



MINUTES
REGULAR CITY COUNCIL
TUESDAY, APRIL 12, 2005, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

PRESENT:

Mayor Pro Tem Jeff Templeman
Councilmember Denis Bertone
Councilmember John Ebner (arrived at 7:11 pm)
Councilmember Sandy McHenry

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
Associate Planner Vacca

ABSENT:

Mayor Curtis W. Morris

CALL TO ORDER

Mayor Pro Tem Templeman called the meeting to order at 7:02 p.m. and removed item “j” from the Consent Calendar. Department of Housing and Urban Development Project Coordinator Cristela Estrada is present to accept a proclamation declaring April as Fair Housing Month and will be recognized with the other two honorees.

RECOGNITIONS

- Proclaiming May as Older Americans Month and recognizing Joe Acevedo as the City’s Older American honoree.

Councilmember Bertone said he is fortunate to meet all these nice people. He provided a brief bio of Mr. Acevedo’s accomplishments.

Mayor Pro Tem Templeman presented a proclamation to Joe Acevedo, the City’s honoree recognized at the Los Angeles County Older American Recognition Day, and declared the month of May as Older Americans Month.

Joe Acevedo thanked the Council and said it is an honor to receive recognition. He said this is a great city to raise a family.

- Proclaiming April 10-16, 2005 as National Library Week

Mayor Pro Tem Templeman presented to Debbie Yasher, San Dimas Library Manager, a proclamation declaring April 10-16, 2005 as National Library Week in the City of San Dimas.

➤ Proclaiming April as Fair Housing Month

Mayor Pro Tem Templeman presented to Cristela Estrada, Project Coordinator, Fair Housing Foundation, a proclamation declaring April as Fair Housing Month.

ORAL COMMUNICATIONS

(For anyone wishing to address the City Council on an item not on the agenda. No action or discussion shall be undertaken on any item not appearing on the posted agenda.)

a. Members of the Audience

1) **Ted Powl**, President/CEO, Chamber of Commerce, 1) reminded citizens that the Civic Academy, a joint project between the City and Chamber, is kicking off April 30th, with a full leadership session, at Ladera Serra park. This is a grand opportunity to learn how government operates for only \$195 for a ten-week session, which includes meals and a graduation banquet at Via Verde Country Club. 2) The Chamber of Commerce is accepting nominations for Business Man or Woman of the Year who will be recognized at the annual Chamber Installation/Awards dinner on June 2, 2005, at Via Verde Country Club.

2) **Dennis Phillips**, 525 No. Amelia, mentioned that at the Council/Staff Retreat, discussion centered around the City being more user friendly. He said Randy Argo's project to put three houses on Fifth Street was denied, but Costco has significant impacts and was approved. He said his project to construct a garage was denied, but a neighbor's project is under construction. He urged Council to let people build and do what they are entitled to do.

3) **Brad Secreto**, 1110 No. Cataract, stated he reviewed tapes of the meeting at which the City Council approved the Ordinance to allow a pool on a side yard on a corner lot, and he applied under the Ordinance. He said three weeks later, he received a letter stating his application was incomplete and the following week, another letter was received requesting a declaration.

4) **Rebecca Secreto**, 1110 No. Cataract, said she has two disabled children and has been trying for three years to get a pool. She stated that Judge Rothchild was the presiding judge over their case and Governor Schwarzenegger appointed her to his Committee. The new judge awarded the City an additional 45 days to prepare for court. She indicated that the application under the Accommodations Ordinance is not user friendly because they needed their attorney to fill out the 60-page application, which was returned requesting a declaration.

City Attorney Brown stated that any application filed has to be complete, and the declarations, which were referenced in the filing, would make the package complete.

In response to Councilmember Ebiner, Director Stevens said the application is four pages and attachments may be submitted to supplement the application. Apparently, when Mr. Sutton put the application together, he chose to submit an extensive amount of attachments, which would amount to 60 pages. The referenced statements from Mr. & Mrs. Secreto were part of the packet. He explained that there was a tab that said "statement from, statement from." When the application was received, Mr. Sutton was contacted and he said he knew it was incomplete and would submit the declarations shortly. When they did not come in, a letter was sent to serve as a reminder. Since that was included as part of the submittal, staff did not want to go forward with only a portion of the information that the applicant desires staff to consider. Director Stevens said it is his understanding that the information was submitted and is now being reviewed, and then will go forward with the process if it is complete at that point.

Mrs. Secreto further inquired about the letter from the Attorney General.

City Attorney Brown stated there is a lawsuit pending regarding that issue, and he would prefer that there not be any further discussion about it at this time.

Mayor Pro Tem Templeman stated that the Council had listened to their comments and needed to move forward with other business. He invited them to stay for the second Oral Communications if they wished to continue.

Mrs. Secreto continued and inquired if her application was complete and when could a date be set with the Planning Commission.

In response to Mayor Pro Tem Templeman, Director Stevens said he has not had a chance to read the submitted application and declarations. He plans to review the application for completeness within the next few days and if it is incomplete, he will ask for additional information. If it is complete, then the Secretos will be notified and an appropriate date would be determined to schedule the matter for the Development Plan Review.

Mrs. Secreto stated they have two lawsuits against the City and plan to file a third for violation of their civil rights.

City Attorney Brown provided a brief history of the Secreto's initial request for a pool and stated they have now filed documents in support of a pool of different dimensions.

In response to Mrs. Secreto, Mayor Pro Tem Templeman said signs have been placed throughout the city hall to inform the public that reasonable accommodations were available to residents with disabilities.

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.)

At the request of the City Clerk, item "j" was removed from the consent calendar. Department of Housing and Urban Development Project Coordinator Cristela Estrada was present to accept a Proclamation declaring April as Fair Housing Month.

With the removal of item 4 (j), it was moved by Councilmember Bertone, seconded by Councilmember McHenry, and carried unanimously by those present to accept, approve, or act on the consent calendar as presented, as follows:

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **NO. 05-20**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF APRIL, 2005.
 - (2) **NO. 05-21**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AUTHORIZING AND APPROVING THE EXECUTION FOR FISCAL YEARS 2006-2008 COOPERATION AGREEMENT BETWEEN THE LOS ANGELES URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND THE CITY OF SAN DIMAS.
 - (3) **NO. 05-22**, APPROVING ENGINEER'S REPORT AND SETTING PUBLIC HEARING FOR OPEN SPACE MAINTENANCE DISTRICT NO. 1 (BOULEVARD TRACT 32818).
 - (4) **NO. 05-23**, APPROVING ENGINEER'S REPORT AND SETTING PUBLIC HEARING FOR OPEN SPACE MAINTENANCE DISTRICT NO. 1, ANNEXATION NO. 3 (NORTHWOODS TRACT 32841).

(5) **NO. 05-31, AUTHORIZING RENEWAL OF A CONTRACT WITH THE COUNTY OF LOS ANGELES CONCERNING GENERAL SERVICES AGREEMENT**

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

(1) **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. **SECOND READING**

c. Approval of minutes for meeting of January 25, 2005.

d. Award of Cash Contract No. 2005-03 to Dye and Browning Construction, Inc. in the amount of \$114,679.00 for concrete maintenance project in the Town Core and Zone G; Appropriation of an additional \$35,906.45 from Gas Tax Fund.

e. Waiver of formal bid procedures for the purchase from Sun Valley Lighting of the light poles and fixtures for the Municipal Parking Lot Light Project.

f. Waiver of Formal Bid Process for the purchase of Xerox DC3535 Network Digital Color Copier/Printer.

g. Approving and accepting negotiated exchange of property tax revenues resulting from annexation to County Sanitation District No. 22 (Annexation No. 380.)

h. Walker House – Revision to Contract for Architectural Services.

i. Proclaiming April 10-16, 2005 Safety Seat Checkup Week.

k. Proclaiming April 2005 as Observance of Child Abuse Prevention Month.

l. Proclaiming April 2005 as Sexual Assault Awareness Month and Denim Day in L. A.

m. Proclaim April 18-23, 2005 Recording for the Blind & Dyslexic's Record-A-Thon Week.

END OF CONSENT CALENDAR

PUBLIC HEARING

a. Amendments of California Redevelopment Agency Law – Impacts to SB211 and SB1045 on Rancho San Dimas and Creative Growth Redevelopment Project Areas.

(1) **ORDINANCE NO. 1151** AN ORDINANCE OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING CERTAIN TIME LIMITATIONS WITH RESPECT TO THE REDEVELOPMENT PLAN FOR SAN DIMAS REDEVELOPMENT PROJECT AREA NO. 3 ADOPTION, AMENDMENT AND MERGER PURSUANT TO THE PROVISIONS OF HEALTH AND SAFETY CODE SECTION 33333.6 **FIRST READING**

(2) ORDINANCE NO. 1152 AN ORDINANCE OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING CERTAIN TIME LIMITATIONS WITH RESPECT TO THE REDEVELOPMENT PLAN FOR THE CREATIVE GROWTH REDEVELOPMENT PROJECT PURSUANT TO THE PROVISIONS OF HEALTH AND SAFETY CODE SECTION 33333.6. FIRST READING

Assistant City Manager Duran reported that recent changes to Community Redevelopment Law permit cities to eliminate the deadline for incurring debt on redevelopment plans adopted prior to 1994. Additionally, law now permits cities to extend the lifetime of affected redevelopment plans by one year for each year in which Los Angeles County Educational Revenue Augmentation Fund (ERAF) payments are made. These amendments will allow the Agency to increase bonding capacity; incur debt over a long period; and secure a larger tax increment flow. Staff recommends that Council introduce Ordinances No. 1151 and 1152, which extend the lifetime of both the Rancho San Dimas and Creative Growth Project Areas.

Mayor Pro Tem Templeman opened the public hearing and asked if anyone wished to speak on this item. There being no one, the public hearing was closed.

After the title was read, it was moved by Councilmember McHenry, seconded by Councilmember Bertone, to waive further reading and introduce **ORDINANCE NO. 1151**, AN ORDINANCE OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING CERTAIN TIME LIMITATIONS WITH RESPECT TO THE REDEVELOPMENT PLAN FOR SAN DIMAS REDEVELOPMENT PROJECT AREA NO. 3 ADOPTION, AMENDMENT AND MERGER PURSUANT TO THE PROVISIONS OF HEALTH AND SAFETY CODE SECTION 33333.6. The motion carried 4.1, with Mayor Morris absent.

After the title was read, it was moved by Councilmember Ebiner, seconded by Councilmember McHenry, to waive further reading and introduce **ORDINANCE NO. 1152**, AN ORDINANCE OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING CERTAIN TIME LIMITATIONS WITH RESPECT TO THE REDEVELOPMENT PLAN FOR THE CREATIVE GROWTH REDEVELOPMENT PROJECT PURSUANT TO THE PROVISIONS OF HEALTH AND SAFETY CODE SECTION 33333.6. The motion carried 4.1, with Mayor Morris absent.

PLANNING

- a. DPRB Case No. 05-12 and Precise Plan No. 05-02 – To construct a 149,000 Costco warehouse/retail facility with a tire center and gasoline service station on a portion of a 22.83 acre site at the southeast corner of Lone Hill Avenue and Gladstone Street.

RESOLUTION NO. 05-30, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN 05-02, A REQUEST BY COSTCO TO CONSTRUCT A 149,000 SQUARE FOOT WAREHOUSE/RETAIL FACILITY WITH TIRE CENTER AND GASOLINE SERVICE STATION ON THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF LONE HILL AVENUE AND GLADSTONE STREET

Community Development Director Stevens presented the staff report and reported that the first phase of the Costco project has been reviewed by the Planning Commission and the Development Plan Review Board pursuant to Chapter 18.12 and recently revised Specific Plan No. 24. The Planning Commission and the DPRB recommend approval by adopting Resolution No. 05-30.

In response to Councilmember Ebiner, Director Stevens pointed out the landscaping plan and pedestrian linkages.

In response to Mayor Pro Tem Templeman, Director Stevens stated that the road next to the gas station does not allow entry from Lone Hill, but exits onto Lone Hill and permits a left turn to return to the parking lot. He said the gas station will accommodate about 50-55 vehicles in the area between the pump islands and the drive. Costco will be asked to submit traffic control plans in the event that demand for gas station services exceeds available space.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember McHenry, to waive further reading and adopt **RESOLUTION NO. 05-30, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN 05-02, A REQUEST BY COSTCO TO CONSTRUCT A 149,000 SQUARE FOOT WAREHOUSE/RETAIL FACILITY WITH TIRE CENTER AND GASOLINE SERVICE STATION ON THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF LONE HILL AVENUE AND GLADSTONE STREET.** The motion carried unanimously by those present; Mayor Morris was absent.

b. Appeal of DPRB Case No. 05-20 – Playground shade canopies at 1190 Via Verde.

Associate Planner Vacca presented a request by Mr. and Mrs. Firdosy to appeal the decision of the Development Plan Review Board to deny two canopies in the children's playground at the daycare at 1190 Via Verde. The DPRB felt that the metal canopies with plastic mesh are not of an acceptable design or material in their overall aesthetic quality and recommended the use of wood lattice patio covers to match the facility's existing patio cover.

Councilmember McHenry stated that the majority of the Development Plan Review Board felt that approval of the structures would be a contradiction to existing policy. He indicated that the structures are well done, not unlike canopies used by Kindercare and others, and he did not feel they were an inappropriate use. He inquired if staff was prepared to enforce code from an equity point of view. He mentioned that it is possible to write standards to get good quality design.

In response to Councilmember Ebner, Planner Vacca stated that staff is aware that some daycare centers have similar structures, and recognize they do not have permits.

Planner Vacca responded to Councilmember Bertone that unless the Council approved clear policy specific to daycare, this would have an impact on all commercial zone properties.

In response to Mayor Pro Tem Templeman, Director Stevens stated that most times, staff is fairly insistent on high quality materials such as canvass for its durability. When talking about awnings, staff must be careful in applying policies in order to be consistent. He did not think it was the same to compare this request to a residential situation, or to types of membranes structures.

It was moved by Councilmember Bertone, seconded by Councilmember Ebner, to uphold the Development Plan Review Board's decision and deny, without prejudice, the appeal to permit two canopies at the Children's Montessori Center and to give the applicant 90 days time period to work with staff to come up with an appropriate design. The motion carried by the following vote:

AYES: Councilmembers Bertone, Ebner, Templeman
NOES: Councilmember McHenry
ABSENT: Mayor Morris
ABSTAIN: None

Director Stevens commented that during this additional review period, staff will also give some consideration to looking at policy.

- c. Mills Act Contract Consideration – 500 No. San Dimas Avenue
RESOLUTION NO. 05-26, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING THE ATTACHED HISTORIC PROPERTY PRESERVATION AGREEMENT, PURSUANT TO THE MILLS ACT, FOR THE SINGLE FAMILY RESIDENCE AT 500 NORTH SAN DIMAS AVENUE, A CONTRIBUTING MEMBER OF THE LOCALLY SIGNIFICANT UPPER SAN DIMAS AVENUE HISTORIC DISTRICT.
- d. Mills Act Contract Consideration – 623 No. San Dimas Avenue
RESOLUTION NO. 05-27, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING THE ATTACHED HISTORIC PROPERTY PRESERVATION AGREEMENT, PURSUANT TO THE MILLS ACT, FOR THE SINGLE FAMILY RESIDENCE AT 623 NORTH SAN DIMAS AVENUE, A CONTRIBUTING MEMBER OF THE LOCALLY SIGNIFICANT UPPER SAN DIMAS AVENUE HISTORIC DISTRICT.
- e. Mills Act Contract Consideration – 401 No. Monte Vista Avenue
RESOLUTION NO. 05-28, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING THE ATTACHED HISTORIC PROPERTY PRESERVATION AGREEMENT, PURSUANT TO THE MILLS ACT, FOR THE SINGLE FAMILY RESIDENCE AT 623 NORTH SAN DIMAS AVENUE, A CONTRIBUTING MEMBER OF THE LOCALLY SIGNIFICANT UPPER SAN DIMAS AVENUE HISTORIC DISTRICT.

Mayor Pro Tem Templeman read a statement submitted by Mrs. Yepez who was unable to attend the meeting.

Associate Planner Vacca reported that property owners at 500 North San Dimas Avenue; 623 North San Dimas Avenue and 401 North Monte Vista Avenue are requesting to enter into Mills Act contracts with the City. Staff recommends adoption of Resolutions No. 05-26, 05-27, and 05-28.

After the title was read, it was moved by Councilmember McHenry, seconded by Councilmember Ebiner, to waive further reading and adopt **RESOLUTION NO. 05-26**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING THE ATTACHED HISTORIC PROPERTY PRESERVATION AGREEMENT, PURSUANT TO THE MILLS ACT, FOR THE SINGLE FAMILY RESIDENCE AT 500 NORTH SAN DIMAS AVENUE, A CONTRIBUTING MEMBER OF THE LOCALLY SIGNIFICANT UPPER SAN DIMAS AVENUE HISTORIC DISTRICT. The motion carried unanimously by those present. Mayor Morris was absent.

After the title was read, it was moved by Councilmember McHenry, seconded by Councilmember Ebiner, to waive further reading and adopt **RESOLUTION NO. 05-27**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING THE ATTACHED HISTORIC PROPERTY PRESERVATION AGREEMENT, PURSUANT TO THE MILLS ACT, FOR THE SINGLE FAMILY RESIDENCE AT 623 NORTH SAN DIMAS AVENUE, A CONTRIBUTING MEMBER OF THE LOCALLY SIGNIFICANT UPPER SAN DIMAS AVENUE HISTORIC DISTRICT. The motion carried unanimously by those present. Mayor Morris was absent.

After the title was read, it was moved by Councilmember McHenry, seconded by Councilmember Ebiner, to waive further reading and adopt **RESOLUTION NO. 05-28**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING THE ATTACHED HISTORIC PROPERTY PRESERVATION AGREEMENT, PURSUANT TO THE MILLS ACT, FOR THE SINGLE FAMILY RESIDENCE AT 401 NORTH MONTE VISTA AVENUE, A CONTRIBUTING MEMBER OF THE LOCALLY SIGNIFICANT UPPER SAN DIMAS AVENUE HISTORIC DISTRICT. The motion carried unanimously by those present. Mayor Morris was absent.

- f. Precise Plan Review 05-01, (DPRB Case No. 05-06) Four Office Buildings at 343 East Foothill Blvd., for a total of 16,000 square feet.

RESOLUTION NO. 05-29, A RESOLUTION OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN REVIEW 05-01 (DPRB 05-06) A REQUEST TO CONSTRUCT FOUR OFFICE BUILDINGS TOTALING 16,000 SQUARE FEET LOCATED AT 343 EAST FOOTHILL BOULEVARD.

Planning Manager Hensley reported that both the Planning Commission and Development Plan Review Board have reviewed and approved the project. Staff recommends adoption of Resolution No. 05-29.

After the title was waived, it was moved by Councilmember McHenry, seconded by Councilmember Bertone, to waive further reading and adopt **RESOLUTION NO. 05-29**, A RESOLUTION OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN REVIEW 05-01 (DPRB 05-06) A REQUEST TO CONSTRUCT FOUR OFFICE BUILDINGS TOTALING 16,000 SQUARE FEET LOCATED AT 343 EAST FOOTHILL BOULEVARD. The motion carried unanimously by those present. Mayor Morris was absent.

- g. Request of Christ Church of the Valley to amend Specific Plan No. 18 to allow for religious uses.

Community Development Director Stevens presented a request by Christ Church of the Valley to amend Specific Plan No. 18 to permit churches and church related uses. They are currently in escrow to acquire a 5±acre parcel with an 85,000 square foot building at 955 Overland Court. He said churches and church related uses are not permitted in Specific Plan No. 18 and referenced various issues associated with this request. The Planning Department recommends that the requested code amendment not be initiated.

In response to Councilmember Ebner, Director Stevens stated that even if the project were approved, there is potential difficulty in Christ Church of the Valley being able to meet building code requirements.

Pastor Mike Long, Executive Pastor, Christ Church of the Valley, brought Richard Lukas, Administrator, and Damien Felmith, who works with CB Richard Ellis. He addressed staff's three major concerns and said 1) The Church would be willing to enter into an agreement to offset the revenue generated by sales tax, and he believes that staff and volunteers would patronize local businesses; 2) He indicated that Church business hours would not conflict with Westcorp's business hours and he would like to enter into a cooperative parking agreement with Westcorp to allow weekday overflow employees' needs. He believes there would be negative impact on neighbors; 3) Although various properties were considered, the property on Overland Court was found to be the best "fit." They seek to use the facility without harm to its appearance. He stated that for two years no one has wanted the property for lease or purchase. It is his belief that the Church is a value to the community and more importantly, they wish to remain in San Dimas.

Richard, Lukas, Administrator, Christ Church of the Valley, stated that CCV's architect met with city staff and came up with an interpretation of the code to meet assembly requirements for the Church. He stated that this property comes closest to fulfilling their needs.

Councilmember McHenry agreed with Pastor Long that this property would fit their needs and they would not be a detriment to the surrounding community. He praised CCV for being good neighbors to the community, however, he felt it was bad policy to change the zoning to accommodate a nonprofit entity with no sales tax generation. He indicated this would set a bad precedent that would invite other churches to seek industrial areas.

Mayor Pro Tem Templeman said you could not ask for a better partner, but he is unwilling to give up redevelopment land or have the Church pay the City for tax increment revenue. He said he would do anything to help the Church find the right place, but this is not it.

Councilmember Ebner stated he would be willing to entertain the request, and he would not hold the Church to pay the redevelopment tax.

Councilmember Bertone said the Church is an excellent neighbor, but Specific Plan 18 was designed for a specific use and he opposed the request.

Mike Long stated they are not seeking to construct a building in the redevelopment area; they want to use an existing structure that if not filled, would sit idle for years. He asked for assistance in mitigating growth created on their existing location. He said other than another solution for them to increase capacity on the existing campus, they would be forced to look off-site.

It was moved by Councilmember McHenry, seconded by Councilmember Bertone, to deny the request to amend Specific Plan No. 18 per staff's recommendations. The motion carried 3.1, with Councilmember Ebner opposed.

Councilmember McHenry suggested looking at cooperative ways to find a way to help them with their expansion and not compromise the City's standards.

OTHER

- a. Approve Memorandum of Understanding with City of Glendora on traffic mitigation in the vicinity of Lone Hill Avenue.

City Manager Michaelis reported that the City of Glendora and City of San Dimas are working together to ease the potential impacts of increased traffic associated with proposed Costco and Diamond Ridge developments in San Dimas and Glendora. He reported that staff has not reviewed the draft agreement and is not prepared for approval. He suggested Council authorize staff to continue to work with Glendora, include a Councilmember, and to empower the Committee to approve an agreement reflecting an appropriate understanding between the two cities.

Community Development Director Stevens outlined some basic principles agreed to by both cities. He said details need to be crafted into a final document to move together to jointly solve traffic problems, consistent with the intent the Council adopted with the environmental documents. He felt this could be done without special meetings and having the Council read every element of the documents, as long as both comply with those principles.

Councilmember McHenry said this is a good attempt and he volunteered to be a member on the committee.

Councilmember Bertone moved to authorize staff to continue to work with the City of Glendora and approve an agreement, and he nominated Mayor Morris to be the second member of the Committee. Councilmember McHenry seconded the motion and asked Mayor Pro Tem Templeman to participate in Mayor Morris' absence. The motion carried unanimously by those present; Mayor Morris was absent.

SAN DIMAS REDEVELOPMENT AGENCY

Vice Chairman Templeman recessed the regular City Council meeting at 10:06 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The meeting reconvened at 10:07 p.m.

ORAL COMMUNICATIONS

a. Members of the Audience

- 1) **Gil Gonzalez**, 2193 Terrebonne, thanked Public Works Director Patel and John Campbell for their hard work getting residents in and out of their houses during the rain.
- 2) **Mr. Gonzalez** said he opposed closed meetings, particularly concerning NJD, with the exception of personnel matters. He asked if the City would attempt to come to some agreement with NJD before bringing it to the public hearing.

City Attorney Brown said the Brown Act extends beyond personnel, and includes litigation. He stated that the City Council has authorized setting in motion, in cooperation with the City of Glendora, a joint application with the Conservancy to apply for grants of funds, which may result in the acquisition of those properties.

3) **Mr. Gonzalez** said it's not a good idea to design by Committee that doesn't give answers. He suggested that the DPRB be suspended for one year to allow staff to make decisions on development projects. Quick decisions are needed to be a more user friendly City.

4) **Mr. Gonzalez** suggested streamlining city staff to not allow as much development as currently allowed. He expressed disappointment that the Council did not make the findings for the Secretos to put in their pool, but approved a Costco project that could not mitigate pollution or traffic.

Councilmember Bertone said he did not vote for a Costco for the revenue, he voted in favor because 99% of the citizens wanted a Costco.

Councilmember McHenry indicated that as the city grows, staffing needs have not expanded as quickly. He said the Secretos could have gotten a permit over the counter for a pool size they wanted, just not in the exact location they wanted. He stated they applied for a variance instead of a zone change and the newest request for a pool exceeds the size of what the zone change would have allowed.

City Attorney Brown preferred that the Council not discuss the Secreto matter.

Mayor Pro Tem Templeman said cities need diversity and the Costco as well as a Target, services what the community wants.

5) **Mr. Gonzalez** stated he cannot read the budget and asked City Manager Michaelis to simplify the budget to make it easy to understand so he knows where public money goes. He said Intellitech, the largest sales tax generator in the city, is leaving.

City Manager Michaelis stated he would be happy to meet with Mr. Gonzalez to clarify the budget. He said tax contributors are confidential unless grouped together with three other businesses.

b. City Manager

- 1) San Dimas Marketplace update

City Manager Michaelis provided a brief update on the San Dimas Marketplace and stated that officially, the Marketplace made the determination to delay their opening indefinitely to address some pending issues. He stated that the lawsuit involved both the City and the Marketplace and Council would be discussing that issue in closed session. Mr. Michaelis said the Marketplace has asked that the City consider not implementing the indemnification requirement. He suggested that staff and Council representatives explore the issues with the Marketplace.

Councilmember Ebner and Mayor Pro Tem Templeman would be willing to serve on the committee.

c. City Attorney

None

d. Members of the City Council

- 1) Councilmember Ebner said it was worthwhile to hear challenging ideas and encouraged members of the public to come forward with their comments.
- 2) Councilmember Bertone praised staff on the excellent job on the Costco project. He said the public should realize that if a piece of property is privately owned, the city cannot prevent development, however, the City could control the type of development. He said certain parcels of land are acceptable for development, while others are not. Costco is appropriate.

CLOSED SESSION

The meeting was adjourned at 10:37 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.9(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 reportable action.

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 reportable action.

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

Name of Case: Page v. City of San Dimas, USDC Case No. 0410279

No reportable action.

ADJOURNMENT

The meeting was adjourned at 11:40 p.m. The next meeting will be Tuesday, April 26, 2005, 5:30 p.m. for a follow up to City Council/Staff Retreat. The regular meeting will be at 7:00 p.m.

Mayor of the City of San Dimas

ATTEST:

City Clerk