



**MINUTES**  
**REGULAR CITY COUNCIL**  
**TUESDAY, AUGUST 23, 2005, 7:00 P. M.**  
**COUNCIL CHAMBERS, 245 E. BONITA AVE.**

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**CITY COUNCIL:**

Mayor Curtis W. Morris  
Mayor Pro Tem Jeff Templeman  
Councilmember Denis Bertone  
Councilmember John Ebner (arrived at 7:05 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

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Morris called the meeting to order at 7:01 p.m.

**2. ORAL COMMUNICATIONS**

(For anyone wishing to address the City Council on an 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.)

a. Members of the Audience

1) **Ted Powl**, President/CEO, Chamber of Commerce, thanked everyone in the community for participating, helping out with, and attending the City's Birthday Party. He reminded everyone to plan their time to attend both the San Dimas Fair going on at the same time as Western Days venues that include the Community Parade to honor San Dimas Mountain Rescue Team's 50<sup>th</sup> anniversary; Ms. Rodeo California; Western Days Rodeo; and Pow Wow.

2) Mr. Powl thanked the City, downtown Merchants, and participants in attending the Saturday Downtown event. He mentioned this was the first event the promoted local vendors to spark interest in the downtown area.

3) Mr. Powl mentioned that actual tickets sold at the City Barbecue were 1,410 and said at least 200-300 people brought their own food and came out for the entertainment.

4) **Brad Secreto**, 1110 N. Cataract, questioned why Mr. Phillips' request for a two-story garage was denied when it cannot be seen from the street. He said San Dimas is a nice city, but the variance process is difficult. He said citizens have a right to reapply.

City Attorney Brown replied that Mr. Phillips has addressed the City Council on many occasions and his case is in litigation. He felt that it is inappropriate to discuss this issue in this context.

5) **Randy Argo**, AZ, stated that at the last City Council meeting, his First Amendment rights were violated when he was told he could not present public record. He addressed the City Council on the denial of his request for a duplex on First Street and said he felt it was futile to bring in another request. However, he implored citizens to continue their process and to access [www.justthissunday.com](http://www.justthissunday.com).

Councilmember Bertone assured Mr. Argo that he would do everything possible to give him a fair hearing if he came again before the City Council.

6) **Dennis Phillips**, 525 No. Amelia, said selection enforcement is what brought him here and he will not be quiet while a member of the Plan Review Board gets preferential treatment.

7) **Dennis Phillips** stated that until last Council meeting, everyone thought the train station would be located downtown, and most people still do not know the location selected. He stated that the City needs to do a better job of notifying residents.

Councilmember Bertone stated the City Manager has requested a special meeting the the community and the Council is going to set a date this evening to notify impacted neighbors.

City Attorney Brown stated that as far as comments related to Councilmember McHenry's property, the minutes reflect that there were applications for permits, reviews, and permits issued going back a number of years.

Director Stevens requested Mr. Phillips to contact him for a complete explanation as to the difference in the process, and how the ordinance is applied. He said he would be downtown at a meeting tomorrow morning, but would be available in the afternoon.

### 3. 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.)

Councilmember Ebiner requested amendment to the minutes dated August 9, 2005, on page 5, last paragraph "residents" should be "property owners."

Councilmember Bertone suggested using "area" rather than 1,000 feet.

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

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
  - (1) **No. 05-53**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF AUGUST, 2005.
  - (2) **No. 05-54**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING RESOLUTION NO. 85-110 TO DEFINE THE TERM OF MEMBERSHIP OF THE GOLF COURSE ADVISORY COMMITTEE.
- b. Approval of minutes for meeting of Study Session of August 9, 2005; regular City Council meeting of August 9, 2005.

- c. Reject claim for damages from Diane Soto.
- d. Proclaim September 2005 as National Alcohol and Drug Addiction Recovery Month.

END OF CONSENT CALENDAR

#### 4. PUBLIC HEARINGS

(The following items have been published and/or posted. The Mayor will open the meeting to receive public testimony.)

- a. Tentative Tract Map No. 05-01 (060076) is a request by Arrow Highway Development LLC and Canyon Consulting for an industrial planned unit development project to subdivide the 10.63 acre property at 160 E. Arrow Highway into 15 lots with 21 units for separate ownership.

**RESOLUTION NO. 05-55, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, RECOMMENDING APPROVAL OF TENTATIVE TRACT MAP NO. 05-01 (TTM 060076) A REQUEST TO SUBDIVIDE AN EXISTING 10.63 ACRE PARCEL INTO FIFTEEN LOTS AND TWENTY-ONE UNITS FOR AN INDUSTRIAL PLANNED UNIT DEVELOPMENT PROJECT ON THE PROPERTY LOCATED AT 160 EAST ARROW HIGHWAY.**

Planning Manager Hensley reported that the applicant, Canyon Constructing Engineers, is proposing to subdivide a 10.63 acre parcel into twenty-one individual parcels for separate ownership. He indicated that the Planning Commission approved CUP 05-03. Staff recommended approval of Tentative Tract Map 05-01 utilizing a previously approved Negative Declaration.

Mayor Morris opened the public hearing and asked if anyone wished to speak. There being no one, he closed the public hearing.

Mayor Pro Tem Templeman inquired who is responsible for maintenance when there are multiple owners on a project site.

Planning Manager Hensley replied that a Property Association, much like a residential condominium project, would be responsible for all maintenance outside the building.

Manager Hensley further replied that the uses varied by building, but on balance, the project is zoned M-1 and many uses typically allowed in M-1 zone would be allowed, such as office, light industrial, warehousing, and light manufacturing.

After the title was read, it was moved by Councilmember McHenry, seconded by Councilmember Bertone, to waive further reading and adopt RESOLUTION NO. 05-55, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, RECOMMENDING APPROVAL OF TENTATIVE TRACT MAP NO. 05-01 (TTM 060076) A REQUEST TO SUBDIVIDE AN EXISTING 10.63 ACRE PARCEL INTO FIFTEEN LOTS AND TWENTY-ONE UNITS FOR AN INDUSTRIAL PLANNED UNIT DEVELOPMENT PROJECT ON THE PROPERTY LOCATED AT 160 EAST ARROW HIGHWAY. The motion carried unanimously.

b. Congestion Management Plan 2005 Local Development Report:

**RESOLUTION NO. 05-56**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL IMPLEMENTATION REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089.

Planning Manager Hensley presented the staff report and said the City is required to adopt an annual resolution certifying the City has met county-wide Congestion Management Plan requirements. Staff recommended adoption of Resolution 05-56.

Mayor Morris opened the public hearing and asked if anyone wished to speak. There being no one, he closed the public hearing.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember McHenry, to waive further reading and adopt **RESOLUTION NO. 05-56**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL IMPLEMENTATION REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089. The motion carried unanimously.

## 5. PLANNING MATTERS

a. Revisions to existing Memorandum of Understanding with the City of Glendora regarding San Dimas Costco project and Glendora Diamond Ridge project.

Community Development Director Stevens reported that at the time we entered into the MOU with the City of Glendora to jointly work on traffic issues associated with Costco project and Diamond Ridge, San Dimas had a certified environmental impact report; Glendora had a preliminary traffic study, and subsequently certified the environmental impact report. Comments were made at their Planning Commission and City Council meetings related to a number of concerns that in part affect the MOU. The primary concerns at the present time are three-fold: 1) In Glendora's environmental document, they fail to do any impact analysis for the intersection of Valley Center/Arrow Highway. At this point, they do not believe amendment is necessary to address those concerns and believe there is no reason to discuss the intersection; 2) Part of the concern relates to failure in their environmental document to adequately identify the feasibility of various traffic mitigation measures and as they did not adopt the Statement of Overriding Consideration, it may not be possible to implement anticipated mitigation measures. Also, conflicts between mitigation measures for Glendora's project and San Dimas' project at the same intersection would result in one or the other city to take a different position relative to improvements different than identified in the mitigation measure, in particular the intersection of Lonehill/Gladstone. Improvements proposed as a mitigation measure for the Glendora project may make it not possible to provide the frontage road that San Dimas had proposed in front of Lonehill residents. Staff thinks it prudent to resolve differences now, but the City of Glendora believes we are fine with the existing MOU. Staff is unable to get them to agree to consider amending the MOU to deal with the issue of feasibility and potentially conflicting mitigation measures. 3) Staff expressed concern how they identified access to a loading area, and the location of the loading area directly across the street from Gladstone school and residential area on the south side of Gladstone. Staff suggested possible site plan modifications which would result in Glendora eliminating the driveway and/or reorienting access to the loading area. Staff had meetings and email exchanges with Glendora staff, and they have the matter on their agenda tonight not to do anything other than provide an update of these concerns. At the present, staff believes they are not willing to consider any amendments to the MOU.

City Manager Michaelis stated their city staff is willing to meet to address these issues, and staff is hopeful we could come to an understanding and memorialize amendments to the agreement. Staff is seeking Council's direction in closed session what would be an appropriate approach with this issue.

Mayor Pro Tem Templeman stated he is not prepared to give up the frontage road so Glendora could have it their way.

Councilmember Ebiner said the driveway could be an attractive access in and out of the property, however, the main concern is that traffic coming from Covina and the south part of San Dimas Valley Center could become a major pipeline for traffic.

Director Stevens indicated that this is the only service driveway in either of the two projects that accesses directly to the street. He said there are ways to design the site, at a cost of some parking spaces, or redesign the site so the driveway is not needed, and provide reasonable service consistent with the rest of the project. Like the mitigation measures, staff had a productive discussion, but was not sure where San Dimas stood in light of other issues.

In response to Mayor Pro Tem Templeman's suggestion that two members of the City Council and Glendora communicate, Director Stevens stated it may be too late to maintain the best possible leverage to assure the best chance of making a change.

Mayor Morris stated that the statute of limitations runs out Friday.

Director Stevens said if San Dimas chooses to challenge the environmental document, it would be on Friday. He stated that San Dimas cooperated with Glendora to adopt the MOU operating within the same 30 day time constraint. San Dimas is not getting the same level of response when we have similar concerns that probably warrant some change in the MOU.

City Manager Michaelis stated having elected officials participate in meeting may be helpful in the next few days, and those are points staff will discuss with Council.

## **6. SAN DIMAS REDEVELOPMENT AGENCY**

Mayor Morris recessed at 7:49 p.m. the regular City Council meeting and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 9:52 p.m. with all members present.

## **7. ORAL COMMUNICATIONS**

### **a. Members of the Audience**

1) In response to **Gil Gonzales**, City Manager Michaelis said there's a proposal to change one element of the DDA with Costco, which will be considered by the City Council/San Dimas Redevelopment Agency Board on September 13, 2005. Once the Agreement is signed, the property acquisition stage, which could take several months before the next decision is made, will move forward. He said the City/Agency's approach has been the same – if anyone is willing to contact the City to explore the sale of their property, the offer still exists.

2) **Gil Gonzales** praised the Dog Park, however, he still disagreed with the expenditures.

3) **Gil Gonzales** felt it was unethical if a man swears to uphold the Constitution and the Municipal Code, and violates that law. He thought Council should consider a Code of Ethics to be discussed at City Council/Staff Retreat.

b. City Manager

- 1) Establish a date for the fall Council/Staff Retreat session.

It was the consensus of the City Council to tentatively schedule the Fall Council/Staff Retreat on:

- ❖ November 1, 2005, 3:00 pm – 7:00 pm and
- ❖ November 3, 2005, 4:30 pm – 7:00 pm.

- 2) Set Date for Open House meeting regarding the Gold Line and the proposed station.

City Manager Michaelis reported that the Gold Line staff is considering September 21 or 22 as the meeting date and said notices will be sent to residents within 1,000 feet of the right-of-way and within 1,000 feet of the proposed station.

It was the consensus of the City Council to meet with Gold Line Representatives and residents affected by the Gold Line Station location on:

- ❖ Thursday, September 22, 2005, at 7:00 p.m.

In addition to the regular noticing procedure, staff was directed to notice neighbors by extending notices north of Fifth Street; publishing an ad in the local newspaper; a commercial on Cable T.V.; and the web site.

3) Public Works Director Patel said he was happy to report that the dip crossing on San Dimas Canyon that was washed out is almost 90% completed. He said there were a few more tasks to be done, but work should be completed by Friday, August 26. He thanked the efforts of the County of Los Angeles, Southern California Water Company, contractors, residents, and Council. He stated that mitigation work not included in this phase will be done over the next five years. He invited the Mayor and Councilmembers, at their convenience, to a field trip and he could arrange a dedication ceremony before opening the crossing on Friday, August 26.

4) Community Development Director Stevens said tomorrow, August 24, the County Planning Commission will hold a hearing at 9:00 a.m. in the Hall of Records on the Vista Verde Ranch. He stated they will probably provide direction and refer back the item to their Subdivision Committee. He stated he provided to Council a copy of the letter sent to the County and staff will reinforce those points. Staff will provide to Council a copy of a letter from Dentec's attorney. Director Stevens said the bus is leaving city hall at approximately 7:00 a.m. and if anyone is interested in going, there is adequate room on the bus.

In response to Mayor Morris, Director Stevens stated this item is not scheduled for closed session this evening.

c. City Attorney

No report.

d. Members of the City Council

1) Mayor Pro Tem Templeman praised the Dog Park and said it was very rewarding to see the community spirit with dogs of all sizes and people, and hear positive comments from citizens

2) Councilmember Bertone urged Councilmembers to mark their calendars on Friday, September 16, 2005, for lunch on San Dimas Day at the L. A. County Fair. He said there will be a horse named in honor of the City and said the whole community is invited to attend the annual parade to honor the San Dimas Community Hero.

**8. CLOSED SESSION**

Recessed 10.12 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

**a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Property: Various private properties SP-24 (south of Gladstone; east of Lone Hill vicinity)

Negotiating Parties:

For Agency: Blaine Michaelis, City Manager/Executive Director, and J. Kenneth Brown  
City/Agency Attorney.

For Seller: Darden – 1004 West Gladstone  
Vella – 1000 West Gladstone; 925 West 5<sup>th</sup> Street  
Nuno – 506 North Lone Hill  
Simison – 514-602 North Lone Hill  
Latham – 943 West 5<sup>th</sup> Street  
Van Wagner – 933 West 5<sup>th</sup> Street  
Wilson – 948 West 5<sup>th</sup> Street  
Mueller – 932 5<sup>th</sup> Street  
McCoy – 922 West 5<sup>th</sup> Street  
Vasilj – 914 West 5<sup>th</sup> Street  
Maturo – eastern terminus of 5<sup>th</sup> Street  
Rodriguez – 942 West 5<sup>th</sup> Street  
Wold – 1000 West 5<sup>th</sup> Street

Under negotiation: Certification of appraisals and authorization to make offers to acquire property.

No reportable action.

**b. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Property: Property on east side of San Dimas Ave., south of Railroad Tracks, north of Arrow Highway

Negotiating Parties:

For Agency: Blaine Michaelis, City Manager/Executive Director, and J. Kenneth Brown,  
City/Agency Attorney.

For Seller: Mr. and Mrs. Acon and Mr. Chen APN #8390-018-015, 016, 017, 018, 012,  
and 038  
Mr. Richard Staley and Kay Staley, APN #8390-018-008, 009, 010, 011

Under Negotiation: Discussion of Agency offer and authorization to acquire property

No reportable action.

**c. 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.

**d. 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.

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

City of San Dimas v. Bond Blacktop, Inc. and Great American Insurance Company.

No reportable action.

**f. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION  
(PURSUANT TO SUBDIVISION (c) OF GOVERNMENT CODE SECTION 54956.9)**

one case

No reportable action.

**9. MEMORIAL ADJOURNMENT**

Adjourned at 11:45 p.m. in observance of 9-11-01 to 8:00 a.m. Friday, August 26, 2005 to discuss revisions to Memorandum of Understanding with the City of Glendora regarding San Dimas Costco project and Glendora Diamond Ridge project. The next meeting is on August 30, 2005 at 5:30 p.m. and August 31, 2005 at 6:00 p.m. for Planning Commissioner Interviews; and September 13, 2005, 5:30 p.m. for a study session concerning staff's efforts to improve the public's experience with the City.

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MAYOR OF THE CITY OF SAN Dimas

ATTEST:

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City Clerk