



**MINUTES**  
**REGULAR CITY COUNCIL**  
**TUESDAY, NOVEMBER 9, 2010, 7:00 P. M.**  
**MULTI-PURPOSE ROOM**  
**SENIOR CITIZEN/COMMUNITY CENTER**  
**201 E. BONITA AVENUE**

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**PRESENT:**

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

City Manager Blaine Michaelis  
City Attorney Mark Steres  
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  
Facilities Manager Karon DeLeon  
Associate Planner Kristi Grabow  
Environmental Services Coordinator Lisa Monreal

Director of Parks and Recreation Theresa Bruns

**1. CALL TO ORDER AND FLAG SALUTE**

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

**2. ANNOUNCEMENTS**

- 50th Anniversary Flashbacks

Bill Emerson, San Dimas Historical Society, recited articles from the San Dimas Community News for the years 1965 and 1998. He announced the events for December that include the Holiday Extravaganza at the Walker House and the Historical Society display of Toys from Yesterday. He asked members to loan toys for the display by November 16, 2010.

- Pui-Ching Ho, Library Manager, San Dimas Library

Pui-Ching Ho, Library Manager, extended an invitation to visit the San Dimas Library to experience a variety of free activities during the month of November 2010. For detailed information, contact the Library at 909/599-6738.

- 3. 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) Bill Emerson, Historical Society representative, announced that the Historical Society will be displaying Toys of Yesterday in December and Citrus Labels on January 29, 2011. He said several activities will be conducted including the annual Antiques from Your Home Show.
- 2) Jessica Fuentes, Executive Board Treasurer, San Dimas High School, thanked the City Council and staff for their support of the annual Homecoming Parade. She announced holiday food drives and fundraisers and commented on the students' scholastic and athletic activities.
- 3) Shelbie Moore, ASB student, and Aunisha Leffridge, ASB President, Lone Hill Middle School, reported on the Red Ribbon Day event, scholastic and athletic activities, upcoming conferences and workshops, and commented on spirit shirts worn by different grade levels.
- 4) Michael Kelly, Principal, San Dimas High School, thanked the City Council and staff for their support of the Homecoming Parade downtown. He said merchants, parents and the kids enjoyed the activity. He extended an invitation to attend their games.
- 5) Ted Powl, President/CEO, Chamber of Commerce, said the downtown merchants expressed that the Homecoming Parade is a worthwhile community event. He announced holiday activities that include membership Breakfast/Holiday Shopping Boutique, Downtown Holiday Extravaganza, and the annual Christmas Tree lighting ceremony with the Mayor and Little Miss San Dimas. He encouraged the community to do their Christmas shopping locally and participate in the Downtown Merchants' Holiday raffle.
- 6) Margie Green invited the community to end the year-long 50<sup>th</sup> Anniversary celebration with an enjoyable night of dinner and dancing to the Soundbytes at the big New Year's Eve party at Via Verde Country Club on December 31, 2010. Tickets are available with the Parks and Recreation Department.
- 7) Dawna Marshall said the San Dimas Sheriff's Boosters Club is selling See's candy at the Holiday Extravaganza with all proceeds to go to the Sheriff's Volunteer organizations, that include San Dimas Mountain Rescue, Mounted Posse, Uniformed Reserve, Disaster Communications, and Station Volunteers.

**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.)

Item 4.d was removed for clarification; and Item 4.e was removed and will be brought back for consideration at the next meeting.

It was moved by Mayor Pro Tem Ebner, seconded by Councilmember Bertone, and 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) Consider approval of Warrant Register:

**RESOLUTION NO. 2010-59, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF OCTOBER AND NOVEMBER, 2010.**

Councilmembers Badar and Templeman abstained from approval of line items in the warrant register pertaining to mileage reimbursement to attend conferences.

b. Approval of minutes for the regular City Council meeting of October 26, 2010 and special meeting of October 26, 2010.

c. Approval of the City's Annual Independent Audited Financial Statements.

~~e. Rejection of claim for damages from Randy Argo. To be considered on November 23, 2010.~~

f. Rejection of claim for damages from Charles Douglas Cassidy.

#### END OF CONSENT CALENDAR

4.d. Approval of Assignment and Assumption Agreement (Sunnyside Apartments).

City Attorney Steres explained that Strata Equity International, LLC created a separate entity under the name of Strata Sunnyside LLC for the purchase and management of Sunnyside Apartment complex. He recommended approval of the amended Assignment and Assumption Agreement reflecting the name change and to authorize the City Manager to execute the Consent of Issuer.

It was moved by Councilmember Bertone, seconded by Mayor Morris, to approve the City Attorney's recommendation. The motion carried unanimously.

#### 5. PUBLIC HEARING

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

a. Consider Zone Change 10-02, a request to change the existing zoning designation of 702-762 West Arrow Highway from Creative Growth, Area 1 (CG-1) to Commercial Highway (CH) (APN: 8386-007-049).

1) **ORDINANCE NO. 1198, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING ZONE CHANGE 10-02, A REQUEST TO CHANGE THE EXISTING ZONING DESIGNATION OF 702-762 WEST ARROW HIGHWAY FROM CREATIVE GROWTH, AREA 1 (CG-1) TO COMMERCIAL HIGHWAY (CH) (APN: 8386-007-049). FIRST READING AND INTRODUCTION**

Associate Planner Kristi Grabow presented a proposal from the property owner to amend the existing zone designation from Creative Growth, Area 1 (CG-1) to Commercial Highway (C-H) at 702-762 West Arrow Highway. She stated that the Planning Commission reviewed the proposal and recommended approval to the City Council. Staff recommends introduction of Ordinance No. 1198.

In response to Mayor Pro Tem Ebner, Planner Grabow replied that offices are not currently allowed in CG-1, but are permitted and limited to 10 square feet on the second floor of larger shopping centers. She reviewed the detailed list of uses that would be permitted if the City Council approves the zone change.

Councilmember Templeman expressed concern that if approved, spot zoning might set a precedent for the remainder of San Dimas Station.

In response to Councilmember Bertone, Planner Grabow stated that the zone change would apply only to this property.

Mayor Morris opened the public hearing and invited comments from the property owner.

Jian Torkan, property owner, stated there are several disadvantages to this small center than in other zones. He stated he cannot have freeway signage due to size restrictions and has had to turn away potential tenants because office uses are not permitted. Also, due to limited parking, it is difficult to find tenants, causing long term vacancy. He asked for the opportunity to bring in tenants such as medical or office uses.

Mayor Morris invited comments in support of, or in opposition to, the project. There being no one wishing to speak, the public hearing was closed.

Councilmember Bertone stated this is a difficult piece of property and he moved to approve staff's recommendations. The motion was seconded by Councilmember Badar.

In response to Mayor Pro Tem Ebiner, Planner Grabow replied that policy was established in the early 2000's to allow a limit of 10% office use at the Ralph's Shopping Center and San Dimas Station. Director of Development Services Coleman stated that the intent of the policy is to protect commercial sales tax generating revenue.

Assistant City Manager Stevens clarified that the policy was written for specific shopping centers, and not other portions of the Creative Growth, Area 1 (CG-1). He added that several offices in the CG-1 zone were established as service-type businesses, rather than office, and a few offices remained that were previously established on the second floor without approvals.

Mayor Pro Tem Ebiner stated he will vote against the zone change because the center is located at a major entrance to the city and he felt some uses that might be permitted are inappropriate at this location. However, he would support the proposal if the policy included office use in the CG-1 zone.

Assistant City Manager Stevens stated that approval can be conditioned to achieve compatibility with other existing uses or the conditional use permit would not be approved.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Badar, to waive further reading and introduce **ORDINANCE NO. 1198**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING ZONE CHANGE 10-02, A REQUEST TO CHANGE THE EXISTING ZONING DESIGNATION OF 702-762 WEST ARROW HIGHWAY FROM CREATIVE GROWTH, AREA 1 (CG-1) TO COMMERCIAL HIGHWAY (CH) (APN: 8386-007-049). The motion carried 4.1; Mayor Pro Tem Ebiner opposed.

## 6. OTHER MATTERS

- a. Cast vote for Councilmember Margaret Clark as representative to the San Gabriel Basin Water Quality Authority Board.

**RESOLUTION NO. 2010-60**, CASTING ITS VOTE(S) FOR ROSEMEAD COUNCILMEMBER MARGARET CLARK TO REPRESENT CITIES WITHOUT PRESCRIPTIVE PUMPING RIGHTS ON THE BOARD OF THE SAN GABRIEL BASIN WATER QUALITY AUTHORITY.

After the title was read, it was moved by Councilmember Bertone, seconded by Mayor Pro Tem Ebiner, to waive further reading and adopt **RESOLUTION NO. 2010-60**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, CASTING ITS VOTE(S) FOR ROSEMEAD COUNCILMEMBER MARGARET CLARK TO REPRESENT CITIES WITHOUT PRESCRIPTIVE PUMPING RIGHTS ON THE BOARD OF THE SAN GABRIEL BASIN WATER QUALITY AUTHORITY. The motion carried unanimously.

- b. Authorization to Apply for Highway Safety Improvement Program Grant Funds for Pedestrian and Bikeway Trail from Cypress Street to Avenida Loma Vista

Environmental Services Coordinator Lisa Monreal reported that the Highway Safety Improvement Program is allocating \$15 million to Los Angeles County for safety improvement projects and staff has contacted Caltrans to discuss eligibility of the project, and has received tentative support of the concept. Staff recommended direction and support for the grant filing to fund a multi-use path from Cypress Street to Avenida Loma Vista.

Director of Public Works Patel responded to Council that total cost of construction is \$775,000, with 10% matching funds.

In response to Mayor Morris, Assistant City Manager Duran replied that staff will have the Joint Power Insurance Authority review the agreement between the City and CalTrans.

It was moved by Mayor Pro Tem Ebner, seconded by Councilmember Badar, to authorize staff to file for applications for Highway and Safety Improvement Program (HSP) funds for a multi-use path from Cypress Street to Avenida Loma Vista and to authorize the Mayor to sign a letter of support for the project. The motion carried unanimously.

## **7. SAN DIMAS REDEVELOPMENT AGENCY**

Mayor Morris recessed the regular meeting at 7:59 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:01 p.m..

## **8. ORAL COMMUNICATIONS**

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

There were no comments.

- b. City Manager

- 1) Update on City Hall, Civic Center, and Stanley Plummer expansion and renovation project.

- a) Director of Development Services Coleman provided an update on the 35th week of construction at the City Hall and Plumber Building. He said the project is on schedule and completion is expected in mid-March 2011, with a move-in date of April 1, 2011.

- b) City Manager Michaelis expressed his gratitude for the electoral support of Proposition 22.

- c) City Manager Michaelis reported that paving will be completed today on Amelia Avenue, and the road could be opened by mid-day Wednesday November 10, 2010. He said the pedestrian portion needs to remain closed until fabrication of wrought iron fencing along the west side is completed and installed.

- 2) Oral report explaining the information contained in the State Controller's Office summary of local government compensation throughout the state

City Manager Michaelis reported that the Controller's Office established a standard format to collect and report city and county employee compensation information on their website. Pursuant to Mayor Pro Tem Ebner's request, Mr. Michaelis explained in detail the background information included in each column of the report for City of San Dimas employees and responded to specific questions from the City Council.

c. City Attorney

There were no comments.

d. Members of the City Council

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

- a) Councilmember Templeman said he attended the Risk Management conference in Santa Barbara on October 27-29, 2010, and reported on the excellent training sessions provided by the Joint Powers Insurance Authority.

- b) Councilmember Badar also attended the Risk Management seminar, as well as the California Contract Cities Association conference on October 29-31, 2010, on behalf of the City of San Dimas. He mentioned that during one session, Assemblyman Portantino talked about Assembly Bill 1999, which provides immunity to underage drinkers to call authorities for assistance. The bill passed the Assembly in April and was approved by the Governor in September.

- c) Mayor Morris said he attended the Risk Management conference at the expense of the Joint Powers Insurance Authority. He stated that this has become one of the best conferences with great representation from the city. He also attended the California Contract Cities Association conference as a moderator of one panel, along with a reporter of the Los Angeles Times and a Media Officer from the Sheriff's Department, on the topic of disaster preparedness.

- 2) Individual Members' comments and updates.

- a) Councilmember Templeman expressed happy birthday wishes to Charles McCants, a great volunteer in the community.

- b) Councilmember Bertone reported that construction has begun on the Metro Goldline Foothill Extension 2a from Pasadena to Azusa, and scoping for the environmental impact report has started for Phase 2b from Azusa to Ontario Airport. He added that San Dimas is included in Phase 2b and a station is proposed east of San Dimas Avenue. A meeting is scheduled on January 20, 2011 at Ekstrand School to solicit public input on the environmental documents.

- c) Councilmember Bertone mentioned he attended the opening of the Humane Society's new building on Friday November 5, 2010.

- d) Councilmember Bertone commented on the success of the city sponsored event to clean up the Walnut Creek trail.

- e) Councilmember Bertone said construction for the first phase of the \$41 billion High-Speed Rail project from San Francisco to San Diego is expected to begin next year in the Central Valley, with a goal to complete phase 1 by 2020.

**9. ADJOURNMENT**

Mayor Morris adjourned the meeting at 8:42 p.m. The next meeting is on Tuesday, November 23, 2010, at 7:00 p.m.

Respectfully submitted,

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Ina Rios, CMC, City Clerk