



MINUTES
REGULAR CITY COUNCIL
TUESDAY, AUGUST 9, 2005, 7:00 P.M.,
COUNCIL CHAMBERS, 245 E. BONITA AVENUE

CITY COUNCIL:

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

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

1. CALL TO ORDER

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

2. ORAL COMMUNICATIONS

(For anyone wishing to address the City Council on an 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.)

a. Members of the Audience

1) **City Manager Michaelis** announced that since the March, 2005 approval, Costco has been reviewing budget numbers for the project and has been in discussion with City staff. Today, August 9, 2005, representatives held a real estate meeting and approved proceeding with the project. He said the City Council needs to accomplish the revisions to the Disposition and Development Agreement with Costco and public meetings will be held in September.

2) **Randy Argo** said that at the last City Council meeting he was asked to produce statements made by Council. He played an unintelligible audio recording from a DVD recording of a City Council meeting.

Mayor Morris stated that he was unable to distinguish what the audio recording had taped.

Mr. Argo said Mayor Morris had made the statement that there were no houses built after the 1930's and none built until after the war. He said he reviewed the DVD of the July 26, 2005 City Council meeting and could not find proof of accusations made against him. Mr. Argo inquired about the formal complaint

filed against the Community Development Director and said Councilmembers should disqualify themselves if they will not go against staff's recommendations when someone maligns staff.

3) **Mike Celeste**, 1715 Gainsborough Road, praised Planning Manager Hensley, who spent all the time necessary to discuss with him an issue regarding SP-4. He said Mr. Hensley set up meetings to discuss the issue with another resident in the neighborhood and the issue was settled. Mr. Celeste wanted to publicly announce that he likes that kind of person working in his city hall.

4) **Kim Shultenburg** 812 No. Delancey, reported that there has been ongoing speeding up and down the neighborhood. She stated that a speeding young driver hit the curb at the intersection of Delancey and Carlet, and indicated that it was lucky there were no children there at the time. She said this has been an ongoing problem for the past ten years and requested something be done to resolve this issue.

5) **Melissa Sosa**, 806 Delancey, expressed the same concerns with the issue of speeding on the street, and said there are about twelve other neighbors with similar concerns. She said there are about thirty children under the age of ten in a one block radius. She mentioned that earlier the City Council met to discuss signage and inquired if this was something that could be addressed during that process.

Mayor Morris said the study session held earlier was to review and consider street name signs to bring existing city street signs into conformance with the new Federal standards as to size and reflectivity.

In response to Ms. Sosa, Mayor Morris stated that due to the Brown Act, her concern could not be addressed at this meeting. However, since she called attention to a serious problem, staff would look into this issue and also have discussions with the Sheriff's Department.

6) **Dennis Phillips**, 525 No. Amelia, criticized the City Council's behavior at the last meeting and the Planning Department's biased opinion of Mr. Argo's project. He stated he himself was labeled as difficult and Council sided with staff regardless of testimony. He said he served jail time and paid fines as a remedy for an illegal family room he is not permitted to complete, while a Councilmember has disregard for the system.

7) **Jeanetta Harris**, Southern California Edison California, said the hot spell hit early in the season, and she is asking customers to do all they can to conserve energy by turning off unnecessary lights and computer monitors when not in use. She said if there is a safety factor, lights could be dimmed, and customers could do what they can. She said when a stage II alert is called, the entire State of California operates on less than a 5% reserve.

3. 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.)

Councilmember Ebner requested amendment to the July 26, 2005 minutes at the bottom of page seven, in reference to the EIR the City of Glendora had for their proposal on Gladstone/Valley Center, the street off Gladstone was listed as "Shirlmar" and should have been "Shellman."

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

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

- (1) **RESOLUTION NO. 05-52**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF JULY AND AUGUST, 2005.

- b. Approval of minutes for the regular City Council meeting of June 14, 2005; regular City Council meeting of July 26, 2005; and Special City Council Study Session of July 26, 2005.
- c. Rejection of claim for damages for Lori Carter.
- d. Rejection of claim for damages for Thomas Bathalter.

END OF CONSENT CALENDAR

4. PLANNING

- a. Update on Vista Verde Ranch Development proposal.

Planning Manager Hensley briefly described the project and reported that at 9:00 a.m., on August 24, 2005, the Regional Planning Commission will conduct a continued public hearing on the latest 70-lot proposal. County staff advised that public testimony will be allowed but a final decision cannot be made and it is anticipated that the tract map will be referred back to the Subdivision Committee with comments for technical review. City staff informed the County that the applicant's representation is inaccurate that the City is "generally satisfied" with the revisions. Manager Hensley stated that Director Stevens is preparing a letter with comments on the revised proposal for transmittal to the County by August 17, 2005, and intends to attend the continued hearing to present the comments.

In response to Councilmember Bertone, Planner Hensley stated that there are two possibilities: 1) to continue the public hearing to a future meeting or 2) refer back the tract map to the Subdivision Committee for technical review. He mentioned that to date, there has not been a revision to any plan submitted to the County and they are trying to contact Mr. Singh to see if there is going to be a new map. He added that if anyone is interested in attending the public hearing, they could contact the Planning Department at 909.394.6250. He pointed out that the meeting is at 9:00 a.m. downtown Los Angeles.

In response to Mayor Pro Tem Templeman, Planner Hensley said this was a continued public hearing and no new notices were sent out.

Mayor Pro Tem Templeman indicated that this is an important date and persons who previously provided their name and address should be notified.

Councilmember McHenry said it is difficult to find parking in Los Angeles and suggested providing transportation if enough persons sign up to go. It was the consensus of the City Council to provide ridership opportunity for those persons wishing to attend the public hearing. Anyone interested could contact the Planning Department at 909.394.6250.

5. SAN DIMAS HOUSING AUTHORITY

Mayor Morris recessed the regular City Council meeting at 7:25 p.m. and convened a meeting of the San Dimas Housing Authority Board of Directors. The regular meeting was reconvened at 7:34 p.m.

6. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular City Council meeting at 7:34 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting was reconvened at 8:27 p.m.

7. ORAL COMMUNICATIONS

a. Members of the Audience

Randy Argo addressed the City Council on the denial of his request for a second kitchen/duplex at 213 West First Street. He indicated that as a result of that denial, he would be selling the property at a loss. He stated that his integrity was attacked by staff and the Council, and said he filed a formal complaint against staff that has not been acted upon.

Councilmember Bertone explained that the City Council is elected and is a target for criticism. However, he did not believe staff should be publicly criticized for enforcing the code the City Council approves.

Mr. Argo criticized four members of the City Council and proceeded to play the taped recording of the City Council meeting.

After listening to the unintelligible taped recording, Mayor Morris inquired what was the point of playing an audio of a recorded meeting. He asked Mr. Argo if he had any public comments to make. There being no further comment from Mr. Argo, Mayor Morris ruled that listening to an audio recording of a recorded meeting is not public communication.

RECESS

Mayor Morris called a recess at 9:27 p.m. The meeting reconvened at 9:33 p.m. with all members of the City Council present.

Mr. Argo apologized for playing the audio tape. He stated that he needed to address what was said at that meeting in rebuttal to Council's statements, and would like to play more of the tape.

Mayor Morris stated that listening to an unintelligible tape is not oral communications. He said oral communications is an opportunity to give an opinion and he asked Mr. Argo to proceed with his comments as there was other business to conduct and other citizens waiting to speak.

Mr. Argo stated he would submit his issues in writing.

b. City Manager

- 1) Request to hold public meeting regarding the proposed Gold Line Station and Bonita/Cataract intersection design.

City Manager Michaelis reported that he spoke with a resident from the neighborhood adjacent to the proposed Gold Line Station, who said that no public outreach was conducted and who expressed concern about the potential negative impact of having Henkels & McCoy, Inc. as the station location. City Manager Michaelis discussed with the resident the possibility of the city hosting an informational meeting for the neighborhood and inviting representatives from the Gold Line to talk about potential issues and impacts and the operation of the train. He said time could also be spent on presenting potential Bonita/Cataract design issues.

Mayor Pro Tem Templeman understood property owners would be notified. He expressed dismay that notices were not sent to the neighboring residents. He was in favor of inviting all residents to the informational meeting.

Mrs. Suzanne Johnson, 425 W. Second Street, urged the Council to conduct the neighborhood meeting in the neighborhood. She said the neighborhood does not support the proposal of locating the Station at Eucla Avenue and said it is imperative outreach includes neighbors. The decision made now has long term effects and affects their quality of life.

Mayor Morris proposed having the meeting at city hall and inviting neighbors as well as representatives of the Gold Line.

Public Works Director Patel said public meetings were held in June, 2003 and June, 2004 to review the draft Environmental Impact Report (DEIR) and notices were sent to residents within 1,000 feet throughout the City. He said that in June, 2004 the preferred site was Bonita Avenue/Cataract Street, and through the process, it became apparent that the preferred site was not feasible.

In response to Mayor Pro Tem Templeman, Mrs. Johnson said she received a notice on the parking lot structure.

In response to Councilmember McHenry, Director Patel stated that the DEIR was brought back to Council for review, but has not yet been certified.

In response to Councilmember Ebner, Manager Michaelis stated that Mr. Johnson suggested notices be sent to a list representative of the neighborhood. Manager Michaelis said the notice could also be published in a local paper and on the website.

Councilmember Bertone stated that discussion was held and a decision was made on the proposed site to which Mr. McHenry was opposed. He said staff thought the Fox project was a good development and the Park and Ride lot was not physically possible because streets would have to be closed, therefore, Council rejected those sites.

Councilmember Ebner said the site was a compromised location, and not the first choice. He requested specifically inviting residents on First Street and Second Street down to Cataract Street. He did not want to rely solely on a newspaper ad.

It was the consensus of the Council to host an informational meeting to discuss potential issues and impacts of the proposed Gold Line Station and to direct staff to select a date compatible to residents and Gold Line representatives; to notify all residents within 1,000 feet of the right-of-way and 1,000 feet of the proposed station site; and to notify the City Council at the next meeting.

c. City Attorney

No report.

d. Members of the City Council

1) Set a date for Planning Commission Interviews

Mayor Morris announced that vacancies on the Planning Commission were published and 14 applications were received.

Council discussed a subcommittee approach, narrowing the list of candidates; and if there is no objection, the full City Council could conduct the interviews over a period of two nights.

It was the consensus of the City Council to tentatively schedule interviews for Planning Commission candidates on Tuesday, August 30, 2005 starting at 5:30 p.m., and on Wednesday, August 31, 2005, starting at 6:00 p.m.

2) Set a date for Golf Course Advisory Committee Interviews

Mayor Morris stated that a vacancy on the Golf Course Advisory Committee was advertised and ten applications were received. He asked if anyone objected to inviting former La Verne Police Chief Ron Engels, alternate for former La Verne Councilmember Tom Harvey, to sit on the interview board.

It was the consensus of the City Council to appoint Mayor Morris, Councilmember McHenry, and former La Verne Police Chief Ron Engels to a subcommittee to interview ten candidates for the Golf Course Advisory Committee on a date to be determined.

Mayor Morris mentioned that this Committee has no specified terms and no term limits. He suggested that staff prepare a Resolution for Council approval at their next meeting to include terms and limits.

Director Bruns said the current public member is Doug Aschenbrenner and suggested giving Mr. Aschenbrenner one more two-year term, and new appointees would have three two-year terms.

2) Mayor Pro Tem Templeman thought the Sheriff Booster Car Show went well. He appreciated the help from the City and crew.

3) Mayor Pro Tem Templeman thanked all the city volunteers for the wonderful Birthday Barbecue. He said approximately 1500 people were served and the community enjoyed a good evening.

4) Councilmember Ebner said a number of complaints have been received about people speeding through neighborhoods. He was not sure how to solve the problem, but vowed to look at concerns and come up with a creative solution.

Councilmember Bertone heard that City of Diamond Bar had approved speed bumps to calm traffic. He asked staff to investigate and if true, to bring back the Diamond Bar staff report for review.

Mayor Morris mentioned that an article in the Los Angeles Times reported that Century City succeeded in slowing down traffic and found it did not work. It takes local residents one and one-half hour to go to the grocery store.

Councilmember McHenry thought motor officers would be more useful in dealing with traffic on smaller streets than a full-sized squad car with radar. He stated that from an enforcement point of view, officers will be more effective in dealing with traffic in the next year, although not all problems will be solved.

Mayor Morris suggested Council consider increasing the traffic crime fund.

8) Mayor Morris stated that Council had considered an appeal on membrane structures and voted to deny the appeal by Montessori School. He said School Districts are required by state law to provide shade and many have constructed membrane structures. He indicated that the policy is worth considering and asked staff to provide comments on the policy for Council's consideration at a future meeting.

9) Mayor Morris said the Barbecue was a tremendous success and a great event. He said approximately 1,550 tickets were collected. And even President/CEO Ted Powl worked harder than ever before.

8. CLOSED SESSION

Recessed at 10:12 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

- a. Property: Agency owned property at the southeast corner of Bonita Avenue and Eucla
- Negotiating Parties:
- For Agency: Blaine Michaelis, City Manager/Executive Director, and J. Kenneth Brown, City/Agency Attorney.
- For Buyer:: Mike Patel, Chaparral Lanes; Roger Wade, Citrus Valley Realtors.
- Under Negotiation: Terms and conditions of sale of land and City/Agency possible participation.

This item was cancelled.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

- b. Property: Sycamore Canyon Equestrian Center, 1525 Sycamore Canyon Rd.
- Negotiating Parties:
- For Agency: Blaine Michaelis, City Manager/Executive Director, and J. Kenneth Brown, City/Agency Attorney.
- For Property: Danny and Lauree Adair
- Under Negotiation: Renegotiation and terms and conditions of lease of property

No reportable action.

- c. **CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION (PURSUANT TO SUBDIVISION (c) OF GOVERNMENT CODE SECTION 54956.9)**
one case

No reportable action.

- d. Also recess to closed session pursuant to Government Code Section 54957:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

Performance review completed. Next review scheduled in six months.

- 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

No reportable action.

9. ADJOURNMENT

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

Adjourned at 11:10 p.m. to a closed session before Honorable Alexander Williams III, on August 18, 2005, 9:00 a.m. Department 35, of the Los Angeles Superior Court, Central District, 111 North Hill Street, Los Angeles, California 90012.

The next meeting is August 26, 2005, 7:00 p.m.

Mayor of the City of San Dimas

ATTEST:

City Clerk