



MINUTES
REGULAR CITY COUNCIL /
SUCCESSOR AGENCY MEETING
TUESDAY, FEBRUARY 25, 2014, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBER
245 E. BONITA AVENUE

NOTE: Students in Government Day participants will be present at the City Council meeting and sit with their counterparts.

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 Community Development Larry Stevens
Assistant City Manager Administrative Services Ken Duran
Director of Parks and Recreation Theresa Bruns
Director of Public Works Krishna Patel
Traffic Engineer Warren Siecke
Deputy City Clerk Debra Black

1. CALL TO ORDER FLAG SALUTE

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

2. INTRODUCTION OF SAN DIMAS HIGH SCHOOL STUDENTS IN GOVERNMENT DAY PARTICIPANTS

All students introduced themselves and identified their staff counterpart.

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 and ask 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) **Leo Acosta** resident of Oakway Avenue requested that his street be exempt from the city's parking enforcement because of its ruralness.

2) **Amy Crow** Manager of San Dimas Library provided update of activities scheduled at the library.

- 3) **Shannon Benavides** representative from Emeritus San Dimas invited the Council and Community to a Sommelier event on March 3, 2014 at 7:00 p.m.

Mayor Morris explained the area of the Brown Act that outlines when Council can and cannot respond during a meeting.

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 Templeman and seconded by Councilmember Ebner, and carried to accept, approve and act upon the consent calendar as follows:

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

- a. **RESOLUTION NO. 2014-10**, A Resolution of the City Council of the City of San Dimas approving certain demands for the month of February, 2014.
- b. Approval of minutes for the regular City Council meeting of February 11, 2014.
- c. Commencing Proceedings for Annual Levy of Assessments for Open Space Maintenance Districts
 - 1) **RESOLUTION NO. 2014-11**, A Resolution of the City Council of the City of San Dimas authorizing the City Engineer to proceed with the preparation of annual reports for the annual Levy of Assessments for the Boulevard Open Space Maintenance District (TR 32818).
 - 2) **RESOLUTION NO. 2014-12**, A Resolution of the City Council of the City of San Dimas authorizing the City Engineer to proceed with the preparation of annual reports for the annual Levy of Assessments for the Northwoods Open Space Maintenance District (TR 32841)
- d. Metro Gold Line Update

END OF CONSENT CALENDAR

5. **PLANNING/DEVELOPMENT SERVICES**

- a. **ORDINANCE NO. 1228**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING MUNICIPAL CODE TEXT AMENDMENT 13-07, TO AMEND CODE SECTION 18.140.090.c.6.b AND EXHIBIT "B" TO REDUCE THE 25-FOOT SETBACK TO 15 FEET ALONG ARROW HIGHWAY WITHIN THE CREATIVE GROWTH, AREA 3A AND 3C ZONE – **SECOND READING**

Mayor Morris explained the process of approving an Ordinance to the students.

MOTION: A motion was made to waive further reading and adopt **Ordinance No. 1228** by Councilmember Badar and seconded by Councilmember Templeman. Councilmember Bertone opposed. The motion carried by a vote of four to one. (4-1)

6. **OTHER MATTERS**

- a. Appeal request from Dennis Miller on Traffic Safety Committee decision on crosswalk at intersection of Allen Avenue and Bayfield Drive

Krishna Patel Director of Public Works and **Warren Siecke Traffic Engineer** presented staff's report on this item, and recommended denying the appeal and upholding the Traffic Safety Committee's decision.

Councilmember Templeman asked staff to read the language that states a crosswalk why a crosswalk should not be located in a certain area.

Traffic Engineer Warren Siecke read the requested material.
Council and staff discussed the design layout of the location.

Councilmember Templeman asked the City Attorney if the city has any more liability at an uncontrolled intersection whether it is painted or not.

City Attorney Ken Brown responded that there is no difference in terms of liability.

Councilmember Ebiner asked about the dates of the studies used in the decision making.

Traffic Engineer Siecke answered that the most definitive one was a San Diego study done 20 years ago. He added further that there have been other studies since that have either verified that data or finding different conclusions. He went on to share with Council his observations when he recently visited the site.

Mayor Morris invited Mr. Miller up to state his argument for the placement of the crosswalk.

Mr. Miller parent of students attending Allen Avenue School cited his reasoning for this request as near accidents from drivers who do not yield to pedestrians crossing in the unmarked crosswalk. He feels that his background in traffic patrol and investigation of the Sheriff's Department and Military has given him some insight as it relates to this issue. Mr. Miller questioned the relevance of the San Diego study from 1972, and stated it is often misquoted and didn't include school site crosswalks. He realizes everyone can't be safe on the street but more can be done to make the intersection safer for the children. Doesn't feel that walking from San Dimas Canyon and Allen is an option because it is time consuming. He presented letters of support for a crosswalk from parents.

David Ryba parent of student attending Allen Avenue share that the unmarked crosswalk is used and recognized and it seems practical to formalize it for drivers who don't realize it is a recognized crosswalk. He added that the results of the 1972 study apply to four lane highways with speed limits in excess of 40 miles per hour and that a more recent Department of Transportation 2005 study says it is a wash or in some cases it is safer to have a marked crosswalk

Student in Government participant **Josh Cruz** stated that if safety is the issue why not put a crosswalk in.

Mayor Morris stated that another option would be to make it impermissible to cross at that location. He also shared that when dealing with an appeal that is quasi-judicial, Council has to rely on the facts presented by the staff and the experts in that field when making their decision and not whether or not they think it is a good idea.

Student Josh Cruz stated that a crosswalk should be in place.

Mayor Morris closed public comment.

Councilmember Templeman stated that he would put the crosswalk in based on the number of students that are being dropped off at the school.

Councilmember Bertone shared that it makes no sense to place a crosswalk for drivers who don't obey and doesn't understand why parents wouldn't walk the 200 feet if it is safer for their children. He would follow the advice of staff.

Councilmember Ebner stated the goal is to slow traffic, should be done in the safest way and open to exploring the idea of a crosswalk. Worried about the age of the study used. He would vote to grant the appeal

Councilmember Badar asked if we did marked crosswalk could we put a yield to pedestrian sign also. He is in favor of a crosswalk and hopes that staff can find a way to make it happen.

Traffic Engineer Siecke answered if a crosswalk is placed other enhancements would be necessary to draw the driver's attention to it.

Mayor Morris restated that this decision has to be considered based on facts given from staff and experts and not on ideas and opinions from Councilmembers. Their recommendation to deny the appeal should be upheld.

MOTION: A motion to deny the appeal for installation of a crosswalk at Allen Avenue and Bayfield Drive intersection and direct staff and Traffic Safety Committee to review ways to make the location as safe as possible was made by Councilmember Bertone and seconded by Councilmember Badar. Councilmembers Templeman and Ebner opposed the motion. Motion passed three to two. (3-2)

Councilmember Badar asked Director Patel if Council would be receiving a report soon.

Director Patel answered yes.

Councilmember Ebner asked Director Patel if he understood the motion that was put forward.

Director Patel responded that he understood the motion to be not to install the crosswalk and to explore options for making the location safer.

b. Mid-Year FY 13-14 Financial update

Assistant City Manager Ken Duran shared the following information, budget projections will be met and possibly be a little bit over with property taxes, sales taxes, franchise taxes, business license, vehicle registration fees and city programs on budget. Transient occupancy taxes are little bit higher and building permit fees are up. Expenditures are also within budget and there are no recommendations to amend.

c. Walker House Food Concessionaire Update

Assistant City Manager Ken Duran gave background on the history of the food use in the Walker House for the student participants. He continued and explained the process that took place to find a new concessionaire. Mr. Duran completed his update by asking for direction from Council on going forward with further negotiations and discussions with the food proposer. He announced that the proposed restaurateur currently has a location in Glendora named Lucca Bella and is a Master Chef formally with The Raymond House in Pasadena.

Councilmember Templeman explained that because of his background with the Raymond House in Pasadena the concessionaire understands the necessary care that should be taken when occupying the site.

Councilmember Badar expressed concern over the fact that we have two existing Italian restaurants in town.

Assistant City Manager Duran shared the description given for the food as California Cuisine with diverse ethnicities, with some Italian elements. The consensus was for staff to go forward in negotiating and the next step would be for the entire City Council to hear a presentation by the owner.

7. SUCCESSOR AGENCY

- a. Update on Successor Agency and Oversight Board Activities

Assistant City Manager Duran reported the Oversight Board approved all items that were before them and have been submitted to the Department of Finance. State Controller's Office audit has been completed and expect exit interview next week.

8. ORAL COMMUNICATIONS (Speakers are limited to five (5) minutes or as may be determined by the Chair.)

- a. Members of the Audience

- 1) Margie Green resident announced an upcoming dinner sponsored by the Soroptimist Club on March 8, 2014. Monies raised will go the Bonita Unified School District for student grants, clothing and other necessities as well Women's Right and Human Trafficking causes.

- b. City Manager

- 1) The Mayor's Call in Show February 27, 2014 at 6:00 p.m. will include the City Attorney.

- c. City Attorney

- d. Members of the City Council

- 1) Reappointment of Jim McCants, Charles McGowan, Patrick Jones and Cheryl Avelar to Public Safety Commission

MOTION: A motion to reappoint Jim McCants, Charles McGowan, Patrick Jones and Cheryl Avelar to the Public Safety Commission was made by Councilmember Badar and seconded by Councilmember Bertone. The motion passed unanimously.

Councilmember Badar thanked Randy Alva and Ted Ross for serving on the commission as well and asked about recruitment for the vacancies.

Deputy City Clerk Debra Black announced that the recruitment process of notifying the newspapers, posting on city website and KWST would began next week.

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

Nothing to report.

- 3) Individual Members' comments and updates.

Councilmember Ebner asked for announcement on Dog Park Opening.

Director of Parks and Recreation Theresa Bruns announced weather permitting the park would open on Friday, February 28, 2014; if there is rain it will remain closed until staff is able to reschedule.

9. ADJOURNMENT

Meeting adjourned at 9:15 p.m. to closed session. The next City Council meeting will be held on Tuesday, March 11, 2014, 7:00 p.m.

10. CLOSED SESSION (Pursuant to Government Code 54956.8)

a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property Transaction: 299 East Foothill Blvd., San Dimas, CA 91773
Consider the price and terms for the sale exchange or lease of the following

City Negotiator: Blaine Michaelis, City Manager

Potential Purchaser of Property: The Olson Company

No reportable action taken.

Closed session adjourned at 10:00 p.m.

Respectfully submitted,



Debra Black Deputy City Clerk