



MINUTES
REGULAR CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 25, 2012, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVE.

CITY COUNCIL:

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

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

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 7:00 p.m.

2. ANNOUNCEMENTS

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

Dr. Marvin Ersher shared that recently he had to address an individual going through his trash. He contacted Waste Management to ask if this is allowed and was told there is no law prohibiting it. He asked City Attorney Ken Brown what the status of an item would be once it is placed at the curb for Waste Management to pickup.

Pui- Ching Ho librarian gave an update on the current events at the library.

Dave Bratt, Chamber of Commerce representative gave an update on the services provided through the Chamber. He also announced the upcoming 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 requests separate discussion.)

MOTION: It was moved by Councilmember Bertone and seconded by Councilmember Ebner 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:

RESOLUTION NO. 2012- 54, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF SEPTEMBER 2012.

- b. Approval of minutes for regular meeting of September 11, 2012.

END OF CONSENT CALENDAR

5. PUBLIC HEARING

- 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 Larry Stevens presented a review of the updates requested by council from the September 11, 2012 meeting. Item number one for review was to consider a maximum width for portable signs. A standard of three feet has been inserted. The second item reviewed was to require addresses on all monument signs, multiple sections of the draft sign code were modified. Item number three, change the location for portable A-frames. Should be allowed at any business entry door however a limit of one portable sign is being maintained. The fourth item for discussion was to have additional standards for secondary wall signs when allowed on the front building elevation. Two options have been provided. Option number one is the previous standard in the code where the Planning Director must determine secondary sign would be ineffective on secondary elevation, and may specify when it is on the front elevation, a minimum distance separation. This is a more general standard. The discussion indicated that a more specific standard was needed, so option number two reflects that. It maintains that it must be ineffective and not readily visible if located on the secondary building elevation. Transfers allowed only on the building with minimum width of 100 ft. Primary and secondary signs shall be a minimum distance apart equal to 50% of the minimum building width. Where there is a second front entrance or exit, the secondary sign must be proximate to said front entrance or exit. Staff is comfortable with either option, just needs council to provide direction. The last point of consideration was to evaluate appropriate locations for signs that permitted electronic messaging.

Mr. Stevens continued by summarizing the draft presented by the Planning Commission and where it permitted electronic messaging center signage. It permitted signs in six locations, first on monument signs in commercial zones for multiple tenant shopping centers. The second circumstance in which a monument sign would be allowed is in a commercial zone for single tenant building. The third circumstance in which a monument sign would be allowed is on freeway oriented signs in commercial zones where the commercial center exceeds 100,000 square feet. The fourth circumstance would be monument signs in commercial zones for gas stations.

Councilmember Templeman asked if 100,000 square feet was for the building only.

Mr. Stevens replied that that was correct, not land area. All existing centers in commercial zones that meet the 100,000 square feet standard already have freeway signs. The fifth circumstance would be for a monument sign for education or religious institutions, in which case the maximum sign face was 30 square feet. Staff is recommending adding the 60% square feet standard. The last location would be for monument signs in public, semi-public zones for schools, hospitals, churches and similar institutions. In those cases actual size will be determined by the Planning Director based upon use, location and the consistency with the sign code. Most commonly it would probably be the monument sign size permitted in the A.P. zone, which is what those institutions were in before creating the public, semi-public zones. The 60% standard would apply.

In response to Councilmember Templeman, Mr. Stevens responded that this area is more subjective because in the past, in the public, semi-public zones other uses were permitted like offices and we did not want the offices to have a different standard. Also because of the mix of uses we haven't specified a maximum size for a monument sign. We do require a consistency determination.

Councilmember Templeman asked if when talking about schools, we are not talking about schools within the umbrella of the State architect.

Mr. Stevens replied, they happen to be in public, semi-public zones but we do not have the ability to exercise zoning jurisdiction over them for things that are school related. He also stated that you could have a private school that fell into a public, semi-public zone that would be governed by these regulations.

Councilmember Badar asked if schools like KinderCare and others would be covered under this same standard.

Mr. Stevens stated that some of those are in public, semi-public zones, some are in other zones. This was written primarily to cover San Dimas Community Hospital, which was the original entity seeking the electronic message center sign at the earlier community forum and this was the best way to include that. Other uses could be in commercial zones or offices zones and those standards would apply. For example the KinderCare at Via Verde and Puente is in an A.P. zone and would not be eligible.

In response to Councilmember Badar, Via Verde Shopping Center is in a commercial zone and it would be permitted. Mr. Stevens stated that he did include in staff report a quick summary of the generalized standards about blinking. He is not proposing to change any of those except a minor text change to make it clear that you may not have a wall sign that has an electronic message center.

Councilmember Bertone stated that he does not mind the electronic signs, but there are two houses that face the Via Verde Shopping Center and didn't think they would want to put an electronic sign there but if they did would that interfere with the two houses?

In response Councilmember Templeman replied that he didn't think they would want to spend the money to place a sign there because people can't drive by there to see them.

Mr. Stevens stated one of the things to be aware of in the case of the shopping centers is that they would have to amend their master signs program and there would be a public review process through the Development Plan Review Board.

Councilmember Bertone asked if residents within 150 feet would be notified.

Mr. Stevens responded typically on DPRB cases we notify the adjacent property. On occasion we exercise discretion and expand the notice when staff feels it is appropriate. We have received two emails since the last hearing, one of which was from Real Estate broker Brad Umansky who read in a newspaper article that we intended to prohibit free standing non-residential for lease and sale signs. He is objecting to us including that prohibition in the draft of the sign code.

In response to Councilmember Bertone, Mr. Stevens stated that he has had no discussion with him directly, but is aware that he has attended both community forums and was aware that we received a significant number of comments relative to the poor maintenance, blight and continuous nature of those signs being advertising for the broker. By attending those meetings he was aware that there were concerns expressed. He did not have any discussion relative to the solution that was incorporated into the draft sign code that was taken to the Planning Commission and the changes that were made by the Planning Commission, although he did receive a notice of that meeting and the Council meeting.

Councilmember Templeman asked Mr. Stevens to elaborate on the question he asked, inquiring about the signs not functioning properly.

In response Mr. Stevens read item E3 from the staff report. Mr. Stevens continued with a video presentation of examples of electronic signs captured at various locations. Mr. Stevens then continued with his live presentation by stating that the standards included in staff's draft report are compatible with what the regulatory community is doing and not inconsistent with what the industry is trying to do with these types of signs. A decision is needed on whether all six of the areas identified are locations where council feels these types of signs are permitted. With the direction given, staff will make the appropriate adjustments in the draft ordinance. Staff would recommend the changes on items one, two and three, and the two bullet changes related to electronic message centers regardless to location. The confirmation would be, they are not allowed on wall signs and the 60% would apply in the case of other education or religious institutions. Provide staff with direction on options one or two on the secondary signs and direction on the zones in which you would permit the electronic message signs.

Councilmember Ebner asked except for administrative, professional, industrial and downtown can you have the electronic signs on the monuments signs.

Mr. Stevens answered that was correct.

Councilmember Ebner asked if a piece of property that has a single tenant on it such as Jack in the Box, Arco could each have a monument signs.

Mr. Stevens responded, those are free standing uses under 40,000 square feet and they could each have separate monument sign up to 24 square feet.

Councilmember Ebner asked, on that stretch of street as you are going west, you could have a monument sign with an electronic component at the Ralph's Center, Arco, Hometown Rents, Kaiser and a couple of other locations?

Mr. Stevens answered, yes Specific Plan Number 2, refers back to the general uses; each of those uses could have a free standing monument sign..

Councilmember Badar asked, for organizations that have events, is there anyway they could put an electronic sign to announce their upcoming event is there any type of modification or will it be strictly banner signs?

Mr. Stevens answered banners can be approved in conjunction with the temporary use permit. There would be no limitation on the number or the size it would be simply what is approved for the permit.

Councilmember Bertone asked, what is the main difference between option one and option two, they seem similar?

Mr. Stevens answered option two is more specific in that you have to have a minimum of 100 foot wide building to be able to move the sign. It then has a numerical calculation relative to the minimum distance between those signs rather than simply saying a minimum distance maybe required by the Planning Director.

Councilmember Bertone asked, are you recommending one or the other?

Mr. Stevens answered, we are comfortable with both. I think they both work, option two is a little bit more specific so it eliminates some of the discretion. I don't think it comes up enough that the discretion is a major issue, a standard is always a little bit better than exercising discretion.

Councilmember Bertone asked, would it be easier to approve one, two three and four separately from the electronic, because I think there are more questions on the electronic signs?

Mr. Stevens answered, you could make multiple motions, one to address those and then a separate motion and discussion and we will incorporate the accumulations of whatever motions we make into the code and at the end make one motion to approve the ordinance.

Mayor Morris opened the discussion for public hearing.

Dr. Ersher shared that it was important for the only hospital in town to have a well-lit sign with good visualization and to encourage better directional signs at the location. Dr. Ersher asked Mr. Stevens why were we changing the sign ordinance and what are the differences.

Mr. Stevens replied this started about 18 months ago, initiated by City Council because the community thought the sign regulations were inflexible. Forums were held to have the community share their concerns. Based on the forum 18 issues of concern were identified. These issues were presented to the Planning Commission and City Council and they agreed they needed to be looked at. Staff took an assessment of what surrounding areas were doing in each of the areas of concern. A second joint meeting of the Planning Commission and City Council was had last November to discuss the information gathered from the surrounding communities and to discuss staff's preliminary approach to responding to the various changes.

The changes to permanent signs are not substantial, monument signs allowed in some locations where previously they were not allowed. Some minor tweaks were done to the standards for permanent signs. Most of the changes applied to various types of temporary or non-permanent signs. We have made provisions to allow A-frame signs for each business. Provisions made also to allow temporary sign opportunity for yard sales and open houses as long as they meet the standards, previously they were prohibited. The banner standards were modified to add height, size, and method of attachment. Free standing non-residential, real estate for sale and for lease signs are now prohibited and have included a 90 day amortization period for all existing signs.

To replace those we have created the ability to have banner signs subject to the size and numerical limitations set forth in the ordinance; but would also require a six month permit

different from other temporary signs. Still up for discussion for the electronic signs are should they be allowed as a component of a monument sign and what the standard would be? Window signs were tweaked slightly.

Mayor Morris stated that we were frequently being asked to look at the sign ordinance.

Todd Launchbaugh, Lee & Associates Commercial real Estates stated that today was the first time he has heard of the changes. He knew the city was looking at the ordinance but had no idea what the effect would be. The ordinance is allowing for building mounted banners that he personally does not think are as attractive as a sign. He is surprised that no one has mentioned this to him. He has been involved with other cities when they have made these types of changes. He feels that this will promote more vacancies in the city and he understands the need for attractiveness and maintenance, but feels there is no basis for this in regard to the commercial real estate properties. He was surprised that there was no one here from the retail end or any other business owners. He asked what the basis for removal of the real estate signs.

Councilmember Badar shared that this process has been going on for over 18 months and Brad Umansky has been involved the process. He stated that the city has made major concessions in trying to notify people and there have been people who have attended the planning sessions and community meetings.

Councilmember Bertone stated that there have been several newspaper articles written on the subject as well as the city's website posted information.

Mayor Morris stated that one-third of one of the planning meetings was taken by representatives from Mat West and from Brad Umansky speaking on this point. The question raised was that these are not for lease or sale signs, but billboards for brokers. We have centers in town that a lot of work was done on design and landscaping and then immediately a sign for a broker goes up and it never comes down.

Councilmember Templeman stated that the economy probably has not been very helpful, and you get many different brokers and owners in the same location; it is almost an advertisement of blight.

Brad Umansky, the owners aren't going to allow signs that don't look good and will not allow signs to be placed in front of the tenants that are there. He believes that there is a better way to do this. In the long run this is not what's best for the property owners.

Councilmember Ebner stated he liked the changes overall and that the electronic signs may need a separate discussion. He feels that regarding the two options it would be beneficial to have some numerical standards because the applicant then knows what to expect when they come in. He doesn't feel we need the last three lines on option two; it could make it more cumbersome for some.

MOTION: Councilmember Ebner made a motion Councilmember Bertone seconded the motion to approve option 2 of item 4 without the last three lines. The motion carried unanimously.

MOTION: Councilmember Bertone made a motion Councilmember Templeman seconded the motion to approve items 1, 2, 3. the motion carried unanimously.

Discussion moved to electronic signs.

Councilmember Bertone stated he had some apprehension about electronic signs, but after some explanation from Larry he is comfortable with the issue.

Councilmember Ebner stated his opposition to electronic signs is that with the affordability of the signs, they will become more popular. There will be many signs with different designs and colors and areas will begin to look cluttered and unattractive. He also stated that we are known for our standards and we should keep those strict standards. He would allow them only for institutional locations, such as the hospital and schools.

Councilmember Templeman shared that there are businesses out there that would benefit from monument signs; it would help improve the identity of the business. There are centers with the name of the center but no one knows what businesses are located within the center.

Councilmember Badar acknowledged the work and planning of staff and the Planning Commission on this issue. He supports the Planning direction on item five with two minor changes to page three.

A motion was made by Councilmember Templeman and seconded by Councilmember Badar to approve recommendations by the Planning Commission with two minor changes to item five page 3 and item E. Motion carried by vote of four to one, with Councilmember Ebner opposing.

Mr. Stevens clarified that the motion is to introduce Ordinance No. 1212 with amendments and authorize staff to publish a summary of the ordinance.

A motion was made by Councilmember Bertone, seconded by Councilmember Templeman to waive further reading and introduce. Motion carried by a vote of four to one with Councilmember Ebner opposed.

Councilmember Bertone expressed that staff doesn't want to hurt any businesses and if there is a better solution he is willing to listen, things can be changed.

6. OTHER MATTERS

- a. Council action to place an increase in Transient Occupancy Tax before the voters March 5, 2013

- 1) **ORDINANCE NO. 1213, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, PLACING A MEASURE ON THE MARCH 5, 2013 GENERAL MUNICIPAL ELECTION TO INCREASE THE TRANSIENT OCCUPANCY TAX RATE FROM 8% (eight) TO 12% (twelve) (First Reading)**

City Manager Blaine Michaelis shared that the city recently completed adjustments to its budget in order to provide some financial balance needed after the recent dissolution of the Redevelopment Agency, the slow economic recovery and major losses in the city's sales tax revenue. He stated that the removal of the \$1.4 million from our general operating budget has resulted in significant expenditure reductions in the city's budget and capital funding levels. The adjustments made should help to stabilize the financial needs, but has made it challenging to be able to accomplish more street and infrastructure work. Staff is recommending the city council to consider an increase in the city's Transient Occupancy Tax. This would help achieve greater financial ballast with minimal impact to the residents. Our current rate is 8% (eight), most if not all cities within Los Angeles County are at, or are considering moving to a 12% (twelve) Transient Occupancy Tax Rate. If the city moves to increase from 8% (eight) to 12% (twelve) it could mean an increase of \$350,000 of general fund revenue. This would help restore some flexibility to our budget. In order to increase it, it would need a majority vote of the residents,

50% plus one; that would take place at the next general municipal election on March 5, 2013. What is being presented this evening is consideration of beginning the process. Tonight would be the first reading of the ordinance that would set the parameters of the increase and place it before the voters on the ballot in 2013. After this first reading comes a series of other resolutions necessary to have it placed on the ballot; and at the October 9th meeting there will be a second reading considered along with the other resolutions to enact the process.

Councilmember Templeman noted that a TOT Rate review in Los Angeles County was done that showed the average to be 10.7%, with some places like Pasadena at 12%, Monterey Park, San Gabriel at 10%. We are already below the average.

Councilmember Bertone also noted that other cities will add on a utility tax or sales tax to gain revenue, but this Council is against that.

Mayor Morris expressed that this was not a public hearing, but if anyone in the audience wanted to speak he would open for public comment.

Councilmember Ebiner made a motion and Councilmember Bertone seconded to waive further reading and introduce Ordinance 1213. Motion carried by unanimous vote 5-0.

- b. Review of preliminary Staff Comments on Draft Environmental Impact Report (DEIR) for Metro Gold Line Foothill Extension (Azusa to Montclair) and Authorization to Transmit Comments on the DEIR

Assistant City Manager of Development Services Larry Stevens presented a review of preliminary staff comments on the Draft Environmental Impact Report released by the Metro Gold Line Authority, which is currently in the public comment period. Staff is reviewing the document to see how San Dimas is affected by the Gold Line and insure that the environmental document appropriately analyzes those impacts and identifies appropriate mitigation measures to insure that we've minimized any potential adverse environmental impacts to the city. Staff has identified four basic concerns that they would like to have any Council comment or discussion on to facilitate their preparation on the actual comment letter. The four primary areas of concern are the New Station Site, Bonita/Cataract Crossing, Noise & Vibration and TPSS (power stations) Locations. The station site is a change in location from previous meetings. The site identified in this DEIR is the City's Maintenance Facility. Mr. Stevens outlined the potential circulation issues, aesthetics and impact on the City Maintenance Operations that this new location would have. Next he described the need for additional studies that would address the delay and impact of traffic operation of an at-grade crossing at the Bonita/Cataract Crossing. He continued further with describing two other areas needing additional consideration for the Noise & Vibration issue, as well as questioning the decision to have two TPSS locations in San Dimas. He listed for council seven other concerns with the project.

Council continued discussing their concerns with the project.

Mr. Stevens concluded he would draft a letter that would include council's comments along with staff comments, for the Mayor's signature. The letter would be submitted before October 5th, Friday.

Councilmember Templeman made a motion and Councilmember Badar seconded a motion to authorize staff to prepare a letter.

7. ORAL COMMUNICATIONS

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

Dr. Ersher shared a summary of his viewpoints on the Via Verde Open Space Plan.

- b. City Manager

Reminder "Ask the Mayor" program this week

- c. City Attorney

- d. Members of the City Council

Councilmember Templeman announced that the turnout for the Water Feature Dedication was a success.

Councilmember Ebiner announced the upcoming Annual 5k Run & 1 Mile Fun Run & Walk this coming Saturday the 29th, and the Western Days Parade on October 6th & 7th.

Councilmember Badar asked for a brief update on the Downtown Façade Project

Mr. Stevens responded that, two facades were nearly complete and the awnings are to go up this week for the Florist and Antique Store. The brick work on the other three has been cleaned and repaired, and the dentil has been fixed. Prep work is being done while waiting on windows for two of those. The windows are expected on October 15 and should be installed that week. By the end of October we should be done. The business owners are all comfortable with the cost perspective.

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

Councilmember Bertone shared that the SGVCOG voted to change the governance of the council. The Executive Director will now be working for the COG and will not be independent and anyone working full time will be working for the COG not the Executive Director. The COG is in the process of hiring a new Executive Director.

- 2) Individual Members' comments and updates.

Mayor Morris congratulated Dave Bratt and the Planning Commission on their work with the sign code.

8. CLOSED SESSION

Mayor Morris recessed the regular session at 9:44 p.m. to a closed session pursuant to Government Code Section 54956.8:

a. CONFERENCE WITH REAL 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.

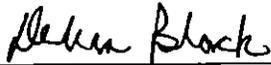
b. Report on closed session items.

City Council directed staff to respectfully decline any food service arrangements for the Walker House until building ownership issues are resolved in the City's favor.

7. ADJOURNMENT

The closed session meeting adjourned at 10:43 p.m. The next meeting is on October 9, 2012, 7:00 p.m.

Respectively submitted,



Debra Black, Deputy City Clerk