



**CITY COUNCIL MEETING MINUTES
TUESDAY SEPTEMBER 13, 2016, 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

STAFF:

City Manager Blaine Michaelis
Assistant City Manager Ken Duran
Assistant City Manager Community Development Larry Stevens
Director of Parks and Recreation Theresa Bruns
Director of Public Works Krishna Patel
Senior Planner Marco Espinoza
Assistant City Clerk Debra Black

CALL TO ORDER AND FLAG SALUTE

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

RECOGNITIONS AND ANNOUNCEMENTS

San Dimas Fitness Festival featuring the Annual 5K Run, 1 Mile Fun Run and Family Bicycle Day, September 24, 2016.

Dominique Borba Recreation Coordinator announced the timelines of events for the day.

Recognition of City Swim Team members who represented San Dimas at the Southern California Swimming Championships in La Mirada, California

Mayor Morris read the proclamation presented to the swimmers and assisted Recreation Supervisor Joseph Jones with handing them out to the swimmers.

Los Angeles County Department of Public Health – General Overview of Programs and Services

Alyssa Rasmussen Community Liaison Public Health Nurse provided an overview on Public Health and how they work.

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.)

Members of the Audience:

Nora Chen Los Angeles County Library Manager announcements and activities.

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.)

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

RESOLUTION 2016- 45, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF AUGUST AND SEPTEMBER 2016

Approval of minutes for regular City Council meeting of August 23, 2016

Approval of minutes for Study Session meeting of August 23, 2016.

San Gabriel Valley Council of Governments Newsletter

END OF CONSENT CALENDAR

The following action was taken to approve the consent calendar:

MOTION: Bertone
SECOND: Ebner
YES: Badar, Bertone, Ebner, Templeman, Morris
NOES: None

The motion carried by vote of five to one. (5-0)

PLANNING MATTERS

Appeal of DPRB Case 16-16D

An appeal to City Council of the Development Plan Review Board's (DPRB) decision, which was an appeal of a Director's approval of a 119-square foot expansion to an existing 196-square foot second-story deck attached to the rear elevation of a single-family residence located at 1315 Paseo Placita (APN: 8395-004-024).

Recommended Action: Receive staff report and render decision to approve or deny appeal.

Councilmember Bertone left the dais and did not participate in the hearing because he filed the appeal.

Senior Planner Marco Espinoza announced that two letters submitted from neighbors were provided to the council, he then presented staff's report on this item.

Councilmember Templeman asked if the action to be taken would be to deny the appeal of the Martinez' family.

Espinoza answered yes.

Councilmember Ebner asked if staff had any type of compromise in mind.

Mr. Espinoza answered that the board's decision wasn't a compromise but a solution that they thought would work based on the facts that were presented.

Mayor Morris added that the council is limited with the action to be taken, the decision can be reviewed and only upheld or denied. He provided an example of a similar appeal from a past meeting where the council tried to come up with a solution.

Councilmember Ebner asked for clarification of what the appellant was requesting.

City Attorney Mark Steres clarified the status of each approval as follows:

The original application was to add (extend) the deck to the north and south, this was approved by the Planning Department. That decision was appealed to DPRB who approved the north expansion and denied the south and that decision is what is before the council.

To address the concerns of the Council having prior acquaintances with Mr. Meredith each Councilmember gave a brief statement describing either not knowing or having only had brief interaction with him at a prior community meetings. They also indicated that their decision would be based on the material and testimony presented at this meeting. Mayor Morris then invited Mrs. Martinez to speak.

Mrs. Martinez gave her overview of the case, in which she described the circumstances of building the original deck without permits, stated that there are other two story homes in the surrounding neighborhood, and detailed her compromise attempts with Mr. Meredith on privacy issues of which she also has concerns.

There was discussion as to whether or not council could suggest any compromise on elements that was not part of the DPRB decision.

City Attorney Steres explained that adding conditions to an appeal would be different than changing the approval. The decision tonight would be to deny the appeal or overturn the DPRB decision and approve the plan with conditions; that would be a condition on the application as opposed to changing the application. Consideration on moving the distance would mean sending the case back to DPRB.

Assistant City Manager of Community Development Larry Stevens pointed out that several alternatives were considered and discussed at DPRB. The board offered to continue the matter and meet with the parties to find an acceptable alternative but based on comments from the parties staff did not feel that further discussions would result in a different outcome.

Mrs. Martinez concluded with they have gone through all of the proper channels, informed the neighbors of their plans for the deck and received approval. She spoke to the privacy concern for Mr. Meredith, which is why the matter was brought before council. She indicated that this is also a concern for her family as well and that is why they offered the alternatives they did to address this issue. Ms. Martinez explained that it is their desire as a homeowner to improve their home with the expansion of the deck.

Mayor Morris invited Mr. Meredith to speak.

Mr. Meredith stated that he has no personal relationship with any of city staff, commissioners or councilmembers. He talked about the approach taken that brought the appeal to council, the nature of the initial compromise he made and now feels has back fired.

Elvia Montanez a neighbor of both Mrs. Martinez and Mr. Meredith also shared input from her perspective on a possible compromise solution that would help both neighbors get what they need and allow the neighborly atmosphere to continue.

Mrs. Martinez addressed Mr. Meredith's statements regarding privacy and described what she witnessed at the DPRB site visits that led her to believe some of the individuals knew each other.

Mayor Morris closed the oral testimony of the hearing and brought the matter back to council for discussion.

Councilmember Templeman stated that a design change should go back to the review board for further investigation and did not feel that the council should make changes to the DPRB decision.

Councilmember Badar asked if council has to grant the appeal in order for it to go back to the DPRB.

Mr. Stevens replied that council did not have to make a determination tonight and could refer the case back to DPRB to consider council comments and determine if they want to make a different decision.

Council and staff discussed a number of scenarios that could happen depending on what direction is given by council.

Councilmember Badar asked what his role would be as a member of DPRB if this is referred back to them.

Mr. Steres replied that he could not participate because it would be coming back to him at the council level.

The council was hopeful that in light of the discussions from tonight's meeting staff can meet with the parties and come to an agreement instead of sending back to DPRB.

The following motion was made to defer a decision and continue the item to an unspecified date to allow staff time to meet with the parties and report back to council before taking further action.

MOTION: Badar
SECOND: Templeman
YES: Badar, Ebner, Morris, Templeman
NOES: None
ABSTAIN: Bertone

The motion carried by vote of four to zero (4-0).

OTHER BUSINESS

Review of planting material for the pots in the downtown renovation project.

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

Recommended Action: Provide direction to staff.

Mr. Michaelis responded to Councilmember Templeman's question that a change order to the contract would incur a cost that is unknown at this time.

Council discussed the look of the plants and other accessories to be added to the downtown.

Councilmember Ebner asked Mr. Michaelis to bring this item to council for discussion because he thought that the current selection of materials could use a little more color making the landscape an attractive addition to the downtown.

Councilmember Bertone also thought having more color would make the downtown more attractive.

The following action was taken to stay with the existing plan:

MOTION: Morris
SECOND: Badar
YES: Badar, Morris, Templeman
NOES: Bertone, Ebner

The motion carried by a vote of three to two (3-2)

ORAL COMMUNICATIONS

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

There were no comments.

City Manager

Mayor's call in show this Thursday.

City Attorney

Nothing to report.

Members of the City Council

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

Mayor Morris attended a Contract Cities Annual Conference

2) Individual Members' comments and updates.

Councilmember Templeman – Ad Hoc meeting with school district, West Nile found in San Dimas

Councilmember Badar – Report of mail theft on the Next Door website

Mayor Morris recessed the meeting to closed session at 9:36 p.m.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54945.9.

Name of Case: City of Gardena v. Regional Water Quality Control Board, et al.,
Orange County Superior Court, Case No. 30-2016-00833722

**CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section
54957.6**

City Representative: Blaine Michaelis, City Manager
Employee Group: San Dimas Employees' Association

The City Council met in closed session and discussed both items. No actions were taken to be reported.” The closed session adjourned at 9:55 p.m. The next meeting will be September 27, 2016 at 7:00 p.m.

Debra Black, Assistant City Clerk



Curtis W. Morris, Mayor