



**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**TUESDAY, AUGUST 27, 2013, 7:00 P. M.**  
**SAN DIMAS COUNCIL CHAMBERS**  
**245 E. BONITA AVENUE**

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**CITY COUNCIL:**

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

**STAFF**

City Manager Blaine Michaelis  
Assistant City Attorney Mark Steres  
Assistant City Manager of Community Development Larry Stevens  
Assistant City Manager of Administrative Services Ken Duran  
Recreation Services Manager Leon Raya  
Senior Engineer Shari Garwick  
Deputy City Clerk Debra Black  
Senior Planner Marco Espinoza  
Associate Planner Jennifer Williams

**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. RECOGNITIONS**

- Recognition of City Swim Team members who represented San Dimas at the Southern California Swimming Championships in La Mirada, California.

Leon Raya and Latoyia Ward presented resolutions to the swim team from the Swim and Racquet Club.

- Daniel Ceden from Senator Carol Liu's office presented Judy Gregory with resolution for Small Business of the Year.

- 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) Resident Bill Gilwood requested a hearing regarding the notification he received from the Planning Department to remove the driveway and grape arbor located at 131 W. Sixth Street, San Dimas.

Mayor Morris explained that the Council would not be able to comment on the matter because it was not an agenda item.

Councilmember Ebner asked what would be Mr. Gilwood's next step to have this addressed.

Assistant City Manager of Community Development Larry Stevens responded that staff would give Council a report on the issue and determine what procedural options there might be.

Councilmember Bertone asked if that meant that Mr. Gilwood would not be required to comply with the request at this time.

Assistant City Manager Stevens replied that staff would not take any action until a determination was made.

Councilmember Bertone asked if Council would receive a report by the next meeting.

Assistant City Manager Stevens responded yes.

- 2) Don Pollock Station Manager at KWST announced the Community Television Producers Training Classes to be offered at the station, September 9<sup>th</sup>, 16<sup>th</sup>, 23<sup>rd</sup> and 30<sup>th</sup>. Contact LVTV at (909)392-273, email [lvtv@laverne.edu](mailto:lvtv@laverne.edu) or [kwst.edu](http://kwst.edu) for more details.
- 3) Amy Crow Acting Library Manager San Dimas Library gave an update on the summer reading program and announced the upcoming events planned at the library.

#### 4. **CONSENT CALENDAR**

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

It was moved by Councilmember Badar, seconded by Councilmember Bertone 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. 2012 - 48**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF AUGUST, 2013.
- b. Approval of minutes for regular City Council meeting of August 13, 2013.
- c. Bridge Widening, Bikeway Improvements at Foothill Blvd over San Dimas Wash (Federal Project No. BHLS 5367 (013):
  - Approval and Authorization for Public Works Director to Negotiate the Appraised Valuation, prepared by Los Angeles County Department of Public Works and Subsequently Process Compensation Payments to the Respective Impacted Property Owners for up to a Total of \$45,000.
- d. Summary of San Gabriel Valley Council of Government recent activities

Mayor Morris asked for an update on the changes with the National Recreation Area.

Councilmember Bertone explained that Congresswoman Judy Chu will be introducing legislation to include parts of the foothills of Claremont to Pasadena, San Gabriel River to Whittier Narrows and parts of the National Forest in the National Recreation Area that would allow for the cities to participate in and receive Federal Grant Funds. He went on to say that the Wilderness Society or Coalition Group would like to include wilderness area and some of the river areas as scenic rivers but the water groups are not sure what it all will mean. If the two groups cannot agree that this plan will not have a detrimental effect

on the water supply, the COG will probably request Congresswoman Chu to leave out the scenic river portion of her bill and introduce at a later date.

END OF CONSENT CALENDAR

**5. PUBLIC HEARINGS**

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

- a. M.C.T.A. 10-06, a request to modify the reverse/turn around gas station design  
C.U.P. 12-06, continued off-site sale of beer and wine  
C.U.P. 12-07, Redevelopment of a new gas station  
105 E. Arrow Highway

Senior Planner Marco Espinoza gave the background on the case and went over the four applications.

Mayor Morris asked what is the relationship between C.U.P. 12-07 and the D.P.R.B. decision that is being appealed.

Senior Planner Espinoza explained that the D.P.R.B. is specific to the overall layout and design of the building; the C.U.P. will encompass hours of operation, making sure that it meets all other development standards and impose any conditions of approval.

Councilmember Bertone asked if the gas pumps were currently in the scenic easement.

Senior Planner Espinoza replied they were not.

Councilmember Bertone asked if currently there was anything in the scenic easement.

Senior Planner Espinoza replied that they do have a drive aisle in the scenic easement.

Mayor Morris shared that the drive aisle is a legal non-conforming use and the modification will require it to be conforming.

Senior Planner Espinoza went on to say that it is difficult to understand the overall side design when looking at a simple elevation of the canopy. When looking at the canopy by itself without the relation to the overall design it may look okay; but what staff tried to do in the simulation is show what it would really look like when you go to the location.

Mayor Morris clarified that what is being discussed is the canopy and the pump islands.

Senior Planner Espinoza confirmed the clarification.

Councilmember Badar stated if staff looked at reducing the easement and retaining the drive aisle it would mean changing the scenic easement from 25 ft. to 15 ft. He then asked if it was possible to move the overhang if there were a drive aisle.

Senior Planner Espinoza replied that a structural analysis had not been done on the canopy and it may have to be redesigned completely, with the intent to extend over the drive aisle.

Councilmember Badar asked how far it would move from the new building.

Senior Planner Espinoza explained that the applicant would not move forward on the redesign because they do not want to move the canopy.

Councilmember Bertone asked if the tank would also be in the scenic easement.

Senior Planner Espinoza replied that they would not have to be relocated because the gas pump canopy and the building would not interfere with the tanks.

Councilmember Bertone asked if the State would require that the tanks be checked to be sure they aren't leaking.

Senior Planner Espinoza answered its staff's understanding that they are in compliance.

Councilmember Ebner asked if the setback at the Highland Market across the street was 25ft.

Assistant City Manager of Community Development Stevens replied that it maybe 15ft. and that the 25ft. setback was created when the Grove Station modifications were done.

Councilmember Ebner asked if this was the only property along Arrow Highway with the 25ft. setback.

Assistant City Manager Stevens replied that the 25 ft. setback requirements that effect the four corners were established eight or nine years ago.

Mayor Morris asked if there were encroachments for all of these.

Assistant City Manager Stevens answered only on three of the properties.

Some conversation continued about setbacks on various properties in the city.

Mayor Morris asked what the actions taken tonight on the four items would mean.

Assistant City Manager Stevens replied that taking action on the M.C.T.A. 10-06 and C.U.P. 12-06 do not effect development on the site; however if action is taken on the beer and wine item he recommends placing a condition that relates to the site design. Assistant City Manager Stevens further explained that C.U.P. 12-07 does have an overlap with D.P.R.B. 12-19 and it would be best to consider them at the same time. Council could take action on M.C.T.A. 10-06 without regard to the other items.

Mayor Morris suggested having separate public hearings on the items approved by the Planning Commission and another on the appeal because of the design issues that include parking.

There was some discussion on the parking issues, driveways and right of access to easements for the property.

Mayor Morris asked if there were any objections to holding a public hearing on the three items considered by the Planning Commission and a separate hearing on the D.P.R.B. case. There were none.

Mayor Morris opened the public hearing.

- 1) Chris Klingerman representing Mr. Hari Alipuria pointed out that the language on page five of staff's report would be inappropriate at this point because staff has created a design that would

allow a reverse station to be possible. Mr. Klingerman suggested revising language to say “reverse turnaround is possible but not reasonable”.

Mayor Morris asked Assistant City Manager Stevens to comment on the language.

Assistant City Manager Stevens responded that he did not have a problem tweaking the language, but he is not sure he would use the word reasonable and there is probably another that could be used if this is adopted.

7:35 p.m. City Manager Michaelis left the dais and returned at 7:36 p.m.

Mayor Morris asked if anyone wished to speak in opposition to the M.C.T.A.

2) Fred and Richard Nassar previous owners of the gas station shared that there are some outstanding business transactions regarding the property and brought it to staff’s attention in an effort to have the hearing process stopped.

Council asked Assistant City Attorney Mark Steres to respond.

Assistant City Attorney Steres responded by saying he didn’t see a reason for the Council to stop the proceedings on the land use questions because of the civil dispute between the two parties. It is the City’s job to review the land use request made by the applicant. He further explained that the actions taken by the City are not actions on the claims presented by Mr. Nassar.

Mayor Morris closed public hearing and brought the matter back to Council.

Councilmember Ebner stated that he is not in support of the text amendment as written and proposed removing the “reverse turnaround” from the text.

Councilmember Templeman agreed with Councilmember Ebner’s suggestion.

Assistant City Attorney Steres explained that what is being proposed is to strike the second sentence of the existing code section. The code amendment to modify the reverse turn around gas station is the matter to be considered this evening.

**MOTION:** Councilmember Ebner made a motion to direct staff to bring back an ordinance striking the sentence ‘reconstructive gasoline station...’ and not to include anything about storm drains.

The motion was seconded by Councilmember Templeman and approved by a vote of four to one (4 to 1) with Councilmember Bertone voting against.

Mayor Morris announced that Council would delay voting on the C.U.P.’s until after the public hearing on the D.P.R.B. appeal.

Councilmember Bertone pointed out that the D.P.R.B. appeal was not shown on the agenda and therefore should it not be heard.

Assistant City Attorney Mark Steres stated that although notices did go out, holding a hearing when it was not included on the agenda would be an issue.

Mayor Morris called for a motion to continue the hearings on the C.U.P.’s and D.P.R.B. case.

**MOTION:** Councilmember Bertone made a motion to continue the hearings until the September 24<sup>th</sup>, 2013 meeting; the motion was seconded by Councilmember Ebner.

Councilmember Ebner left the dais at 8:54 p.m. and returned at 8:56 p.m.

## 6. PLANNING/DEVELOPMENT MATTERS

### a. Chickens in Residential Zones – Council direction

Associate Planner Jennifer Williams presented staff's report on the item. Staff's recommendation is if the city addresses the issue for single family properties of an agricultural nature that it is looked at across the board. She also indicated that staff had received one email in support of the item and concluded her report with asking for feedback from Council on whether they would want staff to prepare a code amendment or address any others issues.

Mayor Morris pointed out some of the drawbacks and problems with permitting chickens in residential zones.

Discussion continued on the various issues associated with allowing chickens into the city.

Assistant City Manager Stevens stated that staff will bring the item to the Planning Commission and then back to Council sometime in the next couple of months.

Dorothy Bristing resident spoke in support of a chicken ordinance.

## 7. OTHER MATTERS

### a. Waste Management verbal report Puente Hills Landfill and green waste – Carolyn Anderson-Corrao

Carolyn Anderson Corrao gave a presentation on the status of the Puente Hills Landfill.

Councilmember Bertone asked if Waste Management were participating in any trash burning programs.

Mrs. Corrao responded that it is very difficult to permit, especially in Southern California. There are two facilities City of Commerce and Long Beach but not much marketing has been done on the program.

## 8. ORAL COMMUNICATIONS

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

No one came forward.

### b. City Manager

Mayor's call in show.

#### 1) Meeting dates and times for the Fall City Council/Staff Retreat

- i. Mondays, October 21 or 28, 5:00 p.m. – 9:00 p.m.
- ii. Wednesdays, October 23 or 30, 5:00 p.m. - 9:00 p.m.
- iii. Saturday, October 19, 8:00 a.m. - 12:00 p.m.

October 28<sup>th</sup>, 2013, 5:00 p.m. to 9:00 p.m. was selected for the retreat date and time.

c. City Attorney

Nothing to report.

d. Members of the City Council

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

Nothing to report.

- 2) Individual Members' comments and updates.

Councilmember Templeman shared that he feels the City needs to have a discussion on the accessibility of Public TV. to residents.

Assistant City Manager Ken Duran suggested placing this as an item on the retreat agenda.

Councilmember Ebner acknowledged the 50<sup>th</sup> anniversary of the March on Washington.

Councilmember Badar made announcement on the upcoming Smudge Pot Game.

**9. ADJOURNMENT**

The meeting adjourned at 9:42 p.m. The next meeting is on September 10, 2013, 7:00 p.m.

Respectfully submitted,

  
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Debra Black, Deputy City Clerk