



MINUTES
REGULAR CITY COUNCIL /
REDEVELOPMENT AGENCY MEETING
TUESDAY, FEBRUARY 8, 2005, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

CITY COUNCIL:

Mayor Curtis W. Morris
Mayor Pro Tem John Ebiner
Councilmember Denis Bertone
Councilmember Sandy McHenry
Councilmember Jeff Templeman

City Manager Michaelis
City Clerk Rios
City Attorney Brown
Assistant City Manager Duran
Community Development Director Stevens
Public Works Director Patel
Parks and Recreation Director Bruns
Planning Manager Hensley

CALL TO ORDER AND FLAG SALUTE

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

RECOGNITION

- ❖ Certificate to recognize **Andrew Morales**, PFC, U. S. Marine Corp., being deployed to Iraq

Mayor Morris presented to a La Verne resident, a Blue Star certificate recognizing her grandson, Andrew Morales, PFC, U. S. Marine Corp., who upon completion of his training will be deployed to Iraq in service of his country.

ORAL COMMUNICATIONS

(For anyone wishing to address the City Council on an item not on the agenda. No action or discussion shall be undertaken on any item not appearing on the posted agenda.)

- a. Members of the Audience

Jack Long, 630 Gladstone, raised some issues with an eighteen-foot garage and a precision masonry wall being constructed on Way Court. Mr. Long also expressed concern about the City's policy to notice neighbors on construction projects.

In response to Council, Community Development Director Stevens replied concerning the size of the garage and indicated that there is not a noticing requirement to adjacent property owners if it is a one-story structure. The issue of height was considered by the Development Plan Review Board and the plan was approved to accommodate a hoist and loft storage. Director Stevens said he would provide a memo updating the Council for a decision whether or not to place on the agenda for further discussion.

- 2) **Dennis Phillips**, 525 No. Amelia, said he is in a lawsuit against the City and has requested administrative records that have not yet been produced.
- 3) **Ted Powl**, President/CEO, Chamber of Commerce, announced that the Chamber is co-hosting a Candidates Forum on Thursday, February 24, 2005, at the Senior Citizens Community Center. He said there is an opportunity for citizens to meet the candidates at 6:00 p.m., and the formal forum hosted by the League of Women's Voters of Claremont will commence at 6:30 p.m. The public is encouraged to attend and participate or submit questions in writing to the Chamber.
- 4) **Ted Powl**, President/CEO, Chamber of Commerce encouraged citizens to sign up for the Civic Academy, an eight-week session beginning May 1, dealing with various aspects of City and County government, for a total cost of \$195.
- 5) **Julie Benevides**, thanked Mr. & Mrs. Adair for providing food and shelter to her horse at Sycamore Canyon Equestrian Center. She thanked the City for providing this property and boarding facility.

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 separate discussion.)

It was moved by Councilmember McHenry, seconded by Councilmember Bertone, and carried unanimously to accept, approve, or act upon the consent calendar, as presented, as follows:

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **No. 05-08**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF JANUARY AND FEBRUARY, 2005.
- b. Approval of minutes for meeting of January 11, 2005.
- c. Proclaiming February 4, 2005 "Wear Red for Women Day" in recognition of the importance of the ongoing fight against heart disease and stroke.

END OF CONSENT CALENDAR

PUBLIC HEARING

- a. Municipal Code Text Amendment 04-02, a request for citywide revision to definitions and/or side yard setback standards in the Single Family Zones and/or consideration of possible encroachments into side yard setbacks. **ORDINANCE NO. 1148 INTRODUCTION AND FIRST READING**

ORDINANCE NO. 1148, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 04-02, A REVISION TO SIDE YARD SETBACK REQUIREMENTS AND FENCING/WALL STANDARDS IN THE SF ZONE.

Community Development Director Stevens reported that the City Council initiated this code amendment to consider possible changes to side yard requirements as a result of concerns about the appropriateness of the current standards arising from current pending litigation. The Planning Commission recommends

revisions to the standards by modifying the fence/wall standards to require the permitted six foot fence/wall to be open fencing for the upper 30 inches. The Commission also recommends allowing swimming pools which are not greater than one foot above grade and open patio covers. Provisions are recommended that allow existing walls/fences to remain. A negative declaration has been prepared. Director Stevens said staff's recommendation differs from the planning commission in that the maximum fence height in side yards abutting streets not exceed 42 inches and that additional encroachments such as swimming pools and open patio covers not be permitted. He further recommended introduction of Ordinance No. 1148 or direct revisions as deemed appropriate.

Director Stevens replied to Council's questions concerning side yards abutting streets; interior side yards; swimming pool considerations; 10% deviation provision; patio covers and gazebos; existing walls or fences; chain link or construction block fences are not prohibited, but not encouraged; and open style versus solid fences. Director Stevens indicated that the bulk of standards in terms of fencing and encroachments are pretty uniform and were carried over from the County upon city incorporation in 1960.

Mayor Morris opened the public hearing and asked if anyone wished to speak on the proposed changes as it relates to side yards of corner lots.

In response to **Jack Long's** inquiry about setbacks for block walls, Director Stevens stated there is no current code for block walls along a side or rear property line. There is a requirement that a wall in the front yard area not exceed 42 inches, but it could be built at the edge of the right-of-way line. Director Stevens further replied that there may have been enforcement due to failure to repair wall damage over a long period of time.

In response to Council, Director Stevens said research would be conducted and a response to Mr. Long's concerns would be done in a timely manner.

There being no one else wishing to speak, the public hearing was closed.

In response to Councilmember Templeman, Director Stevens said it is not likely a pool or spa built at or below grade would be visible, but there would be increased activity, and if ancillary structures are permitted, they would be above the fence line. He indicated that setbacks are generally perceived as intended to create a sense of openness and separation.

Councilmember McHenry felt a decision should be made either to maintain a sense of openness, or if pools are allowed, then amenities consistent with a pool should also be permitted.

Councilmembers discussed at length the sense of openness and whether or not to allow in the side yard a pool where there is an existing five-foot or six-foot fence, or to permit a new fence greater than 42" to comply with swimming pool fencing requirements and/or for privacy.

Director Stevens requested direction and suggested in the future permitting fences not greater than 42 inches, but in those circumstances where there is a legally constructed six-foot wall, under the ordinance an area enclosed by a six-foot wall could have usability of a swimming pool.

Councilmember McHenry stated he had a problem with equity issues of allowing someone to install a pool in the side yard on property with an existing six-foot fence and denying someone from building a pool or a fence if their property does not have an existing fence.

Director Stevens stated that if a circumstance existed, the ordinance would permit a use not previously allowed.

Councilmembers stated they were not opposed to permitting a pool and the wall of the required height for a pool on side yards abutting the street.

Director Stevens suggested that instead of criteria being that a six-foot fence exists, the criteria could be if a house is already built, the standard could have a six-foot wall, a below-grade structure, and the side yard would be subject to various nuances; however, if a lot is undeveloped, or a structure has been removed and a new house constructed, the ten-foot standard of the fence would apply.

Councilmember McHenry supported that criteria and made a motion to approve the suggestion by Director Stevens. The motion was seconded by Councilmember Templeman, and carried 4.1, with Mayor Pro Tem Ebiner opposed.

Director Stevens requested the public hearing be continued to the next meeting to allow time to craft an ordinance with the proposed changes.

The public hearing was reopened for the purpose of continuing this matter to February 22, 2005 for adoption of the ordinance and closed immediately thereafter.

RECESS

Mayor Morris called a recess at 8:52 p.m. The meeting reconvened at 8:57 p.m. with all Councilmembers present.

PLANNING

- a. Update on Draft EIR vesting Tentative Tract No. 47749 and Oak Tree Permit No. 99-028 (Vista Verde Ranch)

Mayor Morris announced that this item was improperly noticed in our agenda and the Council would not be considering this item at this time. Community Development Director Stevens will provide a report at oral communications.

OTHER

- a. Sixth Annual Pomona Valley Stage Bicycle Race, March 19-20, 2005 –street closures.

Public Works Director Patel presented a request from Velo Bicycle Club to hold their Sixth Annual Stage Bicycle Race through Bonelli Park/McKinley/Puddingstone Drive/Cannon Avenue/Walnut Avenue on Saturday, March 19, 2005, and the Town Core area on Sunday, March 20, 2005. Director Patel recommended approval of partial and full street closures subject to conditions as outlined in the staff report.

Paul Hewes, Assistant Director, indicated he is working with new people getting involved and is finalizing the sponsorship with Albertsons, a financial supporter of the race. He said the racers appreciated cycling up Cannon and for the racer's benefit, he requested extending the closures. To recognize San Dimas, the name of the race has been changed to San Dimas Stage Race. He thanked Council for the previous support and again asked for their support.

In response to Mayor Morris, Mr. Hewes said that three years ago, they went on the National Race Calendar of the U. S. Cycling Federation that governs competitive cycling, and America is associated with the International World Championship Organization that does Olympic and World Championship events. For that reason, professional men and women race participants get points for national ranking for

the Internationals, which could result in pro contracts. He said the past two winners of the San Dimas Stage Race are currently racing in Europe as pros. This is an opportunity for residents to see at no cost the top level athletics.

It was moved by Mayor Pro Tem Ebner, seconded by Councilmember McHenry, to approve Velo Bicycle Club's request to hold their Sixth Annual Stage Bicycle Race subject to conditions per staff's recommendations. The motion carried unanimously.

b. Dog Park Rules Ordinance No. 1149 **INTRODUCTION AND FIRST READING**

ORDINANCE NO. 1149, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING CHAPTER 13 BY ADDING SECTION 13.16.400 PERTAINING TO DOG PARKS.

Councilmember McHenry indicated he lives in the vicinity of the Dog Park and he excused himself from discussion. He left the dais at 9:15 p.m..

Parks and Recreation Director Bruns reported that the one-acre off-leash dog park at Horsethief Canyon Park is currently under construction and adoption of rules by ordinance is necessary prior to its expected opening in June, 2005. Staff recommended introduction of Ordinance No. 1149, adding Section 13.16.400 to Chapter 13 of the Municipal Code.

Councilmember Templeman commented that he does not want to see dogs allowed to run free in the area used by equestrians. He requested adding language to the ordinance "off-leash activity allowed only in posted area."

Mayor Morris asked if anyone wished to comment on this ordinance.

Diane Higashi, said there is currently a sign posted at the equestrian use park that there is not to be off leash dogs. Unfortunately most people ignore the rules. She hoped that when the dog park opened, everyone would obey the rules. Letting dogs run free causes problems for equestrians. She would appreciate a way to enforce the rules.

After the title was read, it was moved by Councilmember McHenry, seconded by Councilmember Bertone, to waive further reading and introduce **ORDINANCE NO. 1149, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING CHAPTER 13 BY ADDING SECTION 13.16.400 PERTAINING TO DOG PARKS.** The motion carried unanimously.

Councilmember McHenry returned to the dais at 9:22 p.m.

c. Sycamore Canyon Equestrian Center

- Consider request for a rate increase to cover higher hay costs.

Assistant City Manager Duran presented a request from the Sycamore Ranch Equestrian Center lessees to increase boarding fees by \$20.00 per month due to higher than normal hay costs. Staff offered supplemental information and analysis on hay prices for consideration. He informed Council that on February 1, the Equestrian Commissioners met; however, due to absenteeism and abstentions, the Commission did not have a quorum and was unable to take action. He indicated that if Council approves the increase, staff suggests it be granted for a four-month period, effective in April, 2005 to allow the Adairs to notice the boarders. If prices remain high, the Adairs could make another request to extend the timeline of the increase.

Assistant Manager Duran responded to Council's questions concerning recent rate increases at the Ranch; fluctuations in the cost of hay; approximately 45-47 tons of hay is used per month; and boarders are at 162 capacity.

City Manager Michaelis stated that staff reviewed an estimate of hay consumption and prepared a two-year cost comparison which reflects approximately \$18-22 monthly in higher costs based upon costs from the previous year. He said statistics in the graph show that the growers' price of hay, not including delivery, steadily increased in year 2004. Actual invoices for previous years show a level of consistency. Since November, 2004, the Adairs have seen a jump in hay prices of approximately \$50.00.

Councilmember Templeman expressed dissatisfaction with taking a piecemeal approach to problem resolution. Mayor Morris replied that consideration is for emergency increase in hay costs over which the Adairs have no control.

Mayor Pro Tem Ebiner arrived at calculations of \$15 per month for 160 boarders using 47 tons of hay per month and asked the Adairs to explain the difference.

Laurie Adair, Ranch Operator, Sycamore Canyon Equestrian Center, indicated that the request for a \$20 increase for hay was calculated on the basis of continuing cost increases. She stated that other contract holders within the city annually increase their hay prices and additional expenses based on the Consumer Price Index. She provided a detailed account of increases in operational expenses throughout the years and asked for Council's consideration in granting the request due to extraordinary circumstances in the increase of hay costs.

Mrs. Adair responded to Council that she would like to recuperate the loss of funds already spent on hay costs and said she is anticipating continued increases which began in November, 2004. She indicated that hay cannot be bought on credit, and it would not be feasible to store 800 bales of hay.

Assistant City Manager Duran suggested approval of the increase for a fixed period of time and re-evaluation at the end of that period.

In response to Council, Mrs. Adair said they maintain the largest facility in the area and offer the most amenities, but are underpriced compared to other facilities in the area.

Councilmember Templeman felt the City should take responsibility for allowing the Center to get to this condition. He suggested helping out the Adairs by not taking the City's percentage of fees until the lease options are considered by the Council.

Mayor Morris expressed opposition to citizens buying hay for horses due to the City's neglect in allowing the operators to underprice their operation and not adhere to the agreement. He suggested appointing a Committee to oversee the lease and indicated that the City's small portion would not take care of existing problems.

Julie Vallejos, boarder at Sycamore, did not oppose the increase, but requested that the Council consider dropping the fee if prices decreased.

Audra Labelle, boarder at Sycamore, stated she contacted eight different Boarding facilities and none of them are increasing their board fees due to hay costs. She added that she provided to Danny and Laurie Adair the name of a broker she previously used, however, he was not taking new customers due to the increase in hay costs.

Mayor Morris thanked her for her comments and the work contacting other stables. He stated that City staff will make an effort to contact other boarding facilities.

Mrs. Adair would appreciate it if staff would check on boarding fees and feed.

Dan Heersema suggested approving a smaller dollar amount for a longer period of time to make the increase easier on the boarders.

Julie Vallejos reported that she researched information on USDA California Weekly report available on the internet.

It was moved by Mayor Pro Tem Ebner, seconded by Councilmember Bertone, to approve a \$16.00 per month increase, based on hay prices, effective July 1, 2005, for a period of six months, to be reviewed before that time period ends.

In response to Councilmember Templeman, City Manager Michaelis said the goal is to have things available in concept to report to the City Council by March 22 or have an agreement on that date.

The motion carried unanimously.

SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular City Council meeting at 10:14 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The meeting reconvened at 10:15 p.m.

SAN DIMAS HOUSING AUTHORITY

Mayor Morris recessed the regular meeting of the City Council at 10:15 p.m. and convened a meeting of the San Dimas Housing Authority Board of Directors. The meeting reconvened at 10:16 p.m.

10. ORAL COMMUNICATIONS

a. Members of the Audience

1) **Debbie Price**, trainer at Sycamore Canyon Equestrian Center, expressed her satisfaction boarding and working at the Ranch. She suggested a meeting with the City Manager to find a way to resolve issues.

2) Laurie Adair thanked the Council for approving the rate increase. She invited Councilmembers to walk through the ranch to get a feel for the operation of the facility and meet and talk to other boarders to see if their problems are handled properly. She said forms are available for maintenance requests and she would be happy to spend time to work out service problems.

b. City Manager

1) Community Development Director Stevens provided an update on the Vista Verde Ranch project. He said he copied all members of the Council on the various items of correspondence prepared concerning the environmental document. He provided a brief outline of the presentation materials put forth at the County Regional Planning Department public hearing tomorrow. He said both the City of San Dimas and the County Regional Planning Department see eye to eye with many of the issues and problems associated with the project; however, they may not see eye to eye on the potential solutions.

He will focus on reasons for the problems, past efforts to work with Mr. Singh in terms of his development, and his inability to make substantial adjustments to his proposal. Director Stevens said he will offer to continue to work with Mr. Singh. Director Stevens predicted that it is likely the County Regional Planning Department would continue the public hearing. He will prepare a memo to update Council on the direction taken by the County Regional Planning Department.

In response to Council, Director Stevens said that County Planning staff has not had a chance to read the environmental document and has not prepared responses to concerns. The prudent approach would be to recognize problems, revise the document, and re-circulate it. They cannot take final action on the environmental impact report. They would have to have a hearing with what direction to give for revision and modification to allow the public to comment. Director Stevens indicated that Supervisor Antonovich and his field office have been sent copies of all documents. He added that other things came to light in the staff report. Portion of the Tsu Chi property is zoned open space between Mr. Singh's east property line and San Dimas Avenue and development cannot proceed under the existing zoning code, which states Mr. Singh cannot grade more than 500 cubic yards without a conditional use permit. Also, Mr. Singh does not meet the parameters of the zone for a conditional use permit going to Valley Center. Director Stevens indicated that the easy out is to take access to the south and that has a significant number of other issues. He will keep Council advised and prepare for the next step. He added that he was able to put a Powerpoint presentation on the City's website and intends to update results of the hearing by the end of the week.

2) City Manager Michaelis stated he has tentatively scheduled a study session concerning the Bonita Corridor on March 1, 2005. He asked Council if they would like to meet at 7:00 p.m. instead of 5:00 p.m.

It was the consensus of the City Council to meet at 7:00 p.m. on March 1, 2005 for a study session on the Bonita Corridor.

c. City Attorney

No report.

d. Members of the City Council

1) Councilmember Templeman requested Mr. Brown to respond to Mr. Phillips' comments on the request for documents.

2) Councilmember Templeman said the "Every 15 Minutes" program is moving along and a meeting will be scheduled with interested parents of Junior and High School students from San Dimas High School. 24 students will do role-playing and participate in the program. The group appreciates the support of the City Council.

3) In response to Councilmember Bertone, City Manager Michaelis replied that after the agenda was prepared, a request for appeal of a Traffic Committee decision was received and placed on the February 22, 2005 agenda for Council to decide whether or not to consider the appeal.

4) Mayor Morris praised Community Development Director for a great job presenting the update on the Vista Verde Ranch project.

ADJOURNMENT

The meeting adjourned at 10:45 p.m. The next meeting is Tuesday, February 22, 2005, 7:00 p.m. for a budget study session.

Mayor of the City of San Dimas

ATTEST:

City Clerk