



MINUTES
REGULAR CITY COUNCIL
TUESDAY, AUGUST 8, 2006, 7:00 P.M.
COUNCIL CHAMBERS, 245 E. BONITA AVENUE

PRESENT:

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

City Manager Michaelis (arrived at 7:43 p.m.)
Assistant City Attorney Steres
City Clerk Rios
Community Development Director Stevens
Public Works Director Patel
Parks and Recreation Director Bruns
Planning Manager Hensley
Building & Safety Superintendent Beilstein

1. CALL TO ORDER

Mayor Morris called the meeting to order at 7:02 p.m. and led the flag salute.

2. RECOGNITION

- City of La Verne City Clerk Evelyn Clark to present to San Dimas City Clerk Ina Rios International Institute of Municipal Clerks certification

City Clerk Evelyn Clark commended City Clerk Rios for having fulfilled the International Institute of Municipal Clerk's demanding educational, experience, and service requirements. Mrs. Clark presented to Mrs. Rios the Institute's certificate and designation of Certified Municipal Clerk and fastened the Institute pin representing the hard work required to achieve this status.

City Clerk Rios accepted the designation of Certified Municipal Clerk from the International Institute of Municipal Clerks and thanked Mrs. Clark for mentoring her and making the certification possible.

Councilmember Bertone and Mayor Morris congratulated Mrs. Rios on her accomplishment.

3. 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 Councilmember McHenry who cooked fajitas; the city for their support; the volunteers for all their help; and the community for participating in and attending the City's Birthday Party.

Mayor Morris thanked Mr. Powl, the volunteers, and Water Company employees for the great job. He indicated the event was so successful, people did not want to leave.

Mayor Pro Tem Templeman indicated he heard Ms. Nicole Pond say that it was as big an effort to put on the barbecue party as it was her job at the Fair. He thanked Ms. Pond for the great job.

2) **Janie Graef** presented a brief update on the San Dimas Heroes efforts, stating that currently there are 36 banners flying on San Dimas Avenue and Foothill Blvd. - 34 for the young men and women on active duty, and two in memory of two young men who gave their lives in service to our country. She stated they are working with an artist and architect on the permanent memorial, and hopes to bring something to Council within the next couple of months. The Committee appreciates the City's support and donations from several individuals and organizations.

3) In response to **Gary Enderle**, Mayor Morris stated that Mr. Michaelis is in mediation with the acquisition of property related to the Costco project.

4) **Gary Enderle** said the Los Angeles County Fair Community Committee selected 36 heroes for San Dimas Day on September 15, 2006, in honor of all San Dimas military personnel for whom they have banners - 34 currently serving in the military and two who were killed in action. He invited military persons as well as their families to attend and said everyone in the parade will have American flags to wave. He hopes the Council and everyone could attend.

5) **Jennetta Harris**, Southern California Edison, thanked the customers for their understanding of the outages experienced during the heat storms. She indicated that customers will soon see an average of 15% increase in their invoices on top of the high temperatures and said there are several opportunities on sce.com to take advantage of rebate programs. She reported that the Public Utilities Commission approved a rate increase which will go into effective November 1, 2006, to improve the antiquated infrastructure. She said high use consumers in tiers four and five levels are impacted, and stated that the PUC orchestrated that type of tier structure in an effort to encourage high use consumers to conserve. She added that San Dimas is in Region 17, baseline allocation, and stated that rates go up with high kilowatt hour usage and again encouraged conservation. She expressed her appreciation for the assistance offered by restaurants and Target.

6) **Gary Enderle** expressed concern with the cost of renovating the Walker House and inquired if the Council would consider rebuilding as a non-historic building. He requested the City not spend more money until the questions are answered and the public has the opportunity to vote on this expenditure in the March election. He does not want to see something done that would be a burden to the grandchildren or something the community does not want. However, if the community votes in favor of spending the funds, he volunteered to help raise money to pay for some maintenance costs.

In response to Mayor Pro Tem Templeman, Community Development Director Stevens stated he would speak with City Manager Michaelis and one of them would respond to Mr. Enderle.

7) **Jennetta Harris** praised the city clerk and offered congratulations on her certification.

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.)

Community Development Director pointed out minor changes to Ordinance No. 1162.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, and carried unanimously to accept, approve and act upon the consent calendar, as presented, as amended, as follows:

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **RESOLUTION NO. 06-41, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF JULY AND AUGUST, 2006.**
- b. Approval of minutes for the regular City Council meeting of July 25, 2006.
- c. Revisions to the Flood Plain Management Code.
**ORDINANCE NO. 1162, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING THE FLOOD PLAIN MANAGEMENT CODE .
INTRODUCTION FIRST READING** as amended.
- d. Reject claim for damages from Krystal Whiteside.

END OF CONSENT CALENDAR

5. OTHER

- a. Update on water issues at Calle Carrillo.

Building and Safety Superintendent Beilstein reported that at their July 25 meeting, the City Council received a report related to a water flow in Via Verde, heard testimony from concerned residents, and directed staff to work with Golden State Water Company to determine the source of the water flow and to periodically update Council until the issue was resolved. Staff met several times with an independent consultant and the water company to continue the process of determining the possible source of water, and Mr. Beilstein reported on the action plan the water company has agreed to pursue. He said staff is recommending continued analysis of test results.

In response to Councilmember Bertone, Superintendent Beilstein stated that as no results have been made available to the City, property owners did not receive this report, but information was emailed to Ken Chang.

1) **Joyce Kuyanov** stated that prior to construction of the Via Verde shopping center, the area below Via Verde Avenue was a swamp and the frog pond acted as a runoff basin for water coming from above. She said when construction began, contractors imported tons of soil to fill the area and raised it above Via Verde Avenue, and in the process of compacting soil to its present elevation, she believes the natural flow of water has been blocked and forced to find another outlet. She suggested geologists investigate the area, taking into consideration the drainage system under and around the shopping center and surrounding areas, as well as the ground water table level in the shopping center up to and above Lomita/Carrillo intersection. She requested that Council consider this possibility as a third reason for the water problem.

Mayor Morris replied that the consultant hired by the City is a geologist and is checking every possibility.

Director Patel said staff would follow up after reviewing the soils analysis, bedding of soils, and as part of the analysis, trace how water flows from Calle Carrillo to Via Verde Avenue.

2) **William Madsen**, 932 Calle Primavera, inquired if the properties are filled or cut lots.

In response to Mr. Madsen, Director Patel stated that as part of the investigation, staff would look at the original soils report for the tract, as well as the original topography to determine what ground existed out there.

3) **Ken Chang** commented that the property owners have received two communications from the Water Company giving the perception their mind is closed and they have already decided this is not their problem. Secondly, the property owners are looking forward to having the first meeting with Public Works. He believes all issues could be resolved. He thanked the Council and Public Works for the great work the past two weeks.

In response to Councilmember Ebner, Director Patel stated that once staff has established contact with the Water Company and the consultant, they would meet with residents to share issues at a forum to come up with an action plan. Only two weeks has lapsed, and staff is waiting for a proposal from the consultant, as well as a commitment letter from the Water Company.

Councilmember McHenry stated that some Water Company employees live in town with their families and are legitimately concerned about the problem. In talking with them, they have indicated that they are convinced from their own tests, that this is not their water, but would work with the City and residents. He felt it would be worthwhile to analyze other areas in Via Verde that may or may not have underground leakages.

There was no objection to Community Development Director Stevens' suggestion that this item be removed from the next agenda to allow staff to focus on the community forum and provide an update in September.

- b. Report and recommendation: Continuation or extension of the Farmers Market beyond Music in the Park.

Parks and Recreation Director Bruns reported on the suggestion to extend the Farmers Market beyond the conclusion of the ten week summer Music in the Park program. She outlined the need, costs, the permit process, logistics, operation of the event, liability, lighting, sustainability, community impacts, and security necessary to accomplish the program. It was staff's recommendation that the Certified Farmers Market be conducted as a summer event in conjunction with Music in the Park concert series, co-sponsored by the City as long as the San Dimas Music in the Park Committee is willing to provide financial and volunteer support.

In response to Councilmember Ebner, Director Bruns said the current permit is for three months and expires at the end of September. She stated that the Rustlers have been very active helping set up and clean up, and monitoring the crowd. She has not approached them to determine their intent if they would be interested in continuing those services.

Mayor Morris asked if Mr. Cuellar wished to present his thoughts.

Maurice Cuellar described a farmers market to provide fresh produce and a place for community gathering, as well as to promote local farmers, healthy eating, and business in the downtown. He said he spoke to the produce manager at Albertson's who indicated there would be no impact to Albertson's. He stated that if given the opportunity, he could get volunteers needed to start a farmer's market and if consistent, it would prove to be a better event to retain farmers. He mentioned that setup and tear down should be done by market managers per contract.

Director Bruns replied that staff oversees and supervises street closures for safety purposes.

Councilmember McHenry stated that farmers markets go out of business from either 1) the hooligan element that intimidate customers; or 2) a lack of volunteers for this daunting task. He added that liability insurance is another major factor, but thought the key to make it work is to form a volunteer organization. He mentioned that the original creation had food vendors, home crafters, and entertainment to create synergy.

Mr. Cuellar responded that he is not looking to add another event.

In response to Mayor Pro Tem Templeman, Mr. Cuellar said he attended a farmers market in Glendora that only had three farmers. He thought success depended on quality and the product.

Mr. Cuellar encouraged the City Council to approve the extension to a year round event, or at least to Thanksgiving.

In response to Councilmember Ebner, Mr. Cuellar stated he has some people who would be willing to join him in forming a committee.

Joe Fransen, Chairman, Music in the Park Committee, made it clear that he supports staff's recommendation at this time. He pointed out that Mr. Cuellar did an outstanding job and without his help, there would not have been a farmer's market.

Councilmember Ebner is supportive of letting the farmers market continue for an additional four weeks through September, when the permit expires, based on 1) Music in the Park is not a participant; 2) there would have to be a committee put together by Mr. Cuellar; 3) Mr. Cuellar is to work with Theresa Bruns, Director of Parks and Recreation; and 4) The City to expend approximately \$300.

Mayor Pro Tem Templeman stated that Mr. Cuellar deserves the opportunity to see what could happen another month after closure of Music in the Park. He stated that the intent of the city is to provide service to the community, not to make money on the farmers market.

Mr. Fransen replied to Councilmember Bertone that Music in the Park ends on Wednesday, August 30, 2006.

Councilmember Bertone inquired why the City should insure this farmers market and refuse other farmers markets. He wished Mr. Cuellar lots of luck in raising money to fund the farmers market, however, if the community interest is not there, there would be no farmers market.

Councilmember Ebner replied that this is a new incarnation of what the farmers market might be with only produce for sale, not to include vendors with imported products.

Mayor Morris expressed concern with viability and said it's not much of an enterprise if business drops off when Music in the Park closes, and the market cannot pay the manager.

Councilmember McHenry stated that the City supported the original farmers market to get it started, and it was a challenge to keep a wide variety of produce and keep vendors showing up every week. He added that the City refused to pay liability insurance and allow staff to put up and take down street barricades. However, he was willing to help Mr. Cuellar get started, but not as a permanent function.

Councilmember Ebner moved to allow the farmers market, with farmers only, to run in the current location for an additional four weeks, through the month of September, with details to be worked out with Director Bruns, and with the understanding that Music in the Park would not be a financial participant.

Mayor Pro Tem Templeman seconded the motion, and stated that details are to be worked out by staff, with the City helping financially with this test period. However, he felt that \$300 was an insufficient amount of money and suggested allocating \$1,000 to take care of the four evenings.

In response to Councilmember Ebner, Councilmember McHenry stated that the Council should know the magnitude of staff and financial support. He suggested that staff bring back a report clearly delineating the level of support so Mr. Cuellar understands what he is and is not getting. He mentioned that Mr. Cuellar needs to inform the market manager whether or not to come back after August 30.

Councilmember Ebner stated that direction would be to have staff bring back a report in two weeks with the understanding of extending the farmers market for four weeks, and that staff secure liability coverage with the JPIA.

Mayor Morris suggested that staff check on special event insurance coverage rather than JPIA coverage.

In response to Councilmember Ebner, Director Bruns suggested having one part time recreation leader on duty from 4:00 p.m. to 9:30 p.m. at an estimated cost of \$50 per night; as well as a manager to insure things are set up appropriately and safely; making sure there is volunteer support, and if not, she requested hiring additional part time staff to assist with cleanup. She stated that the agreement with the market manager has to be extended under the City and volunteer network, dropping Music in the Park from the contract.

In response to Councilmember Bertone, Councilmember Ebner stated that the \$1,000 cap does not cover staff not previously paid by Music in the Park.

Councilmember Ebner reaffirmed his motion to extend the farmers market by four weeks to include one part-time recreation leader, with the understanding that Mr. Cuellar comes up with a committee of volunteers that satisfies staff so it is not necessary to hire additional staff members, with a cap of \$1,000, plus insurance costs.

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

6. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 8:34 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:35 p.m. with all members present.

7. ORAL COMMUNICATIONS

- a. Members of the Audience

No one

- b. City Manager

Council responded to City Manager Michaelis' inquiry that the computer on the dais was demonstrated.

- c. City Attorney

No comments.

d. Members of the City Council

1) Report on meetings

Councilmember Bertone reported that on July 26-29, 2006, he attended the 2006 Mayors and Council Academy Executive Forum and Advanced Leadership Workshop held in Monterey. He reported on Proposition 90, the Anderson initiative that would affect every land use decision made by local government and school districts, and advised close scrutiny of this measure.

There was no opposition to Mayor Morris' suggestion to place this item on the next agenda to consider whether or not the Council would take a position to oppose this measure.

2) Councilmember Bertone reported that he had the opportunity to attend a Planning Commission meeting and heard the audience complain about the sound system.

City Manager Michaelis stated that in an effort to improve the sound system, staff would have a contractor evaluate the sound system.

3) From his involvement in the community, Councilmember Bertone said the community seems excited about the Walker House, and he has heard positive response that the Council finally made a decision. He recommended that the Council decide as soon as possible on the uses for the Walker House.

4) Councilmember Bertone reported that during Music in the Park, the Sheriffs in their vehicle ignored between 20-30 kids skateboarding in the plaza. He stated that one mother said to either remove the signs and allow skateboarding or enforce the ordinance. He added that a parent was upset with a person admonishing kids playing handball on the mural. He suggested the Sheriffs be reminded to enforce the skateboard ordinance.

5) Mayor Pro Tem Templeman requested that the contractor provide an evaluation of the audio at the Senior Citizens Center as well. He mentioned that Assistant City Manager Duran provided an overview of the City's emergency preparedness plan and that Kelly Middleton said there has been one case of West Nile Virus in the San Gabriel Valley Vector District.

Mayor Morris suggested staff speak into the microphones and the use of lapel microphones.

6) Mayor Morris invited the public to call Ask the Mayor on Thursday, August 10, 2006.

8. CLOSED SESSION

Mayor Morris recessed at 8:44 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Property acquisition pursuant to the Disposition Development Agreement with Costco for the Costco project at the southeast corner of Lone Hill and Gladstone.
APN: 8383-009-004; 019, 025, 026, 044, 045, 046 & 047, 602 N. Lone Hill Avenue; 526 N. Lone Hill Avenue; 522 N. Lone Hill Avenue; 514 N. Lone Hill Avenue; 508 N. Lone Hill Avenue.
APN: 8383-009-034, 943 W. 5th Street; 943 "B" W. 5th Street

APN: 8383-009-035, 933 W. 5th Street
APN: 8383-009-017, 018, & 036, 1000 W. Gladstone
APN: 8383-009-015 & 016, 1002 Gladstone Street; 1004 Gladstone Street.
APN: 8383-010-054, 942 W. 5th Street
APN: 8383-010-009, 922 W. 5th Street
APN: 8383-010-018, 019 & 020, 914 W. 5th Street

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. BC298567

c. Government Code Section 54957:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Manager

d. Report on closed session.

There was no reportable action.

9. ADJOURNMENT

Mayor Morris adjourned the meeting at 10:40 p.m. The next meeting is August 22, 2006, 7:00 p.m.

Mayor of the City of San Dimas

ATTEST:

City Clerk