



MINUTES
REGULAR CITY COUNCIL
TUESDAY, OCTOBER 14, 2008, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

PRESENT:

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

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

1. CALL TO ORDER AND FLAG SALUTE

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

2. RECOGNITIONS

- Proclaim October 2008 as Fire Prevention Month.

Mayor Morris read a proclamation declaring October as Fire Prevention Month and urged residents to protect their homes and families by heeding the important safety measures of Fire Prevention Month 2008 and to support the many public safety activities and efforts of San Dimas Fire and Emergency Services. He presented the proclamation to Battalion Chief Dan Wilson and his crew.

On behalf of the Los Angeles County Fire Department and crew, **Battalion Chief Dan Wilson** thanked the City Manager and the City Council for the recognition of their efforts. He invited them and the community to a free Fire Expo on Saturday, October 25, 2008, from 12:00 noon to 3:00 p.m. at the Alexander Hughes Community Center, Claremont, and said members of their crew dispatched to Porter Ranch are experiencing the theme: "Living in the Fire Zone".

Mayor Morris commended the Fire Department members and said they are active in the Public Safety Commission, whose members are concerned with public safety. He praised Fire Chief Freeman and appreciates the tremendous job the Fire Crew does.

3. PRESENTATIONS

- a. Pui-Ching Ho, Library Manager, San Dimas Library

1) **Pui-Ching Ho**, Library Manager, San Dimas Library, invited children from K-8th grade to enter the annual book mark contest and teens grades 7-12 to enter the Website Hunt contest. She said applications are available at the Library or on their website at www.colapublib.org. Ms. Ho highlighted other programs at the Library including candle making workshop, college financial planning, books for sale, "We the People" collection of books; and the Halloween Magic of Rafael and Katia.

4. 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. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time or asked to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

a. Members of the Audience

1) **Dr. David Hall**, Elected Trustee, Mount San Antonio College, thanked the City Council, San Dimas Chamber of Commerce, San Gabriel Tribune, and San Gabriel Valley Economic Partnership for endorsing Measure RR. He explained the benefits of the measure and urged voters to vote in favor of Measure RR to allow MSAC to continue to respond to the demand for courses offered by the college. He introduced student Win-Win Wong.

2) **Win-Win Wong**, provided a brief background of her academic education and expressed her positive feelings about the college from a student's perspective. She encouraged citizens to vote in favor of Measure RR.

3) **Emily Aguilar**, Commissioner of activities, and **Deanna Rodriguez**, ASB Treasurer, Lone Hill Middle School, highlighted activities at school and invited the City Council to their upcoming events.

4) **Lea Dunbar**, ASB President, San Dimas High School, highlighted activities at San Dimas High School and expressed appreciation for consideration of their homecoming parade.

5) **Michael Kelly**, Principal, San Dimas High School, as a proud resident, thanked the City Council for the joint collaboration and celebration of events including the dedication of the Citrus Label Murals at the City Yard; the first community football game and recognition of two outstanding teachers; and the shared ride in the fire truck at the Western Days Parade. He said the City truly cares about its schools and students, and he looks forward to many opportunities for this type of collaboration in the years to come.

6) **Chuck Coyne**, Board President, Bonita Unified School Board, added his thanks to the City Council for their support of Measure AB. He reminded everyone to get out to vote in support of Measure AB and he would be glad to supply yard signs.

7) **Mitchell Crawford**, 2008 Chairman for Western Days, said the City will miss Owen Danaher, a volunteer for many years. Mr. Crawford thanked Waste Management, 2008 Community Hero Chuck McCants; California Conservation Corp., San Dimas Sheriff's Department, and City staff for their support of Western Days.

8) **Ted Powl**, President/CEO, Chamber of Commerce, said programs like Western Days do not happen without volunteers and the support of people in the community. He thanked the many sponsors, City staff, volunteers, and Chairman Crawford for their support.

9) **Susan Crawford**, representing the San Dimas Historical Society, said no home library in San Dimas should be without their newest book *Images of America, San Dimas* available now at the San Dimas Historical Society for \$19.99 plus tax.

10) **David Harbin**, Vice President, Historical Society, thanked the City for their support of Western Days and the Historical Society. He announced that the Historical Society will have a special guest speaker at the upcoming fall dinner on Thursday, November 13, 2008, at San Dimas Canyon Golf Course.

The speaker is an accomplished author from Boston MIT, whose topic is about Alexander Graham Bell, Inventor of the telephone. Mr. Harbin said he is also looking forward to the completion of the Walker House. Ms. Crawford said the Historical Society office is open Tuesday and Thursday, from 9:00 a.m. to Noon, in the Martin House, telephone number is: 909/592-1190, and their website is www.sandimashistorical.org.

11) Margie Green, representing the Festival of Arts, invited the community to a free Festival of Arts Wild Life show this weekend in the Plummer Building, featuring approximately 20 artists. She highlighted the program and thanked the City for its support.

12) Sid Maksoudian addressed the City Council on personal issues.

5. CONSENT CALENDAR

(All items on the Consent Calendar are considered to be routine and will be enacted by one motion unless a member of the City Council requests separate discussion.)

Councilmember Ebner requested the following language be included in the September 23, 2008 special meeting minutes regarding cable franchise to clarify his opposition to the vote: "City Councilmember Ebner said he thought the channel should include public access as well as access for government and education."

It was moved by Mayor Pro Tem Badar, seconded by Councilmember Bertone, and 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) **Resolution No. 08-54**, A Resolution of the City Council of the City of San Dimas Approving certain demands for the months of September and October, 2008.
 - (2) **Resolution No. 08-55**, A Resolution of the City Council of the City of San Dimas Calling and giving notice of the holding of a general municipal election to be held on Tuesday, March 3, 2009, for the election of certain officers as required by the provisions of the laws of the State of California relating to general law cities.
 - (3) **Resolution No. 08-56**, A Resolution of the City Council of the City of San Dimas Requesting the Board of Supervisors of the County of Los Angeles to render specified services to the City relating to the conduct of a General Municipal Election to be held on Tuesday, March 3, 2009.
 - (4) **Resolution No. 08-57**, A Resolution of the City Council of the City of San Dimas, County of Los Angeles, State of California, adopting regulations for candidates for elective office pertaining to candidate statements submitted to the voters at an election to be held on Tuesday, March 3, 2009.
- b. Approval of minutes for September 23, 2008 regular City Council meeting, September 23, 2008 Special City Council meeting, and amended minutes of the September 9, 2008 regular City Council meeting.
- c. Approving establishment of a reimbursement district with 301 San Dimas Avenue LLC for San Dimas Avenue street improvements and the dedication of right-of-way on the vacant properties located at 301 South San Dimas Avenue on the southwest corner of San Dimas Avenue and Commercial Street. (APNs: 8390-019-036, 037)

- d. Tax Sharing Resolutions approving and accepting negotiated exchange of property tax revenues resulting from annexation to County Sanitation District No. 22 (Annexation No. 399) on Foothill Boulevard between Walnut Avenue and Dixie Drive.
- e. Proclaim October 25, 2008 "Make a Difference Day."

END OF CONSENT CALENDAR

6. PUBLIC HEARING

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

- a. Cable Television Public Access Fee and Customer Service Penalties - Request to consider amending the San Dimas Municipal Code to establish a Public, Education and Government Channel (PEG) Fee and customer service penalties for State Franchise holders providing video service within the City of San Dimas.

ORDINANCE NO. 1183, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADDING SECTION 5.60.380 TO THE SAN DIMAS MUNICIPAL CODE ESTABLISHING FRANCHISE AND PEG FEES AND CUSTOMER SERVICE PENALTIES FOR STATE FRANCHISE HOLDERS PROVIDING VIDEO SERVICE WITHIN THE CITY OF SAN DIMAS. FIRST READING AND INTRODUCTION

Assistant City Manager Duran provided a brief background on options previously discussed regarding the future management of the City's cable television public access channel. The City Council directed staff to pursue a contract with the University of La Verne for the management of a government and educational access channel and authorized scheduling a public hearing to discuss adopting an ordinance that would establish a fee to support public access and implement other requirements under the Digital Infrastructure and Video Competition Act of 2006 (DIVCA). Staff recommended that the City Council direct staff to bring back a Resolution at their next meeting imposing a 1% fee, beginning January 1, 2009, and the amount of the fee could be revisited July, 2009, and every July thereafter. At that time the City Council can opt to reduce or suspend the amount of the fee for the rest of the year. Mr. Duran said the City is experiencing one time upfront capital costs and there may be technical upgrades needed above and beyond the costs proposed and he felt it was important to impose the full 1% fee this year. Staff recommended that the City Council conduct the public hearing, and at the conclusion introduce and ultimately adopt Ordinance No. 1183 establishing requirements on cable service providers under the State video franchise.

Mr. Duran responded to Council's questions that the 5%, which is approximately \$260,000, is the equivalent of renting the public right of way and goes directly to the channel fund to offset street improvements; and the 1% fee would apply only to the government/educational channel. He added that funds are budgeted separately for the purchase of equipment.

Mayor Morris opened the public hearing and invited testimony from the public in favor of, or in opposition to, the recommendation. There being no one wishing to speak, Mayor Morris closed the public hearing.

Councilmember Ebiner commented that the public access channel was very important and he felt it should be revisited.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Templeman, to waive further reading and introduce **ORDINANCE NO. 1183, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADDING SECTION 5.60.380 TO THE SAN DIMAS MUNICIPAL CODE ESTABLISHING FRANCHISE AND PEG FEES AND CUSTOMER SERVICE PENALTIES FOR STATE FRANCHISE HOLDERS PROVIDING VIDEO SERVICE WITHIN THE CITY OF SAN DIMAS.** The motion carried unanimously.

7. OTHER MATTERS

- a. Appeal of Traffic Safety Committee's recommendation to restrict parking on Hoover Court.

Public Works Director Patel presented a petition from Hoover Court residents opposing "no parking" signs on the east side of Hoover Court. Mr. Patel reviewed the public safety concerns of this narrow, steep street and recommended that the City Council uphold the Traffic Safety Committee's recommendation to install "No Parking Anytime" signs on the east side of Hoover Court, and upon completion of consolidating all previous parking prohibition resolutions, restrict parking only on the east side of Hoover Court. He stated that the Fire Department is supportive of restricting the parking.

Director Patel responded to Council's questions regarding posting of signs; current street grade requirements are 15%, Hoover Court is at 20% grade; and provided a list of other streets with parking restrictions.

Mayor Morris invited appellants to comment on their opposition to the Traffic Safety Committee's recommendations.

1) **Robert Dix**, 600 Hoover Court, said his goal is the safety of his family and the neighborhood. He pointed out that no one parks on their street, but it is important to them that people visit and have a place to park. He said this matter was heard in 1993 and he thought it was resolved then.

2) **John Patrick** stated that in 1993 the City removed the signs and he thought the matter was settled. He was told that the fire code has not changed since 1993 and he does not see a reason to reverse that decision. He stated that the Fire Department conducted a drill on October 4 without any problems. He asked the City Council to consider some compromises to eliminate parking on the east side of Hoover Court as shown on the map provided from point A to point B because people do not park there, and the residents would be willing to concede eliminating parking from point A to point C to the fire hydrant so the Fire Department could have access all the way to the fire hydrant. He felt these concessions would enable the residents to retain the most useable spots at the top of the hill.

3) In response to Councilmember Ebner, **Jim Black** replied that during the Fire Department test, the fire truck parked on the east side of the street, the Fire Chief parked on the west side, and experienced no problems. He said the Fire Chief pointed out that clearance is the reason for the 20-foot rule. He said there many reasons those parking spaces are needed and he would prefer that nothing change.

4) **Sonia Patrick**, said they are a close knit community and do not have a problem with parking.

Mayor Morris invited the Fire Department to express their thoughts.

5) **Battalion Chief Wilson** said 20-foot access is the County-wide policy they follow for public safety. He replied to Council that there have been no problems sending in a rescue engine and squad; however, it would be a problem if several units responded to a catastrophe in that area.

Councilmember Bertone stated he is reluctantly willing to compromise with the recommendation by the homeowners to install "no parking" signs up to area C with the fire hydrant.

Councilmember Ebner stated he was willing to go along with the A to C compromise with no parking on the east side, and in the future consider the resident's proposal to widen the street.

Mayor Morris stated he was not willing to compromise the safety of the fire crew and could not vote in favor of anything other than eliminating parking on one side of the street.

Councilmember Templeman said public safety is important to him and he expressed concerns regarding hindering the Fire Department's access if the compromise were granted.

It was moved by Councilmember Bertone that "no parking" signs be installed on the east side of Hoover Court from point "A" to point "C", making sure to follow the California Vehicle Code and all State laws, and properly mark out the fire hydrant.

The motion was seconded by Councilmember Ebiner.

Councilmember Templeman expressed concern with Fire Department regulations and their desire to have adequate space to protect property. He is unable to support the motion.

Mayor Pro Tem Badar believes that safety must be considered first and he cannot support the motion.

The motion failed with a 2.3 vote; Councilmembers Badar, Templeman, and Morris opposed.

Director Patel responded to Council that a Resolution currently exists that prohibits parking on both sides of Hoover Court and if the City Council upholds the Traffic Safety Committee recommendations, the Resolution would change to restrict parking on the east side only and parking would be allowed on the west side of Hoover Court. He added that the Traffic Engineer has reviewed this recommendation and felt the restriction of parking to the east side is acceptable because there is still a 20-foot clearance.

In response to Councilmember Ebiner, Director Patel replied that there is a Resolution containing about 150 streets that restrict parking.

It was moved by Councilmember Templeman, seconded by Mayor Pro Tem Badar, to uphold the Traffic Safety Committee's recommendation to install "No Parking Anytime" signs on the east side of Hoover Court, and upon completion of consolidating all previous parking prohibition resolutions, restrict parking only on the east side of Hoover Court. The motion carried 4.1; Councilmember Ebiner opposed.

In response to Councilmember Templeman, Mr. Patel stated that there is no enforcement at this time; however, citation enforcement will resume once the signs are installed.

- b. Consider approval of San Dimas High School Homecoming Parade 2008 - full closure of Bonita Avenue and certain streets within the Downtown area on Friday, November 14, 2008 from 1:00 p.m. to 4:00 p.m.

Public Works Director Patel presented a request from San Dimas High School to hold their Homecoming Parade through Walnut Avenue/Bonita Avenue/Cataract Avenue from 2:00 p.m. to 3:00 p.m. on November 14, 2008 and city assistance in setting up and taking down necessary traffic controls. He outlined the net effects of the street closures and asked if the City should fund the estimated costs between \$2,500 and \$3,000 needed to provide staffing and necessary traffic control and equipment, or should San Dimas High School be responsible for funding the event. Mr. Patel said notices were hand delivered to local merchants that would be impacted by the parade.

Councilmember Templeman said he received feedback from one person concerned about the holiday season getting started. He said a lot of traffic would be diverted that time of day, but he supported the event.

Mayor Pro Tem Badar expressed concern that at 2:00 p.m., the only observers would be the downtown merchants.

Mayor Morris invited School representatives to comment.

1) **Jim Worthington**, ASB Director for San Dimas High School, said the overall theme came about to build community relations between the High School and the City and to draw in the community using the football game as a center focus. He stated that they were looking for a later start time; however, they realized Friday traffic is an issue. He said one key focus is to include participants from Kindergarten through High School, and he encouraged everyone to come out to watch.

Mayor Pro Tem Badar asked if it would be better to change the start time of the parade to 10:00 a.m. or earlier when there is less traffic on Bonita and teachers would be responsible for getting school kids to and from the parade.

Mr. Worthington said the high school level students would be released early to give them time to prepare for the parade. He said the idea was to coincide the end of the parade with the normal release time from school, and school administrators and advisors would stay with the kids until their parents arrived.

In response to Mayor Morris, Mr. Worthington replied that they were looking at a start time of 3:30 or 4:00 p.m. but expressed concerns with traffic and opted to start earlier. He said they would have considered another day, however, the parade is tied in to the football game held on Friday. He further replied that they would prefer to start between 3:30 and 4:00 p.m. which would allow additional time for students to prepare and for parents to attend.

2) **Scott Jones**, Senior class President of San Dimas High School, stated this is his senior year and it would be a pleasure to have the parade on Bonita Avenue.

3) **Chuck Coyne** thought this would be a fantastic tradition for the participation of the City of San Dimas and the Schools. He would appreciate Council's support in approving the San Dimas High School Homecoming Parade at 4:00 p.m.

4) **Michael Kelly**, Principal, San Dimas High School, said the last few years he's been involved with San Dimas High School, the parade was held on the track at the football game, which did not get people excited. He said it needs to be on a city street where the public can see it. He asked the City Council to support having the parade at 4:00 p.m.

Mayor Morris mentioned that Director Patel commented on the expense of traffic control and asked if volunteer groups could help.

Director Patel stated that some of the work could be done with volunteers; but some equipment would need to be rented. He added that it was staff's recommendation to change the time to 2:00 p.m. due to traffic and safety concerns.

5) **Jennifer Jackson**, Freshman class Vice President, said the parade is a good way to get other schools involved and everyone excited about the football game.

6) **Janabel Coyne**, Freshman class Secretary, said they can look forward to their senior year and see how the parade was expanded to a parade on the street with the City's involvement.

7) **Paul Kirby** said he has been supportive of many High School activities but he wants to make it clear that this is going to affect his seasonal business, which starts November through January. Although he understands their enthusiasm, he felt there was an obligation to positively move the parade to another date, to not affect the downtown area.

Councilmember Bertone moved to approve the parade, direct staff to work on logistics with San Dimas High School, and to allow the parade to take place at 4:00 p.m.

Mayor Pro Tem Badar seconded the motion and stated he is willing to give the School a one-time opportunity with a post-parade evaluation to determine the impacts on local merchants.

8) **Sid Maksoudian** said he does not oppose the parade, however, the parade will not bring buyers to the downtown and those merchants will be impacted.

The motion carried 5.0.

- c. Revision to the Gladstone School parking lot pickup and drop off and parking. Discussion and direction regarding city participation.

Public Works Director Patel reported on the City's agreement to participate with Bonita Unified School District regarding proposed improvements at Gladstone/Lone Hill park ball field and parking lot improvements. He reported that the lowest bid received in July 2008, exceeded the budgeted amount. Staff proposed an alternate plan and recommended that the City continue participation in the development and construction management of the new expanded parking lot at Gladstone School; continue with the City's initial \$50,000 contribution commitment; and that the remaining fund balance estimated at \$24,000 be allocated toward the improvements of two permanent softball fields.

It was moved by Mayor Pro Tem Badar, seconded by Councilmember Templeman, to approve the alternate plan and recommendations proposed by staff. The motion carried unanimously.

8. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 10:01 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 10:02 p.m.

9. ORAL COMMUNICATIONS

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

1) **Sid Maksoudian** said Public Works installed signs prohibiting wheeled toys on Bonita Avenue; unfortunately, the laws are not being enforced. He also addressed the City Council on his personal issue with the Sheriff's Boosters.

- b. City Manager

There was no report.

- c. City Attorney

There was no report.

- d. Members of the City Council

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

1) Mayor Morris reported that four Councilmembers attended the League of California Cities annual conference on September 24-27, 2008 in Long Beach.

2) Councilmember Bertone said State Controller John Chang spoke on the budget and how cities should behave when preparing their budgets. He praised City Manager Michaelis for basing San Dimas' budget on the minimum amount of revenue anticipated, and not on the maximum amount. He said this is why the City of San Dimas does not have a budget problem.

3) Mayor Pro Tem Badar said Governor Schwarzenegger surprised attendees with his presence and spoke about the budget crisis criticizing both parties.

4) Councilmember Templeman stated he attended a session regarding redevelopment and stated that City Manager Michaelis informed them that the San Dimas Redevelopment Agency is required to pay approximately \$400,000 to the State before May 10, 2009. He mentioned Federal Housing Bill HR3221 approves \$3.9 billion coming in Community Development Block Grant funds to help resolve foreclosed home issues. He said the majority of the conference dealt with problems with the budget and he thought it was nice to know that San Dimas is on good solid ground.

2) Individual Members' comments and updates.

1) Councilmember Templeman stated that while working the Historical Society booth during Western Days, a woman told him her parkway trees were removed in front of her house and she was required to pay part of the fee to replace those trees. He asked that this matter be placed on the retreat agenda.

2) Councilmember Ebner asked the City Clerk to explain procedures for the last day of registering for the November 4, General Election.

City Clerk Rios said the last day to register to vote is Monday, October 20, 2008 and explained the options to register with the Registrar-Recorder's Office at 12400 Imperial Highway, Norwalk. She added that Sample Ballots are available on the L.A. County's website at lavote.net or in the City Clerk's office.

3) Councilmember Bertone invited the community to the free Festival of Arts Wild Life art show on Saturday and Sunday, October 18-19, 2008 in the Civic Center.

3) Provide direction regarding a city ordinance relating to residency restrictions for registered sex offenders.

City Attorney Brown reported that the City of Covina recently adopted an ordinance relating to the residency restrictions for registered sex offenders that additionally restricts the areas and locations within the city where registered sex offenders can reside in relationship to schools, parks, child care centers and similar facilities. He believes the ordinance has merit and recommended that the City Council direct him and the Planning Department to review the ordinance adopted by the City of Covina and to prepare a similar ordinance for consideration.

It was the consensus of the City Council to direct the City Attorney and Planning Department to review the ordinance adopted by the City of Covina and to prepare and bring back a similar ordinance for consideration.

10. CLOSED SESSION

Mayor Morris recessed at 10:26 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code:

**a. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(PURSUANT TO SUBDIVISION (b)(1) OF GOVERNMENT CODE SECTION. 54956.9)
A point has been reached where, on the advice of legal counsel, based on existing facts and
circumstances, there is a significant exposure to litigation against the City.**

- (1) The Watershed Conservation Authority ("WCA") is in escrow to acquire approximately 61 acres of property in the unincorporated county area west of the 57 Freeway and adjacent to the 89 acres of property which is owned by the Taiwan Buddhist Tzu Chi Foundation, N.S.A. (the "Tzu Chi Foundation") which is located at 1100 South Valley Center Avenue in the unincorporated county area. The City is in escrow to acquire from the WCA approximately 6.91 acres of property in exchange for the payment of \$1 million. A public hearing was conducted by the City Council at its meeting on September 23rd to consider and approve this proposed acquisition. Since that time the Tzu Chi Foundation, through its attorney, has raised various legal issues challenging the proposed acquisition by WCA and the City.
- (2) Karen and Anthony Price have applied for a permit to install a solar system at their residence which is located at 485 Puddingstone Drive, in the city of San Dimas. This matter was reviewed by the City's Development Plan Review Board (DPRB Case No. 08-40). The DPRB did not approve the application but continued the matter and directed that a policy be developed regarding the installation of a solar energy facility. The applicant has challenged the legal authority of the City to deny the application.

b. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - G.C. 54956.8

Property: A portion of the property in the Northern Foothills consisting of approximately 278 acres within Specific Plan 25.
APN: 8665-001-001; 866-001-002; 8665-001-003; 8665-001-004; 8665-001-005; 8665-001-009; 8655-003-001; 8678-030-032; 8678-030-033;

Negotiating Parties:
For City: Blaine Michaelis, City Manager, Larry Stevens, Assistant City Manager
Development Services, and J. Kenneth Brown, City Attorney.
For Property: Kim Scott/NJD
Under Negotiation: Possible open space acquisition of property and terms and conditions of possible City participation.

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

Name of Case: Dennis Phillips v. City of San Dimas, LASC Case No. BS089159
Request for Indemnification: Former Employee Joseph Vacca

d. CONFERENCE WITH LABOR NEGOTIATOR – G.C. Section 54957.6

City Representative: Blaine Michaelis, City Manager
Employee Group: San Dimas Employees' Association

e. Report on closed session items.

Pursuant to Section 54957.7(a), the City Council made the following announcements:

- 1) **The Watershed Conservation Authority ("WCA")/Tzu Chi Foundation:** After discussion the City Council directed staff to continue to work with the Water Conservation Authority (WCA) to acquire the Vista Verde Ranch property; cooperate with the WCA and Tzu Chi Foundation to provide for appropriate lot line adjustments between the parcels; begin the planning process for the use of the property, and involve Tzu Chi Foundation in that process.

2) **Karen and Anthony Price:** After discussion, the City Council concurred in the recommendation of the City Attorney that the staff issue appropriate building permits to the applicant.

3) **A portion of the property in the Northern Foothills consisting of approximately 278 acres within Specific Plan 25.** APN: 8665-001-001; 866-001-002; 8665-001-003; 8665-001-004; 8665-001-005; 8665-001-009; 8655-003-001; 8678-030-032; 8678-030-033.

There was no action to report.

4) **Name of Case: Dennis Phillips v. City of San Dimas, LASC Case No. BS089159:**

After discussion, there was no action taken on the request for indemnification of former employee Joseph Vacca.

5) **City Representative: Blaine Michaelis, City Manager Employee Group: San Dimas Employees' Association:** The City Council approved an increase in contribution to the Cafeteria Benefits Plan of \$35 for full-time employees and \$17.50 for regular part-time employees to coincide with the rising cost of health insurance.

11. ADJOURNMENT

Mayor Morris adjourned the meeting at 12:01 p.m. in memory of Owen Danaher who was an active volunteer in the community. The next meeting is on October 28, 2008, 6:00 p.m. for a study session on the City Hall Expansion Project.

Respectfully submitted,

Ina Rios, CMC, City Clerk