



**MINUTES**  
**REGULAR CITY COUNCIL**  
**TUESDAY, OCTOBER 28, 2008, 7:00 P. M.**  
**COUNCIL CHAMBERS, 245 E. BONITA AVE.**

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**PRESENT:**

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

City Manager Blaine Michaelis  
Assistant City Attorney Mark Steres  
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  
Director of Parks and Recreation Theresa Bruns  
Planning Manager Craig Hensley

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Morris called the meeting to order at 7:08 p.m. and led the flag salute.

**2. PRESENTATIONS**

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

**Pui-Ching Ho**, Library Manager, San Dimas Library, highlighted the Library activities and said the Bookmark Design and Web Hunt Contests close on October 31, 2008; applications are available at the San Dimas Library or on their website at [www.colapublib.org](http://www.colapublib.org).

- 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. 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) Ralph Thomas**, President, Historical Society, said the Historical Society Fall dinner is scheduled for Thursday, November 13, 2008, at San Dimas Canyon Golf Course Clubhouse, featuring speaker Seth Shulman who has rewritten the history of the invention of the telephone. He encouraged attendance and said there is a limited number of tickets available. For more information, the Historical Society can be contacted at (909) 592-1190 or through their website at [www.sandimashistorical.org](http://www.sandimashistorical.org).

2) **Bill Emerson** said in cooperation with the Sheriff's Department, participating Downtown Merchants will sponsor their third annual Halloween Trick or Treat on Friday, October 31, 2008, between 3:00 p.m. to 5:30 p.m. He said a raffle drawing for prizes will be conducted at 6:00 p.m. at city hall.

3) **Director of Parks and Recreation Bruns** announced the Halloween Spectacular will be held on Friday, October 31, 2008, in the Civic Center Plaza, from 5:30 p.m. to 8:30 pm. She said they'll have refreshments, games, and a costume contest for children to adults. Additional information is available at the Parks and Recreation Department at (909) 394-6230.

4) **Don Green**, San Dimas Rodeo, thanked the City Council for another successful year. He said \$11,000 in scholarships went out to help a lot of local students.

#### 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 or audience requests separate discussion.)

Mayor Morris said there was a request to remove item 4a(2) for separate discussion.

It was moved by Councilmember Ebner, seconded by Councilmember Templeman, 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. 08-58**, A Resolution of the City Council of the City of San Dimas, California, approving certain demands for the month of October, 2008.
  - (3) Consider amendment to Section 2 of Resolution 08-45 to provide for an increase in the City's Optional Benefit Plan.
  - Resolution No. 08-60**, A Resolution of the City Council of the City of San Dimas, California, adopting and extending the pay plan and reimbursement schedule for City employees.
- b. Ordinances read by title, further reading waived, passage and adoption recommended as follows:
  - (1) **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. **SECOND READING AND ADOPTION**
- c. Approval of minutes for regular City Council meeting of October 14, 2008.
- d. Approval of change order to Cash Contract 2008-07 San Dimas Avenue Grove Station in the amount of \$21,058.00 for constructing improvements on First Street at San Dimas Avenue.
- e. Reject claim for damages from Dolores Amarillas.

#### END OF CONSENT CALENDAR

- 4a(2) Resolution No. 08-59**, A Resolution of the City Council of the City of San Dimas, California, setting the public access Fee for Fiscal Year 2008-2009 to be used for PEG purposes.

Councilmember Templeman said he requested this item be removed for separate discussion. He said a resident had a misunderstanding of the fees and he asked Mr. Duran to explain the public access fee.

Assistant City Manager Duran said State Franchise Law allows cities to adopt the fee for support of public access. He reported that up to this point, Time Warner provided staff and once they move to a State Franchise, the responsibility will fall to the City. He explained the 1% fee of the monthly invoice will offset public access channel operating costs. He added that the fee needs to be set annually by the City Council and if the City Council determines the revenue is not needed, they can approve less than 1% or suspend the fee for that year.

Councilmember Templeman stated that the fee is strictly for the video portion and has nothing to do with telephone or computer services.

It was moved by Councilmember Bertone, seconded by Councilmember Templeman, to approve Resolution No. 08-59. The motion carried unanimously.

## 5. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 7:24 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 7: 39 p.m.

## 6. ORAL COMMUNICATIONS

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

1) **Bruce Colburn**, Fourth Street, asked citizens to vote "no" on Measure AB which will cost San Dimas and La Verne property owners an additional \$84 million. He said it has everything to do with the negative condition of the local economy and not the merits of the bond.

2) **Dr. Marvin Ersher**, Paseo Alamos, thanked Councilmember Bertone for the leadership in acquiring an important parcel of Walnut Creek property, and thanked the City Council for their support. He provided a brief history of Jerry Voorhis Jr. and Sr. as well as Don Haefer, and based on the property's historical significance, he recommended that the site be called the Voorhis/Haefer National Preserve.

Dr. Ersher commented that the property is unincorporated territory and the only leverage the City has is ingress and egress. He recommended that staff not agree to give away leverage in the Memorandum of Understanding.

- b. City Manager

The City Manager had no comment.

- c. City Attorney

Assistant City Attorney Steres stated that City Attorney Brown could not be here tonight.

- d. Members of the City Council

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

No one attended any meetings at the expense of the local agency.

- 2) Individual Members' comments and updates.

1) Councilmember Templeman mentioned that a letter was received from the Hardware Store expressing concern about loss of business during the homecoming parade. He said the intention of the School District in selecting the route was to be of benefit to downtown merchants. He asked staff to work with the school to accommodate the needs of the event and the needs of the impacted community.

2) Councilmember Ebner reminded citizens to vote on Election Day November 4, 2008. He said there's a link to the County Registrar-Recorder's Office on the city's website or voters can go to [www.lavote.net](http://www.lavote.net).

## 7. CLOSED SESSION

Mayor Morris recessed at 7:59 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.**

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. The Tzu Chi Foundation, through its attorney, has raised various legal issues challenging the proposed acquisition by WCA and the City. Meetings have been held between representatives of the City, Tzu Chi, and WCA which resulted in a proposed Memorandum of Understanding between the parties to cooperate going forward with planning of the entire 150 acres. This proposed Memorandum of Understanding will be discussed with the City Council.

- b. Report on closed session.

Pursuant to Section 54957.7(b), announcement was made that no action was taken on closed session items.

## 8. ADJOURNMENT

Mayor Morris adjourned the meeting at 8:55 p.m. in memory of Janice Hawes, Senior Accounting Technician, much beloved member of San Dimas city staff, who went through a difficult illness. The next meeting will be Wednesday, November 12, 2008, at 7:00 p.m.

Respectfully submitted,

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Ina Rios, CMC  
City Clerk