



MINUTES
REGULAR CITY COUNCIL
TUESDAY, DECEMBER 11, 2007, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem Jeff Templeman
Councilmember Emmett Badar
Councilmember Denis Bertone
Councilmember John Ebiner

City Manager Blaine Michaelis
City Attorney J. Kenneth Brown
City Clerk Ina Rios
Assistant City Manager of Community Development Larry Stevens
Assistant City Manager Ken Duran
Director of Development Services Dan Coleman
Director of Public Works Krishna Patel
Planning Manager Craig Hensley
Facilities Manager Karon Deleon

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 7:04 p.m. and led the flag salute.

2. PRESENTATIONS

- Bob Kuhn and Rick Hansen of Three Valleys Water - Presentation on water issues in our region.

Bob Kuhn, President, Three Valleys Water District, gave a Powerpoint presentation on water delivery and local water supply for the East San Gabriel Valley. He said Southern California relies on ground water and is very dependent upon imported water. He pointed out drought and environmental issues that are impacting the amount of water delivered and stated that his agency is working on conservation programs to educate the public.

Mayor Pro Tem Templeman expressed concerns with State Housing Authority mandates to construct 600 new homes in San Dimas by 2014 and felt there are not enough water resources available to handle that capacity.

3. ORAL COMMUNICATIONS

(Members of the audience are invited to address the City Council on any 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. However, your concerns may be referred to staff or set for discussion at a later date. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

- a. Members of the Audience

1) **Jennetta Harris**, Southern California Edison, reported that SCE is spending \$14 billion to improve their infrastructure; improve outage management communication for planned and unplanned outages; reduce greenhouse gas emissions; increase service reliability and response to power emergencies, as well as focus on the growth and energy needs of San Dimas customers.

2) **Bin Li**, Rowland Heights, urged support to stop the genocide persecution and organ harvesting of Falun Gong practitioners in China. She said Falun Gong is a peaceful meditation deeply rooted in Chinese culture guided by principles of truthfulness, compassion and tolerance.

3) **Lingyun Zhao**, Falun Gong practitioner, told of her torture in the Chinese labor camps and urged support from the City of San Dimas.

4) **Dongwei Bu** appealed to the City Council to pass a resolution and to write to the Prime Minister of China condemning persecution of Falun Gong practitioners and to initiate the release of her husband from prison.

5) **Jeff Johnson**, Edinburgh, voiced his concerns with the abandoned Walnut Creek project and asked if there were plans to build quality estate homes. He thought lesser value homes would devalue the neighborhood.

Mayor Morris stated that Planner Hensley was working with the lender to protect the property and would report on the status of the property at each City Council meeting.

6) **Dick Rauseo** said the City Council has the duty to uphold the local and national laws, and it is not their place to find a way to get around the City Tree Ordinance.

7) **Galen Gillotte**, Children's Librarian, San Dimas Public Library, extended happy holidays and highlighted the activities at the San Dimas Library for December.

8) **Bin Li** announced that the Divine Performing Arts troupe and New Tong Dynasty would tour the world performing in the 2008 Chinese New Year Spectacular. She invited the City Council, staff and audience to attend their performance at the Nokia Theatre in Los Angeles on January 18-20, 2008.

9) **Sid Maksoudian** supported Mr. Rauseo's comments and said everyone should be treated fairly.

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.)

At the request of Councilmember Bertone, City Manager Michaelis explained that at their November Retreat, the City Council had instructed staff to look at the possibility of installing a traffic signal at the intersection of Bonita Avenue/Iglesia to help with pedestrian safety. He said item 4(c) authorizes the hiring of an engineer to prepare a study and initial plans necessary to move forward on the traffic signal.

Mayor Pro Tem Templeman stated that the signal would also assist traffic that is exiting the Albertson's shopping center to make a left turn.

Councilmember Ebiner said the date on page one of the staff report for item 4 a(2) should be corrected to reflect December 12, 2006.

Councilmember Ebner also requested deletion of "and six pine trees" on page four, paragraph six, of the November 27, 2007 Minutes.

Councilmember Ebner said he did not attend Special meeting of November 13, 2007 and would abstain from approval of those minutes.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, and carried unanimously by those present 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) Approving Warrant Register for November and December 2007.
RESOLUTION NO. 07-70, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF NOVEMBER AND DECEMBER, 2007.
 - (2) Approving Final Parcel Map No. 65238 located at 949 N. Cataract Avenue (Northwest corner of Allen Avenue and Cataract Avenue).
RESOLUTION NO. 07-71, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE FINAL PARCEL MAP OF PARCEL NO. 65238.
- b. Approval of minutes for the regular City Council meeting of November 27, 2007 and special meetings of November 3, 2007; November 13, 2007; and November 27, 2007. Councilmember Ebner abstained from approval of November 13, 2007 Special Meeting Minutes.
- c. Traffic Signal & Intersection Improvements Design for Bonita Avenue at Iglesia Street
 - 1) Appropriation of \$14,000 from the General Fund for Traffic Engineering Services
 - 2) Award of Professional Traffic Engineering Services to Warren C. Siecke for the Contract Amount of \$14,000.
- d. Cash Contract 2007-09, Subdrain Improvements in Calle Carrillo East of Avenida Lomita
 - (1) Appropriation of Funds in the Amount of \$18,795.00 from Infrastructure Fund 12
 - (2) Award of Cash Contract 2007-09, Subdrain Improvements in Calle Carrillo, East of Avenida Lomita, to MNR Construction, Inc., in the amount of \$68,450.00.

END OF CONSENT CALENDAR

5. PUBLIC HEARING *(The following item has been advertised and/or posted. The meeting will be opened to receive public testimony.)*

- a. Solid Waste Franchise Agreement Renewal with Waste Management of San Gabriel/Pomona Valley - Consideration of new proposed rates and proposed multi-day residential collection.

Assistant City Manager Duran reported that the existing Franchise Agreement with Waste Management is scheduled to expire in February 2008. He outlined the key elements of the renewal Agreement and recommended approval.

Councilmember Bertone inquired what is being done to include businesses and multi-family residences in the program.

Assistant City Manager Duran said multi-family recycling is a difficult proposition because there are so many issues regarding the specifics of each complex. He said the Agreement requires an annual report from Waste Management on the efforts made to work with apartment complexes to get them online.

In response to Councilmember Badar, Mr. Duran replied that for the first two years, there is a fixed percentage increase and thereafter, a formula for annual increases is built into the Agreement.

Mayor Morris opened the public hearing and invited a representative from Waste Management to speak.

Carolyn Anderson, Waste Management, requested consideration for a long, healthy future as partners. She said in the new contract she has outlined some enhancements to public education and the multi-family recycling program.

In response to Councilmember Ebner, Ms. Anderson said they have taken the best practices across the country to develop specific handout materials and have personal visits with Homeowners Associations, Recreation Centers, and groups, to help them understand the importance of recycling.

Councilmember Bertone commented that when the State required the City to achieve 50% diversion rate, everyone thought that could not be achieved and the City has achieved a 73% diversion rate. He suggested adopting an ordinance instead of distributing brochures. Mayor Morris said all recycling is voluntary.

In response to Councilmember Badar, Ms. Anderson stated that Waste Management has developed a plan to educate the public on the change over from one-day to a five-day per week pick up schedule.

Mayor Pro Tem Templeman inquired if the City is charged for green waste commingled with trash by gardeners. He encouraged that green waste be saved and recycled.

Ms. Anderson said that could be incorporated into the plan. She announced the pick up of Christmas trees at curbside starting December 26 for three weeks. She reminded the public to not flock Christmas trees and to remove all ornaments and stands. She introduced members of the Waste Management team: Larry Rheinhart; Daryl Cotto, Director of Operations for the Los Angeles Market, and Susan Moulton, Director of Public Sector Services.

Mayor Morris asked the audience if anyone wished to speak on this matter. There being no one else wishing to speak, Mayor Morris closed the public hearing and brought the matter back to the City Council for discussion and action.

Councilmember Bertone expressed concerns with the rate increase as presented and recommended staff bring back a staff report justifying the 16% rate increase.

Ms. Anderson stated that disposal costs are set by the County Sanitation District. She said the rate increase in 2008 will be 12.25% and would go up twice per year when the Puente Hills Landfill closes.

It was the consensus of the City Council to continue this item to the next meeting. Mayor Morris reopened the public hearing for purposes of continuing the public hearing to January 8, 2008 and requested calculations on the rate increase.

6. PLANNING/DEVELOPMENT SERVICES

- a. Approval of Tree Permit No. 07-26 - upholding decision of the Development Plan Review Board for the removal of seven (7) Canary Island Pine Trees and four (4) Ficus trees already removed without permits at 2411 Via Mariposa.

RESOLUTION NO. 07-72, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, DENYING THE APPEALS AND UPHOLDING THE DEVELOPMENT PLAN REVIEW BOARD DECISION APPROVING TREE REMOVAL PERMIT NO. 07-26 LOCATED AT 2411 VIA MARIPOSA, AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 8448-026-028.

Assistant City Manager of Community Development Stevens reported that the City Council considered and denied appeals at their November 27, 2007 meeting concerning Tree Permit No. 07-26, upholding the Development Plan Review Board decision. At that meeting, staff and the City Attorney were directed to prepare a resolution setting forth findings and conditions, and to evaluate the replacement requirements for consistency with the existing zoning regulations. Mr. Stevens distributed revised Resolutions and recommended adoption of Resolution No. 07-72.

In response to Mayor Morris, Mr. Stevens stated it is possible to defer the matter to the Development Plan Review Board.

In response to Councilmember Ebner, Mr. Stevens said the preferred method of enforcement for removing trees without a permit is to determine what standards apply to the permit and enforce a higher standard rather than incarceration. He added that for second time offenders, penalty provisions would be appropriate.

It was moved by Councilmember Bertone, seconded by Councilmember Badar, to defer this matter with the new information to the Development Plan Review Board with instructions to make new considerations.

Councilmember Ebner felt the Council should make and stand by new policy.

Mayor Morris stated that policy is a different matter and Council is considering the appeal.

The motion carried 4.1; Councilmember Ebner opposed.

Mr. Stevens stated the item would be scheduled for DPRB on January 10 and the conclusion returned to Council on January 22, 2008.

- b. Consider recommendations regarding scenic easements within Specific Plan No. 4.

Director of Development Services Coleman summarized the results of the analysis of alternatives for administration of scenic easements within Specific Plan No. 4. Staff provided five alternatives and recommended Alternative No. 1 that new construction on scenic easement lots shall require scenic easement location verification on a lot-by-lot basis by Planning Department senior staff.

In response to Mayor Morris, Mr. Coleman stated that in most cases, swimming pools that do not require more than 50 cubic yards of grading, excluding excavation, are not subject to the Review Board.

In response to Councilmember Ebner, Mr. Coleman stated that all interpretations were made prior to his being hired. He further replied that only exterior work that affects the scenic easement line would trigger identifying the scenic easement line. He said in the past, part of the problem was getting partial site plans showing a portion of the lot, and the better way is to draw the entire property.

Councilmember Ebner thought alternative two to identify the scenic easement line for all affected lots would be a better way to go and be of benefit to the residents who have lots with a scenic easement.

Mr. Coleman replied that staff is working to transfer the scenic easement line for Specific Plan No. 4 onto an aerial photograph to get a better understanding of where the line is.

Mayor Morris supported alternative one that nothing would be approved without having senior management verify the scenic easement location on a lot-by-lot basis prior to issuance of permits.

Councilmember Badar moved to accept alternative one.

Mayor Morris invited public testimony on this issue.

1) **Jeff Johnson**, Edinburgh Road, not knowing where the scenic easement line is, expressed concern with dry areas and inquired whose responsibility is it to clear the brush that is a fire hazard on lots and Walnut Creek.

Mayor Morris stated that the Fire Department has the authority to inspect native vegetation for fire hazard.

2) **Claire Ostrand** stated that the Brush Clearance Office of the County Fire Department has the authority to require property owners to clear natural vegetation that is a fire hazard.

3) **Bill Ardrary**, Liverpool Court, expressed concern that once the scenic easement line is identified, residents would be required to remove structures that have been constructed for over twenty years.

Mayor Morris replied that the current proposal would apply to property owners who come in requesting a change on their property affected by a scenic easement and staff would determine the scenic easement line on their property. He assured Mr. Ardrary that the statute of limitations has run on construction that has been there for years.

4) **Dick Rauseo** recommended that upon determination of the scenic easement line, only one plan should be used that depicts the scenic easement line. He recommended the plan the City has used to make revisions in the past be used as a baseline.

5) **Paul Feintuch**, Edinburgh Road, asked if DPRB review for all swimming pools would be considered at a later date.

Mayor Morris stated that DRPB review of swimming pools is not on the agenda for discussion, however, staff could be directed to bring back that matter for consideration at a later date.

Councilmember Bertone seconded Councilmember Badar's motion.

6) **Clarie Ostrand**, Gainsborough, would like the City to consider defining the scenic easement line in inches and feet from the curb back.

Councilmember Ebiner said one might be led to believe Exhibit "C" is included in the motion and inquired if there would be a separate motion for Exhibit "C".

Director Coleman stated there are no changes proposed by that exhibit.

It was moved by Councilmember Badar, seconded by Councilmember Bertone, to approve Alternative No. 1 that prior to issuance of permits that new construction on scenic easement lots shall require scenic easement location verification on a lot-by-lot basis by the Planning Manager or Director of Development Services. The motion carried 5.0

It was moved by Councilmember Bertone, seconded by Councilmember Badar, to direct staff to bring back a recommendation for consideration on how to deal with swimming pools within Specific Plan No. 4. The motion carried 5.0.

- c. Consider DPRB Case No. 07-58, A request by T-Mobile (represented by Sequoia Deployment Services) to construct an equipment barn and consider the design of arena lights with cellular antenna for the Community Arena, located at Horsethief Canyon Park.

RESOLUTION NO. 07-73, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING DPRB CASE NO. 07-58, A REQUEST TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY AT HORSETHIEF CANYON PARK (APN 8665-007-905)

Planning Manager Hensley presented a request by T-Mobile to construct a wireless communications facility at Horsethief Canyon Park. He said a barn would be constructed to house the ground equipment and would provide space for storage and a ticket booth for arena events; the antenna would be placed on one or three light poles constructed to light the community arena. Staff recommended adoption of Resolution No. 07-73; direction to initiate a re-stated lease with T-Mobile for a 1,200 square foot facility; and direction to work with the Rodeo Committee on a use arrangement for use of a portion of the building not needed for city use.

Councilmember Badar mentioned that restrooms should be built on the site for public use.

Mayor Morris stated that there is not enough space on the property to construct restrooms, which would cost \$250,000.00. He said portables are used for the Rodeo.

In response to Council, Planner Hensley stated that he does not have a plan to add a restroom although this is a larger building than originally proposed and would have the ability to add restrooms. He said the cost for restroom facilities is not included by any of the cell companies and he felt the arrangement was satisfactory for lights and storage.

Mayor Pro Tem Templeman requested that a T-Mobile representative work with staff in the planning stage to accommodate space for a restroom to be built in the future.

After the title was read, it was moved by Councilmember Badar, seconded by Councilmember Ebner, to waive further reading and adopt **RESOLUTION NO. 07-73, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING DPRB CASE NO. 07-58, A REQUEST TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY AT HORSETHIEF CANYON PARK (APN 8665-007-905)**. The motion carried unanimously.

It was moved by Councilmember Badar, seconded by Councilmember Ebner, to direct staff to initiate a re-stated lease with T-Mobile for a 1,200 square foot facility; and to work with the Rodeo Committee on a use arrangement. The motion carried unanimously.

7. OTHER BUSINESS

- a. Receive presentation regarding a project to construct additional parking adjacent to the softball fields at Gladstone School for joint use with Gladstone School. Provide direction to staff regarding the level of financial participation in the project.

City Manager Michaelis presented a proposal to construct a parking lot and a student drop-off and pick-up area on the Gladstone School campus. He outlined the preliminary estimated project costs and financial participation by the District and the City of San Dimas. Staff requested direction on the allocation of funds.

Mayor Morris expressed concerns that in the past, funds generated in San Dimas were applied to Oak Mesa School. He stated that impact fees from the San Dimas Costco project are pledged to pay for Oak

Mesa School, and felt some monies should come back to deal with impacts of students in San Dimas where funds are generated.

Councilmember Bertone stated he would be willing to support contributing \$30,000.00 since City Manager Michaelis believes \$85,000 is unreasonable and initially recommended contributing \$30,000.00.

Councilmember Badar is willing to contribute \$50,000.00 to move the softball fields and stated he does not want to hold the current generation responsible for acts of the past administration.

1) Ann Sparks, Assistant Superintendent for Business Services, Bonita Unified School District, clarified that the District is constrained from using Costco impact fees to support moving and reconditioning the softball fields, pursuant to code regulations, which require the fees to be used strictly for facilities, not landscape type projects. She added that all developer fees from the Diamond Ridge project are being applied toward this project. She rationalized that a lot of community use comes from the parking lot, softball fields, and pick up/drop off area.

In response to Mayor Morris, Ms. Parks replied that the District received \$750,000 from RAD of which \$600,000 is dedicated to fixed ongoing expenses, and approximately \$200,000 per year is expended for gardening and irrigation services.

In response to Councilmember Badar, City Manager Michaelis clarified that staff's initial recommendation was to contribute \$30,000.00; however, due to the issue of the expenditure of impact fees, the contribution could be \$50,000.00. He said it is Council's decision to contribute \$0.00; \$30,000, or \$50,000.

It was moved by Councilmember Bertone, seconded by Mayor Morris, to contribute \$30,000.00.

2) Chuck Coyne, School Board Member and San Dimas Youth Softball Association, believes the two fields were installed years ago by volunteer labor and donations.

Councilmember Ebiner stated that he would prefer to look at the entire budget before expending \$30,000 on this project.

Mayor Pro Tem Templeman stated that there is a cost benefit worth more than \$50,000 in that the City is improving the softball fields for the youth of our community, improving parking on Shellman, improving street drop off issue, and parking for our city parks.

Mayor Morris stated that \$200,000 in impact fees are annually paid to the School District to benefit San Dimas youth; however, the funds are dispensed to Oak Mesa and none are used in San Dimas.

3) Annette Shapiro, Principal, Gladstone Elementary School, described the benefits to the community and school, and encouraged the City Council to make the decision based on the merits on what the needs are today.

In response to Mayor Morris, Ms. Shapiro explained that the District is made of two communities and the entire school district has an impact on San Dimas.

In response to Mayor Morris, Ms. Sparks stated that at the time the Certificates of Participation (COPS) were issued to build Oak Mesa, there were other projects done throughout the District.

Mayor Morris said he would like to see a breakdown of developer fees used to pay other than Oak Mesa. He said accounting is required by law for RAD funds.

4) Robert Stalnaker, Tudor Street, said the parking lot is going to be built on top of the Gladstone left field, not adjacent to the field. He said approximately 200 girls participate in the softball league and need that field to operate. He said unless they are not charged a fee for using the Sportsplex, they would have to increase their fees.

Mayor Morris said he and the Councilmembers are supportive of providing fields for the girls' softball program and suggested considering the use at the Sportsplex as an alternative to building a parking lot for the School District.

5) Patrick Jones, Avenida Melisenda, agreed that the School District should be held accountable for decisions of the past and future. He stated that traffic was not a problem until the Glendora project was built; however, the Council has the ability to make it better. He mentioned that \$30,000 had previously been approved.

City Manager Michaelis stated that this is the first agendaized discussion and the City Council has not authorized the \$30,000.

Assistant City Manager Stevens said Mr. Jones is referring to the \$30,000 contribution negotiated with the City of Glendora to mitigate measures for our Costco project which allowed San Dimas to issue permits for the Shellman traffic signal.

Mayor Morris reiterated that there is a motion on the floor to contribute \$30,000.00.

6) Sid Maksoudian agreed with Mayor Morris that the District should be held accountable. He suggested that parents contribute funds to build the softball field.

The motion carried 4.1; Councilmember Ebner expressed opposition.

Councilmember Bertone requested the City Manager write a letter to the Bonita Unified School District Superintendent requesting financial information on RAD and COPS.

Councilmember Ebner requested discussion as a line item in next year's budget of additional funds that may be required from the City for this project.

Councilmember Badar requested a formal report from the Ad Hoc Committee.

City Manager Michaelis reported that the Ad Hoc Committee reviewed the proposed plan; however, decisions are not always made especially when the project involves direction of the entire Board or City Council.

8. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 11:09 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 11:10 p.m.

9. MEETING OF SAN DIMAS PUBLIC FACILITIES FINANCING CORPORATION

Mayor Morris recessed the regular meeting at 11:10 p.m. and convened at meeting of the San Dimas Public Facilities Financing Corporation Board of Directors. The regular city council meeting reconvened at 11:12 p.m.

10. ORAL COMMUNICATIONS

- a. Members of the Audience (*Speakers are limited to five (5) minutes or as may be determined by the Chair.*)

1) **Paul Kirby** recommended the appropriation of \$1,000 for stop signs at the intersection of Monte Vista and Bonita Avenue.

Staff was directed to take the official request before the Traffic Committee and notice Mr. Kirby.

2) **Dick Rauseo** said nothing has been done in one year to address the conflict at Specific Plan No. 4. He said the City allows building within the scenic easement and his only remedy is to sue his neighbor. He mentioned that people violate ordinances written by the City and the City fails to enforce them. Law abiders are penalized while law breakers are rewarded since it is much easier to ask for forgiveness than permission to cut down trees without permits. The final item is that the City's interest is to make law, try it out for one year to see if it works, during which time it gets enforced or bent so no one knows what the law is in San Dimas.

Mayor Morris said the City has no obligation to enforce the CC&Rs, and although the City Council could amend the zoning ordinance, amendment of the CC&Rs require a vote of all parties involved.

City Attorney Brown said a reasonable interpretation of the CC&R references is that the Specific Plan in place, or as it might be amended, becomes part of the Specific Plan. He said he would be happy to provide a written analysis and would copy Mr. Rauseo.

3) **Sid Maksoudian** outlined the business license procedure and said a Smoke Shop has operated illegally in Via Verde. He felt business license rules should be consistent and abide by Health and Planning regulations.

4) **Tim Garcia** said he has been cooperative throughout the entire tree process and the trees taken down without permits were filled with termites and jeopardizing his property. He mentioned that the trees he replaced are fruit trees that under the current ordinance do not count toward the replacement trees. He stated he would file complaints for unpermitted work done at Mr. Maksoudian's property.

5) **Mr. Maksoudian** said Mr. Garcia is out of line.

6) **Lorraine Choma**, Edinburgh, reported a problem with rat infestation coming from the Walnut Creek property. She mentioned that the green fence obstructs their view jeopardizing their safety and she has seen people throwing trash over the fence.

In response to Mayor Morris, Planner Hensley stated that rodent control is one of the issues addressed with the lender and they are obligated to resolve that issue.

- b. City Manager

- 1) Report regarding the code compliance of the recently installed handicapped facilities with the recent Covina Blvd. street project.

City Manager Michaelis said there are engineering issues with the Covina Blvd. street project and 88 deficiencies would be rectified.

- 2) Recognize San Dimas-Foothill Kindercare for prompt reporting of hazardous gas spill.

City Manager Michaelis reported that vandals cut the fuel line at San Dimas-Foothill Kindercare and an employee noticed the leaking onto the parking lot and contacted the appropriate personnel to contain the issue. His quick action averted environmental issues.

City Manager Michaelis recognized the significant issues related to the reconstruction of Foothill Boulevard and expressed appreciation to impacted citizens for their patience and to Council for their support in moving this project forward.

3) Update on The Creek Development.

Planning Manager Hensley reported on the Creek Development project. He said additional fencing was installed to address problems at Valley Center; sandbags have been installed to address erosion; and the lender is signing appropriate forms to allow Sheriffs to arrest trespassers.

In response to Councilmember Bertone, Planner Hensley said the lender has indicated ownership of the property and has been responsive and paid for the fencing.

In response to Mayor Pro Tem Templeman, Mr. Hensley replied that the City Attorney's office is confirming the bond and once the information is available, staff will report to the City Council.

1) **Dick Rauseo** inquired if multiple bonds were provided to cover grading, street improvements, underground utilities, and if the city had the option of using the money for other than covered by the bonds.

Mayor Morris suggested it might be easier to put a lien on the property than filing a claim under the bonds.

2) **Mr. Rauseo** stated that the new fence precludes access to the equestrian trail. He also reported breaches in the County fence and suggested installing an interior fence along the County fence to act as an additional security measure around the property.

Mayor Pro Tem Templeman stated he does not know if a bond was submitted on landscaping, but the City may consider whether perimeter tree planting was appropriate that could help with the screening issue.

3) **Mr. Rauseo** stated that the original EIR listed mitigating factors and inquired if those had been revisited to see what the approval was when Sonrise Christian School got approved.

Mr. Hensley replied that the EIR approved with Sonrise still applies. He added that in terms of the property situation, the sandbag work was completed, and staff will know more in the next few weeks for a longer term solution.

Mr. Rauseo requested notification if the property goes up for public sale.

Councilmember Badar expressed a health concern with rodents on the property and said this needs to be addressed soon.

Mr. Hensley said he explained several things that needed to be done in securing the property and erosion control was prioritized as a major liability issue; however, rodent control and Port-A-Lets are short-term priorities.

Public Works Director Patel reported that following Mrs. Chomas' call, he contacted Mosquito Abatement who recommended hiring a rodent company. Mr. Patel referred the call to the developer, who by that time, defaulted on his loan, and rodent control was never completed.

c. City Attorney

There were no comments.

d. Members of the City Council

- 1) Councilmembers' report on meetings attended at the expense of the local agency.

There were no reports.

- 2) Appoint public member to Development Plan Review Board.

It was moved by Councilmember Bertone, seconded by Councilmember Badar, to reappoint John Sorcinelli as the public member to the Development Plan Review Board for 2007, for a two-year term through December 31, 2009. The motion carried unanimously.

- 3) Individual members' comments and updates.

- 1) Councilmember Ebner wished everyone a Merry Christmas and Happy New Year.

- 2) Councilmember Badar wished everyone a Merry Christmas and Happy New Year.

- 3) Councilmember Bertone requested the letter be written to the Superintendent of Bonita Unified School District as discussed earlier and requested copying the City Council.

- 4) Councilmember Bertone requested Mr. Kirby's issue be placed on the Traffic Committee agenda and that Mr. Kirby be noticed. Mr. Patel stated the meeting would be held in January and Mr. Kirby would be notified.

- 5) Councilmember Bertone wished everyone Happy Holidays and Merry Christmas.

- 6) Mayor Morris commented that Monte Vista/Bonita Avenue intersection is dark and needs lighting if stop signs are not installed.

- 7) Mayor Morris expressed his appreciation to staff and commended Public Works for a great job on the Foothill Blvd. project; commended Parks and Recreation on the Family Festival; and commended Planning and all departments on the quality of work.

11. CLOSED SESSION

Mayor Morris recessed at 12:11 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

a. **CONFERENCE WITH REAL PROPERTY NEGOTIATION**

Property: Agency owned property at the southeast corner of Bonita Avenue and Eucla.

Negotiating Parties:

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

For Buyer: Mike Patel, Chaparral Lanes

Under Negotiation: Terms and conditions of sale of land and City/Agency possible participation.

b. Property: Discussion regarding potential property acquisition involving Vista Verde Ranch property generally located in the unincorporated county area adjacent to and north of the development in Via Verde.

Negotiating Parties:

For City: Blaine Michaelis, City Manager, Larry Stevens, Assistant Manager Development Services, and J. Kenneth Brown, City Attorney.

For Seller: Daniel Singh

Under Negotiation: Terms and conditions of sale of grant application involving potential acquisition of land and possible City participation.

c. Report on closed session items.

Pursuant to Section 54957.7(a), the City Council announced that there was no action taken on closed session items.

12. ADJOURNMENT

Mayor Morris adjourned the meeting at 12:40 p.m. The City Council will conduct their next meeting on January 8, 2008, 7:00 p.m.

Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

Ina Rios, CMC, City Clerk