



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**AND SAN DIMAS HOUSING AUTHORITY**  
**TUESDAY, NOVEMBER 12, 2013, 7:00 P. M.**  
**SAN DIMAS COUNCIL CHAMBERS**  
**245 E. BONITA AVENUE**

---

**CITY COUNCIL:**

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

**STAFF**

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

**1. CALL TO ORDER AND FLAG SALUTE**

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

**2. RECOGNITIONS**

➤ Parking Enforcement Officer Joseph Hernandez

L.A. County Sheriff's Department Captain Rod Kush presented Parking Enforcement Officer Joseph Hernandez with a Sheriff's Department Proclamation.

**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.)

- 1) Frank Neal resident and one of the organizers of the Family Bicycle Day spoke of the success of event.
- 2) Cassidy Cuccia-Aguirre ASB President at San Dimas High School provided an update of the upcoming activities at the high school.
- 3) Amy Crow Manager of the San Dimas Library provided an update of the upcoming activities planned at the library.

- 4) Kimberly King resident shared her concerns over the continuing issues with the Trunk or Treat event held at Christ's Church of the Valley.
- 5) Richard White invited Council to the ROP Career Job Fair in West Covina.
  - a. Members of the Audience

#### 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 seconded by Councilmember Ebner and carried to accept and approve the consent calendar as follows:

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:

**RESOLUTION NO. 2013 - 53, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF OCTOBER AND NOVEMBER, 2013.**

- b. Approval of minutes for regular City Council meeting of October 22, 2013
- c. Approve application for grant funds for the Walnut Creek Habitat and Open Space Project – Phase 1

**RESOLUTION NO. 2013 - 54, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT FOR FIFTH SUPERVISORIAL DISTRICT EXCESS FUNDING FOR THE WALNUT CREEK HABITAT AND OPEN SPACE PROJECT – PHASE 1**

- d. Youth Employment Plan Walnut Creek Habitat and Open Space Project – Phase 1

**RESOLUTION NO. 2013 – 55, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING A YOUTH EMPLOYMENT PLAN FOR THE WALNUT CREEK HABITAT AND OPEN SPACE PROJECT – PHASE 1**

- e. Denial of claim for Daniel Wong/Mercury Insurance
- f. Denial of claim for Robert R. Pereira/BP Development, Inc.

END OF CONSENT CALENDAR

#### 5. PUBLIC HEARINGS

- a. **MUNICIPAL CODE TEXT AMENDMENT 13-05** - Consideration of a Municipal Code Text Amendment to allow a limited number of household chickens in conjunction with a single-family detached residence in all residential zones and specific plans that allow single-family detached residential uses, and other minor miscellaneous edits.  
**FIRST READING AND INTRODUCTION**

**ORDINANCE NO. 1226 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING MUNICIPAL CODE TEXT AMENDMENT 13-05, AMENDING CHAPTERS 18.08, 18.16, AND 18.20 OF THE SAN DIMAS MUNICIPAL ZONING CODE**

Associate Planner Jennifer Williams presented staff's report on this item and recommended adoption of MCTA 13-05.

Councilmember Bertone asked why staff recommended 5,000 sq. ft.

Associate Planner Williams answered that it allows a higher percentage of homes in the city to have chickens.

Councilmember Badar asked about the average square footage of the homes around the downtown area.

Associate Planner Williams answered that it is approximately 7500 sq. ft.

Councilmember Ebner asked if the setback at the back of the property would still be 5 ft. from property line.

Associate Planner Williams responded that in most cases it would.

Councilmember Ebner asked if the properties that back up to Arrow Highway were factored into the decision.

Associate Planner Williams responded that if the sheds for the chickens were under the size for the threshold for building permits residents would still be advised to meet the setbacks requirements.

Assistant City Manager Stevens added that sheds over six feet tall require building permits, less than six feet do not. He also stated that the Arrow Highway properties are standard single family zone and there is no rear yard requirement; but if some of the parcels are fewer 5,000 sq. ft. then they would not be allowed chickens unless an alteration was made to the minimum lot size standard.

Mayor Morris opened the public hearing.

- 1) Kris Tanner resident on Dakota thanked staff for working hard on the ordinance, asked Council to consider approval and shared that having the chickens would allow her to control what she feeds her high level special needs son.
- 2) Dr. Marvin Ersher recommended having a permit process with a sunset clause instead of a blanket approval for the entire city.

Mayor Morris closed the public hearing and brought the matter back to the Council.

Councilmember Ebner shared some of the benefits of having chickens and recommended changing the lot size to 4500 or 4750 and requiring a building permit for chicken coop up to 7ft.

- 3) Cloud Rainbow Walker explained the hazards as well as the habits and social traits of owning chickens.
- 4) Dr. Ersher asked if the subject of salmonella had been discussed and if there would be any educational information about raising chickens shared with the public.

Mayor Morris stated that it had been discussed in the earlier stages of research and neither the Health department or anyone else has had anything to say on the subject.

Councilmember Ebner suggested that staff have some material available on the City's website.

Councilmember Bertone shared that he would be speaking with Assistant City Manager Ken Duran who is in the process of working with the Humane Society and updating the City's animal code and regulations.

Councilmember Badar shared that he is fine with the 3 chicken minimum but asked why staff chose 3.

Cloud Rainbow Walker stated that hens form pairing bonds and odd numbers don't work.

Associate Planner Williams explained that 3 would be in line with the minimum requirement for dogs and cats, etc.

Councilmember Ebner asked if there was an interest in lower the lot size to 4750 sq. ft. and amending the height of the chicken coop.

Templeman answered he didn't know what the benefit would be.

Councilmember Ebner responded that there could be a few more lots included.

The consensus was that 6 ft. for the chicken coop height and 5000 sq. ft. for the lot size would be appropriate.

**MOTION:** A motion was made by Councilmember Ebner seconded by Councilmember Bertone to waive further reading and introduce Ordinance 1226 M.C.T.A 13-05. The motion carried unanimously.

## 6. OTHER BUSINESS

- a. Request from Mr. Roger Jon Diamond to amend section 18.194.030 of the San Dimas Municipal Code to allow one medical marijuana dispensary to operate in the City – City Council direction

City Manager Blaine Michaelis gave a brief overview of the issue and background on the City's municipal code with a recommendation to deny the request.

Mr. Roger Diamond addressed Council with his request for exemption from the City Municipal Code for his client. Mr. Diamond stated the following in support of his request:

- California Law - cities do not have to exercise their authority to ban the facilities
- Some cities have already recognized the need for facilities
- 1996 voters legalized medical marijuana throughout the state
- To date no criminal or nuisance activity since the opening at the location
- Location is best place for this type of facility – owner of properties would not want other tenants bothered and would be in position to get rid of the dispensary- costs to regulate falls to property owner not the public
- Owner of center supports the use
- Under California Law the dispensary has to operate as a legitimate dispensary and those in the coop must get approval from a physician
- Petitions with some San Dimas residents in favor of dispensary
- Licensed private security guards

Mr. Diamond concluded by asking for the dispensary to operate for a month or two to see if problems arise, which he disputes and sees no evidence of.

Councilmember Badar asked Mr. Diamond if he saw a business permit at the location when he visited and did the operators try to obtain one.

Mr. Diamond responded by saying the city would not issue one and because they are volunteers not businessmen they did not know to go to the city to apply for a business permit.

Councilmember Bertone shared that he agrees with Mr. Diamond and believes that medical marijuana has a benefit but because it is against Federal Law cannot support this request.

Mr. Diamond cited cities and states where medical marijuana facilities have approved zones in which they are allowed to operate and there has been no Federal prosecution as long as they are in compliance.

Councilman Templeman asked if the use of marijuana allowed at this facility.

Mr. Diamond answered that there is no consumption at the facility.

Mr. Templeman then asked if consumption is prohibited.

Mr. Diamond replied there can be no consumption at the facility.

Councilmember Templeman shared information from writings of past Whittier Police Chief which compiled data from other police departments citing the problems that exist when these facilities are in neighborhoods.

Dr. Ersher asked Council to uphold the ordinance and deny the request.

Councilmember Ebiner commented that he is not personally in favor of the issue and not inclined to approve the request; however with public opinion changing he could see this matter being reviewed in the future.

Emily Stillion shared an experience she had while visiting a shopping center in another city where she observed the security officers there for the marijuana dispensary and doesn't feel it would be a good look for our city.

Jim McCants spoke about his experience with owning property near a marijuana hothouse.

- b. Resolution No. 2013-56 providing a 2.5% increase in employee salaries

**RESOLUTION NO. 2013 – 56, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING AND EXTENDING THE PAY PLAN AND REIMBURSEMENT SCHEDULE FOR CITY EMPLOYEES**

City Manager Blaine Michaelis presented staff's report and background on this item to the Council and recommended adoption.

Councilmember Templeman pointed out that this does not include Councilmembers.

**MOTION:** A motion was made to waive further reading and adopt Resolution 2013-56 by Councilmember Ebner and seconded by Councilmember Badar. The motion passed unanimously.

## 7. PLANNING

- a. Introduction and first reading of Uniform Building Codes and set November 26, 2013 as date for public hearing and adoption.

**ORDINANCE NO. 1227, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING SPECIFIED CHAPTERS OF TITLE 15 OF THE SAN DIMAS MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA BUILDING CODE, VOLUMES 1 & 2, THE 2013 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, THE 2013 EDITION OF THE CALIFORNIA ELECTRICAL CODE, THE 2013 EDITION OF THE CALIFORNIA MECHANICAL CODE, THE 2013 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS, INCLUDING FEES AND PENALTIES. - FIRST READING AND INTRODUCTION**

Assistant City Manager of Development Services Larry Stevens announced that because of an error in the posted title of the ordinance, this item will be deferred to the November 26, 2013 meeting.

## 8. SAN DIMAS HOUSING AUTHORITY

- a. San Dimas Housing Authority action to appropriate \$45,000 from Housing authority funds to supplement the city's housing rehabilitation program for 2013-14

City Manager Blaine Michaelis presented staff's report on this item and recommended approval.

**MOTION:** Motion to approve was made by Councilmember Templeman, seconded by Councilmember Ebner. Motion passed unanimously.

## 9. ORAL COMMUNICATIONS

- a. Members of the Audience (*Speakers are limited to five (5) minutes or as may be determined by the Chair.*)
  - 1) Maura XX spoke on an issue her parents are having with a neighbor who is involved in the Humane Society's Trap and Release Program and asked that the city consider banning it.
- b. City Manager

Mayor's Call In show – November 14, 2013

c. City Attorney

Announcement of closed session.

d. Members of the City Council

1) Appointment to San Gabriel Valley Mosquito & Vector Control District Board

**MOTION:** A motion was made by Councilmember Bertone, and seconded by Mayor Morris to reappoint Councilmember Jeff Templeman. Motion passed unanimously.

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

Nothing to report.

3) Individual Members' comments and updates.

Councilmember Templeman commented that there were a lot of people who came out to support the HEROES' event.

The meeting adjourned at 9:12 p.m. to a closed session. The next meeting will be Tuesday, November 26, 2013 at 7:00 p.m.

## 10. CLOSED SESSION

a. Pursuant to Government Code Section 54956.9(d) (4)

Based on existing facts and circumstances the City Council will decide whether to initiate litigation regarding the medical marijuana dispensary at 146 E. Bonita Avenue

**ACTION:** The city council directed staff to make preparations and follow through as may be necessary to secure a civil injunction to close a medical marijuana dispensary at 146 East Bonita Avenue should the facility be open any time beyond November 15, 2013.

b. Pursuant to Government Code Section 54957

Consideration of City Attorney change of law firm and retainer agreement with Aleshire & Wynder

**ACTION:** The city council affirmed Kenneth J. Brown to continue his service as City Attorney for the city and accepted his new affiliation with the law firm of Aleshire & Wynder.

## 11. ADJOURNMENT

The closed session adjourned at 9:55 p.m.

Respectfully submitted,



---

Debra Black Deputy City Clerk