



MINUTES
REGULAR CITY COUNCIL
TUESDAY, DECEMBER 13, 2011, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVE.

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 for 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 Marco Espinoza
Associate Planner Kristi Grabow

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

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

1) Pui-Ching Ho, Library Manager, said Preschool Story Time is held every Friday morning at 10:30 a.m. with great stories, children's songs and activities. She said special guest Ken Frawley will be at the Library on December 16th to present the Wonderful World of Stories and Songs. She invited innovative, energetic teens, grades 6-12, to come to the Teen Advisory Board meeting on Saturday, December 17th, 1:00 p.m., to help promote the Library programs to other teens. She encouraged families and children of all ages to tell a story using musical instruments at the Library on Wednesday, December 21, 6:30 p.m.. The Book Party Group will meet at 10:30 a.m. on Wednesday, January 4, 2012, to discuss *Memoirs of a Geisha* by Arthur Golden. She extended wishes for Happy Holidays.

2) Mayor Morris announced that the applicants have requested postponement of item 5.a under Planning/Development Services, a request for a zone change related to a service station located at Arrow Hwy. and San Dimas Avenue. He notified anyone present for that item that it will not be heard tonight.

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) Grant Bristow, 1438 Windsor Drive, invited the City Council and the community to participate in the 4th annual Jackie Bristow Memorial 5k Run, on January 7, 2012, in the civic center, in honor of his daughter, Jackie, who passed away from an eating disorder. He said their goal is to raise funds to promote awareness of the mental disease that claims the lives of a large number of people in the United States. He thanked everyone and wished all a Merry Christmas.

2) Jamelle Nicosaco, ASB, San Dimas High School, highlighted their winter activities including a canned food drive, toy drive competition, winter sports rally and winter formal dance. She said the Music Department earned the sweepstakes trophy at Camarillo Christmas Parade and carolers will be performing at Faith Lutheran Church. She added that seniors are busy working on their senior projects and MSAC will be on campus to help students apply to the community college. She thanked the City Council for their continued support of San Dimas High School.

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 requests separate discussion.)

It was moved by Councilmember Ebiner, 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) Approving Warrant Register for November and December 2011.

RESOLUTION NO. 2011-56, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF NOVEMBER AND DECEMBER, 2011.

b. Approval of minutes for the regular City Council meeting of November 22, 2011 and special meeting of November 8, 2011.

END OF CONSENT CALENDAR

5. PLANNING/DEVELOPMENT SERVICES

a. Consideration of request to initiate Municipal Code Text Amendment (MCTA 10-06). A request to modify portions of Code Section 18.140.090(C)(4)(a)(iv) within the Creative Growth Zone to allow for a street facing gas station design and not the reverse/turn around design required by Code.

Mayor Morris announced that at the applicants' request, this item will be continued to a date uncertain. He stated that the item will be re-noticed and scheduled for consideration once a date is decided.

b. Appeal decision of Development Plan Review Board on DPRB Case No. 11-46: a request to allow a professional office use to be located on the ground floor within the Frontier Village area at 100 North San Dimas Avenue (APN: 8387-009-038).

1) **RESOLUTION NO. 2011-57, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS UPHOLDING THE APPEAL OF DPRB CASE NO. 11-46, A REQUEST TO ALLOW A PROFESSIONAL OFFICE USE TO BE LOCATED ON THE GROUND FLOOR WITHIN THE FRONTIER VILLAGE AREA AT 100 NORTH SAN DIMAS AVENUE (APN 8387-009-038).**

Associate Planner Grabow summarized Development Plan Review Board Case No. 11-46 to allow a professional office use on the ground floor within the Frontier Village area at 100 North San Dimas Avenue. She said the request was reviewed on November 22, 2011 by the Development Plan Review Board and the motion to approve failed by a vote of 3.3.0.1. Planner Grabow presented six findings for Council's consideration that would allow ground office use at the location and said the architectural design of the structure does not appear to be like a retail center and the size of the tenant space would significantly limit the amount of retail opportunity. Staff recommended that the City Council uphold the appeal by the applicant and approve office use on the ground floor at 100 North San Dimas Avenue. Planner Grabow pointed out that the applicant and property owner are present to answer questions.

Mayor Morris pointed out that he received emails from two individuals who expressed their preference to keep the property retail.

Councilmember Badar announced that he attended the Development Plan Review Board meeting and although he participated in discussion, he abstained from voting.

Mayor Morris invited the applicant to come forward to present her position on this matter.

Angie Jakum, Applicant, said she currently has an office in Long Beach, and would like to open a second tax office in San Dimas, which she felt would provide a vital service to the community. She pointed out that the site is located at the outskirts of Frontier Village and felt an exception should be made to permit her tax office business. Ms. Jakum added that the parking lot is primarily used for Top Thai and a tax office would create less of a parking impact as opposed to a retail business, since her clients are by appointment only.

In response to Councilmember Ebner, Ms. Jakum replied that appointments are scheduled one-half hour apart starting at 8:00 a.m. with an open closing time during tax season. She added that she will be splitting her hours of operation between the Long Beach office and San Dimas office.

Mayor Morris invited members of the audience to speak in favor of the appeal.

1) Georgia Valaskanly, said she and her husband are the property owners. She said she has had to write off losses for previous unsuccessful retail businesses at the subject location, and the responses to fill the vacancy consists mainly of office use, with the exception of an oriental massage parlor and a liquor store. She said it is preferable to have the space leased in this economy and she would appreciate it if the City Council would reconsider approving office use on the ground floor.

2) Mitchell Crawford, San Dimas Chamber of Commerce, read a statement from the Executive Committee of the Chamber of Commerce expressing their excitement and pleasure to see business interest in San Dimas and ask that consideration be extended on a case-by-case basis for business locations like this one that may not be conducive to a full retail type of business. Mr. Crawford added his comments that the Chamber of Commerce understands the need and desire to have retail establishments on the ground floor in the Bonita corridor and in that area, however, this particular site is not conducive to a retail establishment with very little parking or window display space for a retail environment. He said the Chamber would like see a business in that building and does not oppose service use. He also believes that the local merchants would not oppose office use at the site.

Mayor Morris invited members of the audience to speak in opposition of the appeal. There were no speakers.

In response to Councilmember Bertone, Director of Development Services Coleman replied that San Dimas downtown is quite small compared with surrounding communities and the ordinance was created to protect the uniqueness of the downtown and preserve the capability of having retail uses on the ground floor. He said he voted against this item because it would eliminate the opportunity of retail at this

location and there are vacant second floor spaces available for office uses in the downtown. He added that the building also could be remodeled to be more appropriate for retail.

Councilmember Ebner observed that the building would be more inviting if it had a larger window.

Mayor Pro Tem Templeman stated that retail has a higher demand for parking. He believes the finding can be made that the location is not suitable for retail and that a service business is more appropriate. He supports the appeal. He mentioned the need for service business especially because 50% of retail is now online.

In response to Councilmember Badar, City Manager Michaelis replied that when he voted in favor of the office use, he had considered the size and shape of the diminutive building and thought the professional use would be a benefit to the community.

Councilmember Ebner noted that among the findings in supporting the appeal is that the use would not have an impact on traffic or parking, however, it is desirable to impact traffic and parking. He felt exceptions should not be continuously made on these types of appeals and suggested amending the existing appeal policy.

Mayor Morris stated that when the zoning ordinance was created, the Development Plan Review Board was given the discretion to make decisions on ground floor uses.

Assistant City Manager Stevens said due to concerns that evolved over several past reviews, existing policy for Board review of first floor office use is not arbitrary. He said the Board considers size and previous use of a building to fit current policy. He asked the City Council if the Board should be flexible in commercial zones relative to non-retail uses. He pointed out that existing standards apply to several shopping centers to accommodate a percentage of offices to ensure there is a substantial component of retail continuing in shopping centers.

Mayor Morris said the Board's approach is logical and based on past decisions.

Mayor Pro Tem Templeman moved to support staff's recommendation that the City Council uphold the appeal and approve the request to allow a professional office use to be located on the ground floor within the Frontier Village area at 100 North San Dimas Avenue. The motion was seconded by Councilmember Badar.

In response to Councilmember Ebner, Assistant City Manager Stevens replied that once office use is approved, future replacement office use would be permitted and not be subject to first floor office review. However, if there is concern about the economy, approval for this use on the ground floor can be subject to first floor procedure.

Mayor Pro Tem Templeman felt that there is no advantage to putting retail in that location. He said it is easy to make the findings for this particular building that is a miniscule 600 square feet and located in an area that is poorly designed for parking.

Planner Grabow mentioned that condition number five (5) stipulates that change of office use from the current business operator to a new or different operator may be subject to review.

Mayor Morris agreed that the building was poorly designed with a lack of parking for retail.

The motion carried by the following vote:

AYES: Councilmembers Badar, Templeman, Morris
NOES: Councilmembers Bertone, Ebner

After the title was read, it was moved by Mayor Pro Tem Templeman, seconded by Councilmember Badar, to waive further reading and adopt **RESOLUTION NO. 2011-57, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS UPHOLDING THE APPEAL OF DPRB CASE NO. 11-46, A REQUEST TO ALLOW A PROFESSIONAL OFFICE USE TO BE LOCATED ON THE GROUND FLOOR WITHIN THE FRONTIER VILLAGE AREA AT 100 NORTH SAN DIMAS AVENUE (APN 8387-009-038)**. The motion carried by the following vote:

AYES: Councilmembers Badar, Templeman, Morris
NOES: Councilmembers Bertone, Ebner

6. OTHER BUSINESS

- a. Renew contract with University of La Verne for the management of the City's Government/Education Access Channel.

Assistant City Manager Duran provided brief background on the Agreement with the University of La Verne to manage the City's government access channel, KWST, which was renewed in 2010 and extended twice through December 31, 2011 to allow ULV to work on technical issues and negotiate an additional extension. Staff and ULV have negotiated a one-year extension of the Agreement in the amount of \$70,000 to expire December 31, 2012. Staff feels that ULV staff has made improvements to the overall quality of the channel and the renewal rate is reasonable. He recommends a one-year extension of the existing agreement with ULV in the amount of \$70,000. Mr. Duran said Station Manager Don Pollack is present to answer questions.

Mayor Morris invited Mr. Pollack to comment on this item.

Don Pollack, Station Manager, University of La Verne, said there have been challenges with Time Warner's cable box, however, the University has made some significant technological advances with the play-out system to provide a greater variety of programming that allows them to change the schedule to meet the City's concerns. He said they are currently under a three-month contract and requested renewal of the contract.

Councilmember Bertone said there has been much improvement over the past year and moved to approve a one-year extension of the existing Agreement with University of La Verne, in the amount of \$70,000, to manage the City's government access channel KWST. The motion was seconded by Mayor Pro Tem Templeman and carried unanimously.

- b. Introduction of Ordinance No. 1210 amending various provisions of the San Dimas Municipal Code Title 1 and Title 8 regarding enforcement.

- 1) **ORDINANCE NO. 1210, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING THE SAN DIMAS MUNICIPAL CODE TITLE 1 AND TITLE 8 REGARDING ENFORCEMENT PROCEDURES.**

Director of Development Services Coleman reported that at the November 8, 2011 City Council Study Session, he had recommended adoption of a code amendment to allow recordation of a Notice of Violation after issuance of an Administrative Citation or Public Nuisance Determination. Director Coleman recommended introduction of Ordinance No. 1210 to amend Title 1 and Title 8 of the San Dimas Municipal Code as it relates to enforcement.

Mayor Morris said the recordation of a Notice of Violation is a valuable tool that must be used with care. He asked if the City had the ability to foreclose a lien for nuisance abatement.

Director Coleman replied that one disadvantage of tax liens is that cities are typically last on the list to collect monies from a tax lien.

Mayor Pro Tem Templeman was not supportive of foreclosure procedures and hoped this tool would only be used for egregious violations for safety reasons.

City Attorney Brown stated that staff's direction in the administration of code provisions is to use this tool as a last resort to get people to compliance.

To make the City Council more comfortable, Mayor Morris suggested adding a provision to proceed with the notice of violation upon City Council's approval on a case-by-case basis.

Director Coleman noted that a revision to page seven (7) of the Ordinance, titled *Cancellation of recorded notice of violation* was distributed to the City Council.

After the title was read, it was moved by Councilmember Ebner, seconded by Councilmember Bertone, to waive further reading and introduce **ORDINANCE NO. 1210**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING THE SAN DIMAS MUNICIPAL CODE TITLE 1 AND TITLE 8 REGARDING ENFORCEMENT PROCEDURES. The motion carried unanimously.

c. Consideration to repeal Chapter 15.40 of the San Dimas Municipal Code.

1) **ORDINANCE NO. 1211**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS REPEALING CHAPTER 15.40 OF THE SAN DIMAS MUNICIPAL CODE

Director of Development Services Coleman said the proposed municipal code amendment repeals an outdated chapter which was replaced by the 2010 California Fire Code adopted by Ordinance No. 1200. Staff recommended introduction of Ordinance No. 1211.

After the title was read, it was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to waive further reading and introduce **ORDINANCE NO. 1211**, AN ORDINANCE OF THE SAN DIMAS CITY COUNCIL REPEALING CHAPTER 15.40 OF THE SAN DIMAS MUNICIPAL CODE. The motion carried unanimously.

d. Approval of 2011-12 State COPS grant budget and expenditures.

Assistant City Manager Duran reported that the City's adopted FY 2011-12 budget did not include the COPS grant funding from the state. He said it has been confirmed that the City will be receiving a \$100,000 grant to provide partial funding for the School Resource Officer and contract Probation Officer positions. He said \$15,000 will be allocated for equipment to allow the Sheriff's Station to purchase trauma kits and \$11,000 in additional equipment funds for discretionary equipment needs. Staff recommended that the City Council approve the recommended budget for the expenditure of the 2011-12 COPS grant funds.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember Ebner, to approve the 2011-12 State COPS Grant budget as recommended by staff. The motion carried unanimously.

7. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 8:02 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular City Council meeting reconvened at 8:09 p.m..

8. MEETING OF SAN DIMAS PUBLIC FACILITIES FINANCING CORPORATION

Mayor Morris recessed the regular meeting at 8:09 p.m. to convene a meeting of the San Dimas Public Facilities Financing Corporation Board of Directors. The regular City Council meeting reconvened at 8:14 p.m..

9. MEETING OF SAN DIMAS HOUSING AUTHORITY CORPORATION

Mayor Morris recessed the regular meeting at 8:14 p.m. to convene a meeting of the San Dimas Housing Authority Corporation Board of Directors. The regular City Council meeting reconvened at 8:15 p.m..

10. ORAL COMMUNICATIONS

- a. Members of the Audience (*Speakers are limited to five (5) minutes or as may be determined by the Chair.*)

- 1) Mitchell Crawford, 1233 Paseo Teresa, remarked that while the City Council discussed renewal of the contract with the University of La Verne, he received two text messages informing him that the broadcast went down twice.

- b. City Manager

- 1) City Manager Michaelis said this is the last meeting of the year and he expressed gratitude to all volunteer groups for the past year's accomplishments. He expressed staff's wishes for a happy holiday season.

- 2) City Manager Michaelis encouraged calls to the *Ask the Mayor* live broadcast on Thursday, December 15, 2011, at 7:00 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.

No one attended meetings at the expense of the City.

- 2) Individual members' comments and updates.

- a) Mayor Pro Tem Templeman thanked city staff, particularly the Street crew who cleared debris after a heavy wind storm. He appreciates the great job keeping up with a difficult problem.

- b) Mayor Pro Tem Templeman reported that the San Dimas Library obtained two estimates to replace the roof and is looking at alternatives. He encouraged them to contact City staff for suggestions on a different type of roofing material.

- c) Mayor Pro Tem Templeman thanked all the City's supporters and expressed his wishes to the citizens for a merry Christmas.

- d) Councilmember Ebner praised Public Works staff and Parks crew who aided in the cleanup of debris on Wednesday evening continuing through Sunday.

e) Councilmember Ebner said the cold weather is upon us once more and a list of shelters is posted on the City's website. If members of the public know anyone who needs assistance, they can access the list on the website or call city hall for pick-up service to be taken to the shelters. He expressed happy holidays and merry Christmas to everybody.

f) Councilmember Badar said he, Mayor Morris, and Mayor Pro Tem Templeman accompanied staff to Lakewood where city staff and the City of San Dimas received an award for the civic center project. Director of Public Works Patel accepted the award on behalf of the City. Mr. Badar wished everyone a safe Christmas holiday and anticipate what the new year brings the City of San Dimas. Merry Christmas to everyone.

g) Councilmember Bertone wished everyone happy holidays and good health to all people of the world.

h) Mayor Morris noted that the City's crew members did a tremendous job in the middle of a cold winter night and they continue to perform in that outstanding manner. He wished everyone happy holidays and a merry Christmas.

11. CLOSED SESSION

Mayor Morris recessed at 8:25 p.m. to a City of San Dimas/Redevelopment Agency closed session:

a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to G.C. Section 54956.8)

Property:	121 North San Dimas Avenue
Negotiating Parties:	
For City:	Blaine Michaelis, City Manager; Ken Duran, Assistant City Manager; Ken Brown, City Attorney
For Concessionaire:	Arlene Anaya, Marsteller Investments LLC
Under Negotiation:	Discuss terms for Food Service Concessionaire Agreement

b. There was no reportable action.

12. ADJOURNMENT

Mayor Morris adjourned the meeting at 8:55 p.m. The City Council will conduct their next meeting on January 10, 2012, 7:00 p.m.

Respectfully submitted,

Ina Rios, CMC, City Clerk