



MINUTES
REGULAR CITY COUNCIL
TUESDAY, MARCH 27, 2007, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem Jeff Templeman
Councilmember Emmett Badar
Councilmember Denis Bertone
Councilmember John Ebner

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

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the regular meeting of the City Council to order at 7:01 p.m. and led the flag salute.

2. RECOGNITION

Mayor Morris presented to volunteers John Flancio and Maryann Quincy, representing the American Red Cross, a proclamation declaring March as American Red Cross month. He said it is the volunteers who are the backbone of the Red Cross and humanitarian efforts.

John Flancio thanked the Mayor and Councilmembers for the recognition. He is very proud to accept the Proclamation on behalf of the San Gabriel Valley/Pomona Valley Red Cross.

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 three (3) minutes for a 30 minute time frame.)

a. Members of the Audience

1) **Ted Powl**, President/CEO, Chamber of Commerce, invited the community to Toast of San Dimas, Thursday, April 5, 2007, Plummer Building, at 5:30-8:30 p.m. He said tickets are available at the Chamber of Commerce office for \$25 all inclusive; no one under 21 permitted.

2) **Tommy Randle**, 1428 Paseo Robles, inquired if the City changed the parking rules in San Dimas. He indicated that when his son visits, one car is parked sideways in the driveway and he was issued a citation for blocking the sidewalk.

City Manager Michaelis requested a name and address and said he would respond to Mr. Randle's questions.

Mayor Pro Tem Templeman stated that the rules have not changed; however, the City implemented a parking enforcement program based on complaints.

3) **Galen Gillote**, Children's Librarian, San Dimas Library, announced various activities happening in April at the Library and invited everyone to attend. She encouraged residents to contact the Library for the schedules and join the fun.

City Manager Michaelis stated that a link could be provided on the City's website at www.cityofsandimas.com.

4) **Dennis Phillips**, 525 No. Amelia Avenue, praised Council on their approach and decision to an appeal of 3-foot or 20-foot garage setback requirements.

5) **Gary Enderle**, 2044 Via Esperanza, inquired about the cost of \$.25/copy for copies of city documents.

City Manager Michaelis said he would be happy to meet with Mr. Enderle on Wednesday to explain the costs.

6) **Patrick Jones**, 239 Ave Melisenda, said the City Attorney was going to look into the Sign Ordinance to determine whether or not it is legal.

City Attorney Brown stated that there are merits to the points Mr. Jones raised. He stated this matter has to go through the Planning Commission and the City Council.

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.)

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, 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) **RESOLUTION NO. 07-17**, A RESOLUTION OF THE SAN DIMAS CITY COUNCIL DENYING AN APPEAL TO CONSTRUCT A GAZEBO THAT WOULD ENCROACH INTO THE HILLSIDE SLOPE AREAS (DPRB CASE NO. 06-80-D).
- (2) **RESOLUTION NO. 07-20**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF MARCH, 2007.
- (3) **RESOLUTION NO. 07-21**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE CALHOME PROGRAM.

- (4) **RESOLUTION NO. 07-22**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING AND ADOPTING THE THIRD AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT OF THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS ADDING THE COUNTY OF LOS ANGELES TO THE MEMBERSHIP OF THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS.
 - (5) Local Government Sharing Program Agreement (AB63):
RESOLUTION NO. 07-25, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AUTHORIZING THE CITY MANAGER TO SIGN AGREEMENT WITH STATE FRANCHISE TAX BOARD FOR PROVISION OF TAX PAYER INFORMATION.
- b. Approval of minutes for Special meeting of March 20, 2007.
 - c. Rejection of claim for damages from Voorhis Village Cooperative, Inc.
 - d. Rejection of claim for damages from Sophia Vallozzi.
 - e. Request for additional funds to offset increased design costs for the rehabilitation of Foothill Boulevard:
 - 1) Appropriation of \$25,000 in additional funds from Proposition C funds
 - 2) Increase design contract awarded to SA Associates for the design of Foothill Blvd. by \$25,000.

END OF CONSENT CALENDAR

5. PUBLIC HEARINGS

(The following items were advertised and/or posted. The Mayor will open the meeting to receive public testimony.)

- a. Tentative Tract Map 04-01 (060865), a request by Guy Williams for Walton Development to subdivide a 7.75 acre lot into eighteen (18) single-family lots for the development of single-family homes, located at 309 Lone Hill Avenue (west side of Lone Hill Avenue at Overland Court). Single family 7,500 zone (8383-012-019).

RESOLUTION NO. 07-23, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING TENTATIVE TRACT MAP NO. 04-01 (60865), A REQUEST TO SUBDIVIDE A 7.75 ACRE PARCEL INTO 18 SINGLE FAMILY RESIDENTIAL LOTS ON THE PROPERTY LOCATED AT 309 NORTH LONE HILL AVENUE (APN 8383-012-019).

Planning Manager Hensley presented the staff report outlining a request from Guy Williams for Walton Development proposing an 18 lot single-family development with a private park on a 7.75 acre vacant property at 309 North Lone Hill Avenue, with a gated entry and access from Lone Hill Avenue at the Overland Court traffic signal. He reported that although the proposal includes significant grading, the top of the knoll would be preserved. A mitigated negative declaration is being proposed for the project. Staff recommended adoption of Resolution No. 07-23 approving the Tentative Tract Map No. 04-01. Mr. Hensley responded to Council's questions concerning trees to be planted on the property; significant oak trees; Floor Area Ratio; he replied that there are four gated communities north of Arrow Highway; staff followed the Planning Commission's recommendation based on the desire to allow a gate; and he explained the differences between this project and the previous projects that did not get approved.

Mayor Morris opened the public hearing and invited comments from the developer.

Guy A. Williams, 425 W. Bonita, Suite 202, Architect for Walton Development, said Principals Everett and Scott Hughes, and Bill Raymond are present this evening. He said he has been involved in this project since 1989 when the City Council approved a 26-lot subdivision, and has worked on the proposed development since 2004. He is very proud of the proposed development and said this property has its own topographic constraints, as well as the constraints placed by the Council. He stated that many changes have been made to accommodate those requests at considerable cost to the Principals, including the installation of an interceptor drain and undergrounding the storm drain. He reported that the original proposal called for 22 lots; however, four lots on the hill were eliminated pursuant to Council's concern in grading the knoll, and the only grading on Lonehill is to provide entry to the site. He felt it was important to keep the entry gate due to the proximity of the industrial complex to the east of Lonehill and the Costco project, which will add significant traffic. He indicated that the homes were designed by renowned architect, Adelle Chang of Pasadena, and each elevation represents a floor plan placed on a different lot. He said there are no significant oak trees on this site and that 287 trees would be planted. He requested Council approval of the project with an entry of 80 feet, which provides adequate stacking space for eight full size vehicles.

In response to Councilmember Ebner, Mr. Williams replied that he worked closely with Public Works on drainage requirements and the developer has agreed to underground all storm drains from Americana to Saint George. Mr. Williams said an entry gate provides a feeling of greater security in the complex. He added that the private park, private utilities, and private streets would be maintained by the Homeowner's Association, and with the increased traffic on those streets, a gated entry is merited.

Mayor Morris asked if anyone in the audience wished to speak on this project.

Everett Hughes stated they employed one of the most outstanding architects in the United States for their project and she took great care to ensure the homes did not create the appearance of mass and size. He added that this project meets all the rigid standards required by staff, and the end result shows a lot of effort and compromise. He respectfully requested consideration and approval of this project.

In response to Mayor Morris, Director Patel replied that in addition to keeping the first 3/4 of an inch of each storm on site, the project is required to look at SUSMP infiltration as well, based on the soil report.

Dr. Marvin Ersher, 1312 Paseo Alamos, said he is not opposed to, or in favor of, the proposed project; however, the city of San Dimas is a quality city because of its quality planning. He provided a brief history of the property and stated that all the land surrounding the property was owned by the Dunning family. He suggested that staff clearly define the common areas for the Homeowners Association's responsibility; that the property line be placed at the fenceline on the top of the slope; and that an assessment fee be imposed on the easements in the common area.

Mayor Morris asked if the Principals wished to add anything else.

Mr. Williams agreed with Dr. Ersher and stated he provided a set of Covenants, Conditions and Restrictions for a similar project.

Planner Hensley pointed out that he placed on the dais a letter from Mr. and Mrs. Cerecedes that addresses concerns about the proposed removal of oak trees near the top of the slope, which they feel might compromise the stability of the hillside.

In response to Councilmember Bertone, Planner Hensley stated that until the property is surveyed, it is difficult to determine where the trees are located; however, from aerial photographs of the property, it appears they are located on the development property. He stated that the threat to the hillside would be conveyed to the developer and would be addressed as part of the grading plans and soil studies.

Gil Gonzales, 2193 Terrebonne, said common areas should be separate lots in the tract. He inquired if the Sheriff would be able to go into the property to enforce traffic violations.

Planner Hensley stated that the Sheriffs have the right to enforce violations. He added that the development includes full curbs and gutters.

Mr. Hughes respects the expressed opinions and stated that the CC&Rs of the Homeowners Association are subject to thorough review by the City Attorney. He assured the Council that the Homeowners Association would maintain all areas for which they are responsible, and he said all laws are fully enforceable in all his projects.

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

Councilmember Bertone said a lot of improvements were made and he plans to vote in favor of this project; however, he would like staff to inspect trees for future projects.

In response to Councilmember Ebner, Planner Hensley replied that the City is a party to the CC&Rs which are written very clearly. He stated that if a change is requested, all 18 residents as well as the City Council must support the change.

Mayor Pro Tem Templeman said the project was well thought out and he appreciates the developer's communication with the neighborhood.

Councilmember Ebner thought there should be more space between each house and should be set back farther from the edge of the slope. He did not support the private entry gate and did not feel traffic was a problem on that street.

Mayor Morris stated that it would be unreasonable to have the Homeowners Association maintain a private park that has public access, and that would justify the entry gate.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Badar, to waive further reading and adopt **RESOLUTION NO. 07-23**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING TENTATIVE TRACT MAP NO. 04-01 (60865), A REQUEST TO SUBDIVIDE A 7.75 ACRE PARCEL INTO 18 SINGLE FAMILY RESIDENTIAL LOTS ON THE PROPERTY LOCATED AT 309 NORTH LONE HILL AVENUE (APN 8383-012-019). The motion carried 4.1; Councilmember Ebner was opposed.

- b. Revision to the Conditions of Approval for Tentative Tract Map 06-01 (642251). The request is to amend the Conditions of Approval for Tentative Tract Map 06-01 (66251) to: clarify that the City of San Dimas rather than William Fox Homes will be responsible for undergrounding of utilities and street improvements on San Dimas Avenue; clarify that the Redevelopment Agency will cooperate in the construction cost of an on-site storm drain facility; and remove a condition requiring Los Angeles County Public Works Department approval of the on-site storm drain facilities.

All proposed changes are in accordance with the Owner Participation Disposition and Development Agreement between the San Dimas Redevelopment Agency and William Fox Homes approved by the Agency on January 31, 2006 and revised in the First Implementation Agreement approved on December 12, 2006

Subdivision of property for the development of 110 residential units and a commercial/office building

Project Location: A 5.259 acre property on the east side of San Dimas Avenue south of Railroad tracks and north of Arrow Hwy. at Commercial Street.

RESOLUTION 07-24, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING A REVISION TO THE CONDITIONS OF APPROVAL FOR TENTATIVE TRACT MAP 06-01 (066251), A REQUEST TO SUBDIVIDE A 5.259 ACRE PROPERTY INTO 10 LOTS, ONE COMMERCIAL LOT AND NINE LOTS FOR CONDOMINIUM PURPOSES ON THE PROPERTY LOCATED ON THE EAST SIDE OF SAN DIMAS AVENUE SOUTH OF THE RAILROAD TRACKS AND NORTH OF ARROW HIGHWAY AT COMMERCIAL STREET

Planning Manager Hensley presented the staff report requesting amendment of Conditions of Approval for Tentative Tract Map 06-01 pursuant to the Owner Participation Disposition and Development Agreement with William Fox Homes for the Grove Station project. Staff recommended adoption of Resolution No. 07-24.

Mayor Morris opened the public hearing and asked if anyone wished to speak in favor of, or in opposition to the proposed changes. There being no one wishing to speak, the public hearing was closed.

After the title was read, it was moved by Councilmember Ebner, seconded by Councilmember Bertone, to waive further reading and adopt **RESOLUTION 07-24, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING A REVISION TO THE CONDITIONS OF APPROVAL FOR TENTATIVE TRACT MAP 06-01 (066251), A REQUEST TO SUBDIVIDE A 5.259 ACRE PROPERTY INTO 10 LOTS, ONE COMMERCIAL LOT AND NINE LOTS FOR CONDOMINIUM PURPOSES ON THE PROPERTY LOCATED ON THE EAST SIDE OF SAN DIMAS AVENUE SOUTH OF THE RAILROAD TRACKS AND NORTH OF ARROW HIGHWAY AT COMMERCIAL STREET.** The motion carried unanimously.

- c. Appeal of Conditional Use Permit 07-01 - An appeal of the Planning Commission's approval of a request to allow off-sale alcoholic beverage sales (Type -21 General beer, wine and distilled spirits) in conjunction with a gourmet market/deli in a 1,296 square foot lease space in the Historic Downtown Area 2 C-G Creative Growth Zone. The proposed use would convert an antique store into a different use and involves no modifications to the exterior of the structure located at 120 West Bonita Avenue, Suite E. (APN 8390-023-019).

In response to Mayor Morris, City Attorney Brown explained the appeal process and stated that anybody is entitled to participate in the hearing and there are no restrictions on testimony.

Director of Development Services Coleman reported that Councilmember Bertone appealed the decision of the Planning Commission approving the sale of alcoholic beverages for off-site consumption from a new gourmet market/deli on Bonita Avenue. He reported that the market is a permitted use in the Creative Growth Area 2 Zone and a Type 21 license would allow the applicants to sell beer, wine and distilled spirits not to be consumed on the premises. Mr. Coleman discussed the charette process and statistics of strategy development for the downtown corridor and said staff received one phone call and two letters of opposition to the project.

Councilmember Ebner inquired if the findings of the General Plan Goals are satisfied because the proposed business is open during night time.

Director Coleman replied that it was up to the Council to decide whether or not that meets the goals of the General Plan.

In response to Councilmember Bertone, Director Coleman stated that the activity is the same as at CVS and Albertson's where customers go in, purchase their goods, leave, and perhaps visit other businesses in the area.

Director Coleman responded to Mayor Pro Tem Templeman that the Planning Commission imposed the condition that one-third of the business floor area has to be for food items and two-thirds devoted to liquor. He stated that the applicant desires to have a deli; however, the building lacks the appropriate infrastructure to accommodate serving of prepared food and the Lease prohibits the preparation or consumption of food or liquor. He said food products and beverages sold must be pre-packaged.

Councilmember Ebner stated he wants no misunderstandings by the applicant that condition six requires the sale of prepackaged food items to occupy at least one-third of the total gross leasable area, which does not include newspaper or magazine racks, cash registers, or similar items; therefore, alcohol would occupy less than two-thirds of the remaining total floor space.

Councilmember Ebner inquired where does it say in the findings that the City Council finds there is a public convenience or necessity that would be served by the issuance of the conditional use permit. He also inquired if the applicant intends to sell adult magazines.

In response to Councilmember Ebner, Director Coleman stated that it is staff's recommendation to conduct the public hearing, consider testimony, and based on the decision, direct staff to prepare the appropriate resolution for adoption.

In response to Mayor Pro Tem Templeman, Director Coleman replied that if the applicant is found not in compliance with the conditions of approval, the city has the authority to review the conditional use permit, conduct a public hearing, modify conditions, and impose new conditions or revoke the conditional use permit.

Mayor Morris opened the public hearing and invited the applicant to present his case.

1) Applicant Sid Maksoudian said he would like to appeal the extensive conditions imposed by the Sheriff's Department specifically hours of operation; requiring cameras in place; extra exterior lighting; and prohibiting the sale of single bottles of beer. He responded to Councilmember Ebner that it is his intention to sell prepackaged food and not adult magazines. He said that initially when he came to town, his intent was not to open a liquor store; as a chef, it was his dream to open a Mediterranean or Mid-Eastern restaurant. Unfortunately, constraints were placed by the landlord of the building to prohibit the preparation and consumption of food and beverages. He insisted he be told who requested the appeal.

In response to Mr. Madksoudian, Councilmember Bertone stated he appealed the Planning Commission decision at the request of community members.

After a lengthy presentation by Mr. Maksoudian, Mayor Morris said Mr. Maksoudian has been given latitude; however, the Council has other issues to consider and requested that Mr. Maksoudian present the merits of the case as to why the conditional use permit should be granted.

Mr. Maksoudian stated that this is a permitted use in the Creative Growth Area 2 Zone and the business meets all the criteria from the Health Department and ADA. He said he would be selling premium spirits and should be allowed to put tables and chairs on the sidewalk with a separate permit granted by the Planning Department and Planning Commission.

At the request of Mayor Morris, Mr. Maksoudian said the sale of single bottles is not a precedent. He said he does not have the storage capacity to sell domestic beers, and said it is impossible to sell expensive microbrew by the case.

Mayor Morris inquired if there is a way to rewrite the condition to satisfy the Sheriff's stipulation and Mr. Maksoudian's needs. He responded to Mr. Maksoudian that the permit goes with the use, not the user.

Mr. Maksoudian stated that there are establishments that are not restricted in the sale of single bottles of beer or microbrew.

In response to Councilmember Badar, Assistant City Manager Stevens said that once the Planning Commission adopted the conditions, the Sheriff could not change the conditions. However, with the appeal, the City Council would hear the matter denovo and the Sheriff were willing to look at the condition differently.

Mr. Maksoudian expressed concern with several conditions including the Planning Commission recommendation that no fortified beer or wine be sold; signage promoting alcohol blocking the view; his security cameras under the control of the Sheriff's Department; his hours of operation are limited; and conditions that were beyond his control.

Mayor Morris assured Mr. Maksoudian that he would not be in violation if the conditions were beyond his control.

In response to Councilmember Ebiner, Director Coleman replied that one benefit of having a security camera is to monitor the leased space and discourage pocketing a bottle.

In response to Councilmember Ebiner, Mr. Maksoudian stated he wanted to create a store with the feeling of the East Coast and requested a special rack for flowers and newspapers to be placed outside.

Mayor Morris asked if anyone else wished to speak in favor of the conditional use permit.

2) Dennis Phillips supported the conditional use permit and said if conditions do not apply, the conditions should be eliminated. He said staff feels the business would contribute to the downtown and although other vendors oppose this establishment, he holds the Council to a higher standard of impartiality.

3) In response to Kevin Kenny, Mayor Morris explained the appeal process and said members of the community wanted the City Council to hear the matter and make a decision.

4) Gary Enderle commented that there has been a lot of frustration shown in the way Mr. Maksoudian deals with some issues; however, no one paid attention to the public hearing notice until the notice was posted at the establishment. He felt it was a personal issue and not an objection to the liquor store or there would be objections to the Wine Tasting Shop. He said this matter should be judged on the merits of the case and not on personal feelings.

Mayor Morris asked if anyone wished to speak in opposition to the conditional use permit.

5) In response to **Heidi Daniels**, Mayor Morris stated that the conditional use permit is silent other than there cannot be consumption of alcohol on the premises. He added that this is a planned unit and provides common facilities for the entire building.

6) **Heidi Daniels**, Monrovia, gave a brief overview of her business in San Dimas and was shocked to be closed down by the Health Department. She was not aware she needed a Health Permit to serve wine and acknowledged Mr. Maksoudian's legal right to report her to the Health Department, but he also contacted the Alcohol Beverage Control alleging that she was illegally selling vodka. She said after an investigation, no charges were filed. She added that Mr. Maksoudian demanded her nomination to the Chamber of Commerce be revoked; he questioned her involvement in the Toast of the Town, a fundraiser for the Chamber, and said she does not benefit from the sale, but donates her time and a significant amount of wine to the event. She said in business healthy competition is good, but dismantling a successful business to eliminate the competition adversely affects the community at large. She urged the City Council to make the best decision for residents and business owners.

7) **Jerry Daniels**, Anaheim, partner to daughter, Heidi Daniels, San Dimas Wine shop at 225 W. Bonita Avenue, is opposed to the applicant obtaining a permit for the purpose of opening a liquor store because the proposed location does not meet Health and Safety requirements.

8) **Rudy Martinez** said the community thinks the downtown is a wonderful place and the idea of restaurants and entertainment has brought the community together, and the Council should continue the effort. He did not feel another liquor store masquerading as a Gourmet Store was needed in the area.

9) **Craig Harper**, 2637 Terrebonne, said the central theme of the Charrette calls for encouraging designer uses, including evening uses such as restaurants, farmers market, and residential. Diversifying the mix of uses, planning for long term parking needs, and supporting historic preservation, investing in façade improvements, unifying streetscape and developing a wayfinding program, he does not believe a liquor store/deli would be an appropriate use. He said the downtown needs a business that would improve the desire of others to come to this quaint city and spend their time and money, and a liquor store does not appear to have the best interest of local residents.

10) **Bonnie Harper**, 2637 Terrebonne, thought it was important to have people from the outside come to see the uniqueness of our downtown. She opposed the liquor store/deli in the heart of San Dimas and would prefer to see business and activities that would draw people in and encourage them to return.

11) **Sharon Long**, 1338 Carew Street, homeowner in San Dimas for 44 years, has been very active with the Council and Planning Commission on the vision for the downtown. She said another liquor store/deli in the main part of town in San Dimas diminishes the city's reputation and future revitalization vision.

12) **Rick Denofrio**, asked for a show of hands and said it looks like 95% of those present are in opposition to the conditional use permit and do not see a liquor store/deli as an enhancement to the downtown.

13) **Jack Colplate**, Claremont, expressed concern for the community and said the liquor store would only increase highly congested traffic, especially at the narrowing, and more importantly, the liquor store would ruin the ambiance of the quaint, beautiful historic area of San Dimas. He urged Council to not allow this use.

14) **Julie Salazar**, 621 E. Raborn Street, said she was made aware by several merchants of the veiled threats made against them by the applicant. She stated that Mr. Maksoudian has no concern for the downtown and is interested only in the resale value of holding a liquor license. She stated that Mr. Maksoudian eliminated the competition and deliberately sought the person he thought would file the appeal. She does not want to see the downtown area destroyed by an individual who created an

environment of ill will and inappropriateness, and the majority of the community does not want to see a liquor store/deli.

15) Alta Skinner stated so many liquor stores and convenience markets, all arenas for people to walk in, purchase what they need and leave, are not conducive to our downtown center's growth. She indicated there are many other places Mr. Maksoudian could take his business other than the downtown corridor. She said she envisions family members walking downtown to a farmers market, a train stop, but not a liquor store. She does not feel a liquor store is what San Dimas needs or wants. She wished Mr. Maksoudian luck and hopes he takes his business somewhere else.

16) Sandy Christiansen, Ganesha Hills, stated that the San Dimas Wine Shop is exciting and is what brings her back to San Dimas.

17) Kim Elligan lived in San Dimas for nine years, said San Dimas reminds her of her childhood. She loves the community and would like the downtown area to stay nice for everyone including children. She takes her nieces and nephews to local shops, but would not take them to a liquor store. She indicated that most downtown businesses such as Heidi from the San Dimas Wine Shop, get involved in the community, and that is the type of people the community wants in San Dimas. She would prefer the downtown area to remain quaint to bring her friends and family.

18) Jason Huntingmar, La Verne, said he and his wife enjoy visiting the downtown San Dimas shops. He is also looking for a place to open a business, but not where there is a liquor store. He stated there are plenty of liquor stores in the area and it is not unreasonable that his application should receive extra scrutiny and conditions.

19) Mary Forgi, 1131 Stratford Lane, stated that the downtown could be something that draws people in from other areas. She said residents would love to have a number of things available, but a liquor store does not fit the bill. She indicated that with Bonita Avenue off the freeway, traffic would increase late at night and although business would yield high profits to the owner, she does not see what it could do for the community.

20) Barbara McCurdy, La Verne since 1970, spends equal time shopping in San Dimas. She has owned a business downtown San Dimas since 2000, and has been a member of the Chamber for approximately 12 years. She loves the community, which is family oriented, and the idea of developing the downtown is to bring in business such as restaurants, where people would spend time downtown interacting with others.

21) Glenda Bach, 237 Maverick Drive, 25 years, said she was surprised to hear there was going to be a liquor store/deli in the center of San Dimas and felt it could go in somewhere else. She would love to see more restaurants in the downtown.

22) Brian Hutton 705 Knollwood Lane, stated that Mr. Maksoudian shut down the Wine Shop with his accusations and he does not want to see this man in the city.

Councilmember Ebner left the dais at 11:21 p.m. and returned at 11:22 p.m.

Mayor Morris invited the applicant to rebut the comments made by the community.

Mr. Maksoudian stated that he cannot add more than what was submitted.

There being no one else wishing to speak, Mayor Morris closed the public hearing.

RECESS

Mayor Morris recessed the meeting at 11:34 p.m. and reconvened at 11:42 p.m.

Councilmember Bertone stated that for the past ten years, the City Council has discussed their vision for the downtown and at considerable cost, hired a consultant to do the charrette. He indicated he is not opposed to liquor stores; however, he did not feel the downtown was the best place for the liquor store. He would like to direct staff to find an appropriate place in the city for Mr. Maksoudian's business.

Councilmember Ebner presented a map of the downtown illustrating various locations that serve liquor and prepackaged foods and he felt the proposed liquor store did not present a public necessity or convenience for an additional alcohol license in the downtown area.

Mayor Pro Tem Templeman supported the business but thought it would be more appropriate to have one-half of the business for food products.

Director Coleman stated that the one-third/two-thirds idea was to distinguish between a liquor store and a market.

Councilmember Badar expressed support for the project stating that the Planning Commission voted 4.0 to approve the project and staff is recommending approval. He addressed Councilmember Ebner's comments, stating that subsequently restaurants would be brought in and would also require a conditional use permit to serve alcohol as well as comply with Alcohol Beverage Control and Health Department stipulations. In this case, he believed Mr. Maksoudian has a right to put the business in the downtown area. Mr. Badar mentioned that staff added the condition requiring two six-month reviews by the Planning Commission.

In response to Councilmember Ebner, Mayor Morris stated that the concentration issue is the same for restaurants and the same findings have to be made. He stated that the liquor store is a permitted use with a conditional use permit and the conditional use permit is not to reject permitted uses, but to condition those permitted uses in a way that they do not cause problems. He said the conditional use permit goes with the use, not the person, and the City Council is obligated to make findings if the desire is to reverse the decision of the Planning Commission.

In response to Councilmember Ebner, City Attorney Brown replied that as the City goes through the General Plan Amendment study, the language could be expanded to incorporate a narrative of the charrette language to explain the vision for the downtown and provide a basis for denying a conditional use permit.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember Badar, to support the Planning Commission decision and staff's recommendation to approve Conditional Use Permit 07-01 subject to the proposed conditions.

Mayor Morris inquired if the motion included keeping all the same conditions because they do not make the specific finding of public convenience or necessity.

In response to Director Coleman, Mayor Morris stated he cannot make the finding on condition 2(d).

After further discussion of condition 2(d) and conditions Council felt did not pertain to the applicant, Mayor Pro Tem Templeman amended his motion and moved to direct staff to prepare a resolution consistent with the recommendation of the Planning Commission; eliminate condition 2(d) related to public convenience and necessity; and eliminate conditions 11 and 14, related to lighting and graffiti that do not apply to the applicant; and revise conditions pursuant to discussions.

At the request of Director Coleman, the City Council enumerated the conditions that did not apply including limitation of hours of operation and restriction on sale of single bottles of beer. It was the consensus of the City Council to revisit with the Sheriff's Department the condition requiring security cameras.

The motion was seconded by Councilmember Badar and carried by the following vote:

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

6. OTHER MATTERS

- a. Consider and provide direction on the Farmer's Market proposal. Possible location: Bonita Avenue between Walnut and Iglesia or Civic Center (City Hall-Senior Citizens/Community Center Parking Lot). Possible day of the week and time: Wednesdays 6:00 p.m.

Parks and Recreation Director Bruns presented a proposal by Maurice Cuellar to operate a Farmer's Market during the months of April through October. After discussion and consideration of various locations and impacts, it was suggested that the Civic Center parking lot and First Street east of Iglesia Street presents the least impact and provides the most immediate opportunity for a Farmer's Market. Staff presented for Council's consideration a comparison of Bonita Avenue, from Walnut to Iglesia and the Civic Center Parking Lot and First Street.

Mayor Pro Tem Templeman stated that Bonita Avenue would be better suited for the Market; however, he was concerned that by the time negotiations were completed, the Farmer's Market would not be held this year. He and his wife attended a Farmer's Market in Monrovia and discussed hours of operation with the vendors, and 5:00 p.m. start time was preferred by the vendors. He felt Wednesday would provide less disruption to the downtown Merchants. He expressed concern with parking when Music in the Park starts, and suggested closing only one driveway to Puddingstone Center, and leaving the rest open.

Mayor Morris expressed concerns with access to handicap restrooms, insurance coverage, and the expense of running a Farmer's Market.

Councilmember Bertone stated that the community wants a Farmer's Market and would like the City to participate. He praised staff and Maurice for the fantastic job.

Councilmember Ebiner felt an earlier start time was important. He thought Bonita Avenue was the best place to have the Farmer's Market and to minimize impacts on local vendors, suggested pulling the market onto the city hall west parking lot to provide access to city hall restrooms.

The City Council discussed the location for the Farmer's Market at length and considered the impacts to city employees, Albertson's, and customers.

In response to Council, Assistant City Manager Duran replied that he has seen a preliminary outline for general liability insurance, but has not yet seen ADA coverage. He has conveyed the concerns to Mr. Cuellar's agent and they understand the requirements.

Mayor Morris would like to see a realistic budget from Advocates for Healthy Living before the electrical is installed on Bonita Avenue.

In response to Council, Director Bruns replied that three vendors contacted her on varying degrees of operating a farmer's market. She stated that once the City Council approves the proposal; contribution amount; and electric support, Mr. Cuellar would be able to produce the required insurance certificates, budget requirements, and other conditions. She indicated he has already accomplished the purchase of traffic equipment and must complete the requirements before the market could open.

Mayor Morris invited comments from the audience on this matter.

1) **Maurice Cuellar** stated he has visited other farmer's markets and conferred with farmers and artisans. He said he is as prepared as he could be and leaves the decision to the Council.

Mr. Cuellar responded to Council's questions related to funds available, the cost of insurance; availability of farmers; and said he has a list of advisors and is working with a farmer's manager.

2) **Ted Powl**, President/CEO, Chamber of Commerce, stated he is in favor of the Farmers Market. He outlined the Chamber's expenses and equipment requirements for traffic control to hold their annual parade.

Councilmember Ebner moved to site the Farmer's Market on Bonita Avenue, between Walnut Avenue and Iglesia Street, on Wednesday evenings, from 5:00 p.m. to 9:00 p.m., pursuant to staff's recommendations; authorize \$7,000 for the entire farmer's market season; approve the Temporary Use Permit contingent upon conditions listed on page four of the staff report; with an additional stipulation to provide a deputy sheriff if there is a traffic safety or public safety committee condition; authorize additional expenditures for electric installation in front of city hall contingent upon the submittal within sixty days of a proforma, insurance certificates, and all requirements.

The motion was seconded by Councilmember Bertone and carried 4.1; Mayor Morris was opposed.

7. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting of the City Council at 1:33 a.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The meeting reconvened at 1:35 a.m.

8. ORAL COMMUNICATIONS

a. Members of the Audience (Speakers are limited to three (3) minutes.)

1) **Gil Gonzales** is desirous of getting involved with the San Dimas Canyon Center project at the corner of San Dimas Canyon Road and Bonita Avenue.

Mayor Morris stated that preliminary discussions are being conducted with the principal tenant, staff and two Council representatives. He said interest was expressed from an English firm for a 15,000 square foot store and other commercial development; with the rest of the property proposed residential; however, an application has not been submitted.

2) **Gil Gonzales** stated that the liquor store is one of the finest exhibitions of democracy he has seen.

3) **Gil Gonzales** felt the signage on several industrial buildings parallel to the 210 freeway, is not conducive to the office professional atmosphere.

4) **Alta Skinner** stated that everyone who came to the meeting to discuss the appeal of Conditional Use Permit 07-01 was unaware that the City was bound by law to approve the Conditional Use Permit. She suggested for future issues that the public be made aware before the hearing is held.

b. City Manager

- 1) Authorize an agreement with the City of Glendora regarding the installation of a signal at Shellman Avenue as part of the Diamond Ridge Development.

City Manager Michaelis reported that staff met with City of Glendora staff to agree upon mutual issues regarding the installation of traffic signals at the intersection of Shellman and Valley Center, as well as the accompanying removal of street parking in front of Gladstone Street. Staff recommends approval and execution of the Shellman Traffic Signal-Intersection Agreement between the City of San Dimas and the City of Glendora.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember Bertone, to authorize the execution of the Shellman Traffic Signal-Intersection Agreement as recommended by the City Manager. The motion carried unanimously.

- 2) Announcement: March 31, 2007 Family Festival

Director Bruns announced that the Family Festival is scheduled for March 31, 2007, 9:30 a.m. - 3:00 p.m. in Civic Center Park and Plaza area; The Easter Egg Hunt is at 10:00 a.m. sharp - one at Civic Center Park and one at Via Verde Park.

c. City Attorney

There was no report.

d. Members of the City Council

- 1) Report on meetings

Councilmembers did not attend any meetings at the expense of the local agency.

- 2) Post Election Procedures

It was the consensus of the City Council to defer the Post Election Procedures to Tuesday, April 10, 2007.

- a. Appointment of Mayor Pro Tem
- b. City Council/Commission/Committee/Board Assignments

3) Councilmember Bertone reported that the San Gabriel Valley Council of Governments has 31 member cities and expanded the membership to the Board of Supervisors. He said three Supervisors of the Districts have become members.

Mayor Morris stated that the newspaper article said member cities have to ratify the membership.

City Manager Michaelis stated this item would be placed on the April 10, 2007 agenda for Council's approval.

9. ADJOURNMENT

Mayor Morris adjourned the meeting at 1:54 p.m. The next meeting will be on Tuesday, April 10, 2007, 7:00 p.m.

Mayor of the City of San Dimas

ATTEST:

City Clerk