



MINUTES
REGULAR CITY COUNCIL
TUESDAY, FEBRUARY 22, 2005, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

PRESENT:

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

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

ABSENT:

City Manager Michaelis

CALL TO ORDER

Mayor Morris called the meeting to order at 7:01 p.m. and welcomed the Students in Government day participants.

RECOGNITIONS

- ❖ Michael D. Gardner, PFC, U. S. Army, on furlough from Korea

Mayor Morris presented a Blue Star Certificate to Mr. Gardner, to honor and thank his son, Michael D. Gardner, PFC, for his commitment to his country and service in Korea.

Mr. Gardner said leave was cancelled and his son remained in Korea. He asked for positive support for our troops.

- ❖ Peter Yanez, Cpl. U. S. Army, serving in Iraq

Mayor Morris said he lives across the street from this great family and he presented a Blue Star Certificate to Mr. & Mrs. Yanez, to honor and thank Peter Yanez, U. S. Army Cpl., for his commitment to his country by serving in Iraq.

Mrs. Yanez asked why San Dimas does not hang banners honoring the troops.

ORAL COMMUNICATIONS

- a. Members of the Audience

Brian Worthington, Council candidate, said 1) it is vital for the City to consider an ordinance to make home improvements an easier process. 2) the City needs to address the signage ordinance.

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 Mayor Pro Tem Ebiner, and carried unanimously to accept, approve, or act upon the consent calendar, as presented, as follows:

- (1) RESOLUTION NO. 05-09, A Resolution of the City Council of the City of San Dimas approving certain demands for the month of February, 2005.
- (2) RESOLUTION NO. 05-10, 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 District (TR 32841).
- (3) RESOLUTION NO. 05-11, 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 District (TR 32818).
- (4) RESOLUTION NO. 05-12, Designating Agents to act on behalf of the City of San Dimas relative to the City's Application for Flood Damage Assistance.
 - a. Ordinances read by title, further reading waived, passage and adoption recommended as follows:
 - (1) 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. **SECOND READING**
 - b. Award of Cash Contract 2004-08 to Performance Pipeline Technology in the amount of \$13,420.00 for television inspection of priority storm drain pipes.
 - c. Rejection of claim for damages from Warner.
 - d. Amendment to the special City Council City minutes of Tuesday, November 16, 2004.

END OF CONSENT CALENDAR

Mayor Morris announced that the City Manager was given the night off to watch his son at the CIF Playoffs. He welcomed students and asked them to introduce themselves.

Students present introduced themselves. **James Himmelhoch**, Program Director, thanked the City Council and staff, and said he is happy the City is again working with San Dimas High School where students are actively involved in learning first hand about local government.

Councilmember Templeman recognized and thanked two students from Western Christian School for being here as well.

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 (Continued from February 8, 2005)**

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.

SECOND READING AND ADOPTION OF THIS ORDINANCE WILL BE CONSIDERED BY THE CITY COUNCIL ON MARCH 1, 2005, 6:55 P.M., AT AN ADJOURNED REGULAR CITY COUNCIL MEETING.

Community Development Director Stevens reported that at their February 8, 2005 meeting, the City Council conducted a public hearing on the proposed code amendment. After discussion, staff was directed to make various changes to the prior Planning Commission recommendation. He indicated that the attached Ordinance includes the revisions that would allow existing developed lots to have six foot walls on side property line abutting streets and to have pools less than one foot above grade in these yards. Lots not currently developed will be limited to a wall not exceeding 42 inches in side yards abutting streets. Staff recommended adoption of the negative declaration and Ordinance No. 1148.

Mayor Pro Tem Ebiner proposed alternate language for corner lot Ordinance "If an approved pool or spa exists or is being built in the side yard abutting the street, a fence or wall not to exceed six feet may be placed within the side yard up to ten feet from the pool or spa."

Mayor Morris said this is a continued public hearing and testimony taken at the February 8, 2005 meeting remains on record. He opened the public hearing and asked if anyone wished to present additional testimony and the following person spoke.

Dennis Phillips 525 No. Amelia Ave., felt the amendment to the ordinance was a waste of time, stating that the existing ordinance provides a variance to consider unique properties; however, the City does not issue variances. He indicated that only a handful of residents have a side yard large enough to consider putting in a pool.

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

Councilmember Bertone felt that the standard should apply to everyone who meets this requirement.

Director Stevens stated the ordinance was crafted at the direction of the City Council, but he would be happy to look at other alternatives that respond to concerns.

Councilmember McHenry stated that this ordinance applies to a number of other properties beyond the one or two within the community. He said the City is not denying people their property rights; however, some have chosen to not take advantage of this benefit. He said the exemption is on lots newly created.

After the title was read, it was moved by Councilmember McHenry, seconded by Councilmember Templeman, to waive further reading and introduce 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. The motion carried by the following vote:

AYES: Councilmembers McHenry, Templeman, Morris
NOES: Councilmembers Bertone, Ebiner
ABSENT: None
ABSTAIN: None

Mayor Morris said the second reading will be considered at 6:45 p.m. at the March 1, 2005 Adjourned Regular City Council meeting.

OTHER BUSINESS

- a. Consider accepting recommendations of Metro Gold Line Foothill Extension Construction Authority Draft Project Definition Report.

Public Works Director Patel provided a brief history and presented the Metro Gold Line Foothill Extension Construction Authority's Draft Project Definition Report that includes the Station location; parking location; street grade crossings; and location of traction power substation (TPSS). Staff recommended the City Council accept the PDR Report with staff's recommendations for further analysis of Bonita Avenue/Cataract Avenue grade crossing, station platform and location of TPSS.

Director Patel responded to Council's questions concerning noise; Environmental Impact Report evaluation and recirculation; and said the goal is to have the final EIR in the Fall.

In response to Councilmember Templeman, **Jim Ball**, Facilities Manager for the Authority, said once the project is approved by the federal government, they would have the right to move ahead with the purchase of the property. The timeline could be 2008 or 2009.

Mayor Morris expressed concern that our phase cannot start before 2014 because the FTA will not fund something that goes over two appropriation cycles. Most of the funds could be funded now to Irwindale. He said there is considerable question that we have population density to meet federal requirement models.

Councilmember Bertone reported that Mr. Little was removed because he was voting to prevent the extension cities from getting power over the project. He said the object of the meeting on Thursday is to decide who has control over the project. Supervisor Antonovich has been very supportive of the extension cities and if MTA does not cooperate with the extension cities, he will take the matter to Mr. Gary Miller, on the Transportation Committee and Congressman David Dreier in Washington, who control funds to MTA.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Ebner, to accept the recommendation of the Metro Gold Line Foothill Extension Construction Authority's Draft Project Definition Report, including station and parking locations, grade crossings and locations of tractor power substations with additional staff's recommendations to further analyze the Bonita Avenue/Cataract Avenue grade crossing, station platform and location of the TPSS.

Councilmember McHenry opposed the approval, stating that this alternative would block Cataract to handle the intersection that would divert traffic to the west and put a three-story garage in the middle of a residential neighborhood, making it difficult to go from the center of town to the Freeway on Covina Blvd.

Councilmember Templeman expressed frustration of not wanting a station in San Dimas; disrupting train traffic; and being asked to make advanced decisions on property matters that affect businesses and the community. He did not oppose the recommendation, but said it is important for emergency vehicles to get from one end of town to another; and if the project happens, San Dimas needs to have input.

The motion carried 4.1, with Councilmember McHenry opposed.

- b. **RESOLUTION NO. 05-13**, Requesting the Los Angeles County Board of Supervisors to undertake a fair and non-arbitrary audit of Sheriff's Costs charged to the taxpayers of the Contract Cities.

Asst City Manager Duran reported that the County Board of Supervisors authorized the County Auditor Controller to conduct a review of the process and formula used to allocate Sheriff's Department costs to contracting cities. The purpose and strategy of the report has been adjusted into a process that goes beyond a cost of service study. At their February 16, 2005 meeting, the Contract Cities Association Board recommended member cities adopt a resolution calling for a fair and non-arbitrary review of Sheriff's service costs. Staff recommends adoption of Resolution No. 05-13.

After the title was read, it was moved by Councilmember McHenry, seconded by Mayor Pro Tem Ebiner, to waive further reading and adopt **RESOLUTION NO. 05-13**, Requesting the Los Angeles County Board of Supervisors to undertake a fair and non-arbitrary audit of Sheriff's Costs charged to the taxpayers of the Contract Cities. The motion carried unanimously.

SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular City Council meeting at 8:26 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The meeting reconvened at 8:28 p.m.

ORAL COMMUNICATIONS

- a. Members of the Audience

Julie Bridesman, President of School Site Committee, for Shull School, on behalf of Mr. Shannon Yauchzee, requested that appeal be set for traffic committee results given on January 19, 2005.

Mayor Morris indicated that Council will be considering this evening the issue of whether or not to set a date to hear the appeal. He said the City also received an email requesting to be included as part of the record.

- b. City Manager

- 1) Date and time for April Retreat

It was the consensus of the City Council to meet on:

- Monday, March 28, 2005, 3:00 – 7:00 p.m. in the City Council Conference Room, and on
- Monday, April 4, 2005, 3:00 – 7:00 p.m. in the City Council Conference Room

- 2) Request by Shannon Yauchzee – Shull School Parent to set an appeal – Traffic Safety committee January 19, 2005 meeting – actions as follows:
03-04-07 San Dimas Ave. at Foothill Blvd.
10-04-01 Shull Elementary School

It was moved by Councilmember Bertone to set this item for appeal on April 26, 2005. The motion was seconded by Mayor Pro Tem Ebiner who requested to consider the intersection anew. The motion carried unanimously.

Councilmember Templeman requested that City of Glendora and San Dimas residential area be notified.

c. City Attorney

No report.

d. Members of the City Council

1) Mayor Pro Tem Ebiner announced that the Candidates Forum will be held on Thursday, February 24, 2005, in the Senior Citizens/Community Center. Residents will have the opportunity to meet the candidates at 6:00 p.m and the Forum will begin at 6:30 p.m.

2) Mayor Morris said the Election will be held on March 8, 2005.

3) Mayor Pro Tem Ebiner expressed some issues with DPRB and Planning Commission approval of a 10,000 s.f. home on Calle Cristina and he requested Council review at a future meeting.

In response to Councilmember McHenry, Director Stevens indicated that when a Councilmember appeals an item, it is brought as a full appeal. This item has been tentatively scheduled for March 1, 2005 and should take no more than twenty minutes to present.

ADJOURNMENT

It was moved by Councilmember Bertone, seconded by Councilmember McHenry, to adjourn to a Special City Council meeting on Tuesday, March 1 2005, 6:55 p.m. to consider adoption of Ordinance No. 1148 and at 7:00 p.m. for a Special City Council meeting. The motion carried unanimously.

The meeting adjourned at 8:46 p.m. The March 8, 2005 regular City Council meeting will be cancelled to conduct the City of San Dimas General Municipal Election. Instead, on March 1, 2005, at 7:00 p.m. a special meeting of the City Council will be held. The agenda for that meeting will include those items that would otherwise be considered at the March 8, 2005 meeting, and at conclusion, meet with Bonita Avenue Corridor Committee.

Mayor of the City of San Dimas

ATTEST:

City Clerk