



MINUTES
REGULAR CITY COUNCIL
TUESDAY, AUGUST 23, 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

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
Facilities Manager Karon DeLeon
Associate Planner Kristi Grabow
Associate Planner Marco Espinoza
Building Superintendent Eric Beilstein
Deputy City Engineer Dave Gilbertson
Environmental Services Coordinator Lisa Bugrova
Recreation Coordinator Amanda Carson

ABSENT:

Director of Parks and Recreation Theresa Bruns

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the regular City Council meeting to order at 7:03 p.m.

2. RECOGNITIONS

- Recognition of City Swim Team members who represented San Dimas at the Southern California Swimming Championships in La Mirada, California.

Facilities Manager DeLeon introduced Recreation Coordinator Amanda Carson who provided a brief background of the Swim Team activities and steps taken to achieve the Championship level. Manager DeLeon introduced swim coaches Scott Jones, Sarah Vasquez, and Megan Avery.

Assisted by Facilities Manager DeLeon and Recreation Coordinator Amanda Carson, Mayor Morris congratulated and presented City of San Dimas Proclamations to **Kailyn Anderson, Lauren Anderson, Jenna Becerra, Brooke Bernal, Hannah Bernal, Amber Blakesley, Hannah Cina, Madison Egan, Matthew "Parker" Egan, Mikelyn Egan, Morgan Egan, Alexis Enrique, David Gonzalez, Kaitlyn Gorjans, James Hull, Seth Lynn, Ashley Mochizuki, Jillian Sayer, Dania Smith, Joshua Smith, Kayla Smith, Kelsee Sneed, Gabriella Terry, Darin Vera, and Phillip Wu**, members of the City's Swim Team who qualified to represent City of San Dimas and the regional in the Southern California Municipal Athletic Federation Championship in La Mirada.

Mayor Morris also presented to Swim Team members a Certificate of Recognition from Assemblyman Curt Hagman's office congratulating them on their qualifications.

➤ Recognize National Night Out Hosts

Captain Don Slawson reported that National Night Out is a unique crime/drug prevention event sponsored by the National Association of Town Watch (NATW) and involves citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations, and local officials. Block parties, cookouts, and visits from the local Sheriff Department were held on Tuesday, August 2, 2011.

Mayor Morris and Captain Don Slawson praised and congratulated participants/hosts of National Night Out recognizing the importance of promoting neighborhood spirit and police-community partnerships in our quest for a safer community. Captain Slawson presented each recipient with a plaque and Mayor Morris awarded City Certificates to **Bob and Jeanette Page and the residents of Cambert Street; Casey Cox and the residents of Shaftesbury Avenue; Cindy & Linda from Lonehill Manor Mobile Estates and Dunex Inc. Management Company**, as well as certificates of Recognition from Assemblyman Curt Hagman.

3. ANNOUNCEMENTS

➤ Pui-Ching Ho, Librarian, San Dimas Library

Pui-Ching Ho, Library Manager, said the Adult Summer Book Club will meet on August 25 to discuss the book for August *The Lincoln Lawyer*; on August 27 complete a basket at the basket weaving workshop (limited to 20 students, first come, first served basis); Book party meets on September 7 to discuss *A Tree Grows in Brooklyn*; frolic at Preschool Storytime on Friday September 9. For detailed information, contact the Library at 909/599-6738. Ms. Ho thanked the City Council for allowing them to use the community building during the summer. She said over 200 kids enjoyed various programs.

➤ Mitchell Crawford, Chair, Chamber of Commerce, Birthday Barbecue recap

Mitchell Crawford, Chair, Chamber of Commerce, shared a Powerpoint presentation of the successful Birthday Barbecue event and thanked the sponsors, the many volunteers, city staff, and the community spirit exhibited by citizens. He said 1,097 tickets were sold and 1,044 dinners were served and everyone enjoyed the family entertainment, exhibits, and children's activities.

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) Sid Maksoudian 1156 Camino del Sur, reported that this has been the third telephone pole, light standard to be removed on Camino del Sur as a result of an accident due to speeding motorists. He would like speed bumps installed to slow down drivers.

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.)

Councilmember Ebner said he was not present at the last meeting and would abstain from approval of the August 9, 2011 minutes.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, 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) **No. 2011-38**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF AUGUST, 2011.
- b. Approval of minutes for regular City Council meetings of August 3, 2011 and August 9, 2011. Councilmember Ebner abstained from approval of the August 9, 2011 minutes.

END OF CONSENT CALENDAR

6. PUBLIC HEARINGS

(The following items have been advertised and/or posted. The meeting will be opened to receive public testimony.)

- a. Congestion Management Plan 2011 Local Development Report:
 - 1) **RESOLUTION NO. 2011-39**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089.

Associate Planner Grabow presented the staff report and said the City is required to adopt an annual resolution certifying the City has met county-wide Congestion Management Plan requirements. She stated that the Metropolitan Transportation Authority Board (MTA) is still working on the Congestion Mitigation Fee Program through the San Gabriel Valley Council of Governments (SGVCOG). She said the current schedule provides for the MTA to share results of the completed nexus study with business and development groups and report back to the SGVCOG Steering Committee in late 2011. It is anticipated that MTA will follow up on the nexus study with presentations to City Councils. Staff recommended adoption of Resolution No. 2011-39.

Mayor Morris opened the public hearing and asked if anyone wished to speak on this item. There being no one, Mayor Morris closed the public hearing.

Mayor Pro Tem Templeman said the Congestion Mitigation Fee Program is an additional fee imposed on business and development groups which he opposes.

Assistant City Manager Stevens said it is anticipated that the Steering Committee will complete the evaluation of the nexus study and determine the fee, how it will be applied, and whether there might be some sub-regional differences within the San Gabriel Valley. Staff has expressed concerns in how the fee relates to development impacts and CEQA mitigation, and may recommend there be some delay in the implementation of the fee. Mr. Stevens said it is possible that the fee program will not be supported at the City level or COG level when the program is finalized and presented for consideration. He said the final decision rests with Metro, however, once the program is in place, cities have no choice but to adopt it or jeopardize components of gas tax funds if not in compliance.

In response to Mayor Pro Tem Templeman, Mr. Stevens replied that funds collected under the Fee Program will be held locally and spent on eligible projects in the approved project list. He further replied that the fee would partially take the place of CEQA mitigation because it is intended to deal with regional congestion.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Ebner, to waive further reading and adopt **RESOLUTION NO. 2011-39**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089. The motion carried unanimously.

- b. Consideration of Municipal Code Text Amendment 11-02, a request to amend Municipal Code Section 18.140.090 Creative Growth Area 3 Zone (CG-3) multiple-family parking regulations and to allow five detached single family homes in Sub-Area D (Single Family), located on both sides of San Dimas Avenue south of the railroad tracks and north of Arrow Highway.

- 1) **ORDINANCE NO. 1207, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 11-02, AMENDING THE PARKING DESIGN SECTION 18.140.090.C.6.ii(B) AND SUB-AREA D (SINGLE FAMILY) 18.140.090.C.3.C IN THE CREATIVE GROWTH AREA 3 ZONE. FIRST READING AND INTRODUCTION**

Associate Planner Grabow reported that the Olson Company and Drafting & Design, Ltd. have submitted proposals for a Municipal Code Text Amendment to the Creative Growth Zone, Area 3, parking regulations, and Sub-Area D. Planner Grabow stated that the Olson Company is proposing to complete the Grove Station with 67 townhome/condo units, and four three-bedroom units are proposed with tandem parking, which will make up 3.25% of parking for the entire complex of 81 units. The applicant would like tandem parking allowed for any size units provided the maximum of 20% of all required parking is not exceeded. The second applicant, Drafting & Design, Ltd., would like to build five proportionally sized single-family units in Sub-Area D. The Code currently allows four single-family units and the applicant is requesting amendment to Code Section 18.140.090.C3.c. Planner Grabow said the Planning Commission and staff recommend approval and introduction of Ordinance No. 1207.

In response to Mayor Morris, Planner Grabow replied that based on development standards, there is the potential for five regular sized lots at the site.

In response to Council, Assistant City Manager Stevens added that staff felt the appendage from Shirlmar to Arrow Highway should be considered as a fifth development parcel for purposes of processing the application, otherwise it would have been difficult to incorporate into the development plan.

In response to Councilmember Ebner, Mr. Stevens replied that the Brasada Development and the subject development are in the same specific plan, the Creative Growth Zone, and the two code amendments should be approved at the same time. He said the tandem parking only applies to the project previously approved and when a new owner came in with a revised plan, staff felt the tandem parking requirement should be reviewed. He added that making this amendment to the Code does not guarantee approval of the five-lot subdivision and the two separate applications may not come through at the same time.

In response to Councilmember Ebner, Planner Grabow replied that tandem parking is only for multiple family units. In area CG-3(d), only single family residential homes which have the minimum dimension of 20 feet x 20 feet are permitted.

In response to Councilmember Badar, Planner Grabow replied that tandem parking is limited to 20% of all required parking for the Olson Company project.

In response to Councilmember Ebner, Associate Planner Espinoza replied that for a total of 67 units, 15 is 20%, however, the applicant is trying to limit changes to the parcel map and is proposing tandem parking for only four units.

Mayor Morris opened the public hearing and asked if anyone wished to express their views on this item.

Steve Eide, Drafting & Design, Ltd., 158 West Orange Street, Covina, said he is the designer of the four lots. He said the proposed fifth lot blends in with the rest of the neighborhood and it does not make sense to put in anything else but a house.

There being no one else wishing to speak, Mayor Morris closed the public hearing.

Councilmember Ebner said he was not opposed to the fifth house, however, he thought it was premature to vote on a fifth house without a proposal.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Badar, to waive further reading and introduce **ORDINANCE NO. 1207**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 11-02, AMENDING THE PARKING DESIGN SECTION 18.140.090.C.6.ii(B) AND SUB-AREA D (SINGLE FAMILY) 18.140.090.C.3.C IN THE CREATIVE GROWTH AREA 3 ZONE. The motion carried 4.1; Councilmember Ebner opposed.

7. ORDINANCES

- a. Ordinance voluntarily complying with the alternative Redevelopment Program to permit the continued existence and operation of the Redevelopment Agency of the City of San Dimas:

- 1) **ORDINANCE NO. 1206**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, DETERMINING IT WILL COMPLY WITH THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN ORDER TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIMAS. **SECOND READING AND ADOPTION**

Assistant City Manager Duran provided a brief review of State AB26 and AB27 and said the League of California Cities and the California Redevelopment Agency filed a lawsuit challenging the constitutionality of the two bills. He said the Supreme Court agreed to hear the case and approved a stay on implementation on certain sections of the legislation until the matter can be resolved through the court process. The Court also set an expedited court schedule targeting an opinion to be rendered by January 15, 2012. He said after review of the amount staff determined that the Agency had an appealable position and filed an appeal with the State Department of Finance by the August 15th deadline. Ordinance No. 1206 was introduced on August 9, 2011 complying with the alternate program to allow the Agency to continue and operate. The City Attorney and Staff recommend adoption of Ordinance No. 1206.

City Attorney Brown stated that another motion was filed with the Supreme Court on behalf of cities to clarify that before the Courts approved a stay on implementation, Agencies that adopted an ordinance agreeing to pay the State to continue, should be allowed to move forward with debt obligations, entering into contracts, etc. The motion also asks that those other cities that plan to adopt an ordinance to continue should be entitled to have the same benefit of continuing to enter into agreements, etc., rather than wait four months for the Courts to render a decision.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Templeman, to waive further reading and adopt **ORDINANCE NO. 1206**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, DETERMINING IT WILL COMPLY WITH THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN ORDER TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIMAS. The motion carried unanimously.

8. PLANNING/DEVELOPMENT MATTERS

- a. 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 (8382-017-007).

Associate Planner Espinoza provided background on the unpermitted grading of the rear portion of the lot at 523 Puddingstone Drive that was previously reviewed and denied by the Development Plan Review Board. Planner Espinoza stated that at their March 1, 2011 meeting, on advice by the City Attorney, the City Council redirected the appealed case to the Development Plan Review Board to review new information presented at the City Council meeting that had not been considered by the Board. On March 24, 2011, the Board reviewed the new soils and geology report submitted by the applicant, and approved DPRB Case No. 10-07. On April 7, 2011, the adjoining neighbor filed an appeal of the Board's determination citing numerous findings. Planner Espinoza said the appellant is requesting that the City Council overturn the Board's decision. He outlined appeal statements and staff's rebuttals and reported that the applicant has submitted the appropriate data for review, and a number of conditions have been imposed on the project to conform with the intent of Specific Plan No. 8. Staff recommends that the City Council uphold the Development Plan Review Board's determination to approve DPRB Case No. 10-07. If the City Council concurs with staff's recommendation, staff will bring back a Resolution for appropriate action at the next meeting. Planner Espinoza introduced Building and Safety Superintendent Beilstein and Deputy City Engineer David Gilbertson who reviewed the soils engineer report. He added that the applicant and appellant are both present.

Councilmember Bertone said the first objection was the possibility of mosquitoes and the second was the stability of the land. He asked if experts would address the second issue. Planner Espinoza replied that staff initially looked at the project based upon a preliminary report stating the hillside would be stable for the proposed project. He added that when the plan was submitted for the actual proposed modified project, further review was conducted.

Councilmember Badar went on record to say that as the City Council representative to the Development Plan Review Board, he attended both April 22, 2010 and March 24, 2011 meetings and took an active role in both discussions.

In response to Mayor Pro Tem Templeman, Planner Espinoza replied that the property owner is proposing to plant a significant number of trees for personal use, which is permitted in that zone. He added that the applicant is entitled to landscape the entire lot, however, the applicant would then have to comply with the new water efficiency ordinance requirements outlined in the conditions of approval.

In response to Councilmember Ebner, Mr. Espinoza stated that based on incomplete information and staff's experience, staff felt limited terracing could take place. Upon receipt of additional information provided by the applicant's soil and geology engineer, it was determined that the amount of terracing could be increased to five with a depth of ten feet, which is subject to change upon receipt of a formal landscaping plan.

Mayor Morris disclosed that he annually contributes a lunch to the Soroptomist International Club of San Dimas-La Verne to fund the Kids shopping spree at Target for back to school clothing. He said this year,

Mr. Youssefy was the successful bidder and during lunch Mr. Youssefy mentioned that he wanted to have fruit trees at his home. Since there was no discussion of his application or any part of this case, it does not constitute a conflict of interest that would prohibit Mayor Morris from discussion at this time.

Mayor Morris invited the appellant to present his case before the City Council.

Gil Aguirre, 476 Cannon Avenue, stated that the project has been extremely difficult due to the site location and the applicant's decision to grade without the necessary approvals and permits. He stated that the appeal he submitted is adequately outlined and he suggested any decision made tonight should be guided by the need to ensure that project is safe and poses no public safety concerns. Mr. Aguirre suggested that the City Council defer this project to the Development Plan Review Board for further investigation and review and to re-examine the site in light of underlying factors which contributed to previous area landslides triggered by grading activity.

In response to Councilmember Bertone, Mr. Aguirre said the engineered benches contradict the zoning to create an area that has a natural setting. He also expressed concern that his and his neighbors' properties are anchored by Mr. Youssefy's property and a landslide would potentially affect them all.

Mayor Morris asked if staff has conducted a detailed grading analysis to determine the effect of the stability of the slope. Planner Espinoza replied that a preliminary soils and geology report was received and staff felt confident there was stability for the hillside. He stated that the hillside has been in rough grade state for two years with no discharge down the hillside. He added that once the appeal is concluded and the project approved, the applicant can submit additional information for review to determine stability as proposed.

In response to Councilmember Badar, Deputy City Engineer Gilbertson said he visited the site and based upon the preliminary soils and geology report, he felt the site was grossly stable. He noted that eight test pits were conducted by the applicant's soil engineer which determined that earth materials consisted of bedrock two-to-three feet below the surface. Engineer Gilbertson pointed out that landslides do not occur in bedrock. He said if the appeal is denied and the project moves forward, the applicant would be required to submit detailed grading plans on contoured grading, reducing one of the tiers, and the soil and geology engineer would be requested to prepare an updated report based on the final grading plan. He said all recommendations from the soils engineer as well as submitted documents would be addressed through a formal plan check process before permits could be issued.

Deputy Engineer Gilbertson further replied that he is not familiar with the two landslides, however, the soils and geology engineer addressed that issue and determined the landslides were in an area with loose earth materials above bedrock and were not adjacent to the site. He felt they should not be of any consequence to this project.

In response to Mayor Pro Tem Templeman, Deputy Engineer Gilbertson stated that the conditions of approval address National Pollutant Discharge Elimination System (NPDES) requirements, and treatment is not required for a landscaped area with fruit trees, however, the applicant will be required to have improvements onsite, including containment and water management.

In response to Councilmember Ebner, Deputy Engineer Gilbertson replied that the soils and geology engineer conducted eight test pits, one for each level all the way up to the top of the hill. He said bedrock ranges in depth from six-inches to two feet of ground surface. He added that the applicant will have to dig a larger hole and bring in other material just to allow the root system to grow.

In response to Mayor Morris, Assistant City Manager Stevens replied that the soil is difficult and rocky with lots of bedrock. He said the applicant is taking on a challenge to try to plant that many trees in the location of his choosing.

Mayor Pro Tem Templeman suggested that when the landscaping plan comes forward, the City Arborist should consider types of trees that would not exacerbate the issue of sliding.

In response to Councilmember Ebner, Planner Espinoza replied that the City Engineer has provided guidance on reducing the grading and significantly offset the visual effect of terraces with planting of vegetation for a more natural appearance.

Mayor Morris invited the property owner to address the City Council regarding the appeal.

Perry Youssefy, applicant/property owner, said staff explained the project in detail and he will provide all necessary documentation and comply with all conditions concerning geology and stability of the land.

In response to Mayor Morris, Mr. Youssefy stated that if the appeal is denied, he understands that there is still a lot of processing to go through with the submittal and separate approval of grading plans and various other plans.

Sid Maksoudian expressed his support for the project and stated that although the appellant has a right to be heard, the Planning Department should have documentation of any landslides and the instability of the land should be left to the experts.

Mayor Morris pointed out that in addition to the appellant's summarized comments, the record reflects that he submitted a lengthy detailed appeal. Mayor Morris further replied that another issue to be considered is whether this development on the applicant's property is consistent with the specific plan.

Superintendent of Building and Safety Beilstein stated that he viewed the landslides when they occurred and he stated they were in a different area than the subject property.

There being no further discussion on this matter, the item was brought back to the City Council for consideration and decision.

Councilmember Badar summarized the appeal process and said the process works. He was impressed with the appellant's letter of appeal and with staff's responses, however, he is not in favor of the appeal.

In response to Councilmember Bertone, Mr. Espinoza stated that the soils and geology report is a public document that is available for the appellant's perusal.

In light of points raised by Mr. Aguirre, and pursuant to the response of materials prepared by staff and reviewed by the City Council, it was moved by Councilmember Badar, seconded by Councilmember Bertone, to adopt the findings of the City Council in denying the appeal to uphold the Development Plan Review's decision to approve DRPB Case No. 10-07.

Councilmember Ebner stated that he did not agree with all of staff's rebuttal, however, he will vote for the motion as amended by the City Attorney.

The motion carried unanimously.

9. OTHER MATTERS

- a. San Dimas Bicycle Master Plan and Resolution 2011-40 approving the Bicycle Master Plan 2011 Update for implementation throughout the City.

- 1) **RESOLUTION NO. 2011-40, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING THE BICYCLE MASTER PLAN 2011 UPDATE FOR IMPLEMENTATION THROUGHOUT THE CITY.**

Environmental Services Coordinator Lisa Bugrova highlighted significant changes made to the San Dimas Bicycle Master Plan 2011 to reflect improvements developed to ensure the City continues to move forward in bicycle transportation safety, incorporate updated bicycle development standards, and bring the plan up to date with bicycle funding requirements through the Caltrans Bicycle Transportation Account and other funding programs. Staff recommended that the City Council adopt Resolution No. 2011-40.

Mayor Pro Tem Templeman stated it would be a challenge to rehabilitate the portion of Gladstone by Gladstone Hill, which is a dangerous narrow road to walk on. Coordinator Bugrova stated that section of road is not scheduled for improvements.

In response to Councilmember Ebner, Coordinator Bugrova replied that in-pavement markers are made specifically for cyclists and video detection could be tailored to recognize cyclists as well. Public Works Director Patel stated that the City has video detectors but does not have in-pavement detectors.

Councilmember Bertone said he spoke with Frank Neal, a bicycle expert and Parks and Recreation Commissioner, who is pleased with the Master Plan.

Mayor Morris invited Mr. Neal to comment.

Frank Neal, Parks and Recreation Commissioner, said that as an bicycling advocate, he closely watches what other cities are doing with their Bicycle Master Plan and San Dimas' is among the best. He expressed no concerns with the Master Plan.

After the title was read, it was moved by Councilmember Ebner, seconded by Councilmember Badar, to waive further reading and adopt **RESOLUTION NO. 2011-40, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING THE BICYCLE MASTER PLAN 2011 UPDATE FOR IMPLEMENTATION THROUGHOUT THE CITY.**

Councilmember Ebner praised the new Bicycle Master Plan and encouraged bicycling to work as well as recreationally. He thought it would be great if the Gold Line would consider bicycle lockers at transit stations. Councilmember Ebner wholeheartedly endorsed the Master Plan.

In response to Councilmember Badar, Assistant City Manager Stevens replied that installing bicycle lockers at the station would be the decision of the Gold Line Authority, however, they are open to input as to the appropriateness of that suggestion. He said the Metropolitan Transit Authority recently updated their rules and regulations to be more supportive of bicycles on trains, and that includes the Gold Line.

The motion carried unanimously.

- b. Concessionaire Agreement between the Walker House Master Tenant, LLC and Marsteller Investment.

Assistant City Manager Duran provided a brief history of the Concessionaire Agreement with Saffron and said in June 2010 the City entered into a new 12 month agreement with Marsteller LLC, the successor

interest to Saffron, and agreed to a three month extension until August 31, 2011 to allow time for both parties to discuss potential terms of a new lease. The City Council appointed a Sub-committee to work with staff on discussions with Marsteller. After several meetings, a draft lease was prepared for Marsteller's review, however, there has been no communication as to whether or not they have approved the lease. Mr. Duran reviewed the draft lease and presented two options for consideration: 1) Enter into a new Agreement with the proposed terms and conditions; 2) Do not renew and let the existing Agreement with Marsteller expire; the City can then pursue other options for a new food service concessionaire. Staff recommended that the City Council approve a six-month Agreement to gauge the impact the operational adjustments will have on the Concessionaire's operations. He said Arlene Anaya is in the audience and available to answer questions.

In response to Councilmember Ebner, Mayor Morris said Marsteller's financial situation was discussed at length in closed session.

Councilmember Bertone said he is opposed to the restaurant being closed on weekends for walk-ins, however, he wants this operation to succeed and he is willing to approve a six month Agreement. He hopes that after six months, the operation improves enough to reopen on weekends.

Mayor Pro Tem Templeman said Historical Society representatives expressed concern about the weekend closures because they offer tours one Saturday per month and open the gift shop. If the Agreement is approved tonight, Ms. Anaya understands and wants to work with the Historical Society to come up with solutions.

In response to Council, Ms. Anaya replied that there is no additional room charge for dinner reservations and small dinner groups would be allowed on Saturdays. She said their goal is to be open for more events on Saturday. She said they advertise through email blasts, newspaper ads and magazines, but would like assistance in getting their sign posted to let people know they are there.

In response to Councilmember Bertone, Mr. Duran stated that a design with the name change was submitted to a sign company, however, it was agreed that until a new Agreement is approved, it would not be beneficial to spend money on a new sign.

In response to Mayor Morris, Ms. Anaya replied that if the City approves the Agreement, Mr. King is fully aware of the proposed changes and has ultimate authority to commit to the Agreement.

In response to Councilmember Ebner, Ms. Anaya stated that she monitors Yelp but receives a tremendous amount of business from Open Table that awarded them the Diners Choice Award. She said their website is online, however, they are making significant changes which should be completed in the next seven days.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to approve a six-month Concessionaire Agreement between the Walker House Master Tenant, LLC and Marsteller Investments. The motion carried unanimously.

10. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 9:38 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular City Council meeting reconvened at 9:44 p.m..

11. 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 had requested notice of any meetings concerning Saffron and received no materials. He stated that Marstellers has no background experience with restaurant ownership and will fail in six months. Mr. Maksoudian added that he is not interested in running a restaurant in San Dimas.

b. City Manager

- 1) Meeting dates and times for the Fall City Council/Staff Retreat. Meeting dates and times for the City Council/Planning Commission Joint Study Session on Sign Code.

It was the consensus of the City Council to schedule 5:00 p.m. Monday, October 17, 2011 for the Council/Staff Retreat and tentatively schedule 6:00 p.m. October 18 and October 19, 2011 for the Joint City Council/Planning Commission meeting to discuss the Sign Code. Staff will contact the Planning Commissioners to confirm a date.

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.

No one attended a meeting at the expense of the City.

- 2) Individual Members' comments and updates.

a) Mayor Pro Tem Templeman reported that 17 birds tested positive for West Nile Virus in the cities of Arcadia, Azusa, Baldwin Park, Claremont, Covina, La Puente and West Covina. He added that mosquito samples collected from Covina, Irwindale, La Puente and West Covina also tested positive indicating risk in those communities, and the County's first equine case was reported in the San Gabriel Valley in August 2011. He said this is an important health issue and asked that the Equestrian Commission be informed and City Parks staff eliminate all standing water.

b) Councilmember Ebner thanked the Parks and Recreation staff for an enjoyable evening watching a movie in the Park and Music in the Park.

c) In response to Councilmember Badar, Facilities Manager DeLeon replied that Parks and Recreation provides the various recreational activities at the City's Annual Birthday Barbecue. She believes the Chamber of Commerce's 2012 plans to change the time frame apply to the barbecue dinner and not the games.

12. ADJOURNMENT

Mayor Morris adjourned the regular meeting of the City Council at 10:03 p.m. The next meeting is on September 13, 2011 at 7:00 p.m.

Respectfully submitted,

Ina Rios, CMC, City Clerk