



**MINUTES**  
**REGULAR CITY COUNCIL**  
**TUESDAY, APRIL 10, 2007, 7:00 P. M.**  
**COUNCIL CHAMBERS, 245 E. BONITA AVE.**

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**PRESENT:**

Mayor Curtis W. Morris  
Mayor Pro Tem Jeff Templeman  
Councilmember Emmett G. 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  
Senior Engineer Garwick

**1. CALL TO ORDER**

Mayor Morris called the regular meeting of the City Council to order at 7:04 p.m. and led the flag salute.

**2. RECOGNITIONS**

- Proclaiming May as Older Americans Recognition Month and recognizing Merle "Matt" Matzenbacher as the City's Older American Day honoree.

Mayor Morris read and presented a proclamation to **Merle "Matt" Matzenbacher**, the City's honoree recognized at the Los Angeles County Older American Recognition Day, and he declared the month of May as Older Americans Month.

**Erica Rodriguez**, Coordinator at San Dimas Senior Center, thanked and congratulated Mr. Matzenbacher and said it is a pleasure to have someone with his energy and spirit motivate her to do better.

- Proclaiming April 15-21, 2007 as National Library Week.

Mayor Morris read and presented to **Galen Gilotte**, Children's Librarian, San Dimas Library, a proclamation declaring April 15-21 2007 as National Library Week in the City of San Dimas.

**Galen Gilotte**, Children's Librarian, outlined the many programs available at the Library.

- Present Proclamation to Agnes Gibboney, Leader of Inland Empire Chapter of Parents of Murdered Children declaring April 22-28 National Crime Victims' Week.

Mayor Morris read the Proclamation declaring April 22-28, 2007 National Crime Victims' Week.

Agnes Gibboney, Leader of Inland Empire Chapter of Parents of Murdered Children was not present to accept the Proclamation.

- Proclaiming April 23-29, 2007 West Nile Virus and Mosquito and Vector Control Awareness Week.

Mayor Pro Tem Templeman accepted the Proclamation read by Mayor Morris declaring April 23-29, 2007 West Nile Virus and Mosquito and Vector Control Awareness Week. He stated that the West Nile Virus has killed 24 people in California the past two years and it is important to not leave standing water after a rain storm as mosquitoes only take a small amount of water to breed. He would deliver the Proclamation on Friday, at 7:00 a.m.

- Present Certificates to Parking Control Officers

Mayor Morris acknowledged Parking Enforcement Officers **Claudio "Ray" Aversa, Gregory A. Hayes, Gordon T. Kodama, and Arturo Padilla**, for the outstanding job enforcing the City's No Overnight Parking Policy from September 2004 through March 2007. The total citations issued for the last 23 months total 10,249 for illegal parking.

Mayor Pro Tem Templeman stated the Council gets many complaints about vehicles left out at night. He said residents need to qualify for an overnight parking permit, and the goal is compliance.

- Presentation from the San Gabriel/Pomona Regional Center – Linda Desrosiers

**Keith Penman**, Executive Director of San Gabriel /Pomona Regional Center, stated their private nonprofit corporation which contract with the State Department of Developmental Services, coordinates services for people with developmental disabilities and their families as an alternative to going into a large congregate institution. He stated the goal is to secure services and supports which maximize opportunities and choices in living, working, learning and full integration into community life. He asked the Council and staff to provide referrals and information to the community.

Mayor Morris indicated that a link could be placed on the city's website.

Mr. Penman provided the website address: [www.sgprc.org](http://www.sgprc.org).

### 3. ORAL COMMUNICATIONS

(For anyone wishing to address the City Council on an item not on the agenda. No action or discussion shall be undertaken on any item not appearing on the posted agenda. Speakers are limited to three (3) minutes.)

- a. Members of the Audience

1) **Councilmember Ebiner** inquired about what public comments would be permitted concerning item 5(a) Conditional Use Permit 07-01.

Mayor Morris replied that the public hearing was held, the Council made a decision, and the only matter remaining to be considered is adoption of the Resolution containing the findings and conditions. He said the public comments would be limited to the specific findings and conditions. He added that members of the audience have the opportunity during this oral communications or at the end of the meeting to discuss other than those specific findings and conditions.

2) In response to **Patrick Jones**, 239 Avenida Melisenda, Mayor Morris clarified that the Chair ruled on the three minute time limit for public speakers and was not overruled by the group as a whole.

**3) Patrick Jones** expressed concern about the sign ordinance and stated that in order to go back to the Planning Commission, the City Attorney has to make a determination something is wrong with the ordinance. He would like to know the City Attorney's stand on this issue.

City Attorney Brown stated he is working with staff to remove inconsistencies in the ordinance as it relates to political signs.

**4) Patrick Jones** stated the website does not make the public aware that emails addressed to Council do not go directly to that person. He felt emails should go directly to elected officials and not through staff members.

Mayor Morris informed Mr. Jones that emails are public records and are not confidential.

Councilmember Bertone provided his private email address: ddbertone@ aol.com

Mayor Pro Tem Templeman indicated that staff is working on automatically forwarding email to his office and the City Manager is budgeting funds for that purpose.

**5) Mabelle Pou**, 709 Briarwood Lane, was informed by representatives of Overland Pacific that relocation benefit payments are not considered as income for purposes of Internal Revenue Service code and personal income tax. She has two City contracts which stipulate she does not have to pay Federal or State taxes for relocation; however, she received a 1099, and the IRS states she has to pay taxes on time for five years or be subject to penalties.

City Manager Michaelis stated this is a difference of opinion between Overland Pacific, the consultant that administered the plan, and the City's auditor. He said the auditor could not make the determination that it is not reportable. Staff recognizes the significant issue and is trying to come up with a solution; however, he suggested that the expenses Mrs. Pou incurred could be claimed against the 1099 as a way to reduce the income.

Mayor Morris suggested retaining the services of a Tax Attorney or Specialist to address this issue and expedite a solution to those people who are affected.

**6) Ted Powl**, President/CEO, Chamber of Commerce, thanked everyone who attended Toast of the Town event, and thanked the Committee who organized the event - Joe Fransen, Margie Green, Heidi Daniels, Marci Pedroza, Rhonda Beltran, Chamber staff, and Maureen Tracey.

**7) Ted Powl** announced the Downtown Merchants Gala Garden Affair on Saturday-Sunday, April 21-22, 2007, 10:00 a.m. - 5:00 p.m., and invited everyone to take a look at what the merchants have for sale.

**8) Dr. Marvin Ersher**, 1312 Paseo Alamos, stated San Dimas is soon to be 50 years old and many houses in the city are deteriorating. He proposed consideration of a Beautiful Committee at the Chamber level to send out ideas for home improvement. He would be happy to volunteer to serve on the Committee.

**9) Dr. Marvin Ersher** also proposed setting up a 50-year Anniversary Committee.

**10) Dr. Marvin Ersher** suggested appointing a Planning Commissioner to the Development Plan Review Board to replace the Councilmember representative. There would still be the ability to appeal to the City Council.

**11) Paul Kirby**, 211 W. Bonita, thanked Mayor Morris, Mayor Pro Tem Templeman and Councilmember Badar for the vote on CUP 07-01.

**12) Paul Kirby** addressed Councilmember Bertone and Ebner's actions on CUP 07-01.

#### 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 or audience requests separate discussion.)

Councilmember Ebner requested that \$43 million be changed to \$2 million on page three of the December 12, 2006 minutes.

It was moved by Councilmember Ebner, seconded by Councilmember Badar, 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) **NO. 07-26**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF APRIL, 2007.
- b. Approval of minutes for regular meetings of December 12, 2006; January 9, 2007, and January 23, 2007.
- c. Approval of Standard Plan and Details for the Vinyl Equestrian and Multipurpose Trail Fencing.
- d. Installation of Speed Humps on Rennell Avenue between Arrow Highway and Juanita Avenue, and Appropriation of \$10,000 from General Fund for installation of speed humps.

END OF CONSENT CALENDAR

#### 5. COMMUNITY DEVELOPMENT/PLANNING

- a. Conditional Use Permit 07-01, 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 to 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).

**RESOLUTION NO. 07-28**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 07-01, FOR OFF-SALE ALCOHOLIC SALES IN THE CREATIVE GROWTH COMMERCIAL ZONE LOCATED AT 120 WEST BONITA AVENUE, SUITE E; AND MAKING FINDINGS IN SUPPORT THEREOF - APN 8390-023-019.

Mayor Morris reported that this matter is before the City Council for approval of the Resolution. He stated that the public hearing was held and closed; the evidence and record are closed; a decision was reached; and members of the public would have the opportunity to make comments limited to the issue of conditions and/or findings set forth in the proposed resolution.

Director of Development Services Coleman reported that at their March 27, 2007 meeting, the City Council voted 3.2 to approve the proposed use with the direction to prepare a Resolution modifying certain conditions. Staff outlined the changes to the conditions and recommended approval of Resolution No. 07-28.

In response to Councilmember Badar, Director Coleman replied that the Sheriff indicated it is typical to record video tape on VHS, but it is common to burn images onto a DVD or CD.

In response to Councilmember Ebner, City Attorney stated that after the public hearing has been concluded, the motion was made, and direction given, however, if something new comes up, there is certain latitude the

Council has on anything considered new versus having a new hearing and introducing new evidence. He added that these conditions apply to this particular business and if someone takes over the property, this is the only use approved.

In response to Councilmember Ebner, Director Coleman replied there is a logical method of measuring the floor area; however, he stated staff's intent was never to say one-third area for food products did not also include areas for other items. He is open to suggestions if Council would like to clarify limitations on that condition.

Mayor Morris invited the applicant to comment on the conditions.

**1) Sid Maksoudian**, owner of Chalet Gourmet, reviewed each condition and inquired why condition 2 was so specific about limiting sales to only "higher end" imported and microbrewed alcoholic beverages.

Mayor Morris responded that Mr. Maksoudian indicated he would operate a certain kind of business and this condition reflects that. Mayor Morris stated that if the business plan changes, Mr. Maksoudian would be required to file an amendment to the Conditional Use Permit.

City Attorney Brown stated that part of the wording of this condition locks Mr. Maksoudian into what he represented to be his business plan.

Mr. Maksoudian continued review of the conditions, one by one, and challenged the hours of operation stating he should be given the same hours as other competitors; he objected to requiring security cameras in the conditional use permit; and he opposed the condition that includes two six-month reviews by Planning Commission.

In response to Mr. Maksoudian's concern over high-crime statistics, Mayor Morris stated that the City of San Dimas has no jurisdiction over the Alcoholic Beverage Control and how they review Los Angeles County Sheriff statistic reports.

Mayor Morris invited the audience members to address the issue of conditions or findings.

In response to Councilmember Ebner, Mayor Morris stated that undue concentration is the Alcoholic Beverage Control issue and tonight the City Council is considering the conditions of the conditional use permit.

1) In response to **Mark Hankin**, West Hollywood Attorney, Mayor Morris read condition 23 related to use of outdoor tables and seating and condition 6 related to types of prepackaged goods and food.

Mr. Hankin expressed his interpretation of condition six language "including, but not limited to" as not optional and goods listed must be sold at the establishment. He mentioned Councilmember Ebner's distinction about the use of one-third floor space for gourmet items and inquired why staff reversed what was voted at the previous meeting.

Mayor Morris replied that Councilmember Ebner voted no on the issue at the March 27, 2007 meeting, and staff was directed to bring back an amended resolution with conditions acceptable to the City Council, which is the only issue before the Council this evening.

In response to Mr. Hankin, Mayor Morris stated he is familiar with the Topanga case which was limited to findings based on one piece of property, and a variance requires a comparison of other properties.

Mr. Hankin stated it is ultimately the decision of the Alcoholic Beverage Control to grant the license; however, it is important that the local government body make the findings regarding public convenience and necessity.

2) **Philip Ebner**, representing the young adult community of San Dimas, stated that the Council has to make the distinction in the findings concerning the one-third and two-thirds of floor space. He questioned the need for another liquor store if similar items could be purchased at a local store. He inquired if the charrette were part of the conditions.

In response to Mr. Ebner, Mayor Morris stated the charrette is not part of the conditions and reminded the public that the public hearing was held, testimony was heard, the majority of the Council made a decision, and the record is closed. He said conditions are up for discussion and a decision would be made this evening.

Councilmember Ebner read finding "D" related to the elements and objectives of the General Plan, and stated the General Plan goal for the downtown includes the charrette.

In response to Councilmembers Ebner and Bertone, Mayor Morris stated there is a procedure for creating a record and none of what is said today is part of that record because the record is closed and a decision has been made. The only issues now are whether or not the City Council can adopt the findings.

Philip Ebner stated he does not find the Gourmet Chalet as part of the downtown vision.

3) **Walter Smith**, 1845 Fernridge Drive, stated that Mr. Maksoudian testified that if he is required to close at 10:00 p.m., customers could purchase the same products at Albertson's, restricting his business opportunity.

4) **Walter Smith** suggested Mrs. Pou get a six month extension from the Internal Revenue Service/Franchise Tax Board.

5) In response to **Julie Salazar**, 621 E. Raborn, Mayor Morris stated that the project is a permitted use in the Zone with a conditional use permit, which sets the conditions to make it acceptable. He stated that the Anti-Trust Act applies to the City and the City cannot restrict the use to one liquor store. He indicated that this project has multiple authorities and the Alcoholic Beverage Control makes the determination on licensing and decides on the number that could go in an area. He said the application is in the name of Arax and Sid Maksoudian.

Mayor Pro Tem Templeman left the dais at 9:41 p.m. and returned at 9:43 p.m.

Mayor Morris stated the reasonable way to proceed is for Council to look at the issues, conditions, and findings. He suggested deleting the second paragraph in finding 4D stating he did not believe there was sufficient record to add those items as findings.

In response to Councilmember Ebner, Mayor Morris stated that paragraph one in finding 4D is correct - the proposed use is consistent with the various elements and objectives of the general plan.

Mayor Pro Tem Templeman prefers the one-third food products standard versus sale of alcohol shall occupy no greater than two-thirds of the total gross leasable area. He added that security cameras are necessary from a public safety point of view; and he did not oppose the hours of operation as recommended.

Councilmember Badar expressed concern about the hours of operation; however, after clarification from Heidi Daniels on her hours of operation, he had no objection to hours from 10:00 a.m. to 10:00 p.m. for the applicant.

Councilmember Ebner suggested clarification of language in condition 6 "including, but not limited to."

Mayor Morris suggested rewording "including, but not limited to" in condition six to read "including such items as".

After further discussion on reference to two-thirds alcohol, Councilmembers agreed with Assistant City Manager Stevens' suggestion to deduct from the two-thirds alcohol any ancillary use that is not food.

Director Coleman stated the suggested rewording of that condition now reads: "sales of alcohol shall occupy no greater than two-thirds of the total gross leasable area, including ancillary and nonfood items."

After the title was read, it was moved by Councilmember Badar, seconded by Mayor Pro Tem Templeman, to waive further reading of **RESOLUTION NO. 07-28**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 07-01, FOR OFF-SALE ALCOHOLIC SALES IN THE CREATIVE GROWTH COMMERCIAL ZONE LOCATED AT 120 WEST BONITA AVENUE, SUITE E; AND MAKING FINDINGS IN SUPPORT THEREOF - APN 8390-023-019. The motion carried 5.0.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember Badar, to adopt **RESOLUTION NO. 07-28**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 07-01, FOR OFF-SALE ALCOHOLIC SALES IN THE CREATIVE GROWTH COMMERCIAL ZONE LOCATED AT 120 WEST BONITA AVENUE, SUITE E; AND MAKING FINDINGS IN SUPPORT THEREOF - APN 8390-023-019, including the recommended amendments.

Councilmember Ebner does not feel this business fulfils the goal of the general plan and stated he cannot support the conditional use permit.

Councilmember Bertone wished the applicant luck in his new venture and said he would vote against this conditional use permit.

The motion carried by the following vote:

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

## **RECESS**

Mayor Morris recessed the regular meeting at 10:27 p.m. and reconvened at 10:38 p.m.

Councilmember Ebner stated it is important to go on record in finding for public convenience or necessity. He stated that the Alcohol Beverage Control relies on three-year old crime statistics and census tract data to determine whether or not to issue an off-sale liquor license. He believes there is undue concentration of liquor licenses in the city; he provided a slide presentation of city developed areas and various sites of specific off-sale liquor licenses.

Councilmember Ebner moved to direct staff to prepare a resolution stating that the City of San Dimas is unable to make a finding that public convenience or necessity would be served by a new Type 21 license in the downtown area.

Councilmember Ebner explained why a determination of convenience or necessity is not made as follows:

Statement 1: The proposed location for the new licence is 120 West Bonita Avenue in San Dimas. A sufficient number of off-sale licenses exist in the proposed location to serve the convenience and necessity of those who reside, work, shop, or travel in the vicinity. Existing licenses near the proposed location include three Type 21 licenses: Clete's Spirit Shop, (920 feet east), Albertson's (1260 feet east), and Happy Mart, (2,300 feet west)

and six Type 20 licenses: CVS (500 east), San Dimas Wine Shop (700 feet west), Jim's Market (1,030 feet west), Highland Food Market (1,040 feet south), Gas & Go (1,190 feet south), Circle K (1,660 feet east).

Statement 2: Within 1/4-mile of the proposed location are approximately 370 residential units; an additional 110 units are part of a project approved for construction. Seven off-sale licenses exist within the same 1/4-mile radius. Convenience or necessity would not be served by an additional off-sale license at the proposed location.

Councilmember Bertone seconded the motion and inquired if the finding was made.

Councilmember Ebner stated that the City is not making that determination. He said the Alcoholic Beverage Control would contact the City about making a finding.

In response to Mayor Pro Tem Templeman, Director Coleman stated that legislature provides no definition of "public convenience or necessity" and the City of San Dimas has adopted no definition of "public convenience or necessity" or any criteria for making that determination.

Mayor pro Tem Templeman inquired if the City makes this determination, would it apply to any alcohol type of license.

Director Coleman replied that on-site alcohol sales, whether a restaurant or bar, within 1/4-mile radius from Gourmet Chalet, including the San Dimas Wine Shop and a series of restaurants within the downtown area would be impacted and the same standard applies to on-sales and undue concentration.

The motion failed by the following vote:

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

- b. Proposed letter of opposition to SB303 (Ducheny) related to regional housing needs allocation process.

Assistant City Manager Stevens summarized the provisions of SB 303, which would attempt to change housing element law. He recommended mailing the proposed letter of opposition to legislators.

It was moved by Councilmember Bertone, seconded by Councilmember Badar, to authorize the proposed letter opposing SB 303. The motion carried unanimously.

## **6. OTHER MATTERS**

- a. Approval and adoption of Sewer System Management Plan (SSMP) to comply with State Water Resources Control Board requirements.

Public Works Director Patel presented for approval and adoption the proposed Sewer System Management Plan (SSMP) pursuant to State Water Resources Control Board Order No. 2006-003 requiring all agencies that own or operate sanitary sewer systems to comply by May 2, 2007 with Waste Discharge Requirements (WDRs) designed to reduce sanitary sewer overflows. Staff recommends that the City Council by minute resolution consider approval and adoption of the attached Sanitary Sewer Maintenance Plan.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to approve and adopt the Sewer System Management Plan (SSMP) to comply with State Water Resources Control Board requirements, as submitted by staff. The motion carried unanimously."

- b. Report on the process for termination of service for Open Space Maintenance District No. 1, Annexation No.3 (tract 32841, Northwood's Development.)

Parks and Recreation Director Bruns reported that since there has been no increase in the annual assessment rate for the Northwood's Open Space Maintenance District since 1993, only minimal maintenance is possible, repairs are limited and upgrades have been eliminated, resulting in deferred maintenance. She presented to Council four options and recommended moving forward with the process for the termination of service for this District.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember Bertone, to authorize staff to conduct a meeting with the subject property owners to explain the timeline and process for termination of service; provide written notification of termination of service effective July 1, 2007; grant the right of the specific property owner to enter the easement area to perform maintenance on their respective private property slopes, including the installation of irrigation; City to retain the grant of easement; and to terminate all maintenance and irrigation service by disconnecting and removing irrigation meters currently charged to the City pursuant to staff's recommendation. The motion carried unanimously.

- c. Request from Mr. Sid Maksoudian official inquiry:
  - 1) Permits, Conditional Use Permit conditions - San Dimas Wine Tasting, 225 W. Bonita Avenue.
  - 2) Positive recommendations and approval of documents by Planning Department staff.
  - 3) Revision of the appeals procedure.
  - 4) Role of the San Dimas Chamber of Commerce.
  - 5) Revocation of the Conditional Use Permit - 225 W. Bonita Avenue.

Mayor Pro Tem Templeman does not believe the questions being asked are appropriate to discuss in totality as part of a City Council meeting when other remedies have been exhausted.

At the request of Council, City Manager Michaelis said the city received the request to place these five items on the agenda. He provided background on the San Dimas Wine Shop's pursuit to obtain a Health Department permit and related permits to operate the Wine Shop and stated that the City has not seen the need nor justification to initiate Conditional Use Permit revocation proceedings. He indicated that staff met with Mr. Maksoudian and provided a prompt response to his inquiries.

**Sid Maksoudian** stated the responses did not satisfy him and he was requested to put in writing the request to be placed on the agenda. He stated he was maligned by members of the community saying he was intimidating some of the downtown merchants.

Mayor Morris stated this is not an issue for the members of the City Council. He believes there is a need to formalize the process for putting items on the agenda.

Mayor Pro Tem Templeman stated that the first two items are personnel related matters and public discussion is not appropriate.

In response to Mr. Maksoudian, Mayor Morris explained that the appeals process is contained in the ordinance and a revision requires a Municipal Code Text Amendment through the public hearing process.

In response to Mr. Maksoudian, City Attorney Brown replied that a Councilmember is not required to state a reason for appeal.

After lengthy discussion on the appeal process and revocation proceedings against San Dimas Wine Shop, City Attorney Brown explained that the direction of the City Council is to work with the applicant to get compliance.

Mayor Morris suggested Mr. Maksoudian submit his specific issues in writing.

## 7. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 12:00 a.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 12:01 a.m.

## 8. ORAL COMMUNICATIONS

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

1) In response to **Steve Kaufman**, Mayor Morris stated he exercised the prerogative as Chair to impose time limits on public comments in order to conduct agenda items. He stated that he would consider extending the second Oral Communications to five minutes.

2) **Steve Kaufman** stated that for the second time in a matter of a few months, the City Council allowed a lawyer, who is not a member of the community, to address the City Council. He said the audience was not informed of his reasons for speaking and he would appreciate the City Council qualifying speakers from outside the city.

3) **Steve Kaufman** stated that inflammatory comments toward Mr. Maksoudian were ill founded and said he found it refreshing that members of the City Council voted fairly in his case. Mr. Kaufman supports the business and hopes Mr. Maksoudian could live up to his commitment.

4) **Dennis Phillips**, 525 No. Amelia, opposed the three minute time limits on public speaking.

5) **Ginny Philips**, 525 No. Amelia, stated everyone is entitled to equal protection under the law. She appreciates the City Council's integrity in voting in favor of Mr. Maksoudian.

6) **Sid Maksoudian** insisted he be given respect from individuals who maligned him during the hearing process.

7) In response to Steve Kaufman, **Marc Hankin**, Attorney representing Vineland Food Group stated that the nonresidents created a business in San Dimas so successful that in 2006, they were voted Best New Business of the Year and Ms. Daniels was nominated to the Chamber of Commerce Board of Directors. His clients provide a place to socialize, learn about wine, meet other people, and have the support of the residents, most of whom would not have spoken if Ms. Daniels had not been attacked.

Mayor Morris stated that oral communications is an opportunity for persons to speak to the City Council, not a forum for attack.

8) **Craig Harper**, 2637 Terrebonne, said the San Dimas Wine Shop is the best thing to happen in San Dimas in the way it brought together residents, created new friendships, and supported San Dimas. He said Heidi and Jerry Daniels care about the future development of San Dimas and are willing to invest in the City and its residents, and bring people to the downtown to spend money at the stores and restaurants after visiting the Wine Shop. He mentioned that all the attacks and intimidations by one man threaten the historic nature of downtown San Dimas and could keep future business from coming in.

9) **Marvin Ersher** stated that San Dimas is a city of beautiful homes, great staff, great government, great programs, and greatness. He said from watching the last two meetings, people would think all San Dimas has in town are liquor stores.

10) **Bonnie Harper** praised the City Council for the great job. She asked that the covered wagon not be allowed to get run down with a crooked sign.

11) **Gary Enderle** stated he had three items that he would defer to the next meeting. He recommended that the meeting be adjourned in honor of the Mayor's birthday.

12) **Julie Salazar** stated that she asked Councilmember Bertone to place this item on the agenda out of concern for the charrette's vision for the downtown.

Councilmember Ebner left the dais at 12:42 a.m. and returned at 12:43 p.m.

Ms. Salazar said she is saddened the applicant has chosen San Dimas to create such animosity. She felt she did not have to justify her statements made at the March 27, 2007 meeting. She said everyone has the option of going through the process, which has recently opened a lot of discussion within the City. She has represented the community as a Commissioner, Coordinating Council, Festival of Arts, Historical Society, and thought it was important for people to be involved in the City.

b. City Manager

There was no report.

c. City Attorney

The City Attorney presented no report.

d. Members of the City Council

1) Post Election Procedures

a. Appointment of Mayor Pro Tem

Mayor Morris suggested considering reorganizing for one year terms for Mayor Pro Tem so Councilmembers have the opportunity to serve. He stated that historically, one person has been appointed to a two-year term and was frequently re-appointed. He moved to set the term to one year.

The motion was seconded by Councilmember Bertone and carried 4.1, with Mayor Pro Tem Templeman opposed.

Mayor Morris nominated Mayor Pro Tem Templeman for Mayor Pro Tem for a one year term. There being no other nominations, the nominations were closed.

It was moved by Mayor Morris, seconded by Councilmember Bertone, to elect Mr. Templeman to the position of Mayor Pro Tem for one year term. The motion carried unanimously.

b. City Council/Commission/Committee/Board Assignments.

Councilmember Bertone requested amendment to address of Southern California Association of Governments on page 1, which is the regional Council. He is a member of the General Assembly that meets annually. He is willing to continue serving.

Mayor Morris thought it might be worthwhile for Mr. Badar to get involved in the California Contract Cities Association as the delegate and all Councilmembers as alternates, with voting authority.

It was the consensus of the City Council to appoint Mr. Badar as the delegate to the California Contract Cities Association and all Councilmembers as alternates with voting authority.

Mayor Pro Tem Templeman wished to continue as delegate to the League of California Cities Board of Directors, with Councilmember Bertone as the alternate.

It was moved by Mayor Morris, seconded by Mayor Pro Tem Templeman, to appoint Councilmember Bertone to the alternate position on the Los Angeles County Sanitation District. The motion carried unanimously.

Mayor Morris stated he is a member of the Executive Committee on the California JPIA and wishes to continue to serve.

Councilmember Bertone would continue as delegate on the Pomona Valley Transportation Authority.

Councilmember Badar was appointed to serve as delegate to the Foothill Transit Zone Joint Powers Authority, with Councilmember Ebner the alternate.

Councilmember Bertone wished to continue to serve on the San Gabriel Valley Council of Governments, with Mayor Pro Tem Templeman as the alternate.

Mayor Pro Tem Templeman would continue to serve as delegate on the San Gabriel Valley Mosquito Abatement and Vector Control District and City of San Dimas-Bonita Unified School District Ad Hoc Committee. Councilmember Ebner wished to continue on the Ad Hoc Committee as the alternate.

Mayor Pro Tem Templeman volunteered to serve as the Council representative to the Equestrian Commission.

Mayor Morris and Councilmember Bertone volunteered to serve on the Development Plan Review Board until a permanent solution has been made.

In addressing Dr. Marvin Ersher's recommendation of not having a Council representative on the DPRB, Mayor Morris stated that is an issue that could be discussed at the Council/Staff Retreat.

Councilmember Ebner expressed a desire to step down from the Finance Committee stating there are no meetings held. Councilmember Badar was appointed to the Finance Committee.

Councilmember Badar was appointed to the Golf Course Advisory Committee.

Mayor Pro Tem Templeman suggested annually reorganizing this Committee.

Councilmember Ebner wished to continue on the Parks and Recreation Commission.

Councilmember Bertone wished to continue on the Senior Citizens Commission

Councilmember Badar was appointed as Council representative to the Public Safety Commission.

Mayor Morris stated that Council would take a look at all assignments and reorganize if necessary.

- 2) Announcement: Vacancy on Planning Commission – deadline to apply is 5:00 p.m. April 20, 2007.

Mayor Morris announced the vacancy on the Planning Commission with a deadline to apply by 5:00 p.m. on April 20, 2007. Residents were encouraged to contact the City Clerk's office for information and applications.

- 3) Councilmember Ebner – Friends of the Library project to send reading material to military personnel overseas.

**Debbie Yasher**, Librarian, San Dimas Library, did not have a report to submit.

- 4) Senior Citizen Commission Appointments

Three terms for individuals on the Senior Citizens Commission will expire at the end of May. Two Commissioners have completed three terms and are not eligible for reappointment.

It was moved by Councilmember Bertone, seconded by Mayor Morris, to reappoint Helen B. Dallas to the Senior Citizen Commission for a term expiring May 31, 2009. The motion carried unanimously.

The City Clerk was directed to open recruitment for the two vacancies on the Senior Citizen Commission.

- 5) Mayor Pro Tem Templeman thanked the Council for making a statement on public attacks. He did not feel the City Council meeting is a forum to vent over people issues.

- 6) Mayor Pro Tem Templeman suggested considering the Civic Center Master Plan.

- 7) In response to Councilmember Ebner, Manager Michaelis said the Retreat is scheduled for May 12, 2007. Councilmember Ebner requested a written staff report on the downtown Charrette.

- 8) Councilmember Ebner requested the three-minute rule for public speaking be placed on the agenda to consider changing it to a way it might work.

After discussion on a suitable time period, it was the consensus of the Council to limit the first public comments to three minutes for a thirty-minute block of time, and allow speakers five minutes at the second oral communications. Mayor Morris suggested using a timing device.

- 9) Councilmember Bertone praised City Manager Michaelis for handling delicate situations well.

- 10) Councilmember Bertone did not think Councilmember Ebner should take abuse for expressing himself during the meeting. He praised Mayor Morris for handling of a difficult situation.

## **9. CLOSED SESSION**

Mayor Morris recessed the meeting at 1:18 a.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

### **a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

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

- b. Property: Agency owned property at the southwest corner of Bonita Avenue and Cataract.  
Negotiating Parties:
  - For Agency: Blaine Michaelis, City Manager/Executive Director, and J. Kenneth Brown, City/Agency Attorney.
  - For Buyer:: Gary Parkinson
  - Under Negotiation: Terms and conditions of sale of land and City/Agency possible participation.
- c. Report on closed session.

Pursuant to Government Code Section 54957.7(a), the Council announced there was no reportable action.

## 10. ADJOURNMENT

Mayor Morris adjourned the meeting at 1:40 a.m. The next meeting will be Monday, April 16, 2007, 3:00 p.m. to 7:00 p.m. for a City Council/Staff Retreat.

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Mayor of the City of San Dimas

ATTEST:

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City Clerk