



MINUTES
REGULAR CITY COUNCIL
SUCCESSOR AGENCY
TUESDAY, FEBRUARY 11, 2014, 7:00 P. M
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVE.

CITY COUNCIL:

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

STAFF:

City Manager Blaine Michaelis
City Attorney J. Kenneth Brown
Assistant City Manager Community Development Larry Stevens
Assistant City Manager Administrative Services Ken Duran
Director of Parks and Recreation Theresa Bruns
Director of Public Works Krishna Patel
Deputy City Clerk Debra Black
Associate Planner Marco Espinoza

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 7:00 p.m. and led the flag salute.

2. RECOGNITIONS

- SC Velo and Incycle Bicycle Stores Christmas Toy Ride 2013

Captain Slawson from the San Dimas Sheriff's Department along with Mayor Morris presented club members and store owners with certificates for their contributions to the community.

- 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 and ask 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) **Gil Gonzalez** resident would like the subjects of dying vegetation in the city and code enforcement policies and procedures discussed at Council and Staff's Spring Retreat
- 2) **Leo Acosta** resident of Oakway Avenue asked for his street to be exempt from parking Enforcement
- 3) **Chad Lawrence** spoke in support of Campbell Landscape
- 4) **Bob Harmon** Pastor of New Hope Fellowship seeking donations from the community on behalf

of Brian and Violet Ellis who are struggling with life threatening illnesses. Church address: 114 West Second Street

- 5) **Kassidy Cuccia-Aguirre** ASB President San Dimas High School reported on recent and upcoming activities at the school
- 6) **Mike Kelly** San Dimas High School Principal reported that Kassidy was the recipient of a Martin Luther King, Jr. award recently
- 7) **Amy Crow** San Dimas Library Manager announced recent library activities
- 8) **Dennis Phillips** 525 North Amelia Avenue shared comments from other contractors he has worked with on their experiences working with San Dimas staff

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.)

MOTION: It was moved by Councilmember Templeman and seconded by Councilmember Ebner, 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:

RESOLUTION 2014 - 06, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF JANUARY AND FEBRUARY, 2014.

- b. Approval of minutes for the regular City Council meeting of January 28, 2014.
- c. Arbor Day 2014 Proclamation
- d. Farmers Market 2014 Proposal - Advocates for Healthy Living is requesting City Council approval to conduct the 2014 Farmer's Market on Wednesdays, April 2 through September 3, on First Street adjacent to Civic Center Park, in the City Hall Parking lot and a portion of Civic Center Park.

END OF CONSENT CALENDAR

5. **PUBLIC HEARING**

- a. **Municipal Code Text Amendment 13-07**: A request to amend Code Section 18.140.090. c.6.b. and associated Exhibit "B" to reduce the 25-foot setback to 15 feet along Arrow Highway within the Creative Growth, Area 3A and 3C Zone.

Conditional Use Permit 12-07: A request for the development of the gas station with associated use of a fast food restaurant.

DPRB Case No. 12-19: A request to demolish the existing 1,568 sq. ft. gas station attendant building/convenience store and construct a new 2,561 sq. ft. attendant building and convenience store with a take-out restaurant. The gas pump canopy will be remodeled and expanded but remain in the same location. The rest of the site will be completely remodeled and

re-landscaped.

Conditional Use Permit 12-06: A request to continue the off-site sale of beer and wine (Type 20 License).

Property Address: 105 E. Arrow Highway (APN: 8390-018-023).

ORDINANCE NO. 1228, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING MUNICIPAL CODE TEXT AMENDMENT 13-07, TO AMEND CODE SECTION 18.140.090.c.6.b AND EXHIBIT "B" TO REDUCE THE 25-FOOT SETBACK TO 15 FEET ALONG ARROW HIGHWAY WITHIN THE CREATIVE GROWTH, AREA 3A AND 3C ZONE

- 2) **RESOLUTION NO. 2014-09**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 12-07, A REQUEST TO CONSTRUCT A 2,561 SQ. FT. GAS STATION ATTENDANT BUILDING AND CONVENIENCE STORE WITH A TAKE-OUT RESTAURANT ON THE PARCEL LOCATED AT 105 EAST ARROW HIGHWAY (APN: 8390-018-023)
- 3) **RESOLUTION NO. 2014-07**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING DEVELOPMENT PLAN REVIEW BOARD CASE NO. 12-19, A REQUEST TO DEMOLISH THE EXISTING 1,568 SQ. FT. GAS STATION ATTENDANT BUILDING/ CONVENIENCE STORE AND CONSTRUCT A NEW 2,561 SQ. FT. ATTENDANT BUILDING AND CONVENIENCE STORE WITH A TAKE-OUT RESTAURANT. THE GAS PUMP CANOPY WILL BE REMODELED AND EXPANDED BUT REMAIN IN THE SAME LOCATION. THE REST OF THE SITE WILL BE COMPLETELY REMODELED AND RE-LANDSCAPED. PROPERTY ADDRESS: 105 E. ARROW HIGHWAY (APN: 8390-018-023).
- 4) **RESOLUTION NO. 2014-08**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CONDITIONAL USE PERMIT 12-06, A REQUEST TO ALLOW FOR OFF-SALE GENERAL OF BEER AND WINE (TYPE 20 LICENSE) AT GAS & GO LOCATED AT 105 EAST ARROW HIGHWAY (APN: 8390-018-023)

Associate Planner Marco Espinoza presented staff's report and recommended approval of MCTA 13-07, CUP 12-07, DPRB No. 12-19 and CUP 12-06.

Councilmember Ebner asked why the driveway to the North was made an exit only.

Associate Planner Espinoza responded that was the recommendation from the Traffic Safety Committee.

Councilmember Ebner asked if there was a landscape plan for the site.

Associate Planner Espinoza responded that a preliminary plan has been submitted and will have to be approved; it will need to meet the city's drought tolerant ordinance and will look similar to the Grove Station landscaping.

Councilmember Ebner asked if the applicant has to contribute to undergrounding fund for the power lines on Arrow Highway.

Associate Planner Espinoza responded it was his understanding that the power lines on San Dimas Avenue are part of the process to go underground; the power lines on Arrow Highway are not going to be underground due to the size.

Councilmember Templeman stated that the city uses Edison funding for that.

Director of Public Works Krishna Patel responded that part of San Dimas Avenue was done as part of the Grove Station improvements.

Councilmember Ebner asked if there were any designated compact parking spaces on the site.

Associate Planner Espinoza answered there were none.

Mayor Morris opened the public hearing and invited public testimony.

- 1) **Chris Klingerman** attorney for the applicant feels they have a project that is architecturally aesthetically pleasant for the corridor.
- 2) **Mr. Alipuria** thanked the Council for their consideration.
- 3) **Dennis Phillips** supported the project.
- 4) **Richard and Fred Nassar** spoke against the project citing their past interest in wanting to improve the site and speculated that because the applicant may have more money available the approval was easier.
- 5) **Gil Gonzalez** resident spoke in favor of the project with the exception of the driveway.
- 6) **Mr. Klingerman** addressed the allegations of corruption by stating that everyone involved in the approval process has been respectful and honest.

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

Councilmember Templeman addressed Mr. Nassar's comment by stating that he has never talked with Mr. Alipuria or his attorney and felt insulted by his statement. He also pointed out that on page three of Resolution 2014-07, the last paragraph the word "approve" is missing.

MOTION: After the title was read, a motion was made by Councilmember Templeman and seconded by Councilmember Badar to waive further reading and introduce **ORDINANCE NO. 1228**. Councilmember Bertone stated he is not in favor of changing the setback from 25 ft. to 15 ft. and would vote against the project. The motion carried by a vote of 4 to 1.

MOTION: After the title was read, a motion was made by Councilmember Bertone and seconded by Councilmember Templeman to waive further reading and approve **RESOLUTION NO. 2014-09**. The motion carried unanimously.

MOTION: After the title was read, a motion was made by Councilmember Templeman and seconded by Councilmember Bertone to waive further reading and approve **RESOLUTION NO. 2014-07**. The motion carried unanimously.

MOTION: After the title was read, a motion was made by Councilmember Templeman and seconded by Councilmember Ebner to waive further reading and approve **RESOLUTION NO. 2014-08**. The motion carried unanimously.

6. SUCCESSOR AGENCY

- a. Update on Successor Agency and Oversight Board activities

Assistant City Manager Ken Duran provided an update on the upcoming processes.

1. Approval of the next Recognized Obligation Payment Schedule
2. Disposition of Agency owned properties
3. State Controller's Office Audit – February 18, 2014

Council and staff discussed the history of the loans and methodology of repayment of the loans, as well as some of the legislative background and decisions that were a part of these processes.

7. ORAL COMMUNICATIONS

- a. Members of the Audience (Speakers are limited to five (5) minutes or as may be determined by the Chair.)
 - 1) **Gil Gonzalez** resident presented questions regarding Code Enforcement Manuals and city reserve funds as related to the loans discussed in the Successor Agency update.
 - 2) **Dennis Phillips** resident shared his perspective on the process of approval for the gas station project on Arrow Highway.

- b. City Manager

Mayor's call in show – drawing for \$25.00 gift card

- c. City Attorney

Announced closed session

- d. Members of the City Council

- 1) Select date for a City Council/Staff Retreat Session – recommended dates:
 - a. March 19, 2014 Wednesday 5:00 p.m. – 9:00 p.m.
 - b. March 31, 2014 Monday 5:00 p.m. – 9:00 p.m.
 - c. April 7, 2014 Monday 5:00 p.m. – 9:00 p.m.

March 31, 2014 5:00 p.m. – 9:00 p.m. selected.

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

None to report.

- 3) Individual Members' comments and updates

Councilmember Templeman asked if discussions are taking place on the city's transitional staffing plan.

City Manager Blaine Michaelis answered that staff is preparing material to present to Council.

Councilmember Ebner asked when the Dog Park would reopen.

Director of Parks and Recreation Theresa Bruns answered February 28, 2014.

8. CLOSED SESSION

Mayor Morris recessed the meeting at 9:00 p.m. to a City Council closed session pursuant to Government Code 54956.8.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - **Government Code Section 54956.8**

Property: Remaining PFF/FDIC property on First Street – APN: 8387-009-041

For City: Blaine Michaelis, City Manager and J. Kenneth Brown, City Attorney.

For Property: Fillmore P. Crank Jr. – Federal Deposit Insurance Corporation

Under Negotiation: Possible city purchase of property and terms and conditions of the acquisition.

City Manager Blaine Michaelis reported: It was the unanimous decision of the City Council that the property described in the agenda and discussed in the closed session is surplus property and best utilized if it is transferred to and incorporated as part of whatever development is approved for the contiguous property. That transfer would be exchange for a developer's participation in an agreement with the city to address the cost of certain project improvements associated with the development on terms to be agreed to by the city.

The closed session adjourned at 10:15 p.m.

Respectfully submitted,



Debra Black, Deputy City Clerk