



MINUTES
REGULAR CITY COUNCIL
TUESDAY, SEPTEMBER 13, 2011, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem Jeff Templeman
Councilmember Emmett Badar
Councilmember Denis Bertone
Councilmember John Ebner
City Manager Blaine Michaelis
City Attorney J. Kenneth Brown
City Clerk Ina Rios
Assistant City Manager for 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
Associate Planner Kristi Grabow
Associate Planner Marco Espinoza
Recreation Coordinator Erica Rodriguez

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

- San Dimas 5K and 1 mile Family Fun Run and Family Fitness Fair for Saturday, September 24, 2011.

Recreation Coordinator Rodriguez announced the annual 5K and 1 Mile Family Fun Run to take place on Saturday, September 24, 2011, at 7:30 a.m. and 8:30 a.m. respectively. Pre-registration ends Wednesday, September 21, 2011 at 5:30 p.m., or participants can register at 6:30 a.m. the day of the race. She said a healthy breakfast will be available at 8:00 a.m. for participants.

- Walnut Creek Community Meeting, Thursday, September 29, 2011, 6:30-8:00 p.m. , Stanley Plumber Building

Assistant City Manager Stevens announced that the City of San Dimas in partnership with the Watershed Conservation Authority will host a Visioning Workshop to invite input on the Walnut Creek Habitat and Open Space Project. The first Workshop will be held on Thursday, September 29, 2011, from 6:30 p.m. to 8:00 p.m., in Stanley Plumber Community Building. He said the site assessment will be available on the City's website at www.cityofsandimas.com, and postcards will be mailed out 1,000 feet radius from the property. He said the consultant would like to know the number of attendees to approximate seating and refreshments.

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

1) Pui-Ching Ho, Library Manager, invited children to join them at Pre-School Story Time at 10:30 a.m. on Fridays; input is needed from innovative and energetic teens, grades 6-12, at the Teen Advisory Board meeting on Saturday, September 17th to help promote the Library to other teens; tutors are available on the free online service to assist students in back-to-school needs and adult tutors can assist in resumé review, job search, GED, and citizenship. Website can be accessed at www.colapublib.org or log on to www.libtutor.com. A free Genealogy 101 workshop will be conducted on September 17th; Friends of San Dimas Library annual Book sale will be held during Western Days on Friday through Sunday, September 30 through October 2, 2011. For detailed information, contact the Library at 909/599-6738.

➤ HEROES – present Certificates of Recognition to Principals and students

Janie Graef, HEROES, said the San Dimas HEROES First Annual Golf Tournament held Monday, September 12, 2011 was a great success and they look forward to doing it again each year. She mentioned that construction has begun on the Memorial site.

Ms. Graef and Mayor Morris distributed Certificates of Recognitions to Principals and Students of Allen Avenue School, Ekstrand Elementary School, Gladstone School, Shull School, Lone Hill Middle School, Chaparral High School, San Dimas High School, Bonita Unified District Office, and Shapiro School.

A representative Student from each school shared their fundraising efforts to donate to the HEROES Memorial Drive. Alta Skinner was presented with a bouquet of flowers for her positive efforts in coordinating this fundraiser and lunch with Principals.

Ms. Graef invited the community to join the HEROES on November 11, 2011 for the dedication at the monument.

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) Debra Ashby, RN, Sr. Public Information Specialist, South Coast Air Quality Management District, (AQMD) invited the Council and the community to a free Air Quality Technology Symposium at South Coast AQMD auditorium on September 28-29, 2011. The event will feature a panel of experts to discuss an integrated clean air strategy and solicit new and innovative concepts. She distributed brochures of a Vision for Clean Energy prepared in conjunction with the San Gabriel Valley Council of Governments and California Air Resources Board.

2) Jamel Nickelsacher, ASB President, San Dimas High School, highlighted sports and academic activities, tutorials, and upcoming events, including Homecoming week October 10-15, and Homecoming Dance on October 15, at Pomona Fairplex.

3) Mitch Crawford, Chair, Chamber of Commerce, reminded the community that Friday, September 16th is San Dimas Day at Los Angeles County Fair. He said admission is available from Noon to 6:00 p.m. with five cans of Ralphs private label products for the Los Angeles County Regional Food Bank, of which a portion comes to the San Dimas Community Church Hunger Kitchen to help the needy. Being honored at the Fair are Tyler Gravity, and Kimberly and David Bratt, San Dimas Community Heroes.

4) Mitch Crawford, Chair, Chamber of Commerce invited the community to San Dimas Western Days on Saturday and Sunday, October 1-2, 2011. Additional information will be available in two weeks.

5) Susie Crawford, Branch Hands, said everyone sits on the sidewalk under the shade of the majestic oak trees during Western Days Parade. She conveyed the City Arborist's gratitude to the community for the care of trees on San Dimas Avenue.

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 removal for separate discussion.)

Councilmember Ebiner requested amendment of the minutes on page 4 to correct the statement referring to the Brasada Development.

Councilmember Ebiner commented that he intends to vote for item 4.a.2, approval of Final tract map 60865. He stated that four years ago he voted against this item because at that time he felt that this was not the right kind of development for Lone Hill. He mentioned that the developer is moving forward with the project and he felt it was fair to vote in favor of the project at this time.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, and 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. 2011-41** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF AUGUST AND SEPTEMBER 2011.

(2) Consider approval of Tract Map 60865, Approval and adoption of Resolution No. 2011-46 approving Final Map and Subdivision Agreement for Tract 60865 located 309 N. Lone Hill Avenue at intersection of Lone Hill Avenue and Overland Court, and authorizing their recordation. Acceptance of, subject to improvement, any offer of dedication shown on final map.

RESOLUTION NO. 2011-46, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE FINAL MAP AND SUBDIVISION AGREEMENT FOR TRACT 60865 AND AUTHORIZING THEIR RECORDATION

(3) Approve Denial of Appeal of DPRB Case No. 10-07 - An approved request to grade the rear portion of a single-family residence into terraces, approximately 190 feet long by 90 feet wide, for the purpose of planting fruit trees located at 523 Puddingstone Drive (8382-017-007).

RESOLUTION NO. 2011-47, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS DENYING THE APPEAL AND UPHOLDING THE APPROVAL OF DPRB CASE NO. 10-07, AN APPROVAL TO GRADE THE REAR PORTION OF A SINGLE-FAMILY RESIDENCE INTO TERRACES, APPROXIMATELY 190 FEET LONG BY 90 FEET WIDE, FOR THE PURPOSE OF PLANTING FRUIT TREES LOCATED AT 523 PUDDINGSTONE DRIVE (8382-017-007).

- b. Approval of minutes for regular City Council meeting of August 23, 2011.
- c. Approve Jackie Bristow Memorial 5K and 1 Mile running road race on January 7, 2012.
Restricted closure of certain streets within the downtown area on Saturday, January 7, 2012 from 6:00 a.m. to 12:00 p.m.
- d. Tax Sharing Resolutions approving and accepting negotiated exchange of property tax revenues resulting from annexation to County Sanitation District No. 22 (Annexation No. 410) one proposed commercial lot on Cataract and one existing single-family home on Arrow Highway.
- e. Tax Sharing Resolutions approving and accepting negotiated exchange of property tax revenues resulting from annexation to County Sanitation District No. 22 (Annexation No. 415) 61 proposed single-family homes on Cataract Avenue.
- f. Award of Cash Contract No. 2011-07, annual striping maintenance contract, to Superior Pavement Markings, Inc., in the amount up to \$8,533.00.
- g. Proclaim September, 2011 as National Alcohol and Drug Addiction Recovery Month.
- h. Proclaim September, 2011 as Childhood Cancer Awareness Month.

END OF CONSENT CALENDAR

5. PUBLIC HEARING

- a. Consider Extension of Ordinance 1205, an urgency ordinance amending the Sign Code establishing interim regulations for window signs.

1) ORDINANCE NO. 1208, AN ORDINANCE OF THE CITY OF SAN DIMAS EXTENDING EXISTING URGENCY ORDINANCE NO. 1205, AMENDING EXISTING PROVISIONS OF THE CITY'S SIGN CODE REGARDING THE STANDARDS FOR WINDOW SIGNS FOR UP TO AN ADDITIONAL 10 MONTHS AND 15 DAYS. FIRST READING AND INTRODUCTION

Assistant City Manager for Community Development Stevens reported that Ordinance No. 1205 was enacted on August 9, 2011 as an urgency ordinance, to establish revised interim standards for window signs until the Sign Code update is completed. Mr. Stevens stated that concerns raised at the meeting will be addressed at the upcoming Joint Study Session on October 19, at 6:00 p.m.. He recommended adoption of attached Ordinance No. 1208 extending the interim window sign regulations for up to an additional 10 months and fifteen days effective at the end of the 45 days.

Mayor Morris opened the public hearing and invited comments in favor of, or in opposition to, the interim sign ordinance.

1) In response to Susie Crawford, Assistant City Manager Stevens explained the use of window space and stated that the exact method of measurement was not addressed in the ordinance because it is included in the existing code and staff will be looking at it when the update is brought to the joint study session.

Mayor Pro Tem Templeman stated that it is important to remember that the percentage is based on total window measurements, including all glass on the storefront.

Mr. Stevens pointed out that a glass front door is also included in the total square footage when the 5% or 20% is calculated to determine how much window sign area is permitted. He said the merchant can use 5% or 20% any way he or she chooses as long as they stay within the numerical limits.

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

Mayor Morris announced that a Joint Study Session with the City Council and Planning Commission will be held on October 19, 2011 to hear public input concerning the Sign Ordinance, after which time public hearings will be held at the Planning Commission and City Council meetings to consider the revised Sign Ordinance.

After the title was read, it was moved by Councilmember Ebner, seconded by Councilmember Bertone, to waive further reading and adopt **ORDINANCE NO. 1208**, AN ORDINANCE OF THE CITY OF SAN DIMAS EXTENDING EXISTING URGENCY ORDINANCE NO. 1205, AMENDING EXISTING PROVISIONS OF THE CITY'S SIGN CODE REGARDING THE STANDARDS FOR WINDOW SIGNS FOR UP TO AN ADDITIONAL 10 MONTHS AND 15 DAYS. The motion carried unanimously.

- b. Consideration of Municipal Code Text Amendment 11-01, Precise Plan 11-03, DPRB Case No. 11-34, and Conditional Use Permit 11-05 - A request to amend Municipal Code Section 18.540.130.B (Specific Plan No. 24, Area 1 – Regional Commercial) to conditionally allow drive-through restaurants with audible speakers within 300 feet of residentially zoned properties in conjunction with the construction of a 2,448 square foot drive-through restaurant (Panda Express) to be located at the southeast corner of Gladstone Street and Lone Hill Avenue in the Citrus Station Center (formerly known as Costco Center). APN: 8383-009-072
 - 1) **ORDINANCE NO. 1209**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 11-01, AMENDING THE DRIVE-THROUGH RESTAURANT REQUIREMENTS OF CODE SECTION 18.540.130.B WITHIN SPECIFIC PLAN 24, AREA 1 – REGIONAL COMMERCIAL ZONE. **FIRST READING AND INTRODUCTION**
 - 2) **RESOLUTION NO. 2011-42**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN 11-03 AND DEVELOPMENT PLAN REVIEW BOARD CASE NO. 11-19, A REQUEST TO CONSTRUCT AND OPERATE A 2,448 SQUARE FOOT DRIVE-THROUGH RESTAURANT (PANDA EXPRESS) WITHIN THE CITRUS STATION (APN: 8383-009-072).
 - 3) **RESOLUTION NO. 2011-43**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 11-05, A REQUEST TO CONSTRUCT AND OPERATE A 2,448 SQUARE FOOT DRIVE-THROUGH RESTAURANT (PANDA EXPRESS) WITHIN THE CITRUS STATION (APN: 8383-009-072).

Associate Planner Espinoza reported that the applicant is proposing to construct a drive-through Panda Express with audible speakers within the Citrus Station, at the southeast corner of Lone Hill Avenue and the main entrance to the Center. The applicant is proposing to operate 7 days a week from 11:00 a.m. to 10:00 p.m. The applicant requires a code amendment to allow a drive-through restaurant with audible speakers, which are not permitted within 300 feet of residentially zoned properties within Specific Plan No. 24. Planner Espinoza stated that the Development Plan Review Board reviewed the project and recommended approval with minor design modifications. After reviewing the proposal on August 18, 2011, the Planning Commission and staff recommend approval of Municipal Code Text Amendment 11-01, Precise Plan 11-03, Development Plan Review Board Case No. 11-19, and Conditional Use Permit

11-05. Staff recommends introduction of Ordinance No. 1209 and adoption of Resolution No. 2011-42 and Resolution No. 2011-43.

In response to Council, Assistant City Manager Stevens replied that staff and the applicant are working on alternatives for the blank wall that are not considered a logo and that will have an architectural effect. He expressed concern about equal application of similar standards and advertising versus other types of signs and felt it was most appropriate to include this item as part of the sign code discussion.

In response to Councilmember Badar, Planner Espinoza replied that the Board is considering a metal cutout of a bamboo silhouette for the blank wall.

Planner Espinoza reported that a letter was received from a resident at 515 North Lonehill Avenue expressing concerns of air pollution, increased noise, lack of privacy, and decline of property values with the drive-through restaurant.

In response to Councilmember Bertone, Planner Espinoza replied that noise levels were appropriately addressed.

In response to Councilmember Ebner, Planner Espinoza pointed out the ADA walkway on the plans and said monument signs for the Center are allowed in Specific Plan No. 24. He added that each applicant will comply with parking demands for their use within their own lot, but will also share parking. Staff will look into using technology to measure noise levels to minimize noise for neighbors.

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

1) Roger Su, Architect for Panda Express, said he has worked hard with staff to satisfy all concerns to move this project forward. He is available to answer questions.

Mayor Morris invited members of the audience in favor of the project to comment.

1) Jennifer Murillo, on behalf of Costco Wholesale, said the materials were reviewed and the use compliments the Center. She agrees with the recommendation provided in the staff report.

Mayor Morris invited members of the audience in opposition to the project to comment.

1) Gil Gonzalez, Terrebonne Avenue, said he requested a copy of the Planning Commission minutes and felt a decision should not be made until all documents are available to the public. He had hoped for more upscale type of restaurants and was opposed to the drive-through project.

In response to Council, Assistant City Manager Stevens stated that the Planning Commission minutes had not been completed and a draft form is intended to go to the next Planning Commission meeting for approval. He added that Planner Espinoza presented a summary of discussion from multiple sides and issue points in the staff report, and conveyed the Commission's action and Resolutions adopted.

In response to Councilmember Ebner, City Attorney Brown stated that the City Council has the benefit of the Commission's actions at the public hearing and there isn't anything required. He said frequently minutes are available, however, the last Planning Commission meeting was cancelled, and the minutes were not included in the staff report. He stated that Messrs. Espinoza and Stevens reported on the actions of the Planning Commission.

2) Angela Redella, 611 North Lone Hill, does not oppose the Panda Restaurant, but does not want a drive through due to vehicular noise.

Mayor Morris asked if the applicant wanted to add anything in rebuttal.

1) Roger Su said he would like to work with staff to implement all recommendations to reduce noise as much as possible to minimize concerns from surrounding residents.

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

Mayor Pro Tem Templeman did not want the public to think this information is not available, and said the agenda report is posted on the website.

In response to Councilmember Bertone, Planner Espinoza replied that operating hours for Panda Express are 11:00 a.m. to 10:00 p.m. and for Olive Garden from 11:00 a.m. to 11:00 p.m. He said the Conditional Use Permit is restrictive in the hours of operation and the Panda is tied to close at 10:00 p.m.

In response to Councilmember Ebner, Assistant City Manager Stevens said there is no limit on the number of drive-through restaurants at Citrus Station. However, Panda and Olive Garden have private agreements that restrict other users on the two shopping building pads; and the other pads on Gladstone are too large to consider putting in a drive-through.

Councilmember Ebner felt that the minutes of meetings that lead to a public hearing should be included in the packet for review by the City Council and the public. He appreciated that staff pointed out the pedestrian access and asked if the additional condition addressing the digital menu and speaker was going to be included in the conditional use permit. He suggested that adoption of this code amendment be postponed.

Planner Espinoza replied that condition No. 13 would be included in the event that new technology became available and said 15 noise measurements were conducted based on analysis provided.

In response to Councilmember Bertone, Mr. Espinoza replied that if someone complains about noise, the City has the capacity to conduct tests through Code Enforcement.

Mayor Morris stated that noise levels are considerably lower than what a neighbor across the street could have. Mr. Stevens noted that noise level between 7:00 p.m. to 7:00 a.m. in a residential property is 45 decibels.

Mr. Stevens would prefer that the City Council adopt the Ordinance and direct staff to amend the standards in a general way. He said the City Council can confirm the revised language in the Ordinance when brought back for second reading, and this would allow the project to move forward.

In response to Mayor Pro Tem Templeman, Mr. Stevens replied that the sit-down area of the Panda is approximately 1,500 square feet inside and there is an outdoor patio that can accommodate up to six tables.

Councilmember Badar stated that in discussions with Costco, Panda, and Olive Garden, he felt they would be amenable to doing the right thing for the community. He is delighted to hear their enthusiasm in being a part of this community.

In response to Mayor Morris, Mr. Stevens replied that the City has the advantage of limiting the hours of operation in the Code, the conditional use permit, and noise protection. He felt the best place to add Condition 13 is in the Use Permit to ensure that if someone new tries to operate under the same user permit, the restriction is in place.

Councilmember Ebiner asked that the words “and/or not another analog system” be modified to “another standard of measurement as opposed to technology” and be included in the motion.

After the title was read, it was moved by Councilmember Ebiner, seconded by Councilmember Bertone, to waive further reading and introduce **ORDINANCE NO. 1209**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 11-01, AMENDING THE DRIVE-THROUGH RESTAURANT REQUIREMENTS OF CODE SECTION 18.540.130.B WITHIN SPECIFIC PLAN 24, AREA 1 – REGIONAL COMMERCIAL ZONE.

Mr. Stevens said he understands the motion and second to direct staff to look at the last phrase and consider either a numeric standard and/or a technology neutral standard, and to bring back that language change at the second reading of the ordinance.

The motion carried unanimously.

After the title was read, it was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to waive further reading and adopt **RESOLUTION NO. 2011-42**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN 11-03 AND DEVELOPMENT PLAN REVIEW BOARD CASE NO. 11-19, A REQUEST TO CONSTRUCT AND OPERATE A 2,448 SQUARE FOOT DRIVE-THROUGH RESTAURANT (PANDA EXPRESS) WITHIN THE CITRUS STATION (APN: 8383-009-072). The motion carried unanimously.

After the title was read, it was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to waive further reading and adopt **RESOLUTION NO. 2011-43**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 11-05, A REQUEST TO CONSTRUCT AND OPERATE A 2,448 SQUARE FOOT DRIVE-THROUGH RESTAURANT (PANDA EXPRESS) WITHIN THE CITRUS STATION (APN: 8383-009-072).

Councilmember Bertone confirmed that the motion included the added condition on noise on the conditional use permit.

The motion carried unanimously with the inclusion of Condition 13.

- c. Consideration of Precise Plan 11-02, DPRB Case No. 11-14, Tree Permit 11-25 and Conditional Use Permit 11-03 - A request to allow construction of a 7,537 square foot sit-down restaurant (Olive Garden), removal of 4 mature oak trees and to allow a type 47 On-Sale General alcohol license in conjunction with a restaurant use, located within Citrus Station (formerly known as the Costco Center), located at the southeast corner of Gladstone Street and Lone Hill Avenue. APN: 8383-009-073.
 - 1) **RESOLUTION NO. 2011-44**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN NO. 11-02 AND DEVELOPMENT PLAN REVIEW BOARD CASE NO. 11-14, A REQUEST TO CONSTRUCT A 7,537 SQUARE FOOT SIT-DOWN RESTAURANT (OLIVE GARDEN) WITHIN THE CITRUS STATION (APN: 8383-009-073).

- 2) **RESOLUTION NO. 2011-45**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 11-03, A REQUEST TO AUTHORIZE THE SALE OF BEER, WINE, AND DISTILLED SPIRITS FOR ON-SITE CONSUMPTION (TYPE 47 LICENSE) IN CONJUNCTION WITH A PROPOSED RESTAURANT, OLIVE GARDEN, LOCATED WITHIN THE CITRUS STATION SHIPPING CENTER (APN: 8383-009-073).

Associate Planner Grabow presented a request to construct and operate a new sit-down Olive Garden restaurant within a vacant lot near the Costco in the Citrus Station, located in the Specific Plan No. 24, Area 1 Zone. Proposed hours of operation are Monday through Sunday, from 11:00 a.m. to 11:00 p.m. The applicant is also proposing a separate lounge/bar area and after approval, will apply for the Type 47 license with the Alcoholic Beverage Control. She said the applicant is proposing removal of four oak trees due to their location on the parking lot and will replace them with a total of 26 36" box oak trees. The Development Plan Review Board and the Planning Commission reviewed the proposal and recommended approval with design modifications. Staff recommends the City Council adopt Resolutions No. 2011-44 and No. 2011-45.

In response to Mayor Morris, Associate Planner Grabow said staff worked with the applicant to get the appropriate information that the Review Board needed to review removal of tree No. 4 which is tentatively scheduled for September 22nd. Ms. Grabow said she did not know the survival rate of the oak tree with three-feet of soil around it.

Mayor Morris expressed concern that once the tree dies, it will create a void in the landscaping. He thought it would be better to plant mature, transplantable trees.

In response to Councilmember Bertone, Mr. Stevens said staff looked at alternate site layouts and felt comfortable with the removal of three trees, however, there is an opportunity to consider the preservation of tree No. 4.

Mr. Stevens further responded that Sycamores would grow faster than an oak tree, and staff will look at the species if an oak tree is determined not appropriate. He indicated that staff experienced issues due to adverse soil conditions in relocating some very significant trees on the main Costco project. He said the applicant's Landscaping Arborist will provide a biological report on the condition of tree No. 4, which will be reviewed by Planning Staff and the City Arborist. Staff will then make the recommendation to the Review Board to decide whether to preserve or replace the tree, and the City Council will be informed of the results.

Councilmember Bertone requested that he be included in the review of the biological reports.

In response to Council, Planner Grabow said 26 trees are proposed to be in 36-inch boxes and the Planning Commission recommended that some trees be larger than 36 inches.

In response to Councilmember Bertone, Mr. Stevens stated that Olive Garden is concerned about the parking field and would prefer that the tree be removed. He said if it is prudent to save the tree, three parking spaces will be lost; however, there is reciprocal parking throughout the site.

In response to Councilmember Badar, Mr. Stevens stated that a drought-tolerant shrub that complements the oak tree will be planted within the drip line.

In response to Councilmember Ebiner, Planner Grabow replied that 134 parking spaces are proposed, however, with the preliminary proposal to preserve Tree No. 4, there would be 131 parking spaces in addition to shared parking.

Mayor Morris opened the public hearing and invited the applicant to make his presentation.

1) John Keene, Site Development Manager, Garden, Parent Company of Olive Garden, is in agreement with everything discussed and will work with staff to move forward with the project. He is here to answer questions.

Mayor Morris invited audience members that are in favor of the project to comment.

1) Jennifer Murillo, Costco Wholesale, said they are in favor of the proposal and support the application.

Mayor Morris asked if anyone was opposed to the application. There being no one else wishing to speak, the public hearing was closed.

Councilmember Ebner expressed his excitement about getting an Olive Garden and he supported the plan, with the exception of the removal of tree No. 4. He indicated that the 26 trees will be growing and once the oak tree's life span comes to an end, the 26 trees will have compensated the vacant space. He will be awaiting the Review Board's decision.

Councilmember Badar said he will wait for the report to go through the Review Board before making a decision on the best course of action. He respects staff's decision and the technical advice of the City Arborist to come back with a professional decision.

Mayor Pro Tem Templeman said he does not want to see one tree drive the design of the project and he suggested that the developer have patio benches made from the timber of the trees.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Ebner, to waive further reading and adopt **RESOLUTION NO. 2011-44**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN NO. 11-02 AND DEVELOPMENT PLAN REVIEW BOARD CASE NO. 11-14, A REQUEST TO CONSTRUCT A 7,537 SQUARE FOOT SIT-DOWN RESTAURANT (OLIVE GARDEN) WITHIN THE CITRUS STATION (APN: 8383-009-073). The motion carried unanimously.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Ebner, to waive further reading and adopt **RESOLUTION NO. 2011-45**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 11-03, A REQUEST TO AUTHORIZE THE SALE OF BEER, WINE, AND DISTILLED SPIRITS FOR ON-SITE CONSUMPTION (TYPE 47 LICENSE) IN CONJUNCTION WITH A PROPOSED RESTAURANT, OLIVE GARDEN, LOCATED WITHIN THE CITRUS STATION SHIPPING CENTER (APN: 8383-009-073). The motion carried unanimously.

6. ORDINANCES

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

- 1) **ORDINANCE NO. 1207**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 11-02, AMENDING THE PARKING DESIGN SECTION 18.140.090.C.6.ii(B) AND SUB-AREA D (SINGLE FAMILY) 18.140.090.C.3.C IN THE CREATIVE GROWTH AREA 3 ZONE.
SECOND READING AND ADOPTION.

Associate Planner Grabow stated that at their August 23, 2011 meeting, the City Council introduced Ordinance No. 1207 that modifies the Creative Growth, Area 2 Zone (CG-3), tandem parking design Section 18.140.090.C6.ii(B) and Sub-Area D (Single Family) permitted uses Section 18.140.090.C.3.c. Staff recommends adoption of Ordinance No. 1207.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Badar, to waive further reading and adopt **ORDINANCE NO. 1207**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 11-02, AMENDING THE PARKING DESIGN SECTION 18.140.090.C.6.ii(B) AND SUB-AREA D (SINGLE FAMILY) 18.140.090.C.3.C IN THE CREATIVE GROWTH AREA 3 ZONE. The motion carried 4.1; Councilmember Ebiner opposed.

7. OTHER BUSINESS

- a. Request to utilize Prop A transportation funds for an educational trip for 5th Grade Students at Ekstrand School October 3, 2011.

City Manager Michaelis presented a request from Ekstrand Elementary School for financial assistance to cover transportation costs from Prop A Funds for their annual Fifth Grade Science Camp. Mr. Michaelis said there are sufficient funds in the Prop A fund to finance the request in the amount of \$1,200, and if the City Council approves the request, the following procedures are necessary: 1) When Prop A Funds are used for educational or recreational trips, members of the public wishing to ride must be accommodated; 2) The City requests that the contribution be made in the form of payment of an invoice for transportation services for the actual cost up to \$1,200.

Councilmember Bertone stated he would vote in favor of this request, however, he requested the same consideration if another school makes the same request.

Mayor Morris explained that Ekstrand Elementary School is a Title 1 school in the District and would be treated as a special circumstance that does not apply to other schools in the District.

In response to Councilmember Badar, Assistant City Manager Duran replied that \$72,000 was budgeted this year for eligible expenses for recreation transit, including the Rodeo, and there are sufficient funds to cover this request. He mentioned that in the past the city provided Prop A funds for the Hands On program.

Councilmember Bertone pointed out that \$5,000 is allocated annually from Prop A funds for the Yellow Bus Program, which is never used because funds for that program are raised, and there is a surplus of funds in the account.

In response to Councilmember Ebiner, Mr. Duran replied that \$400,000 is the total budget for Prop A funds. He said the majority is used for Dial-A-Cab and Get About, and the remainder is not expended in the current fiscal year.

It was moved by Councilmember Bertone, seconded by Councilmember Badar, to contribute up to \$1,200 from Prop A Funds to cover transportation services for Ekstrand Elementary School's annual Fifth Grade Science Camp, pursuant to: 1) When Prop A Funds are used for educational or recreational trips, members of the public desiring to ride must be accommodated; 2) That the City make the contribution in the form of payment of an invoice for transportation services for the actual cost up to \$1,200. The motion carried unanimously.

8. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 9:31 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular City Council meeting reconvened at 9:32 p.m..

9. ORAL COMMUNICATIONS

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

1) In response to Gil Gonzalez, Mayor Morris clarified that the Planning Commission minutes were not available, however, Mr. Templeman said the packet, which includes Mr. Espinoza's staff report, is available online.

2) Mr. Gonzalez stated that the City has a balanced budget each year with a surplus of funds and does not need to approve a drive-through restaurant when the General Plan does not allow speakers within 300 feet.

3) Donna Lee, Southern California Edison (SCE), 800 W. Cienega Avenue, said SCE is celebrating its 125th anniversary this year. She said throughout history, SCE customers have saved 7.8 billion kilowatt hours through SCE's energy efficiency program. She said SCE International has been innovative in many crucial areas of the electric utility industry such as renewable energy generation, smart grid technology, energy efficiency and electric vehicles. San Dimas is on the cutting edge to be one of SCE's plug-in vehicles readiness cities. She thanked staff for their participation and help in letting residents and businesses know what to expect and what is needed for electric vehicles. She has enjoyed the opportunity to work with San Dimas over the past 2.5 years and looks forward to a lasting partnership as they embark on the next 125 years of service to the city.

On behalf of Southern California Edison International, Ms. Lee presented a Resolution of Appreciation to the City for being a valued, significant partner and for participating in San Gabriel Valley Energy Wise Partnership to help achieve those savings.

In response to Councilmember Bertone, Ms. Lee encouraged the community to participate in the energy efficiency program, which can be found on their website at www.sce.com.

4) Susie Crawford affirmed that residents want restaurants in San Dimas and the Olive Garden will be a wonderful addition. She supported the mixture of larger trees.

- b. City Manager

There was no report.

- c. City Attorney

There was no report.

- d. Members of the City Council

- 1) Appointment to Golf Course Advisory Committee

Committee Member Don Green has served three terms and is not eligible for reappointment, creating one vacancy on the Golf Course Advisory Committee. Mayor Morris and City Manager Michaelis interviewed five candidates on August 30, 2011 and recommended C. Douglas Shultz for appointment.

It was moved by Councilmember Bertone, seconded by Councilmember Badar, to appoint C. Douglas Schultz to the Golf Course Advisory Committee for a two year term ending on August 31, 2013. The motion carried unanimously.

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

There were no meetings attended at the expense of the local agency. Mayor Morris attended the California Joint Powers Insurance Authority meeting at their expense.

- 3) Individual Members' comments and updates.
 - a) Mayor Pro Tem Templeman commemorated the loss of Public Safety Commissioner Paul Kirby, who was a well-known businessman in the community.
 - b) Councilmember Badar noted that the HEROES held their first annual Golf Tournament, that brought 109 citizens, in respect to Dal Lee, former owner of Via Verde Country Club, who donated considerable amounts of money to this community. Mr. Lee's last wish was to give the HEROES program a big boost in financial contribution by allowing this tournament to be held at the Via Verde Golf Course.
 - c) Assistant City Manager Stevens announced that the Development Plan Review Board meeting next Thursday, September 15, 2011, will not include discussion on the Panda or Olive Garden items. Staff will either schedule a special meeting on September 29, or on October 6, to address overriding issues out of the final decision and present the results to the City Council on October 11, 2011.

10. MEMORIAL ADJOURNMENT

Mayor Morris adjourned the meeting at 9:48 p.m. in observance of 9-11-01. The next meeting is 7:00 p.m. on September 27, 2011.

Respectfully submitted,

Ina Rios, CMC, City Clerk