



MINUTES
REGULAR CITY COUNCIL
TUESDAY, MARCH 22, 2005, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

CITY COUNCIL:

Mayor Curtis W. Morris
Mayor Pro Tem John Ebner
Councilmember Denis Bertone
Councilmember Sandy McHenry
Councilmember Jeff Templeman

City Manager Michaelis
City Clerk Rios
City Attorney Brown
Assistant City Manager Duran
Community Development Director Stevens
Public Works Director Patel
Parks and Recreation Director Bruns
Planning Manager Hensley

CALL TO ORDER

Mayor Morris called the meeting to order at 7:00 p.m.

ORAL COMMUNICATIONS

1) **Randy Argo**, AZ, addressed the City Council on various issues that included violation of his civil rights; selective code enforcement; illegally posted political signs; and Costco.

After a considerably lengthy comment from Mr. Argo, Mayor Morris invited Mr. Argo to continue speaking at the second Oral Communication period after all business on the agenda had been conducted.

In response to Mr. Argo, City Attorney Brown stated that Mr. Argo spoke a considerable amount of time. He said there are reasonable rules for the conduct of city business and what the Mayor said is appropriate. He said the Council is willing to listen to him speak at a second public comment in the agenda, after matters on the agenda deserving of attention have been heard.

2) **Karla Damril**, 977 Wellington Road, congratulated the incumbents on their reelection. She mentioned illegal placement of political signs and requested that the Council review the sign ordinance.

3) **Paul Rippens**, Historical Society, distributed the new *Touring San Dimas* book, and said the next tour is on Saturday, May 7, 2005.

4) **Dennis Phillips**, 525 Amelia, asked how long it would take to get the requested planning documents.

Assistant City Manager Duran acknowledged receipt and said the request was quite voluminous. The object was to have the documents ready within a 2-3 week time period. He said Mr. Phillips would be sent formal acknowledgement of receipt and the costs to produce records. In response to Councilmember

Bertone, he said there is a cost to reproduce documents and the request received fell into a couple of categories.

5) **Marvin Ersher** congratulated the City Council. He suggested limiting public comments to three minutes at the beginning of the meeting. He said free speech is an honor, but people who speak should not abuse it. They should use it with discretion.

6) **Jack Long**, 630 Gladstone, congratulated everyone reelected. He addressed the City Council on several issues concerning a request for documentation on garages 18 feet in height; getting an item on the agenda; selective enforcement; removal of campaign signs, and asked if consideration was given to building senior housing on the property for Costco. He would like a response to his written request.

City Manager Michaelis indicated a letter would be sent to him.

POST ELECTION PROCEDURES

a. Adoption of Resolution No. 05-14, Declaring the results of the March 8, 2005 General Municipal Election.

After the title was read, it was moved by Councilmember McHenry, seconded by Mayor Pro Tem Ebiner, to waive further reading and adopt RESOLUTION NO. 05-14, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON MARCH 8, 2005, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW. The motion carried unanimously.

b. Statement of Results.

The City Clerk entered the Statement of Results of the General Municipal Election as required by the State Elections Code as attached hereto and made a part thereof.

c. Oath of Office.

The City Clerk administered the oath of office and presented Certificates of Election to Mayor Morris and Councilmembers Bertone and Templeman.

d. Appointment of Mayor Pro Tem.

Mayor Pro Tem Ebiner nominated Councilmember Templeman for Mayor Pro Tem. There being no other nominations, the nominations were closed.

It was moved by Mayor Pro Tem Ebiner, seconded by Councilmember Bertone, to elect Jeff Templeman to the position of Mayor Pro Tem. The motion carried unanimously.

e. City Council/Commission/Committee/Board Assignments.

It was moved by Councilmember Bertone, seconded by Councilmember McHenry, to continue with the existing schedule. The motion carried unanimously.

f. Remarks from Mayor and Councilmembers.

1) Mayor Pro Tem Templeman apologized to Mr. Long, stating he did not realize Mr. Long's attempts to speak with him. He thanked everyone who helped in the campaign and said it is an honor to represent the citizens of San Dimas.

2) Councilmember Bertone thanked his wife, Diana, for all her support, work and efforts; the people for reelecting him to the Council; and Mayor Morris and Councilmember Templeman for their professional conduct; and staff, without their hard work, the City Council would not look as good as it does. He said it is his and the entire City Council's desire to be more user friendly, but to continue to have strong standards in the City.

3) Mayor Morris thanked his wife, Glenda, and everyone involved. He will soon complete 25 years on the Council and believes San Dimas has made steady progress. He felt San Dimas has a Council that works well together and will continue to move forward. He said it is a privilege to serve on the City Council another term, and appreciates the people's trust and confidence in the City Council.

Councilmember Ebner congratulated Messrs. Bertone, Templeman, and Morris. He stated that the people voted and that's the way government should be.

Councilmember McHenry congratulated everyone on their victories and congratulated the process for working. He echoed Mayor Morris that regardless of what the issue might be, a collective vote is taken on what goes on in the community.

RECESS – RECEPTION FOR NEWLY-ELECTED MAYOR AND CITY COUNCILMEMBERS IN CITY HALL LOBBY

Mayor Morris called a recess at 8:02 p.m. and invited the public to join the Council for a reception in the City Hall lobby. The meeting reconvened at 8:22 p.m. with all Councilmembers present.

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 separate discussion.)

It was moved by Councilmember Bertone, seconded by Councilmember McHenry, and carried unanimously to accept, approve, or act upon the consent calendar, as presented, as follows:

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **RESOLUTION NO. 05-15**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF MARCH, 2005.
 - (2) **RESOLUTION NO. 05-16**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS SUPPORTING COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS AND URGING CONGRESS TO RESTORE ITS FUNDING.
- b. Rejection of claim for damages from Owl Braun.
- c. Proclaiming April 10-16, 2005 National Crime Victims' Rights Week.

END OF CONSENT CALENDAR

PUBLIC HEARINGS

- a. REVISED FINAL ENVIRONMENTAL IMPACT REPORT (FEIR)
GENERAL PLAN AMENDMENT 03-03 – To amend the General Plan land use designation from Industrial to Commercial and to amend various goals, objectives and policies set forth in the General Plan.

MUNICIPAL CODE TEXT AMENDMENT 03-04 - To revise Specific Plan No. 24 including development plan, development standards, plan review and disposition and related Sections to allow commercial development.

Southeast corner of Lone Hill and Gladstone

To consider FEIR analyzing the environmental impacts of a proposed commercial development. To amend the General Plan and Specific Plan No. 24 to allow a proposed retail commercial development. The proposed project generally includes a 148,000 Costco warehouse/retail facility with a tire center and gasoline service station and approximately 71,500 square feet of additional commercial uses including restaurants and retail shops/stores on approximately 22.83 acres.

RESOLUTION NO. 05-17, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT, INCLUDING STATEMENT OF ENVIRONMENTAL EFFECTS, MITIGATION MEASURES, FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MONITORING AND REPORTING PROGRAM FOR DEVELOPMENT OF COSTCO COMMERCIAL COMPLEX ON THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF GLADSTONE AND LONE HILL

RESOLUTION NO. 05-18, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING GENERAL PLAN AMENDMENT 03-03, A REQUEST TO CHANGE THE LAND USE DESIGNATION FROM INDUSTRIAL TO COMMERCIAL ON THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF GLADSTONE AND LONE HILL AND TO AMEND VARIOUS RELATED GOALS, OBJECTIVES AND POLICIES IN THE LAND USE ELEMENT.

ORDINANCE NO. 1150 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 03-04, APPROVING A REQUEST TO AMEND SPECIFIC PLAN NO. 24, INCLUDING THE DEVELOPMENT PLAN, DEVELOPMENT STANDARDS, PLAN REVIEW AND DISPOSITION AND RELATED SECTIONS, FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF GLADSTONE AND LONE HILL. **INTRODUCTION AND FIRST READING**

Community Development Director Stevens presented the staff report on the Environmental Impact Report (EIR) and Land Use (General Plan and Specific Plan) portions of the proposed Costco Project. He reported that the Precise Plan approval is being considered by the Development Plan Review Board and the Planning Commission and are tentatively scheduled for Council consideration at their April 12 meeting. Director Stevens said the EIR identifies and analyzes potential impacts associated with the project and concludes that certain traffic and air quality impacts are significant and unavoidable. A Statement of Overriding Considerations is included in the Resolutions. Appropriate mitigation measures are incorporated into the EIR to address other impacts. Staff recommends adoption of Resolution No. 05-17 certifying the Final EIR; adoption of Resolution No. 05-18, approval of the General Plan Amendment 03-03 changing the General Plan Land Use Designation from Industrial to Commercial and approval of

various text changes in the Land Use Element; and Introduction of Ordinance No. 1150 approving MCTA 03-04 revising the text of Specific Plan No. 24.

Director Stevens stated ESA Consultant Wendy Lockwood, who prepared the environmental impact report, is present to answer questions, and Brian Marquetti and Joel Falter, Katz Okitsu, Traffic Engineers who prepared the traffic analysis, are available to respond to questions, along with representatives from Costco.

In response to Mayor Pro Tem Templeman's concerns with property on the north side of Gladstone, Director Stevens stated that continuing to permit older, smaller residential uses surrounded on both sides by commercial or industrial development does not make sense. He suggested continuing the principle established in the early 1990's rather than promoting residential.

In response to Councilmember Ebner, Director Stevens replied that utility poles are included on the east side of Lone Hill. Director Patel responded that yes, street lights are included as well.

Director Stevens responded to Councilmember Ebner that it may be appropriate to reword a sentence on page 17 of Resolution 05-17 to "Even though we're reducing amount of opportunity for recharge, there was not a significant amount of recharge occurring, and the amount we are reducing creates insignificant impact." He further replied that what is currently being proposed is requiring Costco to fully comply with SUSMP requirements, as set forth in the Ordinance. If the City Council desires, those options could be further evaluated.

Councilmember Ebner expressed concern about the quality of water going into the storm drain system, and once in the storm drain, where does it end up? Director Patel responded that NPDES requires that the first 3/4 inch of rainfall has to be treated at all new developments. He said there are two settling basins, one in South Covina, and the second beyond into Whittier Narrows.

Director Stevens further responded to Councilmember Ebner that Walnut Creek is not designated a Significant Ecological Area; internal trip catcher means an adjustment in total trip generation rates may be taken when someone might have trips going to multiple uses on the same property.

In response to Councilmember Ebner, Director Stevens said the intention was that the operation could not have audible speakers under any circumstances if they were closer than 300 feet of residentially zoned property, and they could not operate between midnight and 6:00 am.

Councilmember Ebner inquired about the frontage road options for Lonehill residents and asked how ironclad is the guarantee to residents and timing for implementation in conjunction with the whole project.

Director Stevens stated that the precise plan is coming forward at the Development Plan Review Board and should be before the City Council in weeks. He said once approvals are in place, additional meetings with residents will be held to solicit the last round of input from neighbors, and based on that input, require Costco to incorporate staff's recommendations into the street improvement plans for Lonehill, which will be part of the first phase of development for the project.

In response to Councilmember Bertone, Director Stevens indicated that a study was conducted on Amelia and he mentioned that an email from Mr. Mauthe, a resident on Amelia, expressing concerns about potential traffic impacts on Amelia, as well as letters included in response to comments on the EIR, were distributed to the City Council. He stated it is the belief that very little traffic would go in the direction of Gladstone/Amelia intersection; however, if found to be incorrect, the issue would be revisited.

Mayor Morris opened the public hearing and asked if anyone wished to speak on this issue. He said after completion of this public hearing, citizens would have the opportunity to comment on the deal points. The one before the Council is on land use.

1) **Jack long**, Amelia /Gladstone, believed a major amount of traffic going through Gladstone created a negative impact not only at this intersection, but the downtown area as well. He inquired if the City was allowing a Costco for the purpose of money or to compete with Glendora. He thought the property could be developed to benefit the senior citizens.

2) **Randy Argo** said Costco would impact Gladstone. He indicated that the plan he submitted two years ago was denied because it went against the General Plan. He said Costco goes against the General Plan.

3) **Dennis Phillips** stated that other than a tax profit from Costco, there is no upside to this project. He said it's unbelievable what will happen to that area of San Dimas. During Christmas, there will be traffic jams, gas lines wrapped around residential streets, and backed up to the freeways that will impact and overburden this tiny area. He opposed the project indicating that housing rather than a big box could go in that area, and when Costco scaled down, the 150,000 square foot building would sit vacant for decades.

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

Mayor Pro Tem Templeman stated that there is a strong interest from residents in getting a Costco here. He said San Dimas is fortunate to have the Marketplace, Lowe's, Target, and he is not willing to have only those opportunities. He wholeheartedly supported the project.

In response to Councilmember Ebner, Director Stevens clarified that if a drive-through is more than 300 feet away, the applicant could apply for a conditional use permit. If the drive-through is within 300 feet, the applicant could only apply for a conditional use permit if the speakers are not audible and if hours of operation are closed between midnight and 6:00 a.m.

Councilmember Bertone stated he could think of no commercial project that received so many comments, emails, telephone calls from citizens who seem to want a Costco. He said certain parts of the City are worth preserving for open space and some for development, but there has to be a balance. This particular area was abused and underused for many years. The City has tried to put something there of benefit to everyone. He expressed concern for the residents on Lone Hill and hoped an agreement could be worked out.

Councilmember McHenry stated that taking an underutilized area and making an effort to develop it into a viable area is what funds redevelopment, affordable housing, infrastructure and streets. Without a doubt, traffic impacts are the major issues, but staff has done all that is capable of doing to mitigate traffic. He thought it was extremely important to monitor the mitigation measures and make a commitment to make sure traffic mitigation works. He said impacts on our project affect Glendora's intersections as much as San Dimas and cooperation is in their best interests. He supports Resolution No. 05-17.

Mayor Morris said he has seen SP-24 deteriorate over the years. The reality is that things change and some areas are going to be developed. He felt that the City Council and staff has done a good job putting in quality developments. He indicated that people want to know why it has taken so long for Costco to go in. He explained the number of times the EIR was circulated for traffic studies and said the actual design of the building is still in the approval process. He stated there is no question that Costco produces revenue and the City uses that money to be able to make improvements, fund senior programs, and attack blight at San Dimas Canyon Road. Costco is interested in having a quality project and generates less traffic for the amount of sales. He said people in favor of the project tend to speak privately, however, people opposed express themselves during the public meeting. He is in favor of the project.

Councilmember Ebner indicated that he would like an analysis to see if residential is the best use on the north side of Gladstone. He is mainly disappointed with drainage off a gigantic parking lot and thought it should be retained onsite. He stated he is philosophically opposed to big boxes, which detract from the community and are not good for small business owners; nevertheless, he appreciates the revenue that Costco will generate and would like to see some money set aside to build a dedicated youth center. He read excerpts on why Costco is the kind of business wanted and believes they are the right type of corporation to bring to San Dimas.

In response to Councilmember Ebner's comment, Director Stevens said Resolution No. 05-17 is appropriate for adoption after the following two minor revisions:

- On page 17, second paragraph from the bottom, in reference to ground water recharge being insignificant, instead of word "because" insert words "even though."
- On page 42, first paragraph, sixth line down, after words "city general plan," delete words "and the San Dimas Boulevard Specific Plan (where applicable.)"

After the title was read and amendments incorporated as requested by Director Stevens, it was moved by Councilmember McHenry, seconded by Councilmember Ebner, to waive further reading and adopt **RESOLUTION NO. 05-17** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT, INCLUDING STATEMENT OF ENVIRONMENTAL EFFECTS, MITIGATION MEASURES, FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MONITORING AND REPORTING PROGRAM FOR DEVELOPMENT OF COSTCO COMMERCIAL COMPLEX ON THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF GLADSTONE AND LONE HILL. The motion carried unanimously.

After the title was read, it was moved by Councilmember McHenry, seconded by Councilmember Ebner, to waive further reading and adopt **RESOLUTION NO. 05-18**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING GENERAL PLAN AMENDMENT 03-03, A REQUEST TO CHANGE THE LAND USE DESIGNATION FROM INDUSTRIAL TO COMMERCIAL ON THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF GLADSTONE AND LONE HILL AND TO AMEND VARIOUS RELATED GOALS, OBJECTIVES AND POLICIES IN THE LAND USE ELEMENT. The motion carried unanimously.

After the title was read, it was moved by Councilmember Ebner, seconded by Councilmember Bertone, to waive further reading and introduce **ORDINANCE NO. 1150** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 03-04, APPROVING A REQUEST TO AMEND SPECIFIC PLAN NO. 24, INCLUDING THE DEVELOPMENT PLAN, DEVELOPMENT STANDARDS, PLAN REVIEW AND DISPOSITION AND RELATED SECTIONS, FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF GLADSTONE AND LONE HILL. The motion carried unanimously.

b. Joint Public Hearing of the City Council and San Dimas Redevelopment Agency

- 1) **RESOLUTION NO. 05-19**, A RESOLUTION OF THE SAN DIMAS CITY COUNCIL PURSUANT TO THE PROVISIONS OF CALIFORNIA HEALTH AND SAFETY CODE SECTION 33433 APPROVING A PROPOSED DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE SAN DIMAS REDEVELOPMENT AGENCY AND COSTCO WHOLESALE CORPORATION, A WASHINGTON CORPORATION.

2) RESOLUTION NO. 177, A RESOLUTION OF THE SAN DIMAS REDEVELOPMENT AGENCY APPROVING AND AUTHORIZING THE EXECUTION OF A DISPOSITION AND DEVELOPMENT AGREEMENT WITH COSTCO WHOLESALE CORPORATION, A WASHINGTON CORPORATION.

City Manager Michaelis reported the joint hearing is to consider the adoption of a Disposition and Development Agreement with Costco to effectuate redevelopment objectives in the Creative Growth Redevelopment Project Area Plan Amendment No. 3. Staff recommends adoption of City of San Dimas Resolution No. 05-19 and San Dimas Redevelopment Agency Resolution No. 177.

In response to Mayor Morris, City Manager Michaelis said Costco would pay all development fees, plan check fees, building fees, and impact fees in the amount of approximately \$60,000-\$70,000 to the School District. He stressed that all financial assistance associated with the project comes only from revenue generated from the actual sales tax production of the property over a 15 year time period.

In reply to Councilmember Ebner, City Manager Michaelis said the pro forma anticipates the full amount would be paid within a 15 year time period, including 7% interest on the \$5 million; the gross present value is approximately \$7,650,000. He explained that a lease established on the parking lot portion of the project creates the ability to have a San Dimas Redevelopment Agency lease, creating a vehicle for us to make a contribution to Costco, not necessarily from sales tax proceeds.

Mayor Morris opened the public hearing on the Disposition and Development Agreement with Costco and asked if anyone wished to speak.

1) **Alan Nash**, Avenida Entrada, expressed concern for the blighted properties on the north side of Gladstone. Due to existing zoning, property owners are prohibited from improving their properties.

2) **Mr. Nuno**, property owner at corner of 5th Street/Lonehill, is concerned he would not have time to relocate when a final decision is reached, and would like fair market value to generate enough funds to buy similar property in San Dimas.

City Attorney Brown stated that the City is in the process of completing appraisals on Mr. Nuno's and other properties and should be completed within the next month. He assured Mr. Nuno that he is entitled to have all opportunities under the law.

3) **Marvin Ersher**, 1312 Paseo Alamos, stated that this city needs tax from sales, property tax is not sufficient to pay for services. He said La Verne has a utility tax recently raised 6%. Citizens have to realize that revenue generated from services occur because of a well planned redevelopment project started years ago, without the need for a utility tax.

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

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember McHenry, to waive further reading and adopt **RESOLUTION NO. 05-19, A RESOLUTION OF THE SAN DIMAS CITY COUNCIL PURSUANT TO THE PROVISIONS OF CALIFORNIA HEALTH AND SAFETY CODE SECTION 33433 APPROVING A PROPOSED DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE SAN DIMAS REDEVELOPMENT AGENCY AND COSTCO WAREHOUSE CORPORATION.** The motion carried unanimously.

After the title was read, it was moved by Mr. Templeman, seconded by Mr. Ebner, to waive further reading and adopt **RESOLUTION NO. 177**, A RESOLUTION OF THE SAN DIMAS REDEVELOPMENT AGENCY APPROVING AND AUTHORIZING THE EXECUTION OF A DISPOSITION AND DEVELOPMENT AGREEMENT WITH COSTCO WHOLESALE CORPORATION. The motion carried unanimously.

SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed at 10:44 p.m. the regular City Council meeting and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The meeting reconvened at 10:57 p.m.

ORAL COMMUNICATIONS

a. Members of the Audience

Randy Argo continued expressing his dissatisfaction with city policy and planning staff. He addressed city council on various issues and the process used on his duplex property at 213 West First Street.

Mayor Morris stated that the Planning Department made an effort to establish whether or not a duplex was ever permitted. He indicated that for the first four years, the County Engineer provided the building plan checks, and no one found a permit for the kitchen.

Mr. Argo inquired whether or not Councilmember Ebner's second bathroom was permitted.

Mayor Morris stated he and Mr. Michaelis met with Mr. Argo for three hours to provide the opportunity to discuss his issues and produce evidence. He said evidence was not produced, and Mr. Argo spent the time making accusations against the Planning Director.

b. City Manager

No report.

c. City Attorney

No report.

d. Members of the City Council

1) Councilmember McHenry March 10, 2005 DPRB meeting update and discussion.

Councilmember McHenry requested review of three items considered by the Development Plan Review Board at their March 10, 2005 meeting: Case No. 05-20 – denial of shade structure for the Montessori School (Mandate from State to provide shelter from the sun); 1190 Via Verde; Case No. 05-21 – first floor office use at 149 East Bonita Avenue; Case No. 05-23 – first floor office use at 133 East Bonita Avenue, Suite 103. He said the Review Board made a decision based on policy and he would like the Council to provide clarity.

It was the consensus of the City Council to hear the appeal on Case No. 05-20 – Montessori School in Via Verde – at the next meeting provided applicant is available. Director Stevens stated the applicant will be contacted and action will be suspended until the appeal is resolved.

Director Stevens said the Ordinance states if in the Creative Growth Area 2, any ground floor non-retail use requires DPRB approval. The real question is confirmation of criteria that the Board uses in determining when they would consider something not retail. Council would need to affirm whether or not the Board is using correct criteria consistent with City Council intent. He indicated that staff will coordinate with the applicants of Case No. 05-21 and 05-23 and the appeal will be brought forward at the next available meeting.

Don Sanhours, representing Mr. Begin, said the 1988 Conditions of Approval state the purpose of this area is to provide the neighborhood commercial uses and other convenience goods and service businesses which service the daily living needs of the nearby neighborhood. He indicated that everyone has insurance and three salesmen each see 3-4 people per day.

Community Development Director Stevens said both are permitted uses in Creative Growth Area 2; the question is whether or not they could be on the first floor because they are not retail.

Marvin Ersher said in the past, the appeal process ended at the Planning Commission level before the existing policy was brought to the City Council. He said make it user friendly, but it is important that staff be backed by the City Council to keep up standards to continue to have a great city.

Randy Argo apologized for his lengthy comment and proceeded to address the Council on his issues.

2) Councilmember Ebner stated he would be out of town on March 28, the date scheduled for the City Council/Staff Retreat, and he would appreciate the meeting being rescheduled.

It was the consensus of the City Council to reschedule the City Council Staff Retreat to Monday, April 4, 2005, 3:00 pm – 7:00 pm.

3) Councilmember McHenry stated that the Council received correspondence from Daniel Singh who indicated he was granted access to Loma Vista. He said for the past 15 years it has been the policy of the City Council not to accept access to Loma Vista and he would like to know if their position had changed. He is dismayed that Mr. Singh proposed that the Council entertain it. He is not willing to entertain it.

In response to Council, Director Stevens stated Mr. Singh was not encouraged to promote that alternative. However, since it had been raised and was a recommendation of the County Planning Commission, staff informed Mr. Singh that he knew the City's position on this. However, if he provided information, staff would look at it and decide whether or not to go forward.

City Manager Michaelis said Dentec would be placed on the Retreat agenda and staff would provide an update of the meetings with Mr. Singh.

CLOSED SESSION

Mayor Morris announced that the closed session would not be held. Adjourn to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.9 Subdivision (a):

**a. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
(SUBDIVISION (a) OF GOVERNMENT CODE SECTION 54956.9)**

Name of Case: Bradley and Rebecca Secreto v. City of San Dimas, LASC Case No. BC298567

No action to report.

b. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
(SUBDIVISION (a) OF GOVERNMENT CODE SECTION 54956.9)**

Name of Case: Bradley and Rebecca Secreto v. City of San Dimas, LASC Case No. BS094531

No action to report.

ADJOURNMENT

The meeting adjourned at 12:17 a.m. The next meeting will be on Monday April 4, 2005, 3:00 p.m. for a Council-Staff Study Session

Mayor of the City of San Dimas

ATTEST:

City Clerk