



MINUTES
REGULAR CITY COUNCIL
TUESDAY, JULY 26, 2011, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem Jeff Templeman
Councilmember Emmett Badar
Councilmember Denis Bertone
Councilmember John Ebner (arrived at 7:26 p.m.)

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

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

- Pui-Ching Ho, Librarian, San Dimas Library

Pui-Ching Ho, Library Manager, said children, teens and adults can win prizes just for reading at the Summer Reading Program through July 30. She invited the community to enjoy a variety of activities at the Library including a magic show with audience participation, comedy and live animals; the Summer Reading Book Club for Adults will discuss T.C. Boyle's *Tortilla Curtain* on July 28; come enjoy the free food tasting at the Korean Cuisine cooking demonstration on July 30; the Book Party will discuss *Little Bee* on August 3; classical guitar music will be showcased in front of the Library on August 10; use your imagination creating colorful prints from Styrofoam blocks at the Japanese Block Art Printing Workshop on August 11. For detailed information, contact the Library at 909/599-6738.

- Mitchell Crawford, Chairman, Chamber of Commerce, Powerpoint presentation about 2011 San Dimas Birthday Barbecue

Mitchell Crawford, Chairman, Chamber of Commerce, provided a Powerpoint presentation inviting the community to the 51st annual San Dimas Birthday Barbecue from 2:00-10:00 p.m. on Saturday, August 6, 2011, at the Civic Center Park. He thanked Committee members and sponsors and outlined the schedule of events, which are free, with the exception of food service and beverages. Meal tickets are available at six locations and cost \$5 children, \$6 seniors, \$7 adults on the day of the event; and advance ticket sale price is \$4 children, \$5 seniors, and \$6 adults. Mr. Crawford distributed volunteer forms and invited the City Council and staff to join as volunteers at the event.

Mayor Morris announced that members of the audience wishing to comment on item 8.d.1, the matter related to stay the enforcement of the 5% window coverage restriction, would be heard during either of the two Oral Communications. Mayor Morris further stated that there would not be a specific hearing when that item comes up, and in the interest of time, speaking time would be reduced to three (3) minutes for the second public comment session on matters related to item 8.d.1.

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) Caryol Smith, Coordinator of the Friends of the San Dimas Dog Park, invited the City Council, staff and the community to the Parks and Recreation's 2nd Annual Bowser Bash on Saturday, July 30, 2011, from 9:00 a.m. to 12:00 noon, at Horsethief Canyon Park. She said there will be several exhibitors and demonstrations, Inland Valley Humane Society will be offering microchips for \$15, and snacks will be provided by Tzu Chi Foundation.

2) Rick, Ranch Town Market & Deli, requested that the City Council consider amending the code to allow more than 5% of window coverage to assist the small business owners to advertise their specials.

3) Sid Maksoudian requested that the Mayor reconsider increasing the speaking time limit to five (5) minutes. He said when he opened his liquor business, the conditional use permit restricted advertising on his windows, and he felt that the code adopted by the City Council should be enforced.

4) Margie Green said McKinley's Home for Children is looking for golfers and sponsors for the Golf Tournament on Monday, September 26, 2011, at Via Verde Country Club, to help benefit children who are in need.

5) Alta Skinner invited everyone to Fairplex, San Dimas Day at the Fair on Friday, September 16, 2011, at a reasonable price. She said free admission that day is available for those who would like to join them by taking five cans of Ralph's label canned food.

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 separate discussion.)

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, and carried 4.0.1 (Councilmember Ebner was not present) 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. 2011-35, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF JULY 2011.**

b. Approval of minutes for the regular City Council meeting of July 12, 2011.

END OF CONSENT CALENDAR

5. PLANNING/DEVELOPMENT SERVICES

a. Appeal of public nuisance determination regarding 405 W. Gladstone (Code Enforcement Case No. 10-1488).

- 1) **RESOLUTION 2011-36, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING A PUBLIC NUISANCE DETERMINATION AND ORDER OF ABATEMENT REGARDING PROPERTY LOCATED AT 405 WEST GLADSTONE (APN: 8392-015-029)**

Director of Development Services Coleman said the property has been in code enforcement since 2006 for illegal grading and other violations which resulted in the issuance of ten administrative citations. He reported that most of the violations were abated, with the exception of fill dirt stockpiled on the property without a grading permit. Director Coleman said a public nuisance hearing was conducted on May 11, 2011 and based on evidence presented, on May 12, 2011, the designated hearing officer declared the property as a public nuisance, noting that the request to delay the abatement of fill dirt should be appealed to the City Council. The property owner and Mr. Stringfellow have an approved parcel map and recently submitted amendments to the parcel map. Mr. Stringfellow anticipates submitting a development plan review application for homes and is asking for 12 months on abatement. Staff recommended that the City Council adopt Resolution No. 2011-36 adopting a public nuisance determination and order of abatement that will provide for removal of the dirt within 30 days, which may be extended up to 12 months pursuant to certain conditions.

In response to Mayor Morris, Director Coleman replied that the Resolution is consistent with the appellants' request.

Mayor Morris invited the appellants to comment.

- 1) Stan Stringfellow reported that they are actively pursuing some revisions to the parcel map and agreed to have two houses submitted to the Development Plan Review Board. He said he has tentative commitment for financing to build the two homes, which would be located on the northern end of the site where the dirt sits. He believes 12 months is an adequate period of time for staff/Council to review revisions and also to allow him to submit plans to the Development Plan Review Board, although, he would like an additional six months extension upon a condition they are actively processing the development site. He expressed his appreciation for staff's efforts to create a remedy that is balanced and helps eliminate economic waste by allowing them to utilize all the dirt from the site, as part of the development. He lends his agreement to staff's recommendation.

- 2) John Hollander expressed his appreciation and support for staff's efforts and recommendation.

Mayor Morris invited members of the audience to ask questions about or comment on this item before a decision is reached. No one came forward to speak.

Director Coleman asked for clarification whether or not it was the City Council's desire to modify the first condition to only address two homes being submitted or if all four homes were to be submitted to the Development Plan Review Board.

There being no objection to having two homes submitted to the Review Board, Councilmember Bertone requested that the first condition be modified to reflect two homes.

Councilmember Badar requested adding an opportunity for an extension of an additional six months.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Badar, to waive further reading and adopt **RESOLUTION 2011-36, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING A PUBLIC NUISANCE DETERMINATION AND ORDER OF ABATEMENT REGARDING PROPERTY LOCATED AT 405 WEST GLADSTONE (APN: 8392-015-029).**

Mayor Pro Tem Templeman supports the plan, which controls noise and dust, and is good not only for the developer, but for the neighborhood as well.

Mayor Morris noted that there were citations issued and fines and penalties were assessed, which have been paid in a fairly significant amount of money for the violations. He said this is a remedy in lieu of removing dirt and bringing it back in for the project.

The motion carried unanimously.

6. OTHER MATTERS

- a. Consideration of Budget Authorization to Prepare Conceptual Plan for Downtown Sidewalk Revisions and of Review Process Public for Said Revisions.

Assistant City Manager of Community Development Stevens reported that at the April 18, 2011 Spring Retreat, staff was directed to remove and replace the Liquid Amber Trees in the downtown area, and to bring back a plan for replacement trees based on criteria discussed. The City Council also eliminated the "frontier" theme and adopted an "historic" theme for the downtown corridor and staff was directed to bring back plans to replace the boardwalk with full-width concrete sidewalk, trees and associated landscaping. It was also agreed that before these directions were finalized, there would be a public review process. However, Mr. Stevens noted that given recent actions with the state budget, there is some uncertainty as to the availability to use Redevelopment funds for the design and development of this project. To date, staff has contracted for a survey of existing improvements and secured a proposal for conceptual design services. Mr. Stevens outlined four alternatives and recommended authorizing a budget adjustment of \$15,000 from the General Fund for the work and to authorize staff to enter into a contract not to exceed \$15,000 for the conceptual design. Staff requested direction on the public review process.

It was the consensus of the City Council to select Alternate 2 to prepare conceptual plans; direct staff and consultant to conduct community meeting(s) to secure public input, and present report to the City Council for final decision on the public input.

Councilmember Ebner suggested posting preliminary concepts on the website prior to a public review.

In response to City Council, Mr. Stevens said as a most cost effective way to get to consensus decision on the type of changes discussed, staff will select a prototype design block that should give all answers needed, such as suitable sidewalk materials and components to be considered, so staff can prepare final plans, which would be expanded to include all six blocks.

Mr. Stevens said that staff would send a broader notice to invite the people of the community, in addition to the entire block of downtown business/property owners, to appear and comment at the public review.

Mayor Pro Tem Templeman said it is important for the community to realize the benefits that come from this study to bring the outdoor dining experience up against the restaurants, instead of sitting on the curb line.

Mayor Morris said city staff has done a lot of preliminary work on this project and is ready to move forward. He stated that the City Council made the decision to remove the liquid amber trees that were destroying the downtown. He said a motion is needed to appropriate funds of \$15,000 from the general fund for the prototypical design.

It was moved by Councilmember Badar to appropriate \$15,000 from the General fund and to authorize staff to enter into a contract not to exceed \$15,000 for the conceptual design. He asked staff to monitor the consultant's actions.

The motion was seconded by Councilmember Bertone.

Mayor Pro Tem Templeman said he is supportive of the motion, however, he suggested that previously discussed façade improvements should be considered after the sidewalk work is completed.

Councilmember Ebiner supported the motion, and he agreed with Councilmember Badar that the consultants' work should be monitored. He added that one way to monitor is to have options for the various criteria.

Mr. Stevens replied that the consultant selected is the same consultant who prepared the Grove Station frontage plans and the public portion of that plan was with sidewalks. He said the consultant is primarily a landscape architect, with other design capabilities, and would be looking at hardscape and related details. The consultant has worked with staff in the past, and staff felt the best way to get someone experienced is to create some of the same type of field.

The motion carried unanimously.

7. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 7:50 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular City Council meeting reconvened at 7:55 p.m..

8. ORAL COMMUNICATIONS

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

- 1) Craig Johnson, General Manager, Ace Hardware, lends his support to the stay of enforcement of 5% window coverage restriction. He asked that staff notify by mail the downtown merchants and the Chamber of Commerce of any discussion or meeting.

- 2) Sid Maksoudian reiterated that three minutes is inadequate time to express his concerns. He said under his conditional use permit he was not able to put up any signs on his windows, however, if the code is changed to accommodate window displays, it will open up the gate for him to use his windows. He said he has complied with the law, and code enforcement did the right thing by enforcing the code over the years. He mentioned that 20%-25% window coverage is not adequate for the business owners.

- b. City Manager

- 1) Verbal report on actions taken regarding Raging Waters parking impacts in adjacent residential areas. Traffic Safety Committee's actions.

City Manager Michaelis said Director of Public Works Patel will provide a verbal report in response to parking impacts near Raging Waters and Puddingstone Drive.

Director of Public Works Patel reported that in 2009, the Traffic Safety Committee reviewed a similar complaint from the same group of residents due to an ongoing conflict between the Parking Enforcement Officer and residents. At that time, the Homeowners Association had illegally posted its own parking permit sign in the public Right of Way. Director Patel stated that Resolution No. 09-02 prohibits the parking of vehicles on Puddingstone Drive, from San Dimas Avenue to the city limits, east of Walnut. As a result of the analysis, the Traffic Safety Committee recognized that there is adequate parking for 12 additional parking spaces in front of Puddingstone Drive. At the same time, the Committee raised concerns about Raging Waters patrons parking during the season. It was concluded to monitor this area.

In the spring of 2010 the HOA removed the illegal parking signs. In the summer of 2010 the City received no complaints, nor was made aware of any parking issues being caused by the patrons. Until this time, there had been no notification from the Homeowners Association regarding ongoing parking issues in 2010.

The Traffic Safety Committee met Wednesday, July 20, 2011, and recommended time restricted parking 7 days a week, on Puddingstone Drive, to maintain the 12 spaces between the hours of 10:00 a.m. to 5:00 p.m., from June to September. On Thursday, July 21st, Director Patel met with the residents who suggested an extension of the parking restrictions on Tanglewood; issuing a neighborhood parking permit; and enabling a parking policy. The HOA did not support the parking restrictions on Tanglewood and Director Patel advised residents that a Neighborhood Parking Permit is not possible because the City does not have a policy or ordinance in place. He informed residents that the most expedient solution is to post "No Parking" signs, which can be installed in less than ten (10) days.

In response to Council, Director Patel replied that residents are in agreement with the parking restrictions in front of Puddingstone and once the signs are installed, residents will be informed of a two-day grace period, and the Sheriff's Department will be notified to patrol the area and enforce the restriction.

c. City Attorney

There were no comments.

d. Members of the City Council

- 1) Action to stay the enforcement of the 5% window coverage restriction in the city's sign ordinance until the hearings and action are complete regarding potential changes to the sign ordinance.

Assistant City Manager for Community Development Stevens said staff reviewed approximately 15 window sign related enforcement cases that are within the parameters of the stay being considered until a revised Sign Code can be considered. He said 12 of the 15 cases are in compliance, with three remaining unresolved that would receive a second notice letter, pending tonight's action.

He said staff has completed a comparability survey of surrounding cities and is preparing a recommendation to present to the Planning Commission at an upcoming public hearing in September or October. He reported that most cities in the area allow window coverage of 20-25% and some cities limit the number of days for certain temporary window signs. Mr. Stevens highlighted potential concerns with an enforcement stay and said if the City Council approves a stay, staff would like guidance on how the stay applies to businesses that complied and those that did not comply, and if the City Council desires staff to bring back interim standards during the stay of enforcement.

Councilmember Badar stated he was approached by several business owners that have complied with code enforcement, however, the 5% window coverage restriction is jeopardizing their businesses. He supports the stay of enforcement until the Planning Department is prepared to bring forward an ordinance with new standards.

Councilmember Ebner stated that 100% window coverage is not acceptable, however, he supports a stay of enforcement, and if approved tonight, the stay should apply to all window signs until standards are adopted.

Mayor Morris stated that if the City Council approves the moratorium, the City Council should be able to set provisional standards which can be brought back at the next City Council meeting for consideration.

City Attorney Brown affirmed that the City Council has the authority to adopt interim standards at their next meeting.

Assistant City Manager Stevens reiterated his understanding that staff will bring back an interim urgency ordinance that would take effect immediately and be enforceable until a new sign code is adopted.

In response to Mayor Morris, Assistant City Manager Stevens replied that the urgency ordinance replaces the existing ordinance with the temporary standard until a new standard is put in place. He explained that the urgency ordinance will be in place for 45 days, after which a public hearing must be held to extend the moratorium.

In response to Councilmember Badar, Assistant City Manager Stevens replied that code enforcement on all window signs will be deferred until an urgency ordinance can be adopted. He said once the standards are adopted, consideration could be given to requiring a commitment from any benefiting business to comply with any new standards within a reasonable time frame.

It was moved by Councilmember Badar, seconded by Mayor Pro Tem Templeman, to approve the stay of enforcement and to direct staff to bring back at the next City Council meeting an interim urgency ordinance changing the window sign coverage limitation. The motion carried unanimously.

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

The City Council did not attend a meeting at the expense of the local agency and there is nothing to report.

- 3) Individual Members' comments and updates.

- a) Mayor Pro Tem Templeman said that due to State Budget cuts, our local schools are experiencing financial setbacks. The Youth and Family Coalition is conducting a paper drive and is requesting donations of reams of unused paper. Mr. Templeman encouraged businesses and individuals that are trying to go paperless to help support this important project and to drop off cases or individual reams of white bond paper for the school's use.

- b) Councilmember Ebner thought it might be worthwhile for the public to see a slide presentation by Cedric Ebner regarding Rome's contribution to our contemporary society, including architecture, engineering and politics. The slide show will be conducted at 5:00 p.m. on Wednesday, July 27th, at the San Dimas Library.

- c) Councilmember Badar added that it is not necessary to take reams or cases of paper to the schools. Cash is welcome and the schools will make the purchases.

- d) Councilmember Bertone mentioned that Barney the Wonder Dog will be making an appearance at the Bowser Bash being held on July 30th, at Horsethief Canyon Park, between 9:00 am. To 12:00 p.m.

- e) Mayor Morris invited questions by phone call or email on *Ask the Mayor*, Thursday evening, July 28th, starting at 7:00 p.m.

- f) Mayor Morris noted that the fleet is in San Pedro and he plans to visit the U.S.S. Abraham Lincoln on Friday.

9. CLOSED SESSION

Mayor Morris recessed at 8:30 p.m. to a City Council closed session pursuant to Government Code Section 54956.9 (b) (1):

- a. Approval and authorization to execute a Tolling Agreement with NJD, LTD to extend the time for filing any claim which NJD may have against the City or the City may have against NJD arising under the Settlement Agreement or Reimbursement Agreement.

- b. Report on closed session items

It was moved by Councilmember Bertone, seconded by Councilmember Badar, to authorize the Mayor to execute the Tolling Agreement with NJD, Ltd. The motion carried unanimously.

10. ADJOURNMENT

Mayor Morris adjourned the meeting at 8:45 p.m. The next meeting is on August 3, 2011, 8:00 a.m. to meet with Supervisor Michael Antonovich.

Respectfully submitted,

Ina Rios, CMC, City Clerk