



MINUTES
REGULAR CITY COUNCIL
TUESDAY, APRIL 26, 2005, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

CITY COUNCIL:

Mayor Curtis W. Morris
Mayor Pro Tem John Ebner
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
Associate Planner Vacca

CALL TO ORDER

Mayor Morris called the meeting to order at 7:11 p.m.

RECOGNITIONS

❖ Proclaim April 4-8, 2005: Week of the Young Child

Mayor Morris proclaimed April 4-8, 2005 as Week of the Young Child. He presented to Tana Sepulveda a Proclamation to call attention to the need for high quality early childhood services for all children and families within our community.

Tana Sepulveda stated they have been in San Dimas for 15 years and are thankful the City has helped them through their problems. She thanked the Council for recognizing the youth of San Dimas. The children from the Montessori Center in Via Verde presented Mayor Morris with paintings.

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.)

Mayor Morris announced that comments would be limited to five minutes at this time. And for persons who wished to speak longer than five minutes, there is a second Public Comment period at the end of the meeting.

a. Members of the Audience

Alta Skinner, 850 North Walnut Avenue, representing the Festival of Arts, thanked the Council, Karon DeLeon, City staff, Paul Rippens, Historical Society, and Rodeo members for the tremendous support

given to the Festival. She said this weekend was one of the best shows held. She shared comments from the artists that they have never been to a community they enjoyed more than San Dimas.

Alline Kranzer thanked Ken Duran for keeping everyone on the straight and narrow.

Janet Cross, 1420 Caballo Ranch Road, stated she lives above the washed out bridge. She expressed various concerns experienced by the residents including the use of a dangerous alternate route through La Verne; delayed response of law enforcement; problems with emergency vehicles; speeding fire trucks; and fire hazard. She said she spoke with City Manager Michaelis and Public Works Director Patel and would like some answers concerning repairs.

Mayor Morris reported that the bridge on San Dimas Canyon Road was washed out in the heavy storms and continues to be flooded. He said Mr. and Mrs. Cross are among the few residents who are greatly inconvenienced and the only other access road is through La Verne. He asked Public Works Director Patel to provide a brief status report on the bridge.

Public Works Director Patel reported that for the past several months, staff has been working with FEMA to try to secure funds to repair the bridge. He said although funds were approved, the process includes obtaining permits from the Fish and Game, the Corp. of Engineers, and the Regional Water Quality Board. His plans are to start the design and build a permanent bridge.

In response to Councilmembers, Director Patel said even with a temporary bridge, dam water would flow and the volume of water is so high it would be impossible to divert the water around to construct a temporary bridge. He stated the time frame for the process is between six to nine months; similar to that of getting a permanent bridge approved; however, staff could explore a temporary alternative.

Dick Cross, 1420 Caballo Ranch Road, stated he spoke with a San Dimas Fire Captain who informed him that Glendora had jurisdiction to handle emergencies. Mr. Cross felt it was unacceptable to have Glendora go around through La Verne, and suggested calling La Verne to make arrangements to handle emergencies, and to involve Supervisor Antonovich in the permit process.

Director Patel stated staff has had several meetings with Los Angeles County to secure their assistance.

Mayor Morris assured Mr. and Mrs. Cross that this matter is getting the highest priority.

Jim Campbell, Caballo Ranch Road, expressed concerns with his wife and children traveling on Golden Hills Road. He requested removal of sizeable boulders and tree limbs from the road and said brush grows along the narrow road forcing drivers to the middle of the road. He suggested widening the narrow road by cutting back the brush. He also mentioned that residents are not getting postal service and it's an added inconvenience to collect mail.

Olivia Skarneka, 1445 Caballo Ranch Road, is caregiver to her diabetic mother, 93, and mentally incapacitated brother, 71. Her issue is ambulance service not only for her family, but other families as well.

Patricia Waller has lived on that street for 41 years, said the San Dimas Sheriff's informed her that the terrorist who made threats against her family was released from jail. She lives alone and has her five-year old grandson with her most of the time. She said they need to have a temporary bridge.

Jeff Johnston lives on the same street, and has the same concerns. He suggested leasing a temporary bridge from the military, providing access to only emergency vehicles and residents.

Staff will obtain information from the military.

Virigina Biacsi addressed public safety issues. She stated that with the number of kids in the canyon, debris has increased considerably, and since residents are isolated and virtually bereft of any type of immediate law enforcement or fire response, she is extremely concerned. She asked the Council to coordinate efforts with La Verne to restore some assurance of their safety.

Dennis Philips, 525 No. Amelia, said citizens look to the Council for fairness, support and guidance. He said the Secretos were denied a variance to put in a pool. Now, after a lawsuit, a code amendment is approved that allows them to put in a pool. He said sometimes all it takes is talk to find out what their needs are, without attorneys.

City Attorney Brown mentioned that under the Ordinance adopted, the Secretos could have had the swimming pool originally requested and they chose to file a new application for a different sized pool. The DPRB hearing is set for May 12, 2005.

Randy Argo said he has been fighting for one and one-half years to get permits to rehabilitate his property on First Street. He has inquired about past permits and has not gotten a response. He wanted to know where those permits are kept.

Mayor Morris explained that the Senior Citizens Community Center building was originally the County Engineer's Office, and upon incorporation of the City, all information was transferred to the City from the County Offices.

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.)

City Manager Michaelis said Resolution No. 05-33 deals with policy retention of records, audio visual tapes, and he suggested rewording "tapes" to "recordings."

With the suggested change to Resolution No. 05-33, it was moved by Councilmember McHenry, seconded by Councilmember Bertone, and carried unanimously to accept, approve and 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. 05-32**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF APRIL, 2005.
 - (2) **NO. 05-33**, AMENDING RESOLUTION NO. 00-18 THE RECORDS RETENTION POLICY OF THE CITY AS IT RELATES TO ~~TAPES~~ RECORDINGS OF THE PLANNING COMMISSION AND DEVELOPMENT PLAN REVIEW BOARD MEETINGS.
- b. Ordinances read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **NO. 1151**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING CERTAIN TIME LIMITATIONS WITH RESPECT TO THE REDEVELOPMENT PLAN FOR SAN DIMAS REDEVELOPMENT PROJECT AREA NO. 3 ADOPTION, AMENDMENT AND MERGER PURSUANT TO THE PROVISIONS OF HEALTH AND SAFETY CODE SECTION 33333.6 **SECOND READING**

(2) **NO. 1152, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING CERTAIN TIME LIMITATIONS WITH RESPECT TO THE REDEVELOPMENT PLAN FOR CREATIVE GROWTH REDEVELOPMENT PROJECT PURSUANT TO THE PROVISIONS OF HEALTH AND SAFETY CODE SECTION 33333.6 SECOND READING**

- c. Approval of minutes for meetings of January 25, 2005 Study Session.
- d. Approval of City's Statement of Investment Policy: This investment statement outlines the policies for maximizing the efficiency of the City's cash management system.
- e. Award of Cash Contract 2005-02 to Roy Allan Slurry Seal, Inc., in the amount of \$233, 965 for slurry seal of city streets within Maintenance Zone "A".
- f. Award of Cash Contract 2005-04 to E.C. Construction in the amount of \$171,213.26, for rehabilitation of Bonita Avenue from Arrow Highway to Eucla Avenue. Appropriate an additional \$61,834.59 from Prop C Local Transportation Fund.
- g. Proclaiming May as Foster Care Month.
- h. Proclaiming May as Veteran Appreciation Month.
- i. Proclaiming May 5, 2005 the National Day of Prayer.
- j. Proclaiming April as County of Los Angeles Earthquake Preparedness Month.

END OF CONSENT CALENDAR

PLANNING

- a. Appeal of DPRB Case No. 05-23 – First Floor Office Use at 133 East Bonita Avenue, Suite 103.

Planning Manager Hensley said staff received written correspondence from the owner of Medic-1 Ambulance indicating that their current operation plan is to remain at 1305 West Arrow Highway, and they withdrew their request for appeal. Planner Hensley presented an appeal of DPRB Case No. 05-23 from John Begin, who wishes to lease Unit 103 at 133 East Bonita Avenue to Farmers Insurance. This property is located in a Creative Growth zone, Area 2 intended for retail use and the General Plan land use designation is commercial. The Development Plan Review Board reviewed and denied the request on March 10, 2005. Staff recommended Council consideration of the DPRB decision.

Mayor Pro Tem Templeman stated that a response from the Downtown Merchants Association indicated they do not have a problem with Farmers Insurance on the first floor of that building.

Planner Hensley added that it was fair to say the Review Board had significantly more concern with the ambulance use with regard to size and parking use.

Councilmember McHenry stated that the Board decision was based on three major reasons: 1) the belief that the building was originally approved to increase pedestrian traffic and uses that would enhance the downtown; 2) limited parking issue due to impact of Sheriff's Station. However, once the new Sheriff's building is constructed, this issue would be resolved; 3) Insurance use would not follow what the Board felt was the City Council intent when approved as part of retail parking district. He said the Board needed clarity of policy.

Don Sainthours, representing applicant John Begin, remarked that the building has been vacant for eight months. It has been advertised as retail and cannot be rented. He said the Council could make the decision to determine whether or not insurance is considered a service related business. He mentioned that the downtown merchants do not object to having Farmers Insurance in that space.

In response to Councilmember Bertone, Planner Hensley stated that a service related business is associated with a higher level of service to people than an insurance agent. Director Stevens stated that there may also be forms of insurance offices that are more administrative in nature, rather than sales based, and felt characteristics of use should be considered to determine the parameters against which future decisions on office uses are measured.

Bing Adena, Farmers agent, said insurance is a service industry. They provide services to the community that will hopefully bring foot traffic to Bonita Avenue. He replied to Council that as many as ten customers come in daily to pay their bills.

In response to Mr. Sainthours, Mayor Morris stated that the owner of the building bought the property from the San Dimas Redevelopment Agency at a substantially discounted price under certain conditions, and the limited square footage in the building he constructed should not be a basis for a hardship.

Councilmember Ebner said he would like the insurance agency to stay in San Dimas, in the downtown area, but the same business could be conducted on an upstairs floor.

Councilmember McHenry stated that the goal is to upgrade what is in the downtown, not to visit the mistakes of the past by setting a precedent. He provided examples of service related businesses and said the Board looks at the synergism created for the downtown as part of the whole mix. He said the owner of the building made the decision to use communal parking, rather than providing spaces on the site.

Mayor Pro Tem Templeman stated he would prefer retail; however, he has concerns with the building sitting vacant.

Councilmember Ebner stated vacancy is an issue and although the downtown does not have the pedestrian traffic synergy for any retail business to go in the ground floor, he opposed setting a precedent.

It was moved by Councilmember Bertone, seconded by Councilmember Ebner, to uphold the Development Plan Review Board decision and deny appeal of DRPB Case No. 05-23. The motion carried unanimously.

OTHER

a. Appeal of Traffic Safety Committee Agenda Items:

- 1) Item 03-04-07~Foothill Boulevard/San Dimas Avenue Installation of time restricted "No Right Turn on Red" sign.

Public Works Director Patel said Traffic Engineer, Warren Siecke, is present. Director Patel reported that Mr. Shannon Yauchzee appealed the "No Right Turn on Red" sign requesting that a study be conducted for the change back and that reinstalling the signs contribute to air pollution. Director Patel indicated that the sign was modified to include time restrictions due to frequent complaints from motorists having to wait for the signal to change during off-peak hours. He said if Council wishes, the Committee could conduct another study to review the gap frequency on Foothill Blvd./Walnut Avenue. Staff's

recommendation is to accept the Traffic Committee's recommendation to have a no right turn on red, or to direct staff to conduct another study to review the gap frequency on Foothill Blvd. and Walnut Avenue.

Mayor Morris asked if the appellant wished to speak.

Shannon Yauchzee, not representing Shull school parents on this issue, stated he was glad when the No Right Turn on Red sign was removed. He is concerned that the sign is being re-installed without any studies. He indicated that it is fortunate that a law in California allows a right turn on red because it saves Californians millions of minutes, the price of fuel, and pollution.

Councilmembers discussed traffic flow gaps; gap studies; sequenced right turn arrow; signaling Walnut and site distance.

It was moved by Councilmember Bertone to accept the appeal and to not re-install the sign. Councilmember Ebner stated he supported the motion with the understanding a study is conducted. The motion was seconded by Councilmember McHenry and carried 4.1, with Mayor Morris opposed.

2) Item 10-04-01~ Shull Elementary School – Various traffic issues.

Director Patel reported that Mr. Yauchzee appealed the Traffic Engineer's decision to install speed feedback signs in front of Shull Elementary School and recommended the installation of flashing yellow lights. Mr. Yauchzee indicated that flashing beacons do not diminish over time and are more cost effective, whereas the speed feedback signs are not recognized as official traffic devices by the State. Director Patel reported that speed feedback signs are authorized by the State of California supplement to the National Manual of Uniform Traffic Control Devices and that studies indicate the signs are effective in high speed areas, while over time, motorists disobey speed zone areas having flashing signs. He indicated that the only disadvantage is cost. Mr. Patel presented three options for Council consideration: 1) deny the appeal; 2) consider the Traffic Committee recommendation; 3) direct staff to apply for Safe Route to School program for all schools in San Dimas.

In response to Councilmember Bertone, Traffic Engineer Siecke stated that there is nothing negative about flashing yellow lights; they are used on many locations, but the Traffic Committee recommended the radar feedback sign, a new technique they thought was more effective. He stated the devices were verified by the traffic controller.

Councilmember McHenry indicated that he is not opposed to any proposal for a safe school zone; however, until the School District steps up and meets their responsibility to install onsite drop off-pick up, the problem would never be solved.

Director Patel responded to Mayor Morris that there is no support from the City of Glendora to install these signs in their jurisdiction.

Councilmember McHenry inquired if the City Council approved either the flashing yellow lights or the speed feedback sign; however, due to budget constraints, installation was delayed, would there be a liability issue. City Attorney Brown responded that once a finding is made, there is a dangerous potential of liability if action is not taken.

Traffic Engineer Siecke responded to Council that red lights could be programmed to constantly flash red; for a crossing guard, the warrants required 40 crossing children, the maximum was 17 per hour in the morning and 13 per hour in the afternoon; based on accidents, warrants require five accidents per year susceptible to correction by a left turn signal; He indicated frequencies were not available as he did not conduct that study.

Mr. Siecke said the intent of the flashing yellow lights or feedback signs is to bring speeds down to 25 miles per hour when school children are present.

Shanon Yauchzee, Shull School parent, addressed issues mentioned including speeding commuters passing through and parents disregarding traffic laws. He said the Principal supports the idea of flashing red lights, which are cost effective, and he felt they were worth considering. He indicated that if staff waits for grant funding, it will be a minimum of two years before anything gets done. He hopes Council could make a decision on these issues.

Mayor Morris replied to correspondence received from Robert Anderson, that Costco has paid the District or will be paying the District a substantial amount of money, all of which would be used to pay the Certificate of Participation.

Councilmember McHenry shares the same concerns about the safety of the children, but is mindful of the budget.

Julie Britzman said Glendora does not have a Traffic Safety Committee, and hopes the City of San Dimas advocates for the parents. She indicated frustration and said parents have wanted a bus turnout lane for a long time. She felt the Costco gas station would have a tremendous impact on traffic. She indicated that most people do not realize there is a school and hopes the feedback signs are installed to make people pay attention.

In response to Councilmember Bertone, Director Stevens said the conclusion reached in the Costco EIR was that this is an existing problem and Costco traffic would have minimum impact so mitigation measures were not identified as related to this intersection or Shull School.

Councilmember Ebner left the dais at 10:11 p.m. and returned at 10:15 p.m.

Robert Anderson, resident of San Dimas, in support of Mr. Yauchzee. He hopes the City Council will make a decision tonight to fund and install some type of flashing signs. He said he will start dialog with the School Board.

In response to Council, Director Patel said if application for the Safe Route to School Program is made by deadline of June 30, a response could be received by fall. His recommendation would be to install the signs on Allen Avenue, San Dimas Canyon Road, and Covina Boulevard because of the difference in speeds between school zones and actual speed limits. He stated that when the signal light was originally approved in 2000, staff also applied for the same grant in cooperation with the City of Glendora; however, the criteria was not met for that particular intersection. He was hopeful that this type of traffic calming effect would be accepted.

It was suggested by Councilmember McHenry to select two greatest impact points, possibly west bound Allen Avenue and west bound Amelia; install two signs at those locations; then apply for the grant.

In order to possibly solve the problem in the short term, Councilmember Ebner suggested the intersection of Allen Avenue be converted into a four-way stop with flashing red lights, at the start and end of school. He inquired why the City was reluctant to hire crossing guards.

It was moved by Mayor Morris to deny the appeal; direct staff to apply for the Safe Route to School Program; ask the Traffic Engineer to analyze devices suggested by the appellant; and to pursue grant application for a radar feedback sign. The motion was seconded by Councilmember Bertone.

In response to Councilmember Ebner, Traffic Engineer Siecke said a four-way stop at the intersection introduces a level of confusion.

The motion carried 4.1, with Councilmember McHenry opposed.

- b. Waive formal bidding procedure and authorize purchase of community Equestrian Bleachers from Mike Brown Grandstands, Inc.

Parks & Recreation Director Bruns reported that Council previously approved the installation of bleachers at the Community Equestrian Arena at Horsethief Canyon Park; however, the purchase was twice placed on hold pending state budget action. The 2004-05 City budget includes \$25,000 for this project and the Rodeo Committee will commit up to \$3,000. During fiscal years 2002-03 and 2004-05 Mike Brown Grandstands, Inc. submitted the same quote of \$27,647.05 despite material cost increases. Staff recommends the City Council waive the formal bid procedure and authorize the purchase of the proposed bleachers from Mike Brown Grandstands, Inc. for the Community Equestrian Arena at Horsethief Canyon Park in the amount of \$27,647.05.

It was moved by Councilmember Bertone, to waive the formal bid process and approve expenditure of \$25,000 towards the purchase of the proposed bleachers from Mike Brown Grandstands, Inc. and that the Rodeo Committee contribute the balance up to \$3,000, for a total price of \$27,647.05.

The motion was seconded by Councilmember McHenry, who commented that staff should make sure the seating is ADA compliant.

The motion carried unanimously.

SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular City Council meeting at 10:38 p.m. and convened a meeting of the San Dimas Redevelopment Agency. The regular meeting reconvened at 10:39 p.m.

ORAL COMMUNICATIONS

- a. Members of the Audience

No one came forth.

- b. City Manager

1) City Manager Michaelis stated the Retreat meeting was not completed and said if there is time, a study session could be scheduled after the budget session at 5:00 pm, on May 10, 2005.

- c. City Attorney

No report.

d. Members of the City Council

1) Mayor Pro Tem Templeman noticed that a lot of street lights seem to be out. He said citizens could access the City's website or call the Public Works Department to request that street lights be repaired or cleaned.

In response to Mayor Morris suggestion that the Parking Control Office observe and report street lights that have gone out, Director Patel indicated that an employee patrols every quarter every month.

2) In response to Councilmember Ebner, Director Patel said the Public Works Open House will feature a display at the Civic Center Park, offer hay rides to take people to the yard, where visitors could take pictures with the street sweeper, water truck, dump truck, backhoe, and there will be lots of fun and games. Staff will inform residents of building code and engineering issues. He invited everyone to a fun filled day at the Yard.

3) Councilmember McHenry said this was one of the best Festival of Arts he attended. The artwork was outstanding and the rain held off. It was a great weekend thanks to everyone who worked hard.

4) Mayor Morris announced that City Manager Michaelis and he would be on *Ask the Mayor* Thursday, 7:30 p.m., on Channel 3.

4) Mayor Morris reported that Council would not meet in closed session tonight.

CLOSED SESSION

Adjourned at 10:58 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.9(a):

- a. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
(SUBDIVISION (a) OF GOVERNMENT CODE SECTION 54956.9)**
Name of Case: Bradley and Rebecca Secreto v. City of San Dimas, LASC Case No. BC298567
- b. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
(SUBDIVISION (a) OF GOVERNMENT CODE SECTION 54956.9)**
Name of Case: Bradley and Rebecca Secreto v. City of San Dimas, LASC Case No. BS094531

Council did not meet in closed session. No report.

ADJOURNMENT

The meeting adjourned at 10:58 p.m. The next meeting will be held on May 10, 2005, 5:00 p.m. for a Budget Study Session and a 7:00 p.m. City Council Meeting.

Mayor of the City of San Dimas

ATTEST:

City Clerk

