



MINUTES
REGULAR CITY COUNCIL /
REDEVELOPMENT AGENCY MEETING
TUESDAY, FEBRUARY 27, 2007, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

PRESENT:

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

City Manager Michaelis
City Attorney Brown
City Clerk Rios
Assistant City Manager Stevens
Assistant City Manager Duran
Director of Development Services Coleman
Public Works Director Patel
Parks and Recreation Director Bruns
Planning Manager Hensley
Associate Planner Espinoza
Associate Planner Lockett
Assistant Planner Concepcion

1. CALL TO ORDER

Mayor Morris introduced student Mayor Andrea Valdez, who called the meeting to order at 7:02 and led the flag salute. Student Mayor Valdez introduced Bonita Unified School Board Member Jim Elliott, and asked student Council and student staff to introduce themselves.

2. INTRODUCTION

- Gary Rapkin, new Bonita Unified School District Superintendent introduced by Board Member Jim Elliott

1) **Jim Elliott**, Bonita Unified School District Board Member, expressed pride in the student Council and student staff members and thanked the City for supporting a program that invests in our youth. He introduced new Bonita Unified School District Superintendent **Gary Rapkin**, who commenced his new position on January 8, 2007. He said Mr. Rapkin is a hands-on leader, with a strong emphasis on goal setting and improved academic achievement for all students. He pointed out Mr. Rapkin's credentials and achievements at El Monte and Glendora; his leadership and financial acumen; and welcomed him to the District.

2) **Gary Rapkin**, Superintendent, Bonita Unified School District, said he looks forward to working jointly with the School Board in building a partnership with the Mayor and City Council, staff, and the entire San Dimas community. He said it is his mission to focus on helping students gain access to their dreams and aspirations.

Mayor Morris said the City Manager has announcements to make.

3) **City Manager Michaelis** reported that the Costco project would be continued to Tuesday, March 13, 2007.

4) **Mr. Michaelis** announced that the study on safety issues concerning the San Dimas Equestrian Fencing is scheduled before the City Council on Tuesday, March 13, 2007.

5) **Councilmember Ebner** reminded the public that Tuesday, March 6, 2007 is Election Day and all voters have a right to elect the Mayor and two Councilmembers. He said today is the last day to request absent voter ballots which could be returned to any polling place. He mentioned that the Sample Ballot is available in the city clerk's office or on the City's website at www.cityofsandimas.com. Voters could locate their polling place by calling the city clerk at 909/394-6216 or accessing the Los Angeles County Registrar-Recorder's website at lavote.net.

3. 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. Speakers are limited to five (5) minutes.)

a. Members of the Audience

1) **Alta Skinner**, 850 No. Walnut Avenue, and **Bill Emerson**, on behalf of the Festival of Arts and Historical Society, presented the Citizen of the Year 2007 plaque to Don Green in recognition of his many contributions.

Ms. Skinner said she and Mr. Emerson are former recipients of the Award and shared tips on how to become a recipient.

Bill Emerson stated it takes a culmination of many years of service to the community to become a recipient of the Citizen of the Year.

2) **Don Green**, Citizen of the Year 2007, said anyone who works in town volunteers and he felt inspired by someone else. He said the Mayor and Councilmembers are all involved in a positive way and inspire the rest of the volunteers.

3) **Janie Graef**, 1630 W. Covina Blvd, Chairman of San Dimas Rodeo Scholarship Committee, stated that all graduating seniors from San Dimas High School are eligible to apply for scholarships ranging between \$250 to \$2,500. She said applicants must write an essay and submit the application by April 2, 2007.

4) **Bob Olander**, 317 Via Blanca, thanked the City Council for their positive governance over past years, in particular Councilmember McHenry, who will be leaving the City Council, for the 20 years of service to San Dimas.

5) **Barbara Nightingale**, Teen/Adult Librarian, San Dimas Library, announced that the Library has available for student use a set of San Dimas High School textbooks and Lonehill Middle School textbooks. She encouraged students to attend a free Financial Planning for Teens Seminar on Saturday, March 10, at 1:00 pm, at the Library.

4. 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.)

Mayor Morris removed item 4(c) for separate consideration.

Councilmember McHenry requested item 4(d) be removed for separate consideration.

It was moved by Councilmember McHenry, seconded by Councilmember Bertone, and unanimously carried 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. 07-13**, A Resolution of the City Council of the City of San Dimas approving certain demands for the month of February, 2006.
 - (2) **RESOLUTION NO. 07-14**, 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).
 - (3) **RESOLUTION NO. 07-15**, A Resolution of the City Council of the City of San Dimas, California, making an election pursuant to Health and Safety Section 33607-5(B) to receive tax increment payments from the Creative Growth Redevelopment Project Area, Amendment Area No. 1, Amendment Area No. 2, Amendment Area No. 3 and from the Rancho San Dimas Redevelopment Project Area.
- b. Award of Professional Services Contract to Accela, Inc. in the amount of \$39,368.19 for software and implementation services to add code enforcement to City's existing 'PERMITS' Plus permit tracking system and associated Budget Amendment to Fund 70.
- e. Waive Formal Bid Procedures for the Purchase of the Poles & Fixtures for the First Street Municipal Parking Lot Light Project from Sun Valley Lighting in the Amount of \$27,000.00.

END OF CONSENT CALENDAR

- c. Set date of appeal of condition number 14 of DPRB Case No. 06-87 -A request to construct an 884 sq. ft. detached garage located at 325 West Third Street in the single family Downtown Residential Zone. APN: 8386-013-078.

In response to Mayor Morris, Director Coleman replied that this item would be ready for discussion on March 13, 2007.

It was moved by Councilmember Bertone, seconded by Councilmember Ebner, to set date of appeal as Tuesday, March 13, 2007. The motion carried unanimously.

- d. Lot Line Adjustment 06-03 – A request to adjust property lines for certain APN's in the Northern Foothills to eliminate overlap of an existing parcel across the City boundary line between Glendora and San Dimas. (Applicant: NJD, Ltd./Fusco Engineering.)

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to approve item 4(d). The motion carried 4.1; Councilmember McHenry abstained.

5. PUBLIC HEARING

(The following items have been advertised and/or posted. The meeting will be opened to receive public testimony.)

Mayor Morris opened the public hearing in order to continue items 5(a); 5(b); and 5(c) to Tuesday, March 13, 2007; the public hearing was then closed.

- a. Tentative Parcel Map 06-04 (061022) – Request to subdivide the property located at the southeast corner of Gladstone Street and Lone Hill Avenue into eight (8) lots for the construction of a commercial center consisting of a 148,000± sq. ft. Costco warehouse/retail facility with a tire center and gasoline service station and 71500± square feet of additional commercial uses including restaurants and retail shops/stores. *(Continued from February 13, 2007.)*

RESOLUTION NO. 07-10, A RESOLUTION OF THE SAN DIMAS CITY COUNCIL APPROVING TENTATIVE PARCEL MAP 06-04 (061022), A REQUEST TO SUBDIVIDE THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF GLADSTONE STREET AND LONE HILL AVENUE INTO EIGHT (8) LOTS FOR THE CONSTRUCTION OF A COMMERCIAL CENTER CONSISTING OF A 148,000± SQUARE FOOT COSTCO WAREHOUSE/RETAIL FACILITY WITH A TIRE CENTER AND GASOLINE SERVICE STATION AND 71,500± SQUARE FEET OF ADDITIONAL COMMERCIAL USES INCLUDING RESTAURANTS AND RETAIL SHOPS/STORES.

- b. Vacation of that portion of Fifth Street extending east from Lone Hill Avenue to its terminus at the railroad right-of-way adjacent to the 57 Freeway and vacating appurtenant slope easements on the east side of Lone Hill Avenue north of Fifth Street. *(Continued from February 13, 2007.)*

RESOLUTION NO. 07-11, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS COUNTY OF LOS ANGELES, STATE OF CALIFORNIA VACATING THAT PORTION OF FIFTH STREET EXTENDING EAST FROM LONE HILL AVENUE TO ITS TERMINUS AT THE RAILROAD RIGHT-OF-WAY ADJACENT TO THE 57 FREEWAY AND VACATING APPURTENANT SLOPE EASEMENTS ON THE EAST SIDE OF LONE HILL AVENUE NORTH OF FIFTH STREET

- c. Joint Public Hearing of the City Council and San Dimas Redevelopment Agency to consider a proposed Amended and Restated Disposition and Development Agreement (DDA) between the San Dimas Redevelopment Agency and Costco Wholesale for property located at the southeast corner of Lone Hill Avenue and Gladstone Street. *(Continued from February 13, 2007.)*

RESOLUTION NO. 07-12, A RESOLUTION OF THE SAN DIMAS CITY COUNCIL PURSUANT TO THE PROVISIONS OF CALIFORNIA HEALTH AND SAFETY CODE SECTION 33433 APPROVING A PROPOSED AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE SAN DIMAS REDEVELOPMENT AGENCY AND COSTCO WHOLESALE, A WASHINGTON CORPORATION.

RESOLUTION NO. 185, A RESOLUTION OF THE SAN DIMAS REDEVELOPMENT AGENCY APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT WITH COSTCO WHOLESEALE CORPORATION, A WASHINGTON CORPORATION.

6. PROPOSALS FOR CONSIDERATION AND ACTION

- a. Staff review of Farmers Market proposal from Maurice Cuellar:
 - 1) Request for City sponsorship and financial support;
 - 2) Street closure subject to final conditions established by Traffic Safety Committee;
 - 3) Receive public comment
 - 4) Council direction.

Director Bruns presented the proposal requesting approval to operate a Farmers Market during the months of April through October and outlined the changes and necessary requirements. She recommended that

the City Council receive the amended proposal; receive public comments; determine the extent of City financial commitment to Advocates for Healthy Living in the form of sponsorship; and authorize staff to approve a temporary use permit for the operation of an event in the public right-of-way subject to standards and conditions.

In response to Councilmember Ebner, Director Bruns stated that initially Mr. Cuellar had requested \$3,000 in sponsorship and a \$4,000 loan from the City. Since the City is unable to loan funds, Mr. Cuellar increased the sponsorship proposal to \$7,000 for start up costs in establishing the nonprofit organization. She stated that his initial proposal included a budget, which include his revenue proposals and expense projections.

Mayor Morris asked Mr. Cuellar to step forward to present his proposal.

Maurice Cuellar said the \$7,000 would be spent for equipment, banners, fliers, insurance, and permits. He presented a Powerpoint presentation of a Farmer's Market with a European feel, and said the Farmer's Market would have a variety of vendors providing fruits, vegetables, arts and crafts, certified cut and potted flowers, ethnic breads; cheeses; olive oils; prepared food; espresso bar; handmade soaps with herbs; handmade candles, and entertainers, and stated he eliminated retail categories.

Mr. Cuellar responded to Council that he has gotten commitments from farmers to participate, and due to lack of power on First Street, moved it to Bonita on Mondays because a lot of vendors are closed on Mondays. He added that Bonita Avenue provides higher visibility, use of electricity, and he envisions opening April 2.

In response to Councilmember Ebner's desire to continue this matter to the next meeting, Mr. Cuellar stated that merchants have the opportunity tonight to express their concerns. He felt he has done due diligence in providing notice to merchants and would be happy to meet with them, but said a decision needs to be made tonight.

Mayor Morris said Ace Hardware is a very important business to the downtown and mentioned that last year, the subsidized Farmer's Market never generated enough money to pay the Farm Manager. He suggested a stronger pro forma.

Councilmember McHenry stated the former Farmer's Market was originally formed to help the downtown merchants and had 90% of their support. He said some merchants became disenchanted and ultimately dropped out.

Mayor Pro Tem Templeman was in favor of investing money in electricity in front of city hall to meet the needs of the community without negative impacts.

Councilmember McHenry stated he is not in favor of closing down Bonita Avenue in front of city hall; however, he would like to defer his decision until he hears from members of the audience.

Councilmember Bertone stated he is interested in hearing from the audience, but he supports the Farmer's Market and is willing to invest city funds if a better location is found.

Mayor Morris asked if anyone in the audience wished to comment on the Farmer's Market.

1) Sid Maksoudian, 1156 Camino del Sur, expressed his support for the Farmer's Market and said it's a good opportunity for the community to come together to experience organic vegetables and fruit. He concurred that drive-by traffic is not required and if held across city hall, electrical issues could be remedied. He suggested having the Farmer's Market on Sunday when families are home and encouraged support.

- 2) **Heidi Daniels**, Monrovia, thought the Farmer's Market was a great idea and has a lot of public support. She said there is some opposition by Bonita Corridor Merchants, but parking and bathroom issues could be worked out.
 - 3) **Cyndy Williams**, 125 W. Bonita Avenue, Old Town Antiques, said she participated in the charrette and is encouraged by the results. She is happy to see the restoration of the Walker House which will help downtown businesses and be a showplace for the community. She stated that unfortunately, the Farmer's Market does not bring business to the downtown and would cause a hardship to merchants open for business on Sunday. She would support the Farmer's Market as long as it was held on Monday night because a majority of merchants are closed that night.
 - 4) **Craig Johnson**, Manager, Ace Hardware, 201 W. Bonita Avenue, supports the Farmer's Market in front of city hall; however, he opposed the proposed street closure in the downtown corridor around his business. He also opposed turning the market into a junk fair.
 - 5) **Sally and Maricella**, owner of Sweet Savory Café, support the Farmer's Market and felt it would draw people to the downtown. Maricella offered to assist in any way, but did not think one month allowed sufficient time to open the Market.
 - 6) **Steve Kaufman**, 2336 Terrebonne, stated he and his family shop the Market and listen to the Music in the Park concert on Wednesday. He inquired if the concerts would continue on Wednesday, and suggested tying in the concerts to the Farmer's Market.
- Mayor Morris stated that Music in the Park has not submitted a proposal to change nights.
- 7) **Paul Kirby**, 211 W. Bonita, stated he does not oppose the Farmer's Market, but opposes having ponies and horse manure in the street. He commended the way Council is addressing this matter.
- Mayor Morris invited Student Council /staff to express their opinions on this issue.
- 8) **Katie Blair** said she attended the Farmer's Market each week, and thought it would be beneficial to bring back the Farmer's Market. Councilmember Bertone agreed.
 - 9) **Austin Kelly**, a business owner since he was 15 years old, has one employee, and encouraged bringing back the Farmer's Market.
 - 10) **Ivan Kwan** said the Farmer's Market contributes to the family atmosphere in San Dimas. He felt some issues must be addressed and a decision reached on when, how, and where.
 - 11) **Marcine Miller** felt any day is an opportunity to have the Farmer's Market, which would enrich the city's culture and bring family unity.
 - 12) **Melissa Meek** thought the Farmer's Market would be a great opportunity to meet new friends and spend time with family, no matter which day or where.
 - 13) **Kishor Kapa** said the Farmer's Market is essential to assuring community togetherness, and if brought back, would help the downtown atmosphere.
 - 14) **Andrea Valdez** remembers the Farmer's Market as an amazing place to go. She realizes there are a lot of issues, but no matter which day it is held, the community would support it.

Councilmember McHenry stated that in the beginning, the downtown merchants supported the Market Place; however, in the end, the Market became more of a craft fair, with some management, law enforcement, and liability issues. He is supportive of a Farmer's Market in front of city hall or alternative locations such as the parking lot, or Civic Center park northwest of city hall.

Mayor Pro Tem Templeman is very supportive of the Farmer's Market, and felt the area in front of city hall would be more accommodating to vendors and customers, but he is open to location. He said it would provide a great opportunity to businesses and shopping centers and would like them involved in discussions. He also sees the synergy in linking the Farmer's Market to Music in the Park.

Councilmember Bertone is supportive of the Market and recommended that with input from Council, staff come up with an appropriate location, with the understanding that the Farmer's Market might not be on Bonita Avenue.

In response to Mayor Pro Tem Templeman, Director Patel replied that it could take approximately four weeks to provide electricity in front of city hall, contingent upon the plan, layout, and vendor needs. Mr. Templeman suggested consulting Ted Powl, President/CEO, of the Chamber of Commerce.

Councilmember Ebiner moved to accept staff's report, including all conditions as a basis to move forward with the Farmer's Market; require discussions with Merchants between Walnut Street to Cataract Street; have staff determine the day and place, and bring back recommendations.

The motion was seconded by Councilmember Bertone and failed 3.2.

Councilmember McHenry moved to direct staff to work with Mr. Cuellar and Advocates for Healthy Living to identify a location on Bonita Avenue, between San Dimas Avenue and Walnut Street, and if there's a legitimate opposition by merchants, consider the parking lot at city hall and parking lot on the north, not to affect the Festival of Arts; to include all conditions; to be held on a day to be determined; and at the next meeting bring back a report.

The motion was seconded by Councilmember Bertone and carried unanimously.

It was moved by Mayor Pro Tem Templeman and seconded by Councilmember Bertone to direct staff to conduct a needs assessment and costs for electrical issues. The motion carried unanimously.

- b. Request from San Dimas H.E.R.O.E.S for additional city financial support in the amount of \$3,000.

Assistant City Manager Duran reported that the City Council initially approved a \$5,000 contribution to the HEROES Banner program for the cost of banner installation. To date, the actual cost of banner installation has exceeded that amount, and the HEROES Committee has requested approval of an additional \$3,000 for future installation costs.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to allocate \$5,000 toward the cost of future banner installations, with the understanding that approximately \$1,800 would pay for incurred expenses and the balance toward future installation costs. The motion carried unanimously.

Janie Graef read an email received from residents thanking the Council for installing a banner for their military daughter Casey Harris. Ms. Graef thanked the Council on behalf of all the parents and the young men and women who are in the military. She mentioned that several graduates of San Dimas High were recruited into the service and would soon be eligible for a banner.

RECESS

Mayor Morris recessed the meeting at 8:51 p.m. and reconvened at 9:03 p.m.

7. PLANNING

- a. Appeal of DPRB Case No. 06-80-D, a 322 square foot gazebo located partially on a slope at 132 Prairie Drive.

Assistant Planner Concepcion reported that DPRB Case No. 06-80-D was originally approved by the Director of Development Services on December 6, 2006 to construct a 322 square foot gazebo partially on a slope. Neighbors appealed the case and the Development Plan Review Board subsequently heard and determined the gazebo could not be located on the slope based on CC&R restrictions. Staff recommends the City Council uphold the decision of the DPRB and deny the appeal.

In response to Councilmember Ebner, Planner Concepcion replied that fencing within the property line on the slope area is prohibited and only permitted at the top or bottom of the slope.

Director Coleman said the CC&Rs state that all slopes should be maintained as graded in conformance with the approved grading and shall not be modified without approval by the City of San Dimas. The DPRB felt construction of a cantilever deck with its footing constituted a modification of the slope area.

Mayor Morris stated that the CC&Rs declare that corrals could be moved with the approval of the City; however, the CC&Rs require that the fence remain in position with the property owner responsible for maintaining the integrity of the fence.

Mayor Morris asked the applicant to present his case.

Nagy Khattar, 132 Prairie Drive, applicant, stated he recently obtained and read the CC&Rs and felt the document does not prohibit the construction of a cantilevered deck on the hill. He said if it's a matter of safety, he could find a way to keep the integrity of the fence. He said all he wants is to go eight feet out and he is willing to plant any number of trees to ensure his neighbor's privacy. He explained that approval is needed for wheelchair accessibility to the gazebo. He stated he has photographs available for Council's review.

In response to Councilmember McHenry, Mr. Khattar stated that if the City Council allows him to remove one column, he is willing to cantilever the structure that requires no post.

Mayor Morris stated the photographs would be reviewed prior to a decision. He asked if anyone in opposition to the application would like speak, and the following persons spoke:

John Vaccariello, 127 Marshall Court, lives on property adjacent to and below Mr. Khattar's property where the gazebo is proposed and **Henry Rodriguez**, 119 Marshall Court, presented a Powerpoint presentation of the overview of the area and variations of slope areas. Mr. Vaccariello indicated he and Mr. Rodriguez felt the size and location of the gazebo was intrusive and appealed the case to Planning Department; and ultimately was heard by the Development Plan Review Board, at which time the CC&Rs were presented. He stated that the meeting focused on the CC&Rs and whether or not construction could take place on the slope. The DPRB's decision to deny the construction was based on the CC&Rs. He stated that he could not conceive of any other reason why the writer of the CC&Rs would include the language if not to prevent construction and/or encroachment beyond that area.

Mayor Morris raised the question if the Council were to uphold the appeal, since the DPRB based their decision solely on the CC&Rs, would the Council be required to send this item back to the DPRB to consider all other issues including the applicant's concern about view and privacy issues.

Councilmember McHenry stated that this is a de novo review and asked if the Council could return this item to the DRPB to evaluate the architectural issues, or is it appropriate for the Council to sit in the capacity of the DPRB and approve the architectural design.

City Attorney Brown stated that with a de novo review, the City Council has the benefit of full presentation discussed at the DRPB.

Mayor Pro Tem Templeman stated he would like to know now whether or not the project is approved or denied, instead of returning it to the DRPB with questions.

Discussion followed concerning whether or not the neighbors to the south are part of the Hughes tract and subject to the same CC&Rs.

Director Coleman clarified that initially there was discussion at the DRPB about design and location of the proposed gazebo; however, in light of CC&Rs information presented by staff, that subject became moot and the more compelling argument was that the CC&Rs do not permit a structure to be built in the location proposed. The recommendation was to move the gazebo back eight feet behind the existing fence line.

In response to Councilmember Bertone, City Attorney Brown stated he thought staff's interpretation of the CC&Rs was reasonable.

Mr. Vaccariello provided Mr. Concepcion with tract maps.

Mayor Morris suggested limiting the discussion to issues of the CC&Rs since that was the basis for denial, and if the appeal is upheld, the matter would be returned to the DPRB or Director for consideration of design.

After further discussion regarding whether or not it would be appropriate for Council to approve architectural design at another location, it was the consensus of the Council to discuss this item and make a decision based on the CC&Rs.

In response to Mr. Vaccariello's concern with the size of the gazebo, Mayor Morris stated that those are issues to be decided by the Director and Mr. Vaccariello would have the opportunity to appeal that decision.

Mayor Morris asked if Mr. Khattar had anything further to add concerning the appeal.

Nagy Khattar offered to move the structure back eight feet behind the fence; to remove eight feet of hanging to the top; and to plant trees to ensure the neighbors' privacy.

Planner Concepcion clarified that the gazebo would have to be pushed back nine feet so as to not alter the fence.

Councilmember Bertone moved to deny the appeal, uphold the interpretation of the CC&Rs by the Development Plan Review Board; and to refer this matter back to the DPRB to address architectural issues.

The motion was seconded by Councilmember McHenry and carried unanimously.

Mayor Pro Tem Templeman suggested that Mr. Khattar not be charged further fees.

Councilmember Bertone recommended that the applicant work with staff within the confines of the CC&Rs.

- b. Request to initiate a Municipal Code Text Amendment to allow for a convenience market use at the Unocal Station at 1790 South San Dimas Avenue (APN: 8448-024-019) in the Specific Plan 17 Zone.

Associate Planner Lockett presented a request from Sam Ghosn to increase the size of the existing 300 sq. ft. accessory snack shop by converting two of the existing service bays and adding 196 sq. ft. to the front of the building to accommodate a convenience mart. The service station is located at the corner of Via Verde and San Dimas Avenue, zoned Specific Plan 17, Area 1 Service Station. Convenience goods and services businesses are listed as prohibited uses in SP 17. Staff recommends that the City Council deny the request to initiate a code text amendment to allow convenience markets in Specific Plan 17.

Mayor Morris asked the applicant to come forward to present his case.

Sam Ghosn stated his goal is to upgrade the gas station to match the latest generation of gas stations and look more attractive and provide a wider range of customer services. He outlined his proposed plan to enlarge the size of the existing mini-market by converting two of the garage bays and adding that space to the market footage. He stated no traffic would be added to the area and he would provide additional security.

In response to Council, Planner Lockett replied that in the early 1990's, Accessory Snack Shops were defined as not to exceed 300 square feet in sales space; limited to vending machine; and prohibited from selling alcoholic beverages. She further replied that nine parking spaces are required - four for service bays, and five for the mini-market. She added that the existing business has nine parking spaces.

Mayor Morris expressed concern whether amendment of the Specific Plan would require amendment of the CC&Rs, which do not permit convenience markets. He asked if anyone in the audience wished to comment.

Marvin Ersher, 1312 Paseo Alamos, expressed opposition to the proposal and stated that when the initial proposal by Ron Kranzer came forward in 1992, the Via Verde Homeowners reluctantly agreed to allow a full service gas station without a snack shop, which happened without approval by the City. He indicated that the homeowners are well served by a well run service station; there is no need for a convenience market, and the CC&Rs were intentionally framed to prohibit the use in that area.

In response to Mayor Morris, Director Coleman replied that the rules addressed in the CC&Rs were codified for the Specific Plan and the City was a party to the CC&Rs.

Mayor Morris stated he would like to see what the CC&Rs apply to that property and directed staff to bring back a report.

It was moved by Councilmember Bertone, seconded by Councilmember Ebner, to uphold Specific Plan 17, and deny the request to initiate a code text amendment to allow convenience markets in Specific Plan 17. The motion carried 5.0.

Councilmember McHenry left the dais at 10:25 p.m.

- c. Update on City appeal and/or revision related to RHNA number allocation.

Assistant City Manager Stevens reported that the Southern California Association of Governments (SCAG) is required to develop the Regional Housing Needs Assessment (RHNA) to establish the total number of housing units each jurisdiction in the region must plan for between 2005 and 2035. This year's allocation process is based upon proposed legislation (SB12) which establishes a RHNA Pilot Program intended to streamline the process and align it with the Regional Transportation Plan (RTP). Appeals and/or revisions by affected jurisdictions must be based on limited parameters and must be filed with SCAG by March 16, 2007. Staff recommended authorization to proceed with the Appeal and revisions to the assigned RHNA allocation.

Councilmember McHenry returned to the dais at 10:29 p.m.

It was moved by Councilmember Bertone, seconded by Councilmember Ebiner, to authorize staff to continue with the Appeal and revisions to the assigned RHNA allocation. The motion carried unanimously.

8. OTHER MATTERS

- a. Review and adopt FY06-07 State COPS Grant budget and expenditures.

Assistant City Manager Duran reported that over the last couple of years, the City has adopted the budget without inclusion of the COPS grant funds. However, subsequent to adoption of the budget, the City received the award of State COPS grant funds in the amount of \$100,000. Additionally, the COPS grant fund had a carry-over of \$42,469 earmarked for two speed back signs. It is necessary to revise the adopted budget to include this funding source and approve the expenditures.

It was moved by Councilmember McHenry, seconded by Mayor Pro Tem Templeman, to approve the State FY 06-07 COPS Grant budget as outlined by staff. The motion carried unanimously.

9. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 10:40 p.m. and convened a meeting of the San Dimas Redevelopment Agency. The regular meeting reconvened at 10:41 p.m.

10. ORAL COMMUNICATIONS

- a. Members of the Audience

1) **Dr. Marvin Ersher** praised Councilmember McHenry on being a credit to the community and thanked him for the superb service he performed over the past 21 years. He stated that in the past two years, the City Council approved the restoration of the Walker House; protection of the foothills; Sports Park, and Councilmember McHenry had a part in those accomplishments. He expressed well wishes for his future.

2) **Barbara Case**, Compassion In Action USA, 1205 W. Cypress, stated she founded the nonprofit organization in 2002 after taking a leadership course and a desire to become involved with civic issues in the City. She said Compassion in Action USA recognizes the dignity of every person through a community based effort providing individuals support and advocacy in accessing Social Security Disability, SSI Disability and Medi-Cal/Medicaid. She indicated she is operating from her home office and is unable to expand due to lack of office space in San Dimas and is looking to the public for assistance to provide disability workshops. She could be reached at 909/599-2087, her email is Barbara@compassioninaction.usa; and the website is www.compassioninaction.usa.

3) Sid Maksoudian shared his vision of opening an upscale liquor store in the Bonita corridor and said he was discouraged by the lengthy time it would take to acquire a Conditional Use Permit. After a lengthy discussion, he stated he was under time constraints in applying for a liquor license through the Alcoholic Beverage Control and could lose the opportunity for space in the downtown. He mentioned he would have liked to have been considered for the Bonita Corridor Steering Committee, and that he was instrumental to the Sheriff's Department in the capture of Via Verde burglars. He said Councilmember Bertone pushed a parking structure in the Via Verde community, and alleged that at the conclusion of the Candidates Forum, remarks were made by a Councilmember about his proposal to have a liquor store in the downtown area.

Mayor Morris stated that Mr. Maksoudian had spoken for a lengthy period and that Council had other business to discuss. He respectfully asked Mr. Maksoudian several times to conclude his comments.

Councilmember Bertone said he never supported a parking structure in Via Verde at that time, or at any time.

Councilmember Ebiner stated that the facts were misrepresented.

4) Lori Ebiner said that at the Forum, Mr. Maksoudian blocked Councilmember Ebiner's exit from the building. She said Mr. Ebiner was holding his five-year old son at the time. She suggested Mr. Maksoudian call to further discuss this issue. She recommended limiting the public comments to five minutes as done in other cities.

5) Margie Green, 127 Maverick, stated the events did not happen as recalled by Mr. Maksoudian and felt the comments were inappropriate prior to the election.

6) Alta Skinner, 850 No. Walnut, said she spent six years on the Parks and Recreation Commission with Councilmember Ebiner and said he is being misrepresented. She indicated that Mr. Ebiner is a great person and she plans to support him in the election. Ms. Skinner said the Council meeting is not an appropriate forum for negative comments and suggested returning to a proper decorum.

b. City Manager

- 1) Date and time for April Retreat of Saturday, April 14, 2007 (8:00am-3:00pm)

City Manager Michaelis stated that April 14 should be left as a tentative date. At the request of Council, he would bring back another date to consider.

c. City Attorney

There was no report from the City Attorney.

d. Members of the City Council

- 1) Report on meetings

Councilmember attended no meetings and had no report.

- 2) Mayor Pro Tem Templeman said a resident emailed him about grant funds in the amount of \$150,000 available from Integrated Waste Management Board and Director Patel is working hard to get it submitted.

3) Councilmember McHenry mentioned that the DRPB received an application to lower a fence down the slope in order to install a pool, and Mr. McHenry thought this case might be appealed to the City Council. He stated that the CC&Rs are defined and clearly prohibit construction of fences within the slope area. He said the Board continued this matter to get some guidance from the City Council.

Director Coleman stated that the CC&Rs are quite specific in terms of the prohibition of structures, planting, or other materials placed or permitted to be placed along, under, or upon any slope control area. He said the applicant desired to extend the deck area around the pool and the project planned would encroach into the slope. He stated that the Board held off taking action pending Council discussion.

Mayor Morris suggested placing this item on the agenda for the next City Council meeting and if the Board resolves the issue, the item could be removed.

11. CLOSED SESSION

Mayor Morris announced that the closed session was cancelled.

Recess to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

- a. Property: Southeast corner of Lone Hill Avenue and Gladstone Avenue
Negotiating Parties:
For Agency: Blaine Michaelis, City Manager/Executive Director, and J. Kenneth Brown,
City/Agency Attorney.
For Property: Steve McArthur, Northwest Atlantic - Costco
Under Negotiation: Possible sale of property and terms and conditions of City/Agency possible participation.

b. REPORT OF CLOSED SESSION ACTION

The closed session was cancelled. There was no action to report.

12. ADJOURNMENT

The meeting was adjourned at 11:50 p.m. The next meeting is March 13, 2007, at 6:15 p.m. for a study session on the preliminary 2007-08 budget.

Mayor of the City of San Dimas

ATTEST:

City Clerk