



MINUTES
REGULAR CITY COUNCIL
TUESDAY, NOVEMBER 28, 2006, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

PRESENT:

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

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

1. CALL TO ORDER

Mayor Morris called the regular meeting to order at 7:05 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. Speakers are limited to 5 minutes.)

a. Members of the Audience

1) **Dennis Phillips**, 525 No. Amelia, suggested putting together an informal workshop to let citizens understand mansionization and what they are permitted or entitled to put on their properties. He thought this would also be a good opportunity to solicit public input.

Mayor Morris recommended that a preliminary staff report be presented to frame the discussion and that studies be conducted of similar ordinances in other cities to see how they deal with mansionization issues.

2) In response to **Ginny Phillips**, Mayor Morris stated that Mr. McHenry's issue is on the agenda under City Manager and that would be the appropriate time to discuss that item.

3) **Ted Powl**, President/CEO, Chamber of Commerce, invited everyone to the annual City Tree Lighting Ceremony at 6:00 p.m. on Wednesday, December 6, 2006 in the downtown. He said the San Dimas High School Brass Choir will provide entertainment and a special visit from Santa Claus is planned. He added that Downtown merchants will be presenting small gifts to children who come by their store with their families for a treasure hunt operation, and there will be a drawing prize of tickets to Disneyland.

4) Director Bruns said the San Dimas HolidayFest is being held on December 9, 2006, from 9:30 a.m. to 3:00 p.m., at the Civic Center, which will include Breakfast with Santa; Mt. San Dimas with 9 tons of snow, including a snowslide for children; arts/crafts fair; entertainment; and food venues.

In response to Mayor Morris, Director Bruns said the only charge is \$3 for breakfast and cost of food throughout the day. In case of rain, the event will be held on Saturday, December 16.

5) **Joe Estes** inquired how much has been spent on legal fees and staff time on the Secreto case.

City Attorney Brown referred Mr. Estes to Mr. Michaelis to discuss the extent of staff time and fees paid to date. He said the hearing was continued to Thursday and the settlement proposal is subject to acceptance by the Secretos.

6) **Earl Sounheim** announced that the nomination period open to receive candidates closes on Friday, December 8, 2006.

7) In response to **Dennis James**, Mayor Morris stated that DPRB Case No. 04-64 is on the agenda under Oral Communications under the City Manager's report.

8) Mayor Morris announced that the Dentec project was inadvertently omitted from the agenda and in order to discuss this project hearing before the Los Angeles County Planning Commission hearing on December 6, 2006, it is necessary to add this item to the agenda.

It was moved by Councilmember McHenry, seconded by Councilmember Bertone, to add the Vista Verde Ranch (Dentec) project to the agenda for discussion. The motion carried unanimously.

Mayor Morris explained that this issue involves a proposed development of property in the County island between Via Verde and San Dimas, bordered on the east by San Dimas Avenue, on the south by Via Verde Avenue, and the north by Walnut Creek. He stated that the property owner has an application before the Los Angeles County Regional Planning Commission for a hearing on the project. Over the years, the City of San Dimas has held meetings on the project for public input and the item was added to the agenda to allow Mr. Stevens to make a recommendation on the City's response to the Environmental Impact Report and other items of concern.

Assistant City Manager of Community Development Stevens reported that the County Planning Commission hearing is scheduled at 9:00 a.m. on December 6, 2006. He said previously, the City Council authorized the City to facilitate bus transportation service if sufficient interest is expressed. At the community forum on November 16, enough people signed up and he announced that the bus is tentatively scheduled to leave city hall at approximately 7:15 a.m. on December 6, 2006. Persons who signed up will be contacted to confirm their desire to attend, and other interested parties should contact Planning at 909/394-6250.

Mayor Morris said citizens could also call the city hall at 909/394-6200 and ask for Planning.

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.)

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

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **No. 06-63**, A Resolution of the City Council of the City of San Dimas, California, approving certain demands for the month of November, 2006.
- b. Rejection of claim for damages from Shirley Mata.
- c. Rejection of claim for damages from Joseph C. Dickson.

END OF CONSENT CALENDAR

4. PUBLIC HEARING

- a. Municipal Code Text Amendment 06-04, an amendment to Section 18.152 (Signs) regarding political signs in landscaped medians and residential parkways. **PUBLIC HEARING CONTINUED FROM NOVEMBER 14, 2006.**

ORDINANCE NO. 1164, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING OF MUNICIPAL CODE TEXT AMENDMENT 06-04, AN AMENDMENT TO SECTION 18.152 (SIGNS) REGARDING POLITICAL SIGNS IN THE LANDSCAPED MEDIANS AND RESIDENTIAL PARKWAYS. INTRODUCTION AND FIRST READING.

Mayor Morris announced that this public hearing was continued from November 14, 2006, and all testimony received at that meeting is part of the record.

Assistant City Manager of Community Development Stevens summarized the revisions to Ordinance approving Municipal Code Text Amendment 06-04 as directed by the City Council at their November 14, 2006 meeting. Staff recommended introduction of Ordinance No. 1164.

Mayor Morris reopened the public hearing, and asked if anyone wished to speak on this amendment.

Gary Enderle, 2044 Via Esperanza, stated that for safety reasons, he is opposed to allowing political signs in the public right-of-way, especially in the Via Verde area.

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

Councilmember Ebiner stated that candidates appreciate the opportunity to post signs, which is one way to get their name out.

Councilmember Bertone stated the ordinance always allowed signs to be posted on public right-of-way and the change only clarifies the language.

Mayor Pro Tem Templeman stated signs belong on homeowners' property with permission, and he is opposed to placing political signs in the parkways.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember McHenry, to waive further reading and introduce **ORDINANCE NO. 1164, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING OF MUNICIPAL CODE TEXT AMENDMENT 06-04, AN AMENDMENT TO SECTION 18.152 (SIGNS) REGARDING POLITICAL SIGNS IN THE LANDSCAPED MEDIANS AND RESIDENTIAL PARKWAYS.** The motion carried 4.1, with Mayor Pro Tem Templeman opposed.

- b. **SUBJECT:** Municipal Code Text Amendment 06-03
LOCATION: City-Wide
REQUEST: A revision to Chapter 18.162 of the San Dimas Municipal Code (Tree Preservation) revising the replacement ratio for tree removals, amending the list of exemptions and making various text clarifications.
ENVIRONMENTAL: Prior Negative Declaration
APPLICANT: City of San Dimas

ORDINANCE NO. 1165, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, AMENDING CHAPTER 18.162 OF THE SAN DIMAS MUNICIPAL CODE REGARDING TREE PRESERVATION (MCTA 06-03). INTRODUCTION AND FIRST READING.

Planning Manager Hensley reported that in response to concerns, the current Tree Preservation Ordinance is being amended to allow the existing two-for-one replacement ratio to be reduced, addition of fruit trees and dead or dying trees to the list of trees exempt from the ordinance; clarification of the findings required for tree removal; clarification that significant pruning and/or topping may constitute tree removal; and changing the penalty for removing trees from a 4:1 ratio to “up to” a 4:1 ratio. Staff recommends introduction of Ordinance No. 1165.

Councilmember Ebiner wants to make sure the ordinance is applied consistently and the same advice and determination is provided to everyone. He inquired if the City could send qualified individuals to look at the dying trees and determine the status without requiring the homeowner to hire an arborist.

Planner Hensley replied that staff would have the ability to make a determination on a case by case basis, and he would seek advice from Deborah Day or Mark Rheude.

Mayor Morris reported that the City Arborist is available to inspect trees for disease at no charge to the resident.

Councilmember McHenry stated this change makes the tree removal plan more user friendly and eliminates replacement ratios that should never have occurred.

Mayor Pro Tem Templeman stated he did not oppose trees, but opposed regulating back yard issues on private property.

Mayor Morris stated he opposed the tree removal ordinance and said administration was difficult since many people were unaware the tree ordinance prevented removal of dead or dying trees. He said this amendment improves the existing ordinance by reducing the restrictions. He opened the public hearing and asked if anyone wished to speak on this matter.

Dennis Phillips felt private residences should be excluded; he felt that once a property is developed, the decision of planting or removing trees should remain with the homeowners.

In response to **Maurice Cuellar**, Mayor Morris replied that the arborist’s input was considered on the ordinance and that the ordinance does not change sizes already restricted. Planner Hensley stated that size restrictions are three feet above ground and eight inches in diameter for oak trees; and ten inches in diameter for non-oak trees.

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

Councilmember Bertone stated this amendment makes the tree ordinance easier for the public to abide by the regulations and he recommended approval. He stated that trees increase property value and he supports the changes made.

After the title was read, it was moved by Councilmember Ebiner, seconded by Councilmember Bertone, to waive further reading and introduce **ORDINANCE NO. 1165, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, AMENDING CHAPTER 18.162 OF THE SAN DIMAS MUNICIPAL CODE REGARDING TREE PRESERVATION (MCTA 06-03).**

Councilmember McHenry stated he would support the motion if it included reviewing private property requirements. Councilmember Ebiner stated the motion included only the stated changes as presented by staff.

The motion carried 3.2; with Councilmembers McHenry and Templeman opposed.

It was moved by Councilmember McHenry to direct staff to further review restrictions that apply to single family residences with some exceptions.

Director Stevens understood that Council would like staff to further review in a timely manner potential changes related to either exemptions or location limitations, and to look at issues related to documentation. He stated that this item would go back to Planning Commission and would return before the Council in approximately 60-120 days.

5. OTHER

a. Report on Farmers Market Proposal.

Parks and Recreation Director Bruns presented a proposal from Maurice Cuellar requesting approval to operate a Farmers Market during the months of March through October. Ms. Bruns outlined the logistical and financial factors to be considered and recommended that Council receive the proposal and provide direction. She responded to questions on the financial losses; cost of electrical system required; law enforcement and cleanup support; and nonprofit corporation status. She mentioned that the previous MarketPlace was a stand alone operation as far as financial/logistical and staff support.

Councilmember Bertone thought the Farmers Market was a great idea, but felt it should be a stand alone operation as is Music in the Park.

Ms. Bruns explained that Music in the Park is a financially self sufficient city sponsored operation that began at the City's request to provide the program. Also, Music in the Park has contributed to the construction of the park stage.

Mayor Pro Tem Templeman praised Mr. Cuellar for the work in pulling off the Market on short notice. Although he supports the Farmers Market, he felt more work still needed to be done.

Council discussed insurance coverage requirements, costs, and security by Sheriff's Reserves.

Maurice Cuellar stated he has consulted with two insurance brokers and he is asking for electricity; use of one street - either First Street, Bonita Avenue, or Exchange Place; and lighting. It would take longer to start up if he searches for sponsorship or grants.

In response to Mayor Pro Tem Templeman, Mr. Cuellar stated that startup in March would give him a headstart on other Farmer's Markets and the chance to recruit better vendors to keep throughout the season.

In response to Councilmember Bertone, Mr. Cuellar stated that in addition to the traditional produce stands, he intends to provide specialty foods and arts and crafts.

Mayor Morris expressed concern that the previous Farmer's Market could not sustain itself and expanded to include imported merchandise, restaurants, and jumpers for kids, which increased policing requirements.

Councilmember Ebner suggested sending back this issue to staff for more study and setting parameters for Mr. Cuellar to find out if it is feasible.

Further discussion ensued on insurance requirements; use and maintenance of restrooms; and it was the consensus of the Council to direct staff to prepare parameters and insurance quotes including ADA requirements, and to work with Mr. Cuellar in preparing a proposal.

- b. Consider amendment to the Optional Benefit Plan Contribution.

RESOLUTION NO. 06-64, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING SECTION 2 OF RESOLUTION NO. 06-43 TO PROVIDE FOR AN INCREASE IN THE CITY'S OPTIONAL BENEFIT PLAN.

City Manager Michaelis reported that over the past several months, Cal PERS health insurance premiums have increased. Staff stated that a recently conducted medical contribution comparison with other cities indicated that a considerable number of cities have increased their benefits. To keep insurance benefits competitive with the cities surveyed, staff recommends adoption of Resolution No. 06-64 which provides an increase of \$75 per month to the Optional Benefits Plan Contribution for eligible full time employees and an increase of \$40 per month for eligible part time employees.

Mayor Morris asked if anyone in the audience wished to comment on this matter. No one came forward to speak.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember McHenry, to waive further reading and adopt **RESOLUTION NO. 06-64, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING SECTION 2 OF RESOLUTION NO. 06-43 TO PROVIDE FOR AN INCREASE IN THE CITY'S OPTIONAL BENEFIT PLAN.** The motion carried unanimously.

- c.
 - 1) Consideration of Appropriation of Funding to process application for Los Angeles County MTA 2007 Call for Projects in the amount of \$30,300 from Fund 12 Infrastructure Fund for Foothill Boulevard Bridge Widening Project at San Dimas Wash.
 2. Award of Contracts to the following consultants for processing of application and development of technical documents for 2007 Call for Projects for Foothill Boulevard Bridge Widening Project:
 - a. Municipal Engineering Resources (MER) \$7400 for processing application
 - b. IDC Consulting \$22,900 for development of Project Study Report Equivalent (technical documentation required for application)

Public Works Director Patel reported that the city received from Los Angeles County MTA the draft 2007 Call for Projects to fund regional significant transportation projects. He said funds may be available beginning October 2009 and will be allocated for the next two to six years. Staff believes that the widening of Foothill Boulevard at the San Dimas Wash would be approved through this source. The estimated cost of the project is \$1.75 million, with approximately \$350,000 in matching City funds from Proposition A, C, Gas Tax, or infrastructure funds. Staff requests appropriation of \$30,300 from Fund 12 to process an application for the widening of Foothill Boulevard at the San Dimas Wash in the Los Angeles County MTA 2007 Call for Projects. Staff believes that hiring consultants who specialize in this coordination and type of work considerably elevates the City's chances of securing a grant and he recommended award of contract to Municipal Engineering Resources in the amount of \$7400 for processing the application and to IDC Consulting in the amount of \$22,900 for development of Project Study Report Equivalent required for the application.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember Bertone, to approve appropriation of \$30,300 from Infrastructure Fund 12 to process an application for the widening of Foothill Boulevard at the San Dimas Wash per staff's recommendation and award contract to Municipal Engineering Resources in the amount of \$7400 to develop and submit the application to the Call for Project; award contract to IDC Consulting in the amount of \$22,900 to develop the Project Study Report Equivalent required to be included with the application by the January 26, 2007 deadline. The motion carried unanimously.

d. Update on Los Angeles County Regional Planning Commission hearing on Vista Verde Ranch.

Assistant City Manager Stevens presented to Council a draft letter addressing adjustments in the Vista Verde Ranch project and the revised environmental impact report. He said the principal change is the bridge connect providing access to San Dimas Avenue. In the letter, he pointed out that the proposed density is inappropriate; there are unresolved issues to how the bridge connects to San Dimas Avenue; design issues associated with the historic Tsu Chi building warrant further changes; and technical issues, such as the sewer connection proposed to run through the Mesarica area, require city approval; as do street improvement issues related to San Dimas Avenue. He stated it would be most appropriate to resolve the issues in advance of granting approval of the tentative tract map, otherwise it would put the County in the position of modifying the design or securing necessary encroachment permits by condemnation. He pointed out other issues related to zoning; lot line adjustments; inadequate geotechnical studies for the bridge, updated studies of the gnatcatcher on site; missing traffic studies for Via Verde/San Dimas Avenues; construction impacts; and he suggested that the City Council continue to oppose this project as currently presented, since the applicant has not made enough progress to make the plan acceptable in its entirety. He further suggested that the City request County Regional Planning to support annexation of the property, and if unable to do so, revise their consideration consistent with comments submitted. He stated the letter would be delivered with copies of DVDs to the County Regional Planning Offices early afternoon tomorrow, November 29, 2006.

Mayor Pro Tem Templeman explained that the private bridge would handle trips and become impassable, so the expectation is that Calle Bandera would become the primary ingress/egress for the homes and Tsu Chi conferencing. He stated that is not what the street was designed to do.

Councilmember Ebiner thanked Mr. Stevens for the insightful evaluation and critique of the environmental impact report developmental studies, and thanked Councilmember Bertone who spearheaded public involvement. He reiterated opposition to the project proposal.

In response to Mayor Morris, Mr. Stevens said the County Regional Planning Commission meeting starts at 9:00 a.m. Wednesday, December 6, 2006, and for those interested, the City would provide free bus transportation service. He said the bus would depart at 7:15 a.m. and return at the conclusion of the meeting. Persons who expressed interest at the forum and signed the sheet would be contacted by city staff; others could contact Jan Sutton at 909/394-6250 or Planning at 909/394-6200. He added that the information would also be posted on the City's website.

6. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 9:35 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 9:36 p.m.

7. ORAL COMMUNICATIONS

a. Members of the Audience

1) **Alan Nash** expressed concern on the placement of DPRB Case No. 04-64 that citizens came to hear.

RECESS

Mayor Morris called a recess at 9:39 p.m. and reconvened the meeting at 9:49 p.m.

RECONVENE

b. City Manager

1) Update on DPRB Case No. 04-64.

In response to **Mr. Jones'** reference to application of Condition 4 in the approval of DRPB Case No. 04-64, City Attorney Brown provided a detailed report on the approval process which began in December, 2004, with approval of DPRB Case No. 04-64 authorizing accessory caretaker's unit at 1800 Sycamore Canyon Road, subject to conditions.

Attorney Brown stated that a provision allowed the Director of Community Development to grant minor adjustments to the schedule, consistent with the intent of timely compliance, or become invalid, and Mr. Stevens has indicated that discussions were held with Mr. Williams requesting extensions within the appropriate time frames. Mr. Brown stated that in cases of completed construction, the purpose of the City is to insure compliance with City code requirements. He said according to Mr. Stevens, if an applicant would fail to comply, the City would have to proceed to court to have the building declared a nuisance, and in those instances, the court would extend every opportunity to permit the homeowner to comply with the requirements.

He concluded that from his review of city records and discussions with city staff, it does not appear that courtesies were extended different than those extended to other residents of the city.

City Manager Michaelis responded to each question concerning this matter that were submitted by Mr. Enderle; Mr. and Mrs. Phillips; and others, from the November 14, 2006 meeting.

In response to Councilmember Ebiner, Manager Michaelis stated that Attorney Tracey Noonan of Brown, Winfield & Canzoneri, conducted a critical analysis of the property and from her recommendation the process began for compliance.

Assistant City Manager Stevens provided an update on the building permit and inspection process for DRPB Case No. 04-64. He said the final inspection was performed on November 20, 2006 and a list of outstanding items would be prepared for discussion with the applicant.

In response to **Dennis James**, Mayor Morris replied that the first decision made by Mr. Stevens was that barns are an ancillary use to maintaining livestock. He said that once the complaint was received, an investigation was conducted, and at that point, the applicant filed a petition and application for further use determination, which was approved on classification of use. He emphasized that the primary use on the site is grazing.

Councilmember Bertone pointed out that the DPRB decision was not appealed to the City Council.

In response to Councilmember Ebiner, Mr. Stevens replied that approved plans require verification of compaction of fill where the barns are constructed, and the engineer that prepared the plans verified the fill is properly compacted. Staff is asking for minor clarification. He explained staff is operating under the premise that it is a valid approval and confirming compliance with zoning, approved building plans, and related codes in order to grant a certificate of occupancy by signing off on the inspection.

Mayor Morris invited the public to comment on this matter.

1) Paul Mahoney, 688 South Palparaso Drive, Claremont, Attorney representing the applicant, stated that independent reviews by the City Manager, Planning Commission, and City Attorney's office validated that the applicant has gone through the legal process and there is no evidence of an illegal act. He stated that the conclusion reached is that no special treatment was given; and he added there is no right to treat him worse.

2) **Francie Stepp-Bowling** praised Mr. McHenry for purchasing and keeping the property free from development and thanked the City Council for permitting him to do so. She stated the modest caretaker's house is designed to live in for the purpose of taking care of livestock and the property.

3) **Councilmember McHenry** stated that he purchased the property in 1998 and it took two years to go through the process because grazing was not defined in the code. He was informed by the City Attorney that hiring Mr. Williams would not pose a conflict of interest; therefore, permits were taken out for septic, plumbing and electrical. The caretaker's facility was approved subject to stringent conditions, one of which includes an inspection of the property every three years to determine compliance. He stated that grazing is the primary use and determines whether or not the caretaker unit remains. He additionally addressed the school district fees and taxes, and announced he is not running for re-election and voters have the opportunity of electing someone else.

4) **Meredith Bailey** stated that Texas Long Horn cattle, mules, and cattle dogs are visible on the property. She described the caretaker's unit and stated the asphalt driveway is owned by the neighbor. As a Certified Public Accountant, she indicated that the Assessor's Office recently corrected assessments on property purchased within the last ten years.

5) **Brad Secreto**, 1110 No. Cataract, stated that change is needed and suggested dismantling of the Development Plan Review Board.

6) **Patrick Jones**, 239 Avenida Malicinda, inquired about the response to his inquiry at the last meeting concerning the expiration of the DRPB ruling of the applicant to act in a timely manner in making requests for extensions. He commented that nothing was brought up at the DRPB concerning the City Attorney's recommendation.

In response to Mr. Jones, City Attorney Brown replied that the condition allowed granting minor adjustments consistent with timely compliance. He indicated that although there were not written records, there were conversations between Mr. Stevens and Mr. Williams.

Mr. Jones suggested that a written report be filed instead of relying on verbal memories.

7) **Dennis Phillips** summarized the events and costs of his case and said he was not treated in the same manner as Mr. McHenry.

8) **Ginny Phillips** stated that Mr. McHenry sat on the Review Board at the time they applied for permits that were denied, but their rights were re-established.

Councilmember Ebner left the dais at 11:46 p.m. and returned at 11:48 p.m.

9) **Gary Enderele** felt the Council was aware that third party documentation was not presented to the Development Plan Review Board.

10) **Randy Argo** stated he purchased a piece of property for \$2 million based on information provided to him and he was not permitted to subdivide the property into six lots.

11) **Marvin Ersher**, 1312 Paseo Alamos, stated that as a former member of the DPRB, he found it to be a difficult process attempting to develop a quality city. He recommended that 1) members of the DPRB serve a four year term and 2) that Mr. McHenry resign from the DPRB although he has done a wonderful job. He agreed that more documentation is necessary. He stated this is one issue and praised the City Council for doing a terrific job on many issues.

2) City Manager Michaelis announced that the tentative date for the bid opening for the Walker House was set for December 5, 2006 and has been moved to December 19, 2006, and depending on bid results, it could be before the City Council for consideration on January 9, 2007.

c. City Attorney

Mr. Brown had no report.

d. Members of the City Council

1) Report on Meetings.

Mayor Pro Tem Templeman reported that he attended the Joint Powers Insurance Authority conference in San Francisco on November 15-17, 2006 and it was an excellent program to protect the city from liability issues. He stated that low risk items should be brought to the City's attention by employees, Sheriff's, and the community.

Mayor Morris stated he attended the Joint Powers Insurance Authority conference as well; however, as a member of the JPIA Board, his expenses were fully covered by the Authority and not the City.

2) Mayor Pro Tem Templeman stated that the City Council serves for the good of the community and should be more conscious of treating citizens with dignity. He felt staff should be directed to identify an outside consultant to create a policy to review the DPRB.

3) Councilmember Ebner felt an impartial third party might be the best course for the City to take, although their conclusion might find the city is in the habit of working with people to get them into compliance.

4) Councilmember Bertone stated the City Council should be open to making changes.

5) Councilmember McHenry brought up two DPRB items of concern: 1) Although there were two dissenting votes, the DRPB made a use determination to approve Mr. Simison's construction trailer since the community was not negatively impacted; 2) The City has a policy that solar panels must be installed at the rear of a house; however, an applicant came forward with a request to install panels in front of their house. He stated that as more solar panel requests come forward, some may require tree removal because they shade the solar panels, and the DRPB is not equipped to handle these issues in terms of policy.

Assistant City Manager Stevens commented that the Board dealt with two applications at hand; however, instructed staff to update and re-evaluate the solar panel policy based on the number of comments, tree issue, and location in front. He stated some changes in state law occurred since the last policy and he wants to make sure the policy is consistent with those changes.

6) Councilmember Ebner announced that the filing period is now open to run for City Council for the March 6, 2007 General Municipal Election, and the deadline to file is Friday, December 8, 2006.

7) In response to Mayor Pro Tem Templeman, Mayor Morris stated a mechanism should be set up to identify issues related to Councilmembers, department heads, Planning Commissioners, and a review of how the Development Plan Review Board works.

It was the consensus of the City Council to direct the City Manager start the process and provide a preliminary report in January.

8. CLOSED SESSION

The meeting recessed at 12:39 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.

- b. Property: Fox Project Grove Station L.L.C., San Dimas Avenue
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.

- c. Report on closed session items.

There was discussion regarding the agendaized matters and direction was given.

9. ADJOURNMENT

The meeting adjourned at 1:13 a.m. The next meeting is December 12, 2006, 7:00 p.m.

Mayor of the City of San Dimas

ATTEST:

City Clerk