



**REGULAR CITY COUNCIL MINUTES
TUESDAY, OCTOBER 11, 2016, 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 Ebner
Councilmember Jeff Templeman

STAFF:

City Manager Blaine Michaelis
City Attorney Mark Steres
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 at 7:00 p.m. and led the flag salute. Mayor Morris also asked the City Attorney to provide a review of the discussion and actions taken on item 4 at the September 13, 2016 meeting and explain the procedure to be followed for this meeting.

City Attorney Mark Steres recapped the actions that were taken at the September 13, 2016 meeting and explained that it would be appropriate for council to discuss and make a decision at this meeting solely on the information that was received at the September 13, 2016 meeting. The hearing would not be reopened and any information received after that meeting would not be part of council's consideration in reaching a decision. He also noted that under the appeal procedures of the municipal code there is a provision that when there is an appeal to the City Council after the hearing if a decision is not reached within 40 days the lower decision is upheld.

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

- 1) Robert Maloski San Dimas Masonic Lodge report on toy drive
- 2) Nora Cheng San Dimas Library announcements
- 3) Casey Higgins resident announcement of his run for 41st State Assembly
- 4) Jaime Lynn M. Executive Board Member San Dimas High School events and announcements
- 5) Gil Gonzales resident asked that item 4 on the agenda be continued.

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.)

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

RESOLUTION 2016-49 A Resolution of the City Council of the City of San Dimas approving certain demands for the months of September and October 2016

- b. Approval of minutes for September 27, 2016 regular City Council meeting.

END OF CONSENT CALENDAR

MOTION: Motion/second by Councilmember Ebner/Templeman to approve the consent calendar as presented. The motion passed by unanimous vote. **(5-0)**

YES: Badar, Bertone, Ebner, Templeman, Morris
NOES: None
ABSENT: None
ABSTAIN: None

PLANNING MATTERS

Update on Appeal of DPRB Case No. 16-16D;

Continued from the September 13, 2016, City Council Meeting

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).

RESOLUTION 2016-50, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, DENYING THE APPEAL AND UPHOLDING THE DEVELOPMENT PLAN REVIEW BOARD'S DECISION TO DENY THE REQUEST TO EXPAND THE EXISTING 196-SQUARE FOOT SECOND STORY DECK TO THE SOUTH BY 119 SQUARE FEET AT THE SINGLE-FAMILY RESIDENCE LOCATED AT 1315 PASEO PLACITA (APN: 8395-004-024).

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

Senior Planner Marco Espinoza informed council that the neighbors and staff were unable to reach a mutual resolution.

Mr. Steres added that the parties could not reach an agreement and then recapped the principal elements of this item. He outlined the actions that could be taken at this meeting:

1. Deny the appeal and uphold the DPRB decision.
2. Uphold the appeal and allow the extension as requested by the applicant.
3. Uphold the appeal with conditions. He added that the Council does have the discretion to impose conditions. He explained that if the Council imposes conditions such as the requirement for screening or not extending the deck as far as originally requested that the Council create a robust record as to the reason for those conditions.

He noted that because there are only four Councilmembers participating in the vote if it turns out to be a 2-2 vote it would be considered no action taken and the DPRB decision would be deemed affirmed.

Councilmember Badar asked for clarification on the 40 days mentioned early and the consideration of a continuance.

Mr. Steres supplied that there is a provision that council could waive provisions of the chapter, but expressed concern if that would provide enough leeway to waive the 40 day limit without concurrence from both the applicant and the neighbor. He concluded that doing so could put the decision at risk.

Councilmember Templeman shared that he could not imagine a screened wall that would meet an architectural interest and was prepared to move to deny the appeal and uphold the DPRB decision.

Mr. Steres explained if council upheld the DPRB decision with conditions they could send it back to DPRB with instructions.

Councilmember Ebiner seconded the motion.

Assistant City Manager Stevens asked if the motion included the adoption of Resolution 2016-50 attached in the staff report.

Councilmember Templeman answered yes.

Mr. Steres noted that the decision was based on the facts of September 13, 2016 meeting.

Councilmember Badar commented that he had concerns with the privacy issue vs. the property rights issue.

Mr. Stevens explained that by upholding the DPRB decision approval for the north side extension is given.

MOTION: Motion/second by Councilmember Templeman/Ebiner Ebiner/Templeman to approve Resolution 2016-50:

AYES: Badar, Ebiner, Templeman, Morris
NOES: None
ABSENT: None
ABSTAIN: Bertone

The motion carried by vote of **4-0-1** with Councilmember Bertone abstaining.

OTHER BUSINESS

Nomination of Councilmember Margaret Clark to the San Gabriel Basin Water Quality Authority

Mayor Morris announced that the Council received an email request from additional candidate.

MOTION: Motion/second by Councilmember Bertone/Ebiner to approve the nomination request of Councilmember Margaret Clark.

Councilmember Badar expressed concern with not taking an opportunity to learn more about Valerie Munoz.

AYES: Bertone, Ebiner, Morris, Templeman
NOES: Emmett
ABSENT: None
ABSTAIN: None

The motion passed by vote of four to one. **(4-1)**

6. ORAL COMMUNICATIONS

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

No one presented.

- b. City Manager

Call in show this week cancelled.

- c. City Attorney

Nothing was reported.

- d. Members of the City Council

1) Reappoint Youth Member to Parks & Recreation Commission

MOTION: Motion/second by Councilmember Ebiner/Templeman to reappoint Bailey Smith as the Youth Commissioner to the Parks and Recreation Commission.

AYES: Badar, Bertone, Ebiner, Morris, Templeman

NOES: None

ABSENT: None

ABSTAIN: None

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

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

Councilmember Templeman attended a session on Drone Innovation and Accountability at the California League of Cities Conference

Councilmember Badar attended a session on the use of cameras at the California League of Cities Conference

Mayor Morris shared comments on several topics covered at the California League of Cities Conference.

3) Individual Members' comments and updates.

Councilmember Bertone announced October 22-23 San Dimas Festival of Arts Appraisal Fair

ADJOURNMENT

The meeting adjourned at 7:47 p.m.



Debra Black, Assistant City Clerk



Curtis W. Morris, Mayor