



**MINUTES**  
**REGULAR CITY COUNCIL**  
**TUESDAY, FEBRUARY 12, 2008, 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 Ebiner

City Manager Blaine Michaelis  
City Attorney J. Kenneth Brown  
City Clerk Ina Rios  
Assistant City Manager of Community Development Larry Stevens  
Assistant City Manager Ken Duran  
Director of Development Services Dan Coleman  
Director of Public Works Krishna Patel  
Director of Parks and Recreation Theresa Bruns  
Planning Manager Craig Hensley  
Senior Engineer Shari Garwick  
Associate Planner Marco Espinoza

**1. CALL TO ORDER**

Mayor Morris called the meeting to order at 7:04 p.m. and led the flag salute. He praised President Abraham Lincoln on his birthday and said he hoped the country would once again have a President with character, wit, humanity, kindness, judgment and decisiveness.

**2. ORAL COMMUNICATIONS** (Members of the audience are invited to address the City Council on any 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. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time or asked to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

a. Members of the Audience

1) **Richard Rauseo** expressed dissatisfaction on the waste of city resources.

2) **Galen Gillotte**, Children's Librarian, San Dimas Library, announced that the Library would be closed on Monday, February 18, for Presidents' Day. She outlined the activities and invited everyone to attend.

Councilmember Ebiner commended the Library on administering the S.A.T. tests.

3) **Ted Powl**, President/CEO, Chamber of Commerce, announced two events: 1) Civic Academy, starts March 15 and said there are 10 spots available; 2) Toast of the Town, Taste of San Dimas, on April 3, 2008, featuring 16 fine restaurants for \$25 each. Tickets are available at the Chamber of Commerce only through March 31, 2008.

4) **Sid Maksoudian** addressed the City Council on an issue with the Alcohol and Beverage Control.

### 3. CONSENT CALENDAR

(All items on the Consent Calendar are considered to be routine and will be enacted by one motion unless a member of the City Council requests separate discussion.)

Councilmember Ebner said he would abstain from vote of the January 12, 2008 special meeting minutes.

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

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

(1) **Resolution No. 08-04**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF JANUARY AND FEBRUARY, 2008.

(2) Disposition of City owned street right of way on Puddingstone Drive South of Tanglewood:

1) **Resolution No: 08-05**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, SUMMARILY VACATING A 525 SQUARE FOOT SECTION OF PUBLIC STREET ON THE EAST SIDE OF PUDDINGSTONE DRIVE LYING APPROXIMATELY 300 FEET SOUTH OF TANGLEWOOD DRIVE.

2) **Resolution No: 08-06**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS FINDING THAT THE SMALL PARCEL OF PROPERTY LOCATED NEAR PUDDINGSTONE DRIVE IS SURPLUS TO THE NEEDS OF THE CITY AND NO LONGER REQUIRED FOR A PUBLIC PURPOSE AND AUTHORIZING THE SAME TO BE SOLD TO POM-L, INC.

b. Approval of minutes for regular meeting of January 22, 2008.

END OF CONSENT CALENDAR

3 b. Approval of minutes for special meeting of January 12, 2008

It was moved by Councilmember Bertone, seconded by Councilmember Badar, to approve the minutes of special meeting of January 12, 2008. The motion carried 4.1; Councilmember Ebner abstained.

### 4. PLANNING/DEVELOPMENT SERVICES

a. Approval of Tree Permit No. 07-26 - upholding decision of the Development Plan Review Board for the removal of seven (7) Canary Island Pine Trees and four (4) Ficus trees already removed without permits at 2411 Via Mariposa.

**RESOLUTION NO. 08-07**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, DENYING THE APPEALS, AND UPHOLDING THE DEVELOPMENT PLAN REVIEW BOARD DECISION APPROVING TREE REMOVAL PERMIT NO. 07-26 LOCATED AT 2411 VIA MARIPOSA; AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 8448-026-028.

Associate Planner Espinoza provided a brief history of the approval and appeal of Tree Permit No. 07-26 . He reported that the City Council denied the appeal, upheld the Development Plan Review Board decision and directed staff to prepare a resolution, conditions, and further evaluate the replacement requirements. Staff recommends adoption of Resolution No. 08-07 approving Tree Permit No. 07-26 with a reduced tree replacement plan.

In response to Councilmember Bertone, Planner Espinoza replied that the applicant was present at the DPRB meeting and agreed to the conditions.

Mayor Morris explained that this matter came before the City Council and was referred back to the DPRB to consider an analysis of the statute that provided more latitude in determining the replacement trees, and the DRPB agreed with the City Council determination.

In response to Mr. Maksoudian, Mayor Morris clarified that the matter went back to the DPRB for a very narrow technical decision, not for re-hearing.

Mr. Maksoudian said he was informed that he would have an opportunity to discuss this matter. Mayor Morris invited Mr. Maksoudian to address the City Council at Oral Communications.

After the title was read, it was moved by Councilmember Ebner, seconded by Mayor Pro Tem Templeman, to waive further reading and adopt RESOLUTION NO. 08-07, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, DENYING THE APPEALS, AND UPHOLDING THE DEVELOPMENT PLAN REVIEW BOARD DECISION APPROVING TREE REMOVAL PERMIT NO. 07-26 LOCATED AT 2411 VIA MARIPOSA; AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 8448-026-028.

At the request of Councilmember Ebner, City Attorney Brown clarified that the City Council previously heard the appeal, and after the hearing, Mayor Morris summarized the determination and the matter was referred to the Development Plan Review Board to consider statute provisions not provided to them. He said the City Council is authorized to take formal action at this time.

For Mr. Maksoudian's benefit, Mayor Morris reiterated that all issues related to the appeal were heard on December 11, 2007; the City Council came to a decision and directed Planning staff to prepare the Resolution; however, the matter was referred to the DRPB to see if their decision would have been different had they had the benefit of the same interpretation of the code. The City Council is now formally adopting the Resolution.

The motion carried unanimously.

- b. Oral report on status of retaining wall at 1172 Edinburgh Road.

Director of Development Services Coleman reported that on Monday, February 11, the Building Official issued a permit to the DeLeons for the existing retaining wall path and is coordinating with them to perform the preliminary inspection.

In response to Mayor Morris, Director Coleman said staff granted an extension to the deadline date and during the interim time, they went through the plan check process and were able to pull the permit.

In response to Mayor Morris, City Attorney Brown stated that Mr. Coleman has the authority to extend the deadline.

**Richard Rauseo** provided a brief history of the wall/path and said the permit became invalid when the application was not filed on time. He said as a matter of law, this permit should not have been issued.

- c. Request to initiate General Plan Amendment and Specific Plan Amendment (Specific Plan No. 25 - Northern Foothills) pursuant to the Settlement Agreement between the City and NJD.

Assistant City Manager Stevens provided background on the Settlement Agreement and Release with NJD relative to their challenges to the Final Environmental Impact Report, General Plan Amendment and Specific Plan No. 25. He reported that the City of San Dimas jointly with the City of Glendora filed a

new grant application in the Rivers Mountain Conservancy Call for Projects and the application has been placed in Tier 1 for further consideration. NJD is cooperative and provided a "willing seller" letter, and requested proceeding with the General and Specific Plan Amendments prior to their submittal of development applications. Staff recommends initiation of a General Plan Amendment and Amendment to Specific Plan No. 25 pursuant to the Settlement Agreement subject to a Letter Agreement updating the concurrent processing and grant cooperation issues.

Mayor Morris explained the lawsuit filed by NJD and settlement agreement. He said approval of this matter would initiate the public hearing process through the Planning Commission and City Council. He said the City Council is not bound by the settlement agreement.

Councilmember Bertone explained that approval tonight would initiate only the public hearing process and no project is being approved.

In response to Councilmember Ebiner, Assistant City Manager Stevens said it would take approximately four to six months to complete the hearing process depending on decisions on CEQA compliance.

It was moved by Councilmember Badar, seconded by Councilmember Bertone, to authorize staff to initiate a General Plan Amendment and Amendment to Specific Plan No. 25 pursuant to the Settlement Agreement subject to a Letter Agreement updating the concurrent processing and grant cooperation issues. The motion carried unanimously.

- d. 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.

Planning Manager Hensley presented a proposal submitted by the owner of the 76 Gas Station requesting the City Council to initiate an Amendment to the Code to allow a convenience store along with the existing service station. The service station is located on the corner of Via Verde and San Dimas Avenue, zoned Specific Plan 17, Area I Service Station. The prohibition of convenience stores in Specific Plan No. 17, and other locations in the city, is policy set by City Council that can be revised if the City Council deems it appropriate. Staff recommended direction.

Manager Hensley responded to Council regarding required parking; there would be two bays left for auto services; shared parking with Brighton Gardens is being considered; the zone was changed in Area 3 to allow convenience stores at two gas stations; and he explained the process to initiate a change.

Mayor Morris invited the applicants to speak.

**Bill Ghosen**, Planner, stated that times have changed and they would like to accommodate the neighborhood's needs. He indicated that the shop wastes square footage that could be utilized in other ways.

**Sam Ghosen** explained that most of the parking would come from people at the gas pumps or not needing a space. He said the proposed mini-market would consist of 1500 s.f. - 1800 s.f. and parking would be shared with the adjacent owner. He said 75% of the landscaped area belongs to the gas station.

**Marlene Ebtinor**, Realtor, said Vons closes at 10:00 p.m. and thought a convenience market would be appropriate in the area.

**Dr. Marvin Ersher** provided a brief history of how the gas station was approved, and said the specific plan prohibits food uses. He asked the Council to reject the request for a convenience market.

After some inappropriate comments from Mr. Maksoudian, Mayor Morris instructed him to make comments related to the issue at hand.

**Sid Maksoudian** said the convenience store is not selling liquor and the Alcohol Beverage Control would not grant a permit to the business owners because of close proximity to the freeway.

**Sam Ghosen** stated that 100 people who live in the Via Verde area have given their support and Brighton Gardens has submitted an unconditional letter for the shared parking.

**Sam Easel**, Via Verde resident, commented that a convenience store would be convenient to the area.

**Patick Jones** said he lives in Via Verde and supports the convenience market.

**Gary Enderle**, Via Esperanza, said things have changed over the last 25 years and encouraged the City Council to take a look at going forward with this project.

Mayor Pro Tem Templeman expressed concerns with parking and queuing issues.

Councilmember Bertone stated that years ago the city was very specific about setting out the regulations.

Councilmember Badar said things have changed over 25 years and the City Council has the authority to help a person build a business. He believes the City Council needs to think about progress and be fair to small business.

Councilmember Ebiner said the design of the station is an older design with pumps fairly close. He said convenience markets with gas stations have parking close to the door. He does not see people parking far away at the shared parking.

Mayor Morris stated there is some inconsistency and felt it is not unreasonable to conduct a review at this site and other places to determine if the purpose of the ordinance is still what it should be.

In response to Mayor Morris, Mr. Bill Ghosen stated that he would like to install a walk-in cooler and 500 s.f. of storage area.

It was moved by Councilmember Badar to approve the process to move this project forward. The motion was seconded by Mayor Morris and failed 3.2; Councilmembers Bertone, Ebiner, and Templeman opposed.

It was moved by Councilmember Bertone, seconded by Councilmember Ebiner, to reject the proposal to amend the Municipal Code to permit a convenience store in Specific Plan No. 17. The motion carried 3.2; Councilmembers Badar and Morris opposed.

## **RECESS**

Mayor Morris recessed the meeting at 9:22 p.m. The meeting was reconvened at 9:33 p.m. with all members present.

## **5. OTHER MATTERS**

- a. Receive report from staff regarding Northwood's Open Space Maintenance District.

Director of Parks and Recreation Bruns reported that Northwood's property owners have submitted their recommendations for the continuance of the Assessment District for 2008-09. The report details the

current action in the District and includes the 2008-09 proposed plan. Staff recommends moving forward with the proposal for an assessment increase, and to prepare the necessary documentation for conducting a ballot procedure. Staff also recommends that should the proposal be approved by a vote of the property owners, no additional monies will be allocated to the District beyond those collected through assessment. Further, it should be made clear that if the ballot vote fails to obtain the necessary approval, the Northwood's District will become inactive on June 30, 2008 and the property owners will assume responsibility for their own property maintenance beginning July 1, 2008, with a Revocable Grant of License recorded for each parcel, allowing the right of access to the slope easement area.

Mayor Morris asked if anyone from Northwoods was present to speak. No one came forward to speak.

It was moved by Councilmember Badar, seconded by Councilmember Bertone, to approve staff's recommendation as outlined in the staff report. The motion carried unanimously.

## **6. SAN DIMAS REDEVELOPMENT AGENCY**

Mayor Morris recessed the regular meeting at 9:39 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 9:49 p.m.

## **7. SAN DIMAS HOUSING AUTHORITY**

Chairman Morris recessed the regular meeting at 9:49 p.m. and convened a meeting of the San Dimas Housing Authority Board of Directors. The regular meeting reconvened at 10:13 p.m.

## **8. ORAL COMMUNICATIONS**

- a. Members of the Audience (Speakers are limited to five (5) minutes or as may be determined by the Chair.)

1) **Claire Ostrand** addressed the City Council on taking action to identify the scenic easement lots in Specific Plan No. 4.

Mayor Morris addressed Mr. Maksoudian and stated that Mr. Stevens was not aware that the discussion was going to be limited to the Resolution. Mayor Morris indicated that Mr. Maksoudian had called Planning and the information was not clearly communicated to the Development Plan Review Board Chair. However, the matter that went back to the DPRB did not require further input because the City Council overruled the DRPB decision. The issue was limited to consideration by the DRPB whether their decision would have differed based on different interpretation.

2) **Sid Maksoudian** stated he would like the City Council to place on the calendar an issue regarding inappropriate behavior by a State employee. 2) For the sake of fairness, the law should be clear and consistently applied.

Mayor Morris stated that the issue of the ABC employee should be presented to City Manager Michaelis.

3) **Tim Garcia** thanked the City Council for a reasonable solution to issues of the Tree Ordinance. He praised staff's professionalism.

4) **Linda Roswell** thanked the City Council and staff for their assistance with Northwoods.

5) **Marvin Ersher** commended homeowners for realizing it is in their best interest to maintain the slopes.

- b. City Manager

City Manager Michaelis would like to calendar meeting dates to meet with Supervisor Antonovich.

c. City Attorney

City Attorney Brown said he missed announcing the completion of 32 years at the last City Council meeting. He thanked the City Council for the opportunity to celebrate 32 years representing the City of San Dimas.

d. Members of the City Council

1) Councilmembers' report on meetings attended at the expense of the local agency.

Mayor Morris reported that he attended the Los Angeles Division of the League of California Cities on Thursday, February 7, 2007. He said discussion focused on how to deal with the homeless shelters in the housing element.

Mayor Morris mentioned that Council had talked about having public meetings regarding the Walker House. He requested an update from Mr. Stevens.

Assistant City Manager Stevens said two dates have been set for community meetings relative to the uses of the Walker House. The meetings are scheduled on Saturday, March 1, 2008, 10:00 a.m. - 12:00 noon, at the Senior Citizens Community Building and Tuesday, March 4, 2008, 6:00 - 8:00 p.m. in the City Council Chambers, to solicit input from the community and report back to the City Council. He said invitations would be sent to interested parties and notices posted at the Board and displayed in the newspapers.

Mayor Morris inquired if City Attorney Brown is worried about more than two Councilmembers attending one of these informational meetings. City Attorney Brown said two or more Councilmembers may attend the meetings.

2) Appointment of Public Safety Commissioners.

Mayor Morris announced three vacancies on the Public Safety Commission with a deadline to apply by February 22, 2008. He expressed concern with absences at the meetings by Commissioners Arocha and Gilbert-Jones. City Manager Michaelis will inquire further.

It was moved by Councilmember Bertone, seconded by Councilmember Ebner, to reappoint Karol Curtis, Alan Nash, Neil Oudejans, and James Sloniker to the Public Safety Commission for a two year term to expire February 10, 2010. The motion carried unanimously

Mayor Morris stated that interviews would be conducted and appointments made in the future.

3) Individual Members' comments and updates.

Mayor Pro Tem Templeman stated that the City Council is not running small businesses out of town, and that cases are heard one at a time. He mentioned that the City Council assisted several small independent businesses and said he felt he could not support the convenience market.

**9. CLOSED SESSION**

Mayor Morris recessed at 10:58 p.m. The City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8 was not heard:

a. **CONFERENCE WITH REAL PROPERTY NEGOTIATION**

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: Discussion regarding potential property acquisition involving Vista Verde Ranch property generally located in the unincorporated county area adjacent to and north of the development in Via Verde.

Negotiating Parties:

For City: Blaine Michaelis, City Manager, Larry Stevens, Assistant Manager Development Services, and J. Kenneth Brown, City Attorney.

For Seller: Daniel Singh

Under Negotiation: Terms and conditions of sale of grant application involving potential acquisition of land and possible City participation.

c. **REPORT OF CLOSED SESSION ACTION.**

Pursuant to Section 54957.7(a), the City Council did not conduct a closed session and there is nothing to report.

**10. ADJOURNMENT**

Mayor Morris adjourned the meeting at 10:58 p.m. to continue the study session to review the Conceptual Design Alternative for San Dimas Avenue between Gladstone Street and Foothill Boulevard.

The next meeting is Tuesday, February 26, 2008, 5:00 p.m. for a Preliminary Budget Meeting. The regular meeting is at 7:00 p.m.

---

Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

---

Ina Rios, CMC, City Clerk