



MINUTES
ADJOURNED CITY COUNCIL
WEDNESDAY, NOVEMBER 12, 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 Ebner
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
Director of Parks and Recreation Theresa Bruns

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 7:01 p.m. and led the flag salute.

2. RECOGNITIONS AND ANNOUNCEMENTS

- Proclaim November 14, 2008 Firefighter Appreciation Day.

Mayor Morris read and presented the proclamation declaring November 14, 2008 as Fire Fighter Appreciation Day to Battalion Chief **Michael Seanz**, Captain **George Verkamp**, Captain Scott Zbinden, Fire Fighter Specialist Bill Offerman, and Fire Fighters Chris Cullen and Steve Finther, Los Angeles County Fire Station #64.

On behalf of Los Angeles County Fire Department, **Battalion Chief Seanz** thanked the City Council for the much appreciated recognition and said it is an honor to serve San Dimas.

- 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) **Chuck Coyne**, President, Bonita Unified School District, thanked the City Council for their support of Measure AB, which passed November 4, 2008. He looks forward to moving ahead with the projects.

2) **Diane Coach**, Boardmember, BUSD, thanked the City Council for their support in helping push the Bond through. It will be a wonderful enhancement for schools and the community.

3) **Jim Elliott**, Boardmember, BUSD, thanked the City Council for their support and said friendships and partnerships need to be nurtured.

4) **Chuck Coyne** invited the community to the first San Dimas High School Homecoming Parade on Friday, November 14, 2008.

5) **Ted Powl**, President/CEO, Chamber of Commerce, invited the community to join Santa Claus at the Annual Tree Lighting ceremony on December 3, 2008. He highlighted the activities of that day and said Santa hats will be sold and proceeds will benefit Meals on Wheels.

6) **Mr. Powl** announced consultant workshops to help businesses manage their financial affairs, legal issues, or anything to help their business grow. He said the Chamber can be reached at (909) 592-3818 and businesses do not have to be members of the Chamber to get free services.

7) **May Gomez**, ASB Treasurer, San Dimas High School, reviewed the scholastic and recreational activities. She invited the City Council and the community to their San Dimas Homecoming Parade on Friday, November 14, 2008 and to support their fundraiser at the Barnes & Noble Book Fair to benefit the 2009 Graduation class.

8) **Don Green**, San Dimas Rodeo, said the Homecoming Parade is a start of a great tradition and lot of great memories. He encouraged support of our kids and the city.

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.)

Mayor Morris inquired if item 4a(2) warranted removal for clarification. Councilmember Templeman replied that the fee schedule was corrected and removal is not necessary.

Councilmember Ebiner requested removal of item 4a(3) for separate consideration.

It was moved by Councilmember Templeman, seconded by Councilmember Ebiner, 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) Consider approval of Warrant Register.

RESOLUTION NO. 08-62, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF OCTOBER AND NOVEMBER, 2008.

(2) Engineering Fee Adjustment

RESOLUTION NO. 08-63, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING A NEW ENGINEERING FEE FOR THE PLAN CHECK OF FINAL MAPS.

b. Approval of minutes for the regular City Council meeting of October 28, 2008 and study session of October 28, 2008.

- c. Rejection of claim for damages for Lena Malizia.
- d. Consider increase in fee schedule for San Dimas Canyon Golf Course.
- e. Award of Cash Contract 2008-09 to Condor, Inc., in the amount of \$49,300.00, for the Swim & Racquet Club Competition Pool and Training Pool Replaster Project.
- f.
 - 1) Appropriation of \$11,228 from Fund 12:
 - 2) Approval of two change orders to Cash Contract 2008-03 Reconstruction of Alley F for repairs to severely damaged concrete improvements. The change orders are as follows:
Change Order 1: \$11,228 - two drive approaches in the town core area.
Change Order 2: \$30,837 - one drive approach, 450 l.f. of longitudinal gutter and sidewalk in the Tanglewood area.
- g. Amended Personnel Rules and Regulations.

END OF CONSENT CALENDAR

4a(3) Resolution No. 08-64, A Resolution of the City Council of the City of San Dimas, California, prohibiting parking or stopping of vehicles on Hoover Court, except in designated spaces.

It was moved by Mayor Pro Tem Badar, seconded by Councilmember Templeman, to waive further reading and adopt Resolution No. 08-64. The motion carried by the following vote:

AYES: Councilmembers Badar, Templeman, Morris
NOES: Councilmembers Bertone, Ebner
ABSENT: None
ABSTAIN: None

5. PLANNING/DEVELOPMENT SERVICES

- a. Deferral of Plan Check Fees for Loma Bonita Residences Affordable Housing Project.

Director of Development Services Coleman presented a request from VCH to defer 60% of their plan check fees until issuance of building permits for the Loma Bonita residences affordable housing project. Staff recommends deferral of 60% of the plan check fees until issuance of building permits and contingent upon the developer submitting all buildings for plan check within 30 days.

It was moved by Councilmember Templeman, seconded by Mayor Pro Tem Badar, to approve staff's recommendation to defer 60% of the plan check fees until issuance of building permits, contingent upon the developer submitting all buildings for plan check within 30 days. The motion carried unanimously.

Mayor Morris invited representatives from VCH San Dimas Company to comment.

Tom Dereg, Valley Community Homes, VCH San Dimas Company, LLC, thanked the City Council for their action which helps them move forward on the project. He said the partners are committed to seeing the project through and have a loan in place.

6. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 7:29 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 7:31 p.m.

7. ORAL COMMUNICATIONS

- a. Oral Communications *(This is the time set aside for members of the audience to address the Board. Speakers are limited to five minutes.)*

There were no comments.

- b. City Manager

There were no comments.

- 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.

Mayor Pro Tem Badar reported he attended the Joint Powers Insurance Authority Risk Management Conference on November 5-7, 2008, in Indian Wells.

Mayor Morris said he attended the conference at the expense of the Joint Powers Insurance Authority, and not at the expense of the City.

- 2) Individual Members' comments and updates.

1) Councilmember Templeman mentioned that Ed Gable suggested beautifying a prime entry to the City at the intersection of Puente Street and Covina Hills Road in Via Verde. Mr. Templeman thought staff could look at improvements in the future.

2) Mayor Pro Tem Badar said Mr. Gable expressed concerns with the sidewalk along Puente Street in Via Verde. Mr. Badar had discussions with Public Works Director Patel who indicated that study sessions will be held and the project will move forward in the Spring.

3) Mayor Pro Tem Badar thanked the Downtown Merchants who contributed to fund Halloween trick or treats and he thanked volunteers of the Sheriff's Department who helped kids get across the street.

4) Councilmember Bertone reported that the Committee raised enough money to fund the Yellow Bus Program to transport elementary and middle school students to the L. A. County Fair. He said this year the City's subsidy was not needed and those budgeted funds could be used for other programs.

8. CLOSED SESSION

Mayor Morris recessed at 7:37 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.9:

- 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") and the City have acquired 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 Tzu Chi Foundation, through its attorney, has raised various legal issues regarding this acquisition. 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 items.

The City Council/Board Members directed a letter be sent to the Tzu Chi Foundation and to the Watershed Conservation Authority. In addition they appointed an Ad-hoc Subcommittee consisting of Mayor Morris and Councilmember Bertone to meet with the parties when deemed appropriate.

9. ADJOURNMENT

Mayor Morris adjourned the meeting at 8:14 p.m. On Saturday, November 15, 2008, at 8:00 a.m. a special meeting Retreat of the City Council/Staff will be conducted in the City Council Conference Room.

Respectfully submitted,

Ina Rios, CMC, City Clerk