



MINUTES
REGULAR CITY COUNCIL
TUESDAY, MARCH 1, 2011, 7:00 P. M.
SENIOR CITIZEN/COMMUNITY CENTER
MULTI-PURPOSE ROOM, 201 E. BONITA AVE.

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
Associate Planner Kristi Grabow
Associate Planner Marco Espinoza

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 7:02 p.m. and led the flag salute.

2. RECOGNITIONS

- San Dimas Community Volunteers, Athletes for Autism Group

Manny Zapata explained the purpose of the Youth Sports League is to provide sports activities and socialization environments for children with autism spectrum disorder. The League utilizes San Dimas High School volunteers who coach the kids in various activities. He said although the teenagers are required to complete ten hours of community service, these teenagers far exceeded that quota and recognition is well deserved.

Mayor Morris presented certificates of recognition from the City of San Dimas and from Assemblyman Curt Hagman to San Dimas Community Volunteers Natalie Holland, Brianna Norrie, Jennifer Hamson, Kayla Norrie and Michael Zapata for their outstanding service to the Autism Youth Sports League.

3. ANNOUNCEMENTS

- a. Pui-Ching Ho, Librarian, San Dimas Library

Pui-Ching Ho, Library Manager, announced activities for the month of February 2011. For detailed information, contact the Library at 909/599-6738.

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) Maurice Cuellar, 909 Calle Serra , founder of Advocates for Healthy Living, thought the proposal to commence the Farmer's Market the first week in April is appropriate. He said the Plaza can be roped off until the grand opening and adjustments can be made as needed regarding music and location.

2) Yvonne Picconi, representing the San Dimas Equestrian Commission, invited the community to join them for their annual trail cleanup event at Horse Thief Canyon Park, on Saturday morning April 9th, to remove debris and rocks off the trail. They are looking for volunteers or anyone who needs to complete community service hours. Lunch will be provided. Interested parties can call 909/394-6284.

3) Sid Maksoudian, 1156 Camino del Sur, said his campaign sign was removed from the Union 76 Gas Station because he opposed the approval of a beer and wine license at that location, which is in close proximity to the freeway. He said it is the Sheriff's Department policy to deny such a license to vendors so close to any freeway.

4) Alline Kranzer shared a National Publication article about San Dimas with photographs of the Walker House and said San Dimas gains fame throughout the country with the Festival of Arts National Art and Exhibition, which is being held on April 30 – May 1, 2011.

5) Alline Kranzer said San Dimas is a city of volunteers who have the choice of getting involved in a number of worthwhile activities with the La Verne-San Dimas Soroptimist Club; the Historical Society, Festival of Arts; Chamber of Commerce; or San Dimas Rodeo.

6) Dr. Marvin Ersher, 1312 Paseo Alamos, would like to address items 6.a and 6.b when the items are heard. He said edification would be helpful to citizens to know what zones cell towers are allowed in. He asked if there were technology available for a unified system of transmission so as not to have towers for every vendor and if the towers emitted radioactive or toxic discharge.

Mayor Morris stated that item 6.b will be referred back to the Development Plan Review Board.

7) Margie Green, Chair, Chamber of Commerce, announced the Bonita Corridor meeting; the monthly Chamber breakfast; ribbon cutting ceremonies at San Dimas Pet Groomers and Twisted Sage; Saint Patrick's after hours mixer; and the Marketing Expo. For detailed information contact the Chamber of Commerce at sandimaschamberofcommerce.com.

8) Ted Powl, Chamber volunteer, said the Civic Academy will be starting on March 26th for seven weeks, featuring presentations from various organizations. The cost is only \$98 and includes meals, a commemorative shirt, a tour of the city, and a barbecue at graduation.

9) Chris S. Grant, 1784 Avenida Entrada, clarified that he made the choice to not include a Candidate Statement in the Voter Guide so that his campaign would not incur debt during his campaign for his bid for the City Council. He invited voters to log onto his website grant4 progress2011vpweb.com.

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 Councilmember Bertone, seconded by Mayor Pro Tem Ebiner, and carried to accept, approve and act upon the consent calendar, as follows:

- a. Approval of minutes for regular meeting of January 11, 2011.
- b. Award of contract to MGO Certified Public Accountants for a Transit Occupancy Tax audit of Hotels in San Dimas

END OF CONSENT CALENDAR

6. DEVELOPMENT SERVICES/PLANNING

- a. DPRB 10-33: A request to construct two 25-foot monocypress wireless communication facilities located at 1087 Via Verde (APN: 8395-025-024).

- 1) **RESOLUTION NO. 2011-10**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING DEVELOPMENT PLAN REVIEW BOARD CASE NO. 10-33, A REQUEST TO CONSTRUCT TWO 25-FOOT MONOCYPRESS WIRELESS COMMUNICATION FACILITIES LOCATED AT 1057-1087 VIA VERDE (APN: 8395-025-024)

Associate Planner Grabow summarized a request to construct two 25-foot monocypress wireless communication facilities located at 1057-1087 Via Verde and Puente Street within the Administration Professional (A-P) Zone. At their January 13, 2011 meeting, the Development Plan Review Board reviewed the proposal and voted to recommend the project to the City Council with conditions. Staff recommends approval of Resolution No. 2011-10 for DPRB Case No. 10-33.

Planner Grabow responded to Dr. Ersher's previous comments that a majority of zones within city boundaries allow wireless facilities in residential areas through a conditional use permit process. She said staff prefers to see collocations with multiple companies on one site, however, at this site, because staff wanted to keep visibility down, the monocypresses are going to be 25-feet in height. She added that studies conducted regarding emissions concluded that emissions generated by these sites are acceptable to humans. She said there is a negative declaration that was reviewed in the early 2000's that covers all wireless facilities in the city.

Assistant City Manager Stevens added that there is limitation in state law with our ability to evaluate electromagnetic effects of various types of facilities, and as long as they meet the development standards, a current California Environmental Quality Act (CEQA) review is not necessary.

Councilmember Bertone requested that staff review and bring back to the City Council for discussion on whether or not these towers would be permitted in residential areas.

Assistant City Manager Stevens said staff will prepare an update showing the restrictions in a residential zone and discuss at the City Council-Staff Retreat.

Ryan Young, Delta Groups Engineering, Consultant of Verizon Wireless, 2362 McCaw Avenue, Irvine, CA 92614, provided a Powerpoint presentation of the communication facilities and said Verizon has worked closely with the City since 2009 to provide a much needed cellsite to improve the quality of the

wireless communications service to this particular area of San Dimas. He highlighted coverage objectives of the recommended site at the intersection of Via Verde and Puente Street and proposed the monocypress, a design staff could support. He said the staff report was reviewed and they are in agreement with the conditions of approval.

Mayor Morris invited members of the audience to express their views.

- 1) In response to Susan Crawford and Dr. Marvin Ersher, Planner Grabow pointed out the location of the proposed site of the two monocypress facilities and said surrounding neighbors were notified for the meetings of the Development Plan Review Board and City Council.
- 2) Dr. Ersher suggested looking at a planning process to limit the number of towers permitted in an area of the city.
- 3) In response to Susan Crawford, Planner Grabow replied that because this proposal is utilizing the existing landscape on private property and does not include any tree removal, the City Arborist does not get involved.
- 4) In response to Chris Grant, Mr. Young said small antennas must connect to an existing network and the Via Verde area lacks wireless service coverage.
- 5) In response to Sid Maksoudian, Assistant City Manager Stevens replied that the overall height for the two monocypresses is approximately 40-feet. He said staff reviewed this proposal extensively to ensure it was aesthetically appropriate for the area and properly integrated into the existing landscaping component. He added that it was decided to use the cypress because it obscures most, if not the majority, of the antenna facility.

After the title was read, it was moved by Councilmember Badar, seconded by Councilmember Templeman, to waive further reading and adopt **RESOLUTION NO. 2011-10**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING DEVELOPMENT PLAN REVIEW BOARD CASE NO. 10-33, A REQUEST TO CONSTRUCT TWO 25-FOOT MONOCYPRESS WIRELESS COMMUNICATION FACILITIES LOCATED AT 1057-1087 VIA VERDE (APN: 8395-025-024). The motion carried unanimously.

- b. Consider Appeal of DPRB Case No. 10-07, a request to grade the rear portion of a single-family residence into terraces, approximately 190 feet long by 90 feet wide, for the purpose of planting fruit trees located at 523 Puddingstone Drive.

Mayor Morris reported that the applicant created terraces for the growing of fruit trees and other vegetation, and information requested by the Development Plan Review Board for deliberation was not delivered to them, therefore, the Board denied the project. He noted that the City Attorney advised that this item be referred back to the Development Plan Review Board for consideration based on the fact that the DPRB did not have the opportunity to review the necessary soils and geological report submitted by the applicant.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Ebiner, to refer this item to the Development Plan Review Board for further consideration. The motion carried unanimously.

In response to Council, the applicant replied that because some neighbors had expressed concern with the stability of the land, he hired a geologist and submitted the necessary documents. He is ready to proceed with his plan once the project is approved.

7. OTHER MATTERS

- a. Consider for Approval the Farmers Market's revised proposal as submitted by Advocates for Healthy Living.

Director of Parks and Recreation Bruns provided background on the revised proposal from Advocates for Healthy Living for a 2011 Farmer's Market and noted that additional petitions in favor of the farmer's market were received. Pursuant to the City Council's request, Director Bruns submitted final event guidelines and conditions of approval to include all components of the revised proposal with the exception of Condition No. 20 – that the applicant be allowed to provide non-amplified live entertainment only during the weeks of the event when the Music in the Park and Movies in the Park are not operating; and permit pre-recorded music at low volume. She added that the conditions also do not include dedicated, reserved use of the City Hall Plaza for any specified purpose for the event. Ms. Bruns stated that Advocates for Healthy Living proposed a start date of April 6, however, out of consideration for the public grand opening of the new city hall facility, staff is proposing that the Farmer's Market commence on April 13 through September 28, 2011. Director Bruns reviewed the conditions of approval and highlighted conditions specific to the new location and new proposal.

Staff suggested that any non-amplified or pre-recorded music be incorporated into the site plan for First Street and City Hall parking lot area authorized for use by the Farmer's Market, and for the Plaza to remain open for walk-thru, or as a congregate area with no designated specified use. Staff recommends that the City Council authorize staff to renew the temporary use permit for Advocates for Healthy Living to operate a 2011 Farmers Market in the public right-of-way, subject to standards and conditions of approval as outlined, with consideration whether or not to adjust the start date.

Councilmember Templeman felt the City's grand opening is an important event and supported a start date of April 13 which he believed would not cause problems for the farmers.

Councilmember Bertone agreed with the start date of April 13, 2011. He requested that staff work with the Festival of Arts that will be erecting a tent in the Plaza for their annual Exhibition and Sale on April 29-May 1.

Mayor Morris invited the audience to comment. No one came forward.

Mayor Pro Tem Ebiner said there is no need for three different closing times and suggested the condition be changed to reflect 9:00 p.m.

In response to Mayor Pro Tem Ebiner, Director Bruns replied that vendors are encouraged to park at the municipal parking lots on First Street or Bonita Avenue. She said that during Music in the Park, space would be reserved for the Music in the Park program.

Mayor Pro Tem Ebiner said Music in the Park should be open and vendors should be required to park further offsite. He said he is in favor of the market and supports a mid-season review.

Director Bruns said staff will continually monitor and evaluate the event, and with the use of a vendor placard encourage them to park further away. She added that if resident parking is not being used, parking restrictions can be adjusted and opened to visitors of the Market.

It was moved by Councilmember Templeman, seconded by Councilmember Bertone, to authorize staff to renew the temporary use permit for Advocates for Healthy Living to operate a 2011 Farmers Market in the public right-of-way, subject to standards and conditions of approval as outlined, with a start date of April 13, 2011. The motion carried unanimously.

8. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 8:41 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:42 p.m..

9. 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 said he does not mind groups showing their opposition to candidates, however, he has a problem when their website links to the City of San Dimas, Festival of Arts, and Historical Society. He stated that anyone running for office should be appreciated by all members of society.

- b. City Manager

- 1) Select a date for the Spring City Council- Staff Retreat

It was the consensus of the City Council to conduct the City Council/Staff Spring Retreat on

- Monday, April 18, 2011, 5:00-9:00 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 comments.

- 2) Individual Members' comments and updates.

a) Mayor Pro Tem Ebner encouraged voters to go to the polls at the City's General Municipal election on March 8, 2011.

b) Councilmember Bertone said citizens have an opportunity to make a statement and urged them to vote on March 8, 2011.

- 3) Request from the H.E.R.O.E.S. organization to place an off-site fund raising sign at Bonita and Arrow for the month of March 2011.

City Manager Michaelis stated this request was brought up at the February 22nd meeting and approval requires City Council consensus.

Councilmember Templeman stated he had no objections to the request as long as the donation gauge is well maintained and is removed at the end of the time frame.

Mayor Morris expressed concern that if one organization is permitted, others will have to be allowed as well.

In response to Councilmember Bertone, City Manager Michaelis replied that the proposal is only for the month of March, 2011.

It was moved by Councilmember Templeman, seconded by Councilmember Badar, to approve the donation gauge to be positioned at Bonita Avenue/Arrow Highway for the month of March 2011. The motion carried 4.1; Mayor Morris opposed.

4) City Manager Michaelis stated that Captain Hartshorne takes on his new assignment starting Sunday, April 6, and Don Slawson, new San Dimas Sheriff's Captain, will report to duty on that date. Mr. Michaelis suggested combining the ceremony to swear in new Council on March 22 with a farewell to Captain Hartshorne and welcome to Captain Slawson.

5) Assistant City Manager Stevens invited any comments on sign regulations to be discussed at the Community Sign Forum to be held on March 16, 2011, from 6:00 p.m. – 7:00 p.m., at the San Dimas Sheriff's Station Community Room.

10. CLOSED SESSION – This item was cancelled.

Recess to a City Council closed session pursuant to Government Code Section 54956.9(c):

- a. Pursuant to the provisions of Government Code section 54956.9 (c) a closed session will be held with the city attorney to discuss potential litigation involving a dispute with the contractor arising out of the reconstruction/paving of Foothill Blvd.
- b. Report on closed session items.

11. ADJOURNMENT

Mayor Morris adjourned the meeting at 8:55 p.m. The General Municipal Election will be conducted on Tuesday, March 8, 2011. The next regular City Council meeting is Tuesday, March 22, 2011, 6:00 p.m. for Ceremony to Swear In New Council. The regular meeting commences at 7:00 p.m.

Respectfully submitted,

Ina Rios, CMC, City Clerk