesday, July 21, the Blood Mobile will be parked on First Street, adjacent to Civic Center Park. He encouraged donors to reserve a time slot by logging on to their website at redcrossblood.org.

12) **Jack Singh**, 114 W. Bonita, stated that recently he was required to remove his A-Frame sign facing a municipal parking lot after ten years and asked how he can advertise his restaurant.

Mayor Morris explained that for many years the City had a complaint-driven enforcement policy and is now proactively enforcing the code. He referred Mr. Singh to speak with Director of Development Services Coleman on sign related issues.

13) **Margie Green** invited the community to the 2nd Story Gallery at the Walker House featuring steel art by Conrad Brazzel on Friday-Saturday, July 16, 17, 2010 from 5:00 to 9:00 p.m. She said the event is free with wine and hors d'oeuvres served on Friday, compliments of Saffron.

14) **Dorothy Gillis**, owner of Gymboree, stated she has applied for a Conditional Use Permit required to move her business from the Target Shopping Center to the San Dimas Station. She said the process will take between 3-4 months and asked the City Council for assistance in moving through the process quickly.

At the request of Mayor Morris, Assistant City Manager Stevens explained that staff was approached several weeks ago with a business license application and it was determined that a Conditional Use Permit was required based on the operational activity of the business. He said an application for the Conditional Use Permit was submitted on July 1, and staff is reviewing it to determine that all required information has been received to move forward to the Planning Commission for public hearing. He said the processing time for a Conditional Use Permit is approximately eight weeks. He indicated that staff is currently working on an agreement to allow the continuation of the retail business portion in the new location and expects to have the issues related to the retail component resolved within the next couple of days.

15) **Sid Maksoudian** stated the City Council adopts the laws of the City.

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.)

It was moved by Mayor Pro Tem Ebiner, seconded by Councilmember Bertone, 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) **RESOLUTION NO. 2010-40**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTHS OF JUNE AND JULY 2010.
- b. Approval of minutes for regular City Council meeting of June 22, 2010.
- c. Award of Cash Contract No. 2010-06, Street and Pedestrian Safety Enhancement project on Amelia Avenues in the City of San Dimas from 5th Street to Gladstone Street Federal Project No. SRTSL 5367 (005) to ASR Constructors, Inc., in the amount of \$576,000.
- d. Reject claim for damages from Eugene Dallen III.

END OF CONSENT CALENDAR

6. PLANNING/DEVELOPMENT SERVICES MATTERS

- a. Consideration of Fences & Walls Guidelines for inclusion into the Town Core Design Guidelines.

Planner Concepcion provided a Powerpoint presentation of the proposed "Fences & Walls Guidelines" for inclusion in the San Dimas Town Core Design Guidelines. He said the guidelines were reviewed by the Development Plan Review and Planning Commission and are being presented to the City Council for final review and decision. Mr. Concepcion stated that the Towncore Design Guidelines is a tool to guide future development for compatibility with historic properties, however, those guidelines contain limited information concerning fences and walls. He said in the General Plan, the Fences and Walls Guidelines will promote and strengthen policies contained in the Housing Element. He highlighted the materials supported by and discouraged by the Development Plan Review Board and said staff supports the recommendation of the Development Plan Review Board and the Planning Commission to request City Council approval of the Fences & Walls Guidelines.

Councilmember Templeman expressed concern that approval of the Guidelines would impose undue regulations on Town Core residents with non-historic properties.

Assistant City Manager Stevens said staff has consistently applied architectural guidelines to new houses and renovation of existing houses since the areas were defined as town core in 1991. He said not every house is historic and guidelines are applied relatively stringently on historic houses and less stringently on projects less than historic. He assured the City Council that it is staff's intention to apply the Fences and Walls Guidelines in the context of the property's historic and architectural value.

In response to Mayor Pro Tem Ebiner, Planner Concepcion stated that staff will encourage compliance with the Guidelines concerning materials for fences, however, the Guidelines are not enforceable and the resident's choice of materials is not prohibited.

Mayor Morris mentioned that some man-made materials only look natural such as brick, slumpstone and split face concrete block. He suggested "wrought iron" be changed to ornamental iron or ornamental sheet metal. He supported applying the Fences and Walls Guidelines as guidelines in appropriate places to allow consistency to the area, and understood the Planning Commission's recommendation was to not enforce compliance.

In response to Councilmember Bertone, Mr. Stevens said staff is not proposing to create a separate approval and/or permit process for fencing or walls, and compliance is not required, except in cases where other activity triggers a permit.

Mayor Morris stated although this is not a public hearing, comments are welcome.

- 1) **Dennis Phillips** said his garage was rejected because it did not match the guidelines.
- 2) **Sid Maksoudian** said the City Council should unanimously approve the guidelines and live by the guidelines.
- 3) In response to **David Harbin**, Mr. Stevens replied that generally a permit is not required for a fence or wall unless the fence or wall is greater than six-feet in height, or it is retaining 24-inches of earth, and repairs to an existing fence would be allowed. He added that guidelines would be recommended for a new type of fence being constructed, unless there are other property improvements that require permits.

It was moved by Councilmember Bertone, to approve the "Fences & Walls Guidelines" for inclusion into the Town Core Design Guidelines.

Mayor Pro Tem Ebner said the City has standards and guidelines that help preserve the character of the community. He wholeheartedly recommended approval of the guidelines and seconded the motion.

Councilmember Templeman opposed the approval of the Guidelines because there are too many disparities in historical buildings in the Town Core. He does not consider any building from 1950 to the present to be historical housing elements and he does not feel they should be subject to the guidelines.

Assistant City Manager Stevens suggested inserting language setting forth the context that "the principle application of these guidelines is for those properties that are historic or have historical design houses on them, as opposed to every house within the broader parameters of the Town Core." He said that language can be made part of the motion as an amendment. He added that language can also be incorporated into the guidelines concerning the Mayor's suggestion relative to natural materials and wrought iron.

Councilmember Bertone amended his motion to include the language as stated by Mr. Stevens.

In response to Mayor Pro Tem Ebner, Mr. Stevens suggested that staff apply the standards in the context of what was on the property. He said the guidelines would have more weight and value if the building was clearly historic; the standards have more relevance if the building was a replica done to mimic elements of the Town Core Guidelines; and the standards have less relevance for a non-historic house from 1955 to the present.

Mayor Pro Tem Ebner seconded the motion as amended and the motion carried unanimously.

7. OTHER MATTERS

- a. Consider Sycamore Canyon Equestrian Center proposal for an extension to their lease with the City of San Dimas. 10-year extension - 5 year extension option. Completion schedule and financing for certain improvements.

City Manager Michaelis provided background on property ownership leased to Sycamore Canyon Equestrian Center. He summarized recommended changes to the Sycamore Canyon Equestrian Center lease with a proposed term for a ten year extension to December 1, 2020 with Lessee's right to exercise an option to extend for five years under the same conditions and process outlined in the existing agreement. He stated that capital projects are to be completed by April 30, 2011 and financed by the City, capped at \$125,000, with costs to be repaid by the tenant over a 20 year term at an interest rate adjusted annually to reflect the City's investment earnings, plus .5%, with a maximum interest rate of 6% during the term of

the agreement. The projects and improvements to be completed at the tenant's expense no later than April 30, 2017 are the replacement horse stalls for the lower area, at the rate of 15 per year, and the pasture facility. The City will retain ownership of these improvements.

Councilmember Templeman expressed concern that \$125,000 would not be sufficient funds to construct one new restroom and office building, and restore the old restroom facility.

City Manager Michaelis replied that the tenant needs to be able to repay the amount of financing to complete those improvements. He added that costs for improvements on the ranch will be recovered by the fees paid by the Boarders and an effort has been made to make sure improvements are as cost effective as possible. Mr. Michaelis reported that the estimated cost for two restrooms is approximately \$65,000 and staff would consider a pre-fabricated building for the office. He said the city's commitment to install the sewer line to that point should help with the costs eliminating the need for a septic system for the new upper restrooms. He said all costs associated with the improvements, including architect fees, are included in the \$125,000 financing package.

In response to Mayor Pro Tem Ebner, Mr. Michaelis said the City will take the lead to move the project through and costs will be recovered in the amount of the loan that would be repaid by the tenant.

In response to Councilmember Badar, **Laurie Adair**, Sycamore Canyon Equestrian Center, explained that originally, since they paid 50% of the possessory tax on the property, former City Manager Poff allowed them to pay 50% rent in the amount of \$750 for the house.

In response to Council, City Manager Michaelis said conditions for which the five-year extension would be considered are: 1) compliance with the existing agreement; 2) proper notice to request the extension; and 3) tenant cannot be in default under any provisions of the Lease. He said default of any provision triggers a default of the entire lease. He said a specific date was established for completion of the improvements and if those requirements are met, the timeline in the proposal would take place. He stated that the tenants are only obligated for the city financing through the year they remain tenants.

Mayor Pro Tem Ebner suggested a term of five or seven years; with renewal for two additional five-year terms if they follow through on the Lease.

In response to Councilmember Bertone, Ms. Adair stated the future economy is unknown and she would like to have additional time to replace the stalls, but will work within the parameters approved..

Councilmember Templeman suggested reducing the number of stalls from fifteen to ten stalls to be completed each year. Mr. Michaelis stated it was staff's intention to demonstrate good faith and had no objection to changing the number of stalls to be completed to ten stalls per year.

Mayor Morris stated that although this is not a public hearing, comments are welcome. There were no comments from the audience.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Ebner, to authorize the City Manager and City Attorney to prepare and execute lease documents to incorporate the approved changes to the Lease Agreement, and reducing the number of stalls from 15 stalls to 10 stalls to be completed per annum, and the date for completion of the horse stalls and pasture facility is changed from 2017 to April 30, 2020. The motion carried unanimously.

8. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 9:14 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 9:15 p.m..

9. ORAL COMMUNICATIONS

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

- 1) **Ginny Phillips** reported that their garage has been completed and they are awaiting final approval, pending additional conditions imposed on them.

- 2) **Sid Maksoudian** addressed the City Council on communication issues.

- b. City Manager

- 1) Update on City Hall, Civic Center, and Stanley Plummer expansion and renovation project.

Director of Development Services Coleman illustrated a slide presentation on the progress of the city hall renovation project. He said the wall forms at the West Wing are being installed and reinforced with rebar; crew is installing structural steel to support the roof; fire sprinklers and interior framing continue. He said deficiencies in the original construction of the building created structural challenges for dry wall that required additional hazardous abatement; HVAC duct work was installed, dampers were replaced; and conduit for main electrical lines was installed. He said the Plummer Building is ready for pouring of concrete walls and scaffolding is up for exterior concrete. He said progress can be followed on the City's website at www.cityofsandimas.com.

In response to Mayor Morris, Mr. Coleman replied that the Structural Engineer will be out Friday to evaluate other structural issues on the south part of the building and identify areas that need analysis.

- c. City Attorney

There were no comments.

- d. Members of the City Council

- 1) Reappoint Youth Member to Parks and Recreation Commission.

It was moved by Mayor Pro Tem Ebiner, seconded by Councilmember Bertone,, to reappoint Shannon McKee to the Parks and Recreation as Youth Member for a one-year term ending September 13, 2011. The motion carried unanimously.

- 2) Reappointments to Planning Commission.

It was moved by Councilmember Templeman, seconded by Mayor Pro Tem Ebiner, to reappoint Jim Schoonover and John Davis to an additional two-year term on the Planning Commission. The motion carried unanimously.

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

There were no comments.

- 4) Individual Members' comments and updates.

- a) Councilmember Templeman attended the Vector Control meeting and it was reported that dead crows with West Nile Virus were found in La Verne and Covina. He urged residents to be diligent about taking care of standing water on their property.

b) Councilmember Templeman praised Margie Green on the fantastic job of making the Walker House work for the 2nd Story Gallery. He said the site has become a community meeting place and he appreciates all she has done to make that happen.

c) Mayor Pro Tem Ebiner said he is a firm believer of free speech and not having time limits on comments. Although he understands the anger and frustration of the speakers, he does not see how a calculated personal attack serves the public.

d) Councilmember Bertone said the 21st Century Strategy for America's Great Outdoors, a Federal initiative has been implemented and a group of Federal legislators visited 11 parts of the country to talk to people interested in preserving farm land, hunting areas, parks and open space. He said Belinda Faustinos, Executive Director of the San Gabriel Valley Council of Governments (SGVCOG) was successful in getting the group to come to the San Gabriel Valley to let them know the SGV exists and to open the door for government funding. Mr. Bertone said he was one of two elected officials who attended a private reception to talk with the Federal group about the San Gabriel Valley.

In response to Mayor Morris, Mr. Bertone stated that the group acknowledged and was very receptive to Ms. Faustinos and the work she has accomplished.

e) Councilmember Bertone mentioned that Metropolitan District Authority approved funds for the Gold Line to go to Azusa and hopefully funds will be allocated for the extension to Monrovia.

f) Mayor Morris expressed exasperation with the accusations made against staff, Chamber members and the public and said he no longer wishes to participate in these negative communications with Mr. Maksoudian.

10. ADJOURNMENT

Mayor Morris adjourned the meeting at 9:40 p.m. The next meeting is on July 27, 2010, 7:00 p.m..

Respectfully submitted,

Ina Rios, CMC, City Clerk