



MINUTES
REGULAR CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 23, 2014, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVE.

CITY COUNCIL:

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

STAFF:

City Manager Blaine Michaelis
Assistant City Manager Larry Stevens Community Development
Assistant City Manager Ken Duran Administrative Services
City Attorney Mark Steres
Director of Parks & Recreation Theresa Bruns
Senior Engineer Shari Garwick
Senior Planner Marco Espinoza
Deputy City Clerk Debra Black

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

Mayor Morris clarified the purpose of tonight's meeting.

- Senator Carol Liu State of the State Address

Highlights from Senator Liu's address are that the State legislators approved a water bond, bills to manage the State water supply, single use plastic bags, \$330 million dollars in state filming tax credit; these are awaiting the Governor's approval. Also announced third year of a budget surplus, Proposition 2 (Water Bond) placed on the November 4, ballot, increased education fund by \$2.7 billion dollars.

- San Dimas Parks and Recreation Department Bowser Bash event on Saturday, October 11, 2014 at Horsethief Canyon Park

Recreation Coordinator **Erica Rodriguez** announced the upcoming activities planned for the Parks and Recreation Bowser Bash.

- 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) **Margie Green** – Chamber of Commerce – announcement of Western Days Parade and activities
- 2) **Kent???** – Lee & Associates – asked council to look City Ventures new proposal and grant the study session
- 3) **Larry Fator** – resident – feels the developer should wait 1 year before submitting a new project...

City Attorney Mark Steres clarified that the 1 year rule is only if they submitted the same or substantially similar project.

Mr. Fator added that the community prefers having the commercial property and feels that there are no guarantees that the properties won't become rentals.

- 4) **Rosita Sanchez** – resident – asked questions regarding the verbiage change “without prejudice”

Mayor Morris responded to Ms. Sanchez question.

- 5) **Greg Ojeda** – resident – why not just remove the language if it isn't needed and if it has been used in the past on other documents.

Assistant City Manager of Community Development Larry Stevens explained the reasoning for the language and the occasions when used. By using it this time staff was hoping to mitigate against having a discussion on the sizing of a new project.

- 6) **Amparo Beruman** – resident – keep the 5-0 vote
- 7) **Rosa Gonzalez** – resident – has the school district enrollment been taken into consideration

Mayor Morris responded that the school district has indicated that they are able to absorb any new development the city approves; they have an opportunity to be a part of discussions regarding potential development.

- 8) **Myra Freeman** – resident – had a question on the appendage piece of property

Mr. Stevens clarified that both areas of the property are owned by the same person.

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.)

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

- (1) **RESOLUTION NO. 2014- 52, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF SEPTEMBER 2014**

MOTION: It was moved by Councilmember Templeman, seconded by Councilmember Badar to removed items 2, 3 and 4 for separate discussion, accept and approve the remaining items on consent. The motion carried by vote of five to zero. **(5-0)**

- b. Approval of minutes for regular meeting of September 9, 2014 and study session of August 26, 2014.
- c. Reject claim for Rachel Horta
- d. Proclaim October 19 – 25, 2014 “Freedom from Workplace Bullies Week”

END OF CONSENT CALENDAR

REMOVED FOR SEPARATE DISCUSSION:

- (1) **RESOLUTION NO. 2014-49**, A RESOLUTION OF THE CITY COUNCIL DENYING GENERAL PLAN AMENDMENT 14-01, A REQUEST TO AMEND THE LAND USE DESIGNATION MAP FOR THE PROPERTY LOCATED AT 155 N. EUCLA AVENUE (APNS: 8386-006-010, 025, 026, 027, 028 AND 029)
- (2) **RESOLUTION NO. 2014-50**, A RESOLUTION OF THE CITY COUNCIL DENYING MUNICIPAL CODE TEXT AMENDMENT 13-06 AND ZONE CHANGE 14-01 FOR THE OF THE PROPERTY LOCATED 155 NORTH EUCLA AVENUE (APNS: 8386-006-010, 025, 026, 027, 028 AND 029)
- (3) **RESOLUTION NO. 2014-51**, A RESOLUTION OF THE CITY COUNCIL DENYING TENTATIVE TRACT MAP NO. 72590 (TTM 13-02), DEVELOPMENT PLAN REVIEW BOARD CASE 13-31 AND TREE REMOVAL PERMIT CASE 14-05, LOCATED AT 155 NORTH EUCLA AVENUE (APN’S: 8386-006-010, 025, 026, 027, 028 and 029)

MOTION: It was moved by Councilmember Badar, seconded by Councilmember Bertone to strike the term “without prejudice” wherever stated in the resolutions. The motion carried by vote of five to zero. **(5-0)**

MOTION: It was moved by Councilmember Bertone, seconded by Councilmember Badar to waive further reading and approve Resolution 2014-49, 2014-50, 2014-51 as amended. The motion carried by vote of five to zero. **(5-0)**

Councilmember Ebner read language from the general plan denial that express why the council denied the project for that site. He added that any developer should read the statements carefully before presenting a new project.

5. PLANNING/DEVELOPMENT SERVICES

- a. Preliminary discussions and setting of Study Session date concerning establishing a Council Policy on holding study sessions on development projects and concerning an approach to evaluating land use issues associated with residential densification.
- b. Consideration of a request by City Ventures for a study session on October 14, 2014 on a revised project at 155 N. Eucla Avenue.

Assistant City Manager of Community Development **Larry Stevens** presented staff’s report on this item.

The consensus of the council is to have a study session on September 30, 2014 at 6:00 p.m. to create a formal study session policy, along with a presentation from the City Attorney on the scope appropriate for study sessions and postpone study session with City Ventures until a policy is in place.

A joint training session with the Planning Commission by the City Attorney on Brown Act, ex-parte communications and quasi legislative judicial decisions has been scheduled for October 14, 2014 at 5:30 p.m.

6. OTHER BUSINESS

- a. Designate the San Dimas Committee for Gold Line Station Art

City Manager Blaine Michaelis presented staff's report on this item. Recommendation to appoint committee members.

MOTION: A motion was made by Councilmember Bertone, second by Councilmember Badar to appoint Bill Emerson, Margie Green, Curt Morris, John Ebner, Marco Espinoza, Krishna Patel and Blaine Michaelis as the San Dimas Committee for Gold Line Station Art. The motion carried by vote of five to zero. **(5-0)**

- b. Provide direction regarding the desire to nominate a candidate to serve on the San Gabriel Valley Water Quality Authority Board representing cities without pumping rights.

City Manager Blaine Michaelis presented staff's report on this item.

Consensus was to wait for the actual vote and take action then.

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 – suggested council take a slow growth or no growth approach to any kind of development in the future
 - 2) **Adam Lunzer** – City Ventures – requested a study session to get better understanding of what type of development would work and asked that council keep the request in mind for future
 - 3) **John Rekstein** – Olsen Company – thanked council for clarification on the study session process
 - 4) **Rose Amaro** – resident – happy with L.A. Signal staying, does not want City Venture project
 - 5) **Susan Barkley** – resident – inquired about changes needed to be made by the current property owner

Mr. Stevens responded that Mr. Morales constructed improvements on his property without seeking approvals for zoning or building permits. As a result, code enforcement actions were taken where he was required to file application to Design and Review Board to address deficiencies. DPRB imposed requirements to bring the property into compliance. Staff has deferred taking action because of the City Ventures application. If City Ventures application does not go forward Mr. Morales is obligated to comply with the approvals granted by DPRB.

- 6) **Mr. Morales** responded that the improvements made were all improvements that would meet code, they were non- structural. He added that after meeting with staff he did come in to pay for permits and hired a structural engineer to submit plans that were not accepted.
- 7) **Larry Fator** feels that the city is forcing Mr. Morales to move.

b. City Manager

Mayor's call in show September 25, 2014, 7:00 pm.

c. City Attorney

Nothing to report.

d. Members of the City Council

- 1) Appoint Lindsey Merritt to Equestrian Commission

MOTION: It was moved by Councilmember Templeman, seconded by Councilmember Bertone to appoint Lindsey Merritt to the Equestrian Commission.

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

Nothing to report.

- 3) Individual Members' comments and updates.

Nothing to report.

8. ADJOURNMENT

- a. Provide direction regarding future study session schedule - adjourn the meeting accordingly

The meeting adjourned at 9:30 pm. The next meeting will be on September 30, 2014, 6:00 pm a joint study session with the Planning Commission followed by the regular city council meeting at 7:00 pm.

Respectfully submitted,



Debra Black, Deputy City Clerk