



MINUTES
REGULAR CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 11, 2012, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

CITY COUNCIL:

Mayor Curtis W. Morris
Mayor Pro Tem Emmett Badar
Councilmember Denis Bertone
Councilmember John Ebner
Councilmember Jeff Templeman

City Manager Blaine Michaelis
City Attorney Ken Brown
Deputy City Clerk Debra Black
Assistant City Manager for Community Development Larry Stevens
Assistant City Manager Ken Duran
Director of Public Works Krishna Patel
Director of Parks and Recreation Theresa Bruns
Facilities Manager Karon De Leon

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the regular City Council meeting to order at 7:00 p.m. and led the flag salute.

2. ANNOUNCEMENTS/RECOGNITIONS

Erica Rodriguez, Recreation Coordinator provided details on the San Dimas 5K and 1 mile Family Run and Family Fitness Fair on Sunday, September 29, 2012.

Mayor Morris and Captain Slawson of the Sheriff's Department gave recognition to the hosts of National Night Out.

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

Pui-Ching Ho, Librarian presented upcoming activities for the month of September. Mayor Morris presented a city proclamation in celebration of the County of Los Angeles' 100th Birthday.

Ginny Philips, Amelia, commented that she has submitted plans for the relocation of a historic box car on her property but the planning staff is making her jump through a bunch of hoops by asking for

more information. She added that the last thing she will do is remove the box car and she will dismantle it first.

Heba Morrie, ASB President at San Dimas High School gave update on events at the high school.

Kimberly King, resident of Greenhaven Street expressed her concerns over Christ Church of the Valley's request to close the street for their upcoming event. The supervision of the no parking sign postings was not handled properly.

Casey Cox, San Dimas Chamber of Commerce representative made announcement of the upcoming San Dimas Western Days, October 6th and 7th, 2012. He also reported on the San Dimas Youth and Family Coalition resource guide and community calendar project.

Caryol Smith, resident of Fernridge Drive, coordinator of the Friends of the San Dimas Dog Park invited everyone to walk with their dog in the Western Days Parade.

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 removal for separate discussion.)

MOTION: It was moved by Councilmember Bertone and seconded by Councilmember Ebner 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. 2012-54, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF AUGUST AND SEPTEMBER 2012.**
- b. Approval of minutes for Regular City Council meeting of August 28, 2012.
- c. Approval of minutes for Special City Council meeting of August 28, 2012.
- d. Tax Sharing Resolutions approving and accepting negotiated exchange of property tax revenues resulting from annexation to County Sanitation District No. 22 (Annexation No. 417) one proposed single-family home on Via Romales.
- e. Renewal of Cash Contract 2012-01, Pavement Preservation Slurry Seal Project – Doug Martin Contracting Co., Inc. for \$350,000.00.

END OF CONSENT CALENDAR

5. PUBLIC HEARING

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

- a. Municipal Code Text Amendment 11-03 consideration of various revisions to the Chapter 18.152 (San Dimas Sign Code)

ORDINANCE NO. 1212 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 11-03 AMENDING CHAPTER 18.152 SIGNS

Assistant City Manager of Development Services Stevens presented an overview of the proposed changes to the sign code. He reviewed the public participation process that took place. He summarized the 12 areas of change and the proposed new opportunities for signs including open house, yard sale, electronic message centers and A-frame signs.

In response to a question, Mr. Stevens stated that there will be some weekend code enforcement of signs. There was some discussion on how open house, yard sale and political signs would be enforced. Mr. Stevens described the definition and conditions for an electronic message sign. Councilman Bertone expressed concern for electronic message signs being permitted everywhere. In response to a question Mr. Stevens stated that electronic signs could be permitted in the historic district in locations where monuments signs are allowed. There was more discussion on electronic signs, including the standards for the type of displays and examples of the type of sign that would be permitted.

Mr. Stevens reviewed the standards for a-frame signs. There was discussion on the requirement for the signs to be within 10 feet of the front door. Mr. Stevens suggested that the language could be modified to public access as opposed to front door to allow flexibility.

Mr. Stevens reviewed the standards for convenience or directional signs.

Mr. Stevens reviewed revisions to existing sign opportunities. He compared the differences between the interim window sign regulations to the recommended changes. He added that liquor advertising signs would be permitted within the regulations. In response to a question he stated that lights in windows may be allowed if they are architectural. He added that the regulation would also create sign opportunities for windowless buildings.

Mr. Stevens reviewed the proposed changes for monument signs. Mayor Morris asked if it is required to have addresses on monument signs. Mr. Stevens responded that it is not proposed but it could be considered. There was discussion on the standards for monument signs on multi-tenant buildings and the lighting standards for monument signs.

Mr. Stevens reviewed the changes to the requirements for temporary banners.

Mr. Stevens reviewed the new requirements for commercial leasing signs. He stated that the existing standard for commercial real estate signs will be eliminated in lieu of allowing banner signs. In response to a question Mr. Stevens stated that there is a requirement that signs be maintained in good order and appearance.

Councilman Ebiner asked if signs on cars or trucks are permissible. Mr. Stevens responded that they are prohibited. Councilman Badar asked about cars that are painted with commercial advertising. Mr. Stevens responded that they probably can't be prohibited unless they are parked in a manner to direct people to a business.

In response to a question Mr. Stevens stated that neon signs are permitted in a window as accessory window signs.

Councilman Ebiner questioned whether there should be more specific language on secondary building signs for smaller businesses. Mr. Stevens responded that larger centers are addressed because of the need for a master sign program. He added that there may be a circumstance where it is appropriate to have a secondary sign on the front of the building instead of the side.

In response to a question Mr. Stevens stated that human billboards or hand held signs are prohibited but is not enforced regularly because much of that activity occurs on the weekend. Mayor Morris opened the public hearing and commented that there have been many previous public participation meetings and several public hearings at the Planning Commission.

Mayor Morris opened the meeting for public comments.

Dr. Marvin Ersher, commented that some signs are for location finding and need to be of sufficient size and illumination. He added that other signs are for advertising and should be limited; he also asked staff to report later if there are any studies that show which signs are more effective?

Gil Gonzales, 2193 Terrebonne, commented that he felt the sign regulations were too complicated. He questioned the intent and purpose of the sign ordinance and added that no signs should be allowed in the public right of way.

Arrow Montessori School representative asked if there is a possibility for the school to have their Open House signs displayed 3 or 4 times a year that are not on weekends.

Assistant City Manager of Development Services, Larry Stevens responded that type of sign would be permitted under the temporary banner sign regulations.

Pamela, business owner at the Whiting Building proposed that an extension of 90 or 75 days per year be considered for banners.

Mayor Morris closed the public hearing.

Councilman Bertone commented that his only concern is with electronic message signs being allowed anywhere. He added that he is okay with them in some places like churches or hospitals but not at small businesses. Councilman Templeman added that he would have a problem with electronic message signs in the historic district.

Councilman Templeman complimented the Planning Commission and business community for the amount of time and detail spent in the sign code review. He added that he supports the Commission's recommendations.

In response to a question Mr. Stevens commented that notices of the public hearing were sent to all parties who had requested notice or who had participated in any of the previous meetings.

Councilman Badar suggested that he would prefer that the matter be continued for two weeks, that he is not prepared to vote this evening. Councilman Bertone agreed with the suggestion to postpone.

Councilman Ebner commented that overall he is in agreement with the changes. He added that he is concerned with the clutter of too many monument signs but feels the height restriction will help, he feels there should be a maximum width for A-frame signs and that electronic message signs should only be allowed for public or semi-public institutions.

Mayor Morris commented that he is in support of the Planning Commission's recommendations but is willing to continue the matter if it is the consensus of the Council. The Council consensus was to continue the matter for two weeks.

Mr. Stevens stated that based upon the discussion he would suggest looking at A-frame width standards and changing the proximity to the front door to public entrance, street numbers on monument signs, and secondary sign standards for the front of the building and how wide spread electronic signs should be allowed. He asked if there was a consensus to allow human motion signs. There was not.

Mayor Morris reopened the public hearing for the purpose of continuing the matter to September 25, 2012.

City Attorney Brown suggested that the Council direct him to prepare summary public hearing notice as opposed to the full ordinance text. The Council so directed him.

6. OTHER BUSINESS

- a. Report on Downtown Façade project including possible changes to project design and/or costs

Assistant City Manager of Development Services Larry Stevens reported that the now exposed brick on the three building is the preferred final condition. The contractor and architect reviewed the cost differences that would be related to the changes and the amount will total a little over \$3,000.00. The plan would allow for replacing the hardy plank. They owners prefer this option and are willing to absorb the additional costs under either the deferred loan program or the 60/40 rebate. The intention is to authorize the architect and contractor to proceed down this path. We must repaint the two stores that already have paint because of lead based paint issues.

In response to Councilmember Templeman's question, Mr. Stevens responded that it would two to three weeks past schedule on the three stores; the other two are not affected.

Mr. Stevens added that there is a second issue involving the windows at the 157 and 161 locations. They are beyond repair complicated by lead based paint issues. The most cost effective solution is to completely replace them. The owners understand the cost increases and will be participating in the 60/40 rebate relationship. Cost increase will be for owners and city but are within the budgeted amount.

Responding to Councilmember Ebner's question, Mr. Stevens confirmed that the wood frame is beyond repair; and if he had to remove the lead based paint, they would probably have to close the stores for a number of days to accommodate that in a safe manner.

In response to Councilmember Templeman's question, Mr. Steven stated they are trying to find buyers for the glass and that there is some value in them, which could reduce costs in the lead based paint abatement. Mr. Stevens also stated that they are within budget and would be going forward on this.

- b. Direction regarding the assumption of liquor license for the Walker House

Assistant City Manager Ken Duran shared that prior food concessionaire approached the city about assuming the special liquor license they hold. It is one that applies only to government owned buildings that have food operators. The conditions are that they can only be transferred from person to person at that location and cannot be sold, it is a reduced license fee, initial fee was only \$6,000.00. so the owner would be willing to transfer the license to the city or to a new operator at the Walker House and just recover the \$6,000.00 investment. Marstellarz still holds the license in their name which is inactive. We have been trying to get details on what the actual transfer process would be. There would be some transfer fee, but is fairly nominal. Staff's

recommendation would be for council to authorize staff to move forward with the transfer of the license either to the city or if we move forward with a new operator to that operator.

In response to Councilmember Bertone's questions, staff is not sure if we want to be the license holder if we are not going to be providing the service and there is liability that comes with the license.

Councilmember Templeman made the motion to pursue the purchase of the license but keep in mind the status of the building. Councilmember Bertone seconded the motion. Motion passed unanimously.

c. Award of contract of Energy Audits

City Manager Blaine Michaelis reported that this is being funded by a grant with Southern California Edison through the COG. There is some question with respect to the city's status with the COG, however we would still be able to receive this grant and award this bid and have it be reimbursed and paid for by the COG. He reported that he was at a meeting on Monday with the City Manager's Technical Budget Committee; there was a recommendation from the committee to proceed with an in house staff for the operation of the COG. He also stated that there was no discussion about any memberships that are holding off paying dues, so I think there is every expectation that the COG will administer the grant program and we would receive reimbursement.

Facilities Manager Karon De Leon reported that Southern California Edison awarded grant funding for energy audits to municipal facilities. In order to participate in the program Request for Proposals were released to seven eligible California Edison approved vendors. On September 4, 2012 staff distributed a RFP to seven eligible contractors. A total of four contractors submitted proposals and all were within the grant proposal costs not to exceed \$34,800.00. Based on the following criteria staff is recommending the award of the contract to Alternative Energy Systems Consulting, Inc., experience, local base, understanding the scope of services, personnel qualification, references and costs. There will be no fiscal impact to the city; therefore staff recommends the award of the Energy Efficiency Audit Services Contract to Alternative Systems Consulting, Inc. in the amount of \$19,490.00 to be funded by the Southern California Edison Grant.

Councilmember Templeman asked if this consulting company sold product with the expectation that if they find a problem they get another contract.

In response Mrs. De Leon stated that what the company does is make recommendations, and that we could only send RFP's to vetted contractors.

MOTION: It was moved by Councilmember Bertone and seconded by Councilmember Ebiner to award the Energy Efficiency Contract to Alternative Systems Consulting, Inc. The motion carried unanimously.

d. Christ Church of the Valley – special event request and street closure “Trunk or Treat” October 31, 2012

Assistant City Manager Ken Duran presented a report on a request from Christ Church of the Valley for their “Trunk or Treat” event on October 31, 2012. He stated there was feedback after last year's event, most were positive. Some of the residents had concerns over trash and parking issues. The organizers have made some minor modifications to the operation to address the concerns of the neighborhood. Staff monitored the event last year and felt it was well organized

and well attended. The closure of the street is the safest and most appropriate way for the event to be conducted. Traffic Safety has reviewed and approved the plan and staff's recommendation is to approve the request. Staff will continue to work with the applicant and monitor the event.

In response to Councilmember Bertone's question, 150 notices were mailed to residents notifying them of tonight's meeting.

Greg Lindsay, church staff member stated they felt last year's event went well and that it provided a safer environment for the people of the neighborhood. He apologized to the neighbor who spoke earlier and explained that the sign posting and removal was contracted out and it was not any of their staff who removed the signs.

Councilmember Templeman expressed his concern over the continued difficulties that the neighbors are having with the event. He stated that he needed some assurances that the church is managing the side streets better; he has real concerns about it. He could vote either way tonight.

Councilmember Bertone agreed with Councilmember Templeman, but he wouldn't want to have it closed down. He asked if it was possible to have the Sheriff's Department on duty to issue citations to cars parked illegally.

Assistant City Manager Duran, shared that the committee did discuss it and opted not to but it is a condition that could be imposed upon the church. However with all the activities that night it would be difficult to have the Sheriff's Department taken off normal patrol for this event.

Councilmember Badar stated that the Sheriff's Department was there and did their job.

Kimberly King, resident reported on the individual who removed the barricade. She is not opposed to the event, but thinks that it is mis-managed and would like to be sure that with the safety of the children there is a better plan in place.

Discussion continued regarding church services and the parking issues associated with those services.

Assistant City Manager Ken Duran said that staff would need to look at the ongoing problems with the parking at the church.

Councilmember Badar asked of the possibility of city staff monitoring the parking on the weekend.

Councilmember Bertone made a motion to approve for this year and have Ken Duran work with the Sheriff's Reserves to enforce the parking and the church to address the trash. Councilmember Ebiner seconded the motion. The motion carried unanimously.

Councilmember Templeman asked that the minutes of the meeting be made available to the church so that they are aware there are concerns and that this is not something that may be approved every year.

e. HEROES – special event request and street closure September 24, 2012

Assistant City Manager Ken Duran presented the request for street closure from the HEROS Organization. He stated that they are having a dedication ceremony on September 24, 2012, for installation of the water feature for the monument. The setup is the same as the event for the Clydesdale Parade. With the prior closure there were no problems with the neighborhood.

Staff's recommendation is for council to approval to close commercial street.

MOTION: Councilmember Ebner moved and Councilmember Templeman seconded. The motion carried unanimously.

7. ORAL COMMUNICATIONS

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

Gil Gonzales expressed his concerns with abandoned shopping carts. He requested council to direct staff to look at the policy on retrieval of shopping carts.

- f. Ginny Phillips, stated that the form she received from Kimberly in the Building Department was easy to complete, but the material received from Larry Stevens was not. Mrs. Phillips also compared the boxcar as being the same type of structure as storage sheds found throughout the city. She stated that the process for approval should not be this complicated.

- b. City Manager

City Manager Michaelis announced the broadcast of the "Ask the Mayor Show" this Thursday. He suggested that because of the time, the closed session for tonight might be brought back next week.

There was discussion on how long it would take and then decided to proceed with meeting tonight.

- c. City Attorney

Nothing to report.

- d. Members of the City Council

- 1) Discussion to consider directing staff to prepare a report for possible revisions to the existing city standards regarding underground utilities.

Assistant City Manager Larry Stevens reported there is an existing project that is raising the issue that the city's standard for underground utilities imposes a standard that is not cost effective to the developer. The question tonight is should the city revisit the standard.

Council discussed the issue and decided they should make a decision on the policy so that staff can go forward. Staff will review the process more and prepare a report to bring back for discussion.

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

Councilmember Bertone reported on his attendance at the League of California Cities Where he had conversation with a vendor that provides training for Code Enforcement. The city was complimented for the level of training given to their Code Enforcement Officers.

Mayor Morris also attended the League of California Cities Conference.

Councilmember Templeman reported on his attendance also.

3) Individual Members' comments and updates.

Councilmember Bertone announced that the Draft Environmental Report for the Gold Line is being circulated and that there is an upcoming meeting on September 24, 2012 in La Verne.

8. CLOSED SESSION

Recess to closed session pursuant to Government Code Section 54956.8:

a. CONFERENCE WITH REA PROPERTY NEGOTIATOR

Property: 121 North San Dimas Avenue – Walker House

Negotiating Parties for the City: Blaine Michaelis, City Manager, Ken Duran, Assistant City Manager and J. Kenneth Brown, City Attorney.

For proponent: Vincent DeRosa

Under Negotiation: Terms and conditions of a possible use agreement for the property.

b. Report on closed session items.

10. MEMORIAL ADJOURNMENT

The meeting will adjourn in observance of September 11, 2011 and in memory of city employee Henry Castro.

The next meeting is 7:00 p.m. on September 25, 2012.

Respectively Submitted

Debra Black, Deputy City Clerk