



MINUTES
REGULAR CITY COUNCIL
TUESDAY, SEPTEMBER 27, 2005, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

CITY COUNCIL:

Mayor Curtis W. Morris
Mayor Pro Tem Jeff Templeman
Councilmember Denis Bertone
Councilmember John Ebner (arrived 7:30 p.m.)
Councilmember Sandy McHenry

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

CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the regular meeting to order at 7:02 p.m.

PRESENTATIONS

- a. SGV Mosquito Abatement District report on West Nile Virus

Steve West, General Manager, San Gabriel Valley Mosquito and Vector Control District, said Mayor Pro Tem Templeman requested he provide an update on the West Nile Virus. Mr. West described facts of how the West Nile Virus is transmitted and he outlined precautions and several safety tips that citizens could follow to avoid contagion. He urged citizens to report dead birds at 626/814-9466 or to call the State Department at 877-968-2473 (877-WNV-BIRD.) He brought brochures for distribution to the public.

Mayor Morris thanked Mr. West for his presentation. Mayor Pro Tem Templeman said he appreciates Mr. West being here and appreciates the compliments to the Public Works staff.

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) **Dennis Phillips**, 525 No. Amelia Avenue, accused Councilmember McHenry of being an immoral man who is circumventing the system; Mr. Phillips addressed him on the permitting process to convert a barn into habitable space.

Mayor Morris ruled Mr. Phillips out of order and stated that oral communications is not a forum for making accusations and commenting on a person's character. He said Mr. Phillips could continue, but asked him to refrain from making similar comments.

Mr. Phillips stated that Councilmember McHenry did not voluntarily go through the review process; a citizen had called in on *Ask the Mayor*.

2) **Ginny Phillips**, 525 No. Amelia Avenue, stated that when Randy Argo and Dennis complained about the corrupt behavior of the Planning Department, Councilmember Bertone defended staff and mentioned that only two people complained about the Planning Department. She said the Secretos also are not happy with Planning staff. She mentioned that a candidate with a platform to change the Planning Department received 900 votes at the March Election. She said they have not received a response to a letter she had written to, and was received on September 14, 2001 by the Planning Department requesting staff to review their need for a garage and asking for direction in resolving issues the City had with their site plan and design. She does not know how Mr. McHenry could compare himself to them, since they applied for permits for a room addition, made expensive revisions to the architectural plans, and pay taxes on the room addition they ultimately constructed without permits.

3) **Ted Powl**, President/CEO, Chamber of Commerce, introduced Bill Neil (Elk Whistle) who played the flute while Mr. Powl highlighted the fun-filled Western Week activities that include the Pow Wow; Parade; Miss Rodeo pageant and crowning ceremony; Pancake Breakfast; Craft Fair, Business Expo; Casino; Little Miss San Dimas pageant; and lots of fun activities for the children. He invited everyone to attend.

4) **Bill Neil**, (Elk Whistle), Promoter of the Pow Wow, thanked the Chamber of Commerce and the City Council for the opportunity to include the Pow Wow in the Western Week activities. He said the Pow Wow is a time for all Native Americans to get together to express their native culture that goes back centuries. He will continue to stress awareness about the Native American culture through continuing education.

Mayor Morris thanked them both and wished them a successful weekend.

5) **Maurice Cuellar**, 303 West Second Street, expressed concern about the plain post card sent out to notice the Open House meeting of the Metro Gold Line Station. He felt it was important to make the public aware to be able to provide input.

6) **Maurice Cuellar** also commented about the proposed purchase of the surveillance system and said this is a short term solution to a long term issue. He stated that if staff is looking for a deterrent, he felt there was more cost effective equipment that could be used.

b. City Manager

None

c. City Attorney

No report.

d. Members of the City Council

At the request of Councilmember McHenry, Community Development Director Stevens reported that in the mid 1990's when the property was zoned single family hillside, Mr. McHenry requested approval to

place livestock on his property. Director Stevens said grazing was a permitted use in the area at that time, but as there were no criteria or other information, staff prepared a definition to clarify what constituted grazing. After a period of time, a review was undertaken pursuant to the Development Plan Review Board ordinance and the single family hillside zone, in effect at that time, and a request to construct barns as accessory to the grazing operation was approved and permits were issued. Subsequently, an addition was constructed between the two original barns; which went through the permit process. During the late 1990's, the property was rezoned to SP-25. Subsequently a complaint was filed stating that the barns were being used for residential use; and Planning staff, in conjunction with the City Attorney's Office, undertook an investigation; visited the site at Mr. McHenry's request; determined what improvements existed on the property; identified what might be, or not be, in violation; and outlined possible ways to remediate violations identified. The property owner opted for a different alternative than suggested and submitted the application in a manner consistent with application submittal required for use determination by the DPRB. Director Stevens noted for the record that Mr. McHenry did not attend nor participated in the lengthy discussion. The Board's approval included DPRB approval for improvements, and conditions were established. There was an appeal period, during which time, no appeal was filed; therefore, in mid January, the Board's decision became effective. Director Stevens stated that some discussion referred to in memorandums was taken out of time sequence, to create the impression that somehow the precise plan request was subverted. He said the applicant has met regularly with Planning staff to pull necessary plans to demonstrate compliance with SP-25 and conditions of approval, and based on cooperation and legitimate reasons, time extensions were granted. He said plans were submitted and are currently in plan check to ensure compliance with Development Plan Review ordinance; permits should be issued shortly; and construction would be taken in a timely manner consistent with applications.

Councilmember McHenry thanked Mr. Stevens for his report.

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.)

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

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **No. 05-60**, A Resolution of the City Council of the City of San Dimas approving certain demands for the month of September 2005.
- b. Approval of minutes for special meeting of August 30, 2005; adjourned meeting of August 31, 2005; and special study session of September 13, 2005; and regular meeting of September 13, 2005.
- c. Rejection of claim for damages from Bradley Secreto, Rebecca Secreto, Jessica Secreto, and Jacob Secreto.

END OF CONSENT CALENDAR

5. OTHER BUSINESS

- a. Report on California Telephone Access Program.

Recreation Coordinator Rodriguez outlined the requirements and free benefits available to qualified individuals through the California Telephone Access Program. She said staff has created a network of agencies to reach eligible participants in San Dimas, and applications are available at the San Dimas Senior Citizen/Community Center. Interested residents could register at the San Dimas Senior Citizens/Community Center for a free hearing screening to be conducted at 10:00 a.m., on Wednesday,

October 12, 2005 by Miracle Ear Hearing Aid Center and a free vision screening at 10:00 a.m. on Wednesday, November 17, provided by San Dimas Community Hospital at the San Dimas Citizens/Community Center.

Councilmember Bertone indicated that a Senior Citizens Commissioner brought this program to the attention of staff for consideration. He complimented and thanked staff who not only reviewed the program, but arranged for the free hearing and eyesight test. He said if anyone knows someone who needs this service, to call city hall.

Mayor Morris encouraged everyone in San Dimas who may be qualified to get the service. He congratulated the Commission for being involved and thanked staff for the follow-up.

- b. Repayment of Housing Set-Aside Fund for acquisition of property on the northeast corner of San Dimas Avenue and Commercial Street.

Assistant City Manager Duran reported that in 1994, as part of the property acquisition for the Park and Ride lot, Redevelopment Agency Housing Set-Aside funds were used to purchase property on the northeast corner of San Dimas Avenue and Commercial Street. In 1997, the property was rezoned to Creative Growth Area 2. The City's auditors recently determined that the Agency had exceeded the statutory ten year limitation for holding property in the Housing Set-Aside fund without developing it for housing. Staff recommended that the Redevelopment Agency fund reimburse at fair market value the Housing Set-Aside fund to satisfy the accounting requirements. Staff and the City Attorney will review the issue of fair market value and present a recommendation to the Agency prior to finalizing the fund transfer.

In response to Mayor Pro Tem Templeman, Assistant Manager Duran explained the housing set-aside is 20% of tax increment that is set aside to be used for low to moderate income housing programs, which primarily goes toward rehabilitation programs. He stated that a decision would have to be made in the future as to how the surplus in the fund should be spent.

In response to Mayor Pro Tem Templeman, Mayor Morris said Housing Authority funds come from the San Dimas Redevelopment Agency. He stated it was the intention of the City Council to not build houses at that site, but he recalled that at the time it was appropriate to charge the Housing Set-Aside fund to purchase and landscape the property, and consider the improvements as an amenity to serve an area impacted for low to moderate income. He did not oppose the reimbursement.

It was moved by Councilmember Bertone, seconded by Councilmember Ebner, to authorize staff and the City Attorney to establish the fair market value of the property, and subject to the Agency's final approval of the value, authorize the Agency to reimburse the Housing Set-Aside fund for the initial acquisition of the property. The motion carried 5.0.

In response to Councilmember Bertone, Assistant Manager Duran replied that when the City Council took action in 1997 to rezone the area to Creative Growth Zone, it precluded housing on that property.

Councilmember Ebner left the dais at 8:05 pm.

- c. Appropriate up to \$27,500 for the purchase of graffiti deterrent equipment.

Assistant City Manager Duran reported that for some time the Sheriff's Department has been looking at portable motion activated camera systems designed to deter graffiti, illegal dumping, and help with surveillance needs. Q-Star Technology produces a digital, solar powered, portable, motion activated day/night operating unit that has been used successfully by several cities in our region. The units cost

\$5,000 each and staff would like to purchase up to five units. Staff recommended authorization to appropriate up to \$27,500 from the General Fund Public Safety reserve for the purchase of three or up to five graffiti deterrent units.

Councilmember Ebiner returned to the dais at 8:07 p.m.

In response to Councilmember McHenry, Assistant Manager Duran said there is a possibility for a slight rebate for the purchase of five units. Staff will evaluate to determine if the rebate is sufficient incentive to purchase five units; three units could be purchased initially.

Mayor Pro Tem Templeman said the City Council discussed using technology as a tool to help the Sheriff's with the issue of vandalism. He understood comments made by Mr. Cuellar, but supported the purchase of cameras that would help identify suspects, help the Sheriff's Department arrest them and send them forward for prosecution. He said Captain Curtis and Lieutenant Kimble conducted research of the equipment and report good filings with the District Attorney's Office and Judges.

Jim Curtis, Captain, San Dimas Sheriff's Department, introduced Lieutenant **Mike Rodriguez**, assigned to San Dimas Station to oversee and manage the Detective Bureau, along with the Community Action Team. He responded to Mayor Pro Tem Templeman that since 2004, fourteen graffiti/vandalism cases were submitted to the District Attorney's Office for consideration. He said it is an ongoing process to get judges to levy appropriate penalties and convictions. The outcome of the cases is monitored and if there is any concern, he meets with the District Attorney's Office for further review.

In response to Mayor Morris, Captain Curtis said the equipment is a good viable tool to assist in identifying and prosecuting criminals. The cameras have the capacity to enhance photographs and focus in on license plates and facial features, and could be used as a deterrent in parks or areas with graffiti or burglary problems. He stated there is the possibility of mounting the mobile cameras in different areas.

Mayor Pro Tem Templeman stated that when law enforcement is given surveillance tools, along with it comes big responsibility that the equipment is used in an ethical and appropriate manner. He felt it was important that staff be trained on where cameras could be placed, and that the community understand the reason for the equipment.

Captain Curtis responded that training would be provided and Deputies would work with the City to make sure installation and positioning of the cameras are adequate to capture appropriate information. He stated that the equipment would provide a good set of documentation for evidential purposes to prosecute criminals who commit crime in San Dimas. He stressed that the Sheriff's Department takes an aggressive stance on any crime, particularly graffiti issues, in the City.

Lt. Rodriguez stated they are seeking not just prosecution for vandalism, but they are seeking restitution as well. He is working with the City to establish fees to paint over or wash and clean graffiti damage.

Mayor Morris thanked them for being here and said they are welcome anytime.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to appropriate up to \$27,500 from the General Fund Public Safety reserve balance for the purchase of three and up to five FlashCAM-770 digital cameras and to direct the Sheriff's Department and staff to provide reports regarding the use and success of the equipment. The motion carried 5.0.

SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed at 8:17 p.m. the regular City Council meeting and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting was reconvened at 8:31p.m. with all members present.

ORAL COMMUNICATIONS

a. Members of the Audience

No one.

b. City Manager

No report.

c. City Attorney

No report.

d. Members of the City Council

1) Appointment to the Golf Course Advisory Committee

Mayor Morris stated that he and Councilmember McHenry interviewed a large number of applicants on September 14, 2005, and agreed upon appointment of Don Green to serve on the City's Golf Course Advisory Committee.

Councilmember McHenry commented that it was nice to see so many highly qualified candidates.

It was moved by Councilmember Bertone, seconded by Councilmember Templeman, to appoint Don Green to the Golf Course Advisory Committee to the unexpired term until August 23, 2007. The motion carried unanimously.

2) Appointment to the Public Safety Commission

Mayor Morris stated that Don Green was a member of the Public Safety Commission and his resignation created a vacancy on the Public Safety Commission. He stated that earlier this year, a number of candidates were interviewed for Public Safety Commission, as well as candidates for the Planning Commission. He said there were several members of the City Council impressed with the candidates and asked if anyone objected to appointing someone from this pool. There being no objections, Mayor Morris recommended Bethany Gilbert-Jones and James Sloniker for appointment to the Public Safety Commission. He said both were contacted and both were enthusiastic about serving if appointed.

Mayor Pro Tem Templeman said these two individuals applied for the Planning Commission, but really want to give something back to the community and have a strong interest in participating in other forums deemed important. He moved to appoint Bethany Gilbert-Jones and James Sloniker to the Public Safety Commission to unexpired terms vacated by Don Green and Stephen Ensberg.

The motion was seconded by Councilmember Bertone and carried unanimously.

3) Councilmember Bertone commented that September 16 was San Dimas Day at the County Fair and he and Mayor Pro Tem Templeman had a great time – they rode in the parade, had a great lunch, and honored Bob Poff as Citizen of the Year. He invited everyone to attend next year's event.

4) Councilmember McHenry reported that recently, the Development Plan Review Board received a request to construct a three-to-four foot retaining wall on a rear slope for purposes of installing a swimming pool in the rear yard. Although this project was approved subject to conditions, the Board realized that there may be requests with similar circumstances not thought about before.

Director Stevens stated that this particular proposal was probably about the least intrusive way that could expand a usable rear yard and not adversely affect the streetscape on Gladstone. However, criteria and design standards which encourage appropriate streetscape along the backside of the streetfront are needed before an unsuitable proposal is presented.

In response to Mayor Morris, Director Stevens stated he could present some preliminary ideas to put in place as interim streetscape design guidelines for consideration at the City Council/Staff Retreat, while exploring if a code amendment or other changes need to be made. Mr. Stevens said the applicant is willing to work with staff and he did not want to unreasonably hold up his proposal.

It was the consensus of the City Council to consider interim guidelines for this project at the City Council/Staff Retreat.

5) Mayor Morris reminded the Cable Television audience that Gold Line Representatives would make a presentation at an Open House on Thursday, September 29, 2005, at 7:00 p.m., in the Multi-Purpose Meeting Room, at the Senior Citizens/Community Building. He said this is an opportunity to express thoughts and concerns about the Gold Line Station and encouraged attendance.

ADJOURNMENT

The meeting adjourned at 8:46 p.m. The next meeting is on October 11, 2005, 7:00 p.m.

Mayor of the City of San Dimas

ATTEST:

City Clerk