



**MINUTES**  
**REGULAR CITY COUNCIL**  
**TUESDAY, DECEMBER 13, 2005, 7:00 P. M.**  
**COUNCIL CHAMBERS, 245 E. BONITA AVE.**

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**PRESENT:**

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

City Manager Michaelis  
City Attorney Brown  
City Clerk Rios  
Community Development Director Stevens  
Public Works Director Patel  
Parks and Recreation Director Bruns  
Planning Manager Hensley  
Senior Engineer Garwick  
Housing Manager Kasuyama  
Administrative Aide O'Leary

**1. CALL TO ORDER**

Mayor Morris called the meeting to order at 7:02 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) **Ginny Phillips**, 525 No. Amelia Avenue, addressed the Council on their right to appeal a list of conditions imposed by the Development Plan Review Board for a two-story garage.

b. City Manager

No report.

c. City Attorney

No report.

d. Members of the City Council

No report.

#### 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.)

It was moved by Councilmember Bertone, seconded by Councilmember McHenry, and unanimously carried 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. 05-73, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF NOVEMBER AND DECEMBER, 2005.**
- b. Ordinances read by title, further reading waived, passage and adoption recommended as follows:
  - (1) **NO. 1153, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 05-02, A REQUEST TO AMEND SECTION 18.204 REGARDING RE-SUBMITTAL OF DENIED VARIANCE APPLICATIONS. SECOND READING**
- c. Award of Cash Contract 2005-11 to Advanced Sewer Technologies, in the amount of \$22,154 for Television inspection of priority storm drain pipes.
- d. Award of Cash Contract No. 2005-12 to Oak Engineering, Inc., in the amount of \$16,350, for Traffic Signal Modification at Covina Boulevard and Lone Hill Avenue.
- e. Award of Cash Contract No. 2005-14 to W.H. Byars Roofing Co. in the amount of #12,150.00 for City Hall Roof Maintenance Coating and Membrane Installation.
- f. Award of Cash Contract No. 2005-17 to Martinez Concrete Inc. for concrete maintenance project Town Core, Zone G, and various city-wide locations.
- g. Approve 5<sup>th</sup> Street House Demolition Project – 1015, 1019, 1025, 1030 and 1044 West Fifth Street.
- h. California Cultural and Historical Endowment Grant Application – Round 2 - Walker House Renovation/Restoration/Preservation Project.

**RESOLUTION NO. 05-74, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING THE APPLICATION FOR CCHE GRANT FUNDS FOR THE CALIFORNIA CULTURAL AND HISTORICAL ENDOWMENT (CCHE) UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 FOR THE WALKER HOUSE RENOVATION/RESTORATION/PRESERVATION PROJECT.**

END OF CONSENT CALENDAR

#### 5. ORDINANCES

- a. Ordinances read by title, further reading waived, passage and adoption recommended as follows:
  - (1) **ORDINANCE NO. 1154, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING THE SAN DIMAS MUNICIPAL CODE BY AMENDING THE OFFICIAL ZONING MAP TO CHANGE THE ZONING FROM M-1 (INDUSTRIAL) TO CREATIVE GROWTH ZONE-AREA 3 ON THE PROPERTIES LOCATED NORTH OF ARROW HWY. AND SOUTH OF THE RAILROAD TRACKS ON THE EAST SIDE OF SAN DIMAS AVENUE. SECOND READING.**

After the title was read, it was moved by Mayor Pro Tem Templeman, seconded by Councilmember Bertone, to waive further reading and adopt **ORDINANCE NO. 1154**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING THE SAN DIMAS MUNICIPAL CODE BY AMENDING THE OFFICIAL ZONING MAP TO CHANGE THE ZONING FROM M-1 (INDUSTRIAL) TO CREATIVE GROWTH ZONE-AREA 3 ON THE PROPERTIES LOCATED NORTH OF ARROW HWY. AND SOUTH OF THE RAILROAD TRACKS ON THE EAST SIDE OF SAN DIMAS AVENUE. The motion carried by the following vote:

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

**(2) ORDINANCE NO. 1155**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING THE SAN DIMAS MUNICIPAL CODE BY AMENDING CHAPTER 18.140.090.C OF THE SAN DIMAS MUNICIPAL CODE (REVISED STANDARDS FOR CREATIVE GROWTH ZONE-AREA 3) AND ADOPTING NEW EXHIBITS A & B (SETBACKS) FOR CHAPTER 18.140 OF THE SAN DIMAS MUNICIPAL CODE. **SECOND READING.**

After the title was read, it was moved by Mayor Pro Tem Templeman, seconded by Councilmember Bertone, to waive further reading and adopt **ORDINANCE NO. 1155**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING THE SAN DIMAS MUNICIPAL CODE BY AMENDING CHAPTER 18.140.090.C OF THE SAN DIMAS MUNICIPAL CODE (REVISED STANDARDS FOR CREATIVE GROWTH ZONE-AREA 3) AND ADOPTING NEW EXHIBITS A & B (SETBACKS) FOR CHAPTER 18.140 OF THE SAN DIMAS MUNICIPAL CODE. The motion carried by the following vote:

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

## **6. PLANNING MATTERS**

- a. A request from Robert Miars to initiate a Code Amendment to allow expansion of nonconforming single family residence in the AP (Administrative Professional Zone) at 502 E. Bonita Avenue.

Community Development Director Larry Stevens presented a request from Robert Miars to expand to 1740 square feet an existing 864 square foot non-conforming residence at 502 East Bonita Avenue and demolish/replace the existing 380 square foot two-car garage. Director Stevens stated that existing regulations prohibit expansion of nonconforming residential uses in the AP Zone, and it is discretionary to determine if the nonconforming standards should be revised or if a zone change should be considered to accommodate the requested expansion. Director Stevens reported that Section 18.136.040 specifically lists residential uses as prohibited as the AP Zone is intended for administrative and professional offices and related uses. Staff does not recommend a Text Amendment be initiated.

In response to Council, Director Stevens stated that there would be impacts on other residential structures in similar zones if the nonconforming standards were changed; if someone has an existing historic house and wanted renovation within the nonconforming limits, there is some rehabilitation that could be done,

but it may not be enough to accommodate their desires. He added that conversion to offices of historic residences is permitted, although the house in question is not historic.

Mayor Pro Tem Templeman stated he would prefer that existing homes on San Dimas Avenue be allowed to be homes, with the ability to upgrade and make improvements, rather than be converted into offices with off-street parking, ADA ramps, and business signs.

Director Stevens replied that if the City Council wants those homes preserved as historic, a base zone could be created to accommodate some type of mixed commercial/residential use in that specific neighborhood, based on characteristics, which would create a different value than on Bonita Avenue.

Mayor Morris asked if the applicant would like to address the City Council on this matter.

**Bob Miars** stated that the 60 year old house needs remodeling to bring it up to current values and architecture to the size and scale with other residences in the City. He mentioned that combining his lot with an adjacent lot for a commercial development with setbacks and ADA compliance becomes cost prohibitive. He asked for Council support to remodel the existing one-story residence for his and his wife's use; to tear down an old garage; and to re-landscape.

In response to Council, Mr. Miars stated that the Forest Service owns the parking lot behind his property which, at some point in time, could be traded, and his property and the adjacent property could be acquired for ingress and egress. He said presently, his property is tenant occupied and he has a small office in La Verne, and another in Glendora.

In response to Mayor Pro Tem Templeman, Director Stevens stated that if an existing residence is acquired, Agency involvement may create obligations relative to replacement housing, but probably not the significant limitation that presently exists.

Mayor Pro Tem Templeman expressed concerns about a code change for one home that could impact all homes that may not have the same set of circumstances.

Mayor Morris opposed spot zoning, but felt there must be a way to accommodate the nonconforming use to avoid deterioration.

Councilmember McHenry stated that existing residential could remain, and should not be discouraged from making modest improvements and maintaining the property.

In response to Mayor Pro Tem Templeman, Director Stevens stated that should Mr. and Mrs. Miars move out after a period of time, reverting to an AP Zone becomes more difficult because the residence has achieved certain value higher than potential conversion to office use.

In response to Mayor Morris, Director Stevens said if the Forest Service decided to surplus and allow development on the portion of property, they would be obligated to provide access along the edge of existing frontage properties they do not control and would have to modify the parking lot to address the problem.

Director Stevens suggested allowing nonconforming uses of such a type to be expanded subject to parameters rather than have each arbitrarily decided.

In response to Council, Director Stevens stated if the inclination is to look more seriously at potential options before making a decision, further analysis would be required. He stated there are limitations as AP property and thought the zone did not meet the minimum lot size standard.

Councilmember McHenry felt the AP zoning was appropriate. He stated he would not support a modification that allows existing AP uses to be demolished for residential use; and any construction allowed on residential lots that currently exist not be done in a manner that would create a conflict with AP uses on either side or designed in a manner AP uses create a conflict with residential uses.

Councilmember Bertone said a house there would look fine, but felt consistency was important. If someone wanted to tear down an existing AP use to build a house, they and others should be allowed to do so.

After further discussion on the impacts of a zone change, it was the consensus of the City Council to refer this item to Planning for further analysis, with a target of 60 days to be brought back to Council.

- b. A request from Christ Church of the Valley/Ride & Show Engineering to initiate a Code Amendment to allow certain youth recreation activities with a conditional use permit and to change the existing standards allowing churches in the M-1 (Light Manufacturing Zone at 279 E. Arrow Highway.

Community Development Director Larry Stevens presented a request to amend the M-1 Zone to allow certain recreational activities including a basketball court and coffee bar as an additional use to permitted administrative offices for Christ Church of the Valley. Director Stevens suggested that the use is not appropriate unless parking issues could be resolved. Staff does not recommend initiating a code amendment.

In response to Councilmember Bertone, Director Stevens stated that the Church has two basic uses, office and a series of recreational activities. He stated that the biggest parking demand is determined, and then limited based on how uses interact so as to not operate concurrently. Staff has no basis to support their proposal to make 120 spaces work by managing the use and occupancy of the building, which is contrary to the normal way of determining and applying parking standards, and may set a difficult precedent.

At the request of Councilmember Ebner, Director Stevens summarized the required parking spaces for each use.

Councilmember McHenry stated he is in favor of amending the code to allow church use in the M-1 area to include the expanded recreational use; however, he stated there is not enough parking to accommodate the success and growth of the Church.

In response to Council, Director Stevens indicated there are two opportunities for off-site parking: one is the Municipal Parking Lot, which is not a viable option; the other is an existing industrial park across the street, which may have limitations due to hours of operation and willingness to share parking. Mr. Stevens was not satisfied there would be enough parking spaces and said he would require a shared parking analysis.

Council further discussed in length the parking deficiencies; shared parking limitations; other permitted uses; managing parking; and setting a precedent.

Councilmember Ebner left the dais at 8:48 p.m. and returned at 8:50 p.m.

**Roland Feuer**, President, Ride and Show Engineering, Inc., added that in a document submitted, the Church outlined hours of use for the coffee bar and recreational activities, and parking spaces for those hours of uses not concurrent with office use.

Director Stevens stated that the information presented could reduce the parking deficiency to between 25-50 spaces, but the deficiency is still there.

Councilmember Ebner expressed a willingness to explore noncurrent uses and use of the Municipal lot as one way to arrive at the numbers required. He stated that the parking lot is not full at night during the week, whereas on Sunday, the parking lot and surrounding streets are full.

Mayor Pro Tem Templeman agreed that daytime demand requires one set of traffic, while evening demand is different. He said he is willing to work with the applicant to cure the deficiency.

It was moved by Councilmember McHenry to initiate the code amendment with the understanding that the motion does not approve any parking, issues of which have to be resolved.

The motion was seconded by Mayor Pro Tem Templeman and carried unanimously.

## **7. OTHER BUSINESS**

- a. Receive update report on required NPDES Industrial/Commercial Inspections with recommendation to continue the current fee schedule and the retention of a consultant to complete the next required inspection of restaurants and industrial/commercial facilities.

Administrative Aide Kym O'Leary reported that the first round of required NPDES Industrial/Commercial inspections was completed in February, 2004, and a second round of inspections is required to be completed by July, 2006. Staff was pleased with first round performance and proposes to rehire AEI-CASC Engineering in an amount not to exceed \$22,500 to inspect required facilities.

It was moved by Councilmember McHenry, seconded by Councilmember Bertone, to award contract to AEI-CASC Engineer, in an amount of \$22,500.00, for second required inspections of restaurants and industrial/commercial facilities. The motion carried unanimously.

In response to Mayor Pro Tem Templeman, Aide O'Leary stated that financial recovery from the state is still at status of unfunded mandate. Mayor Morris added that a permit is required and this is a condition of obtaining the permit or discharge is not allowed.

## **8. SAN DIMAS REDEVELOPMENT AGENCY**

Mayor Morris recessed at 9:08 p.m. the regular meeting and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 9:14 p.m.

## **9. MEETING OF SAN DIMAS PUBLIC FACILITIES FINANCING CORPORATION**

Mayor Morris recessed the meeting at 9:15 p.m. and convened a meeting of the San Dimas Public Facilities Financing Corporation. The regular meeting reconvened at 9:16 p.m.

## **10. ORAL COMMUNICATIONS**

- a. Members of the Audience

- 1) At his request, **Nick Villegas**, 611 North Brentwood Drive, was provided a copy of the draft letter to the Metro Gold line Authority.

- b. City Manager

- 1) Update regarding redemption of Puddingstone Parking District Bonds by Marketplace Properties.

City Attorney Brown reported that Market Place Properties has discussed redeeming Parking District Assessment Bonds bought until year 2016. They are under negotiation to sell the center and one requirement of the sale is to retire the Bonds. Attorney Brown stated he is working with MPP, Bond Counsel, and the Fiscal Agent to take care of the details. He expressed that Mr. Mushmel has no interest in redeeming the Bond. He indicated that Market Place Properties is paying the City's expense of Bond Counsel.

- 2) Approval of a letter to the Gold Line Construction Authority regarding the October 25, 2005 action of the Council.

City Manager Michaelis reported that the Gold Line Authority has requested a letter memorializing the City's recent actions regarding the Gold Line stations. Manager Michaelis provided a draft letter for Council's review and authorization.

Councilmember Bertone restated that the Henkels/McCoy property was taken out of the running for the Gold Line Station and is no longer being considered. He said the City is looking at property east of San Dimas Avenue.

It was moved by Councilmember Bertone, seconded by Councilmember McHenry, to authorize the Mayor to sign the letter to Habib Balian, Chief Executive Director, Metro Gold Line Foothill Extension Construction Authority as recommended by the City Manager. The motion carried unanimously.

In response to Councilmember Bertone, Public Works Director Patel said the final environmental report would be approved in Spring, 2006 and staff could start in summertime.

- 3) City Manager Michaelis reported that on January 12 or 17, 2006, the County is putting together an emergency exercise and extended an invitation to acquaint the City Council with the new requirements related to emergency preparedness and other important activities.

It was the consensus of the City Council to select January 17, 2006, 9:00-11:00 a.m. to attend the County of Los Angeles Emergency Preparedness exercise.

c. City Attorney

No report.

d. Members of the City Council

- 1) Appointments to Development Plan Review Board

It was moved by Councilmember Ebner, seconded by Councilmember Bertone, to appoint John Sorcinelli, as public member to the Development Planning Review Board. The motion carried unanimously.

- 2) Mayor Pro Tem Templeman mentioned that 12 of 17 street lights were out on Via Verde from the city limits to Puente. He suggested a plan to get lights working.

Public Works Director Patel reported that a letter was sent to Southern California Edison informing them of the outages in Via Verde and Teague Drive. He said the problem is faulty underground wiring that needs replacement by SCE. He said in conjunction with the Sheriff's Department, letters would be sent to Block Captains, as well as Home Owners Associations, informing them of the process of reporting to SCE or the City when lights are out in their neighborhood.

Mayor Pro Tem Templeman suggested posting the information in the e-newsletter and other methods of communications. He wished the community and the City Council a Merry Christmas.

3) Councilmember Ebner said with the cold weather coming, finding shelter for the homeless is a serious problem. He requested a report in January summarizing referrals for shelter and food for the homeless.

4) Councilmember Ebner reported that in October an historic house on Commercial Street was demolished without permits. He said the property owners have plans for a house three times the size on the same piece of property, and he would like the process suspended until Planning staff could provide an update and options.

Mayor Morris stated that the Development Plan Review Board expressed concern and raised the issue. The contractor confessed to accidentally demolishing the structure. Mayor Morris indicated that he and others mentioned prosecution. He felt it would be unfair to the property owners to not process their application.

In response to Council, Director Stevens replied that the Board considered the matter, took action on the environmental document, and required the property owners to pay the City to hire an Historical Consultant to mitigate measures associated with the destruction of an historic resource. The report was prepared and the Board recommended adoption of the mitigated negative declaration including all 14 mitigation measures proposed by the Historic Consultant. He said the issue of prosecution was discussed at the DPRB meeting. As the contractor is unknown, there is no intent to go forward at this time, however, once identified, a complaint may be filed with the State Licensing Board, and the homeowner may take action against the contractor. He said this item could be scheduled at a future agenda to discuss other alternatives.

5) The Mayor and Councilmembers wished the community happy holidays.

## 11. CLOSED SESSION

Recessed at 9:38 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

- a. Property: Southeast corner of Lone Hill Avenue and Gladstone Avenue  
Negotiating Parties:  
For Agency: Blaine Michaelis, City Manager/Executive Director, and J. Kenneth Brown, City/Agency Attorney.  
For Property: Steve McArthur, Northwest Atlantic - Costco  
Under Negotiation: Possible sale of property and terms and conditions of City/Agency possible participation.

No reportable action.

- b. Property: Fox Project Grove Station L.L.C., East side of San Dimas Avenue South of the railroad tracks and North of Arrow Highway.  
Negotiating Parties:  
For Agency: Blaine Michaelis, City Manager/Executive Director, and J. Kenneth Brown, City/Agency Attorney.  
For Property: William Fox; Jide Alade  
Under Negotiation: Terms and conditions of property disposition and/or Agency participation.

No reportable action.

- c. Property: 200 South San Dimas Avenue APN 8390-018-008, 009,010,011  
Negotiating Parties:  
For Agency: Blaine Michaelis, City Manager/Executive Director, and J. Kenneth Brown,  
City/Agency Attorney.  
For Property: Mr. Richard Staley and Kay Staley  
Under Negotiation: Discussion of Agency offer and authorization to acquire property.

No reportable action

- d. **CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION  
(SUBDIVISION (a) OF GOVERNMENT CODE SECTION 54956.9)**  
Name of Case: Phillips v. City of San Dimas, LASC Case No. BS089159

No reportable action.

- e. **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.

## 12. ADJOURNMENT

The meeting adjourned at 10:38 p.m.. The next meeting is January 10, 2006, 7:00 p.m.

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Mayor of the City of San Dimas

ATTEST:

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City Clerk