



**MINUTES**  
**REGULAR CITY COUNCIL**  
**TUESDAY, JUNE 28, 2011, 7:00 P. M.**  
**SAN DIMAS COUNCIL CHAMBERS**  
**245 E. BONITA AVE.**

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**PRESENT:**

Mayor Curtis W. Morris  
Mayor Pro Tem Jeff Templeman  
Councilmember Emmett Badar  
Councilmember Denis Bertone  
Councilmember John Ebner (Arrived at 7:04 p.m.)

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 7:03 p.m. and led the flag salute.

**2. RECOGNITIONS**

- Recognize Los Angeles County Fire Department Firefighter Specialist of the Year
- Recognize Los Angeles County Sheriff's Department Public Safety Employee of the Year

Mayor Morris said this is an opportunity to recognize the Firefighter Specialist of the Year and Public Safety Employee of the Year who serve in San Dimas and constitute our public safety protection. He introduced Assistant Chief Ron Watson, of the Los Angeles County Fire Department to provide a brief bio on Hector Rodarte, Firefighter Specialist.

Assistant Chief Ron Watson, Los Angeles County Fire Department, thanked the City Council for honoring dedicated men and woman of Los Angeles County Fire Department for their service in a great city. He provided a brief bio of this year's honoree Firefighter Specialist Hector Rodarte and his career.

Mayor Morris congratulated and in appreciation of his efforts, presented a plaque to Hector Rodarte, 2011 Firefighter Specialist of the Year.

Firefighter Specialist Hector Rodarte thanked the City Council for the recognition.

Mayor Morris introduced Captain Don Slawson, San Dimas Station, to provide a brief bio on the Public Safety Employee of the Year Kelley Booth.

Captain Don Slawson, San Dimas Station, with great pleasure congratulated Crime Analyst Kelley Booth, who is a positive asset to the San Dimas Station and City of San Dimas.

Mayor Morris congratulated and presented a plaque to Kelley Booth, 2011 Public Safety Employee of the Year, and commended the Sheriff's Department.

Public Safety Employee Kelley Booth thanked the City Council for the recognition.

Mayor Morris expressed his appreciation and gratitude to the Los Angeles County Fire Department and San Dimas Sheriff's Department for having a great safety record in San Dimas.

### 3. ANNOUNCEMENTS

- Pui-Ching Ho, Librarian, San Dimas Library

Pui-Ching Ho, Library Manager, highlighted various activities available at the Library for children, teens and adults that included dancing and story telling; rocket building; Annie BanAnnie's Balloon Show; Magic Workshop; and more. For detailed information, contact the Library at 909/599-6738.

**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) Dennis Phillips, 525 No. Amelia, said that under the new enforcement policy he continues to get cited for a box car that has been on his property for ten years.

2) Ginny Phillips said they have had a front yard for 82 years and that is now being considered a side yard. She stated that they paid the fine, however, they continue to receive code enforcement letters. She mentioned that there have been no complaints about the box car over the last ten years.

3) Jaclyn Yang Yuen and Jacob Hester, representatives for band Eleven Summer, performed for the City Council and said they would like the opportunity to perform at the Farmers Market with low volume amplifiers.

Mayor Morris informed them that review of the Farmers Market event is on tonight's agenda, and the City Council will consider staff's recommendation that low volume amplified music be permitted.

4) Judy Neal expressed concern that San Dimas will be split on the congressional maps at or near the 210 freeway. She asked if the City Council is planning to file a complaint on the division of the city and she encouraged the community to write letters and/or email the California Citizens Redistricting Commission at [wedrawthelines.ca.gov](http://wedrawthelines.ca.gov).

Councilmember Bertone said the Rose Institute of Claremont Colleges has been hired to help the San Gabriel Valley and he will be attending a meeting on Thursday to express the city's unhappiness with the division of the City into two congressional districts.

5) Margie Green, Chairman of the Board, Chamber of Commerce, announced that reservations are being accepted for the Annual Community Awards, Board of Directors Installation Breakfast on Thursday, July 8, at San Dimas Canyon Golf Course. She said registration commences at 7:00-7:30 a.m. and this provides a great networking opportunity. Incoming Chairman Mitchell Crawford will be installed and new members John Rosfeld, John Standy, and David Batt will be welcomed. Recognized for their community contributions will be San Dimas Community Hospital as Business of the Year; John Wheeler

Business Man of the Year; Fresh & Easy Building of the Year; Anna's Linens Improved Commercial Business of the Year; Allen G. Enterprises Family of the Year; City Hall Improved Civic Building of the Year; and special recognition for Platen Brewing and Mickey's Jewelry. Volunteer of the Year and Ambassador of the Year have not been publicly announced.

## 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.)

It was moved by Councilmember Bertone, seconded by Councilmember Ebner, and carried unanimously 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. 2011-33, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF JUNE, 2011.**
- b. Approval of minutes for regular City Council meetings of May 24, 2011 and June 14, 2011.
- c. Rejection of claim for damages from Alan Corn.

END OF CONSENT CALENDAR

## 6. OTHER MATTERS

- a. Mid-Season Farmers Market Review and Request for Amendment to the 2011 TUP as Proposed by Advocates for Healthy Living

Director of Parks and Recreation Bruns presented results of a community meeting conducted on June 21 where staff reviewed and discussed the impacts of the Farmers Market event. Ms. Bruns reported that Mr. Cuellar has been testing low volume, amplified music and there have been no comments. Staff has also urged Mr. Cuellar to explore alternate locations to determine the most appropriate and acceptable available location for subsequent Farmers Market events. She said an end of season event evaluation meeting also will be conducted with the community. Advocates for Healthy Living have requested the following changes to their current Temporary Use Permit:

- 1) City Hall parking lot closure at 3:00 pm to allow vendors to be set up for a 4:00 pm start time;
- 2) Allow for low, amplified musical performances before 7:00 pm during Music and Movies in the Park, until the end of September;
- 3) Use of the Civic Center Plaza for set up of musical groups and nonfood vendors;
- 4) Option to extend the Market to year round on First Street only, from October through March, from 4:00pm to 8:00 pm, with no amplified music.

Staff recommended that the City Council authorize staff to amend Temporary Use Permit 11-19 to allow for low volume, amplified music within the current approved location for the 2011 Farmer's Market. It is the pleasure of the City Council to approve closure of City Hall parking lot at 3:00pm; closure of Civic Center Plaza for set up of music or vendors; and extension of the season to include October through March. She said Mr. Cuellar is in the audience and available to answer questions.

Councilmember Bertone said he is a strong supporter of the Farmers Market, however, he expressed concern that Advocates for Healthy Living are ignoring the conditions of approval prohibiting amplified music. He will vote in favor of staff's recommendations and suggested that Mr. Cuellar should consult with staff if he wants to deviate from the approved conditions.

Mayor Pro Tem Templeman said he is not opposed to setting up music or nonfood booths on the Plaza area if it becomes necessary due to growth.

Mayor Morris cautioned against the use of vehicles on the Plaza and Councilmember Bertone opposed food preparation on the Plaza.

Councilmember Badar was not opposed to the use of nonfood booths or music on the Plaza.

Councilmember Ebner said he is not in favor of having music on the stage as it gets louder for the neighborhood. Councilmember Badar suggested positioning the musical groups by the fountain.

In response to Director Bruns, Councilmembers Bertone and Badar suggested the event continue with the current hours of operation.

In response to Councilmember Badar, Maurice Cuellar, Advocates for Healthy Living, replied that although there are no restrictions on the number of similar restaurants, it does not make sense to bring in several of one type of food.

Mayor Morris expressed concern that businesses at the Farmers Market appear to be in an unfair competitive position with tax paying merchants.

Mr. Cuellar replied that each vendor is required to provide a Board of Equalization permit and to report at end of year for sales tax purposes.

Assistant City Manager Duran indicated he would contact the City's Tax Sales Consultants to confirm the requirements for mobile vendors.

In response to Council, Director Bruns stated that the conditions of approval allow the Farmers Market to remain open until 9:00 p.m. during Music in the Park and Movies in the Park; 8:30 p.m. on non-school nights, other than Music and Movies in the Park; and 8:00 p.m. when school resumes the third week of August.

It was moved by Councilmember Bertone to approve staff's recommendations as stated in the staff report. Mayor Pro Tem Templeman seconded the motion with the addition that if growth created the needed to appropriately use the Plaza, Mr. Cuellar can work with staff on a layout to not impact egress and ingress to citizens.

The motion carried unanimously.

It was the consensus of the City Council to delegate to Director of Parks and Recreation Bruns the authority to permit nonfood and vendor uses in the Plaza, consistent with no interference of city hall business ingress and egress.

It was the consensus of the City Council to deny the extension of the Farmers Market to a year round event on First Street, from October through March, from 4:00 p.m. to 8:00 pm.

- b. Consider extension of Agreement with University of La Verne regarding operation of the San Dimas Cable Television community access channel KWST.

Assistant City Manager Duran presented a request from University of La Verne to extend the Agreement for the Management of the City's Government and Education Access Channel, which expires at the end of June. He said staff has been working with KWST staff to address some technical, equipment and operational issues and await receipt of new play out equipment to resolve other issues. He said the

existing agreement expires at the end of June and recommended that the City Council authorize the execution of an amendment to the existing agreement to allow for a three-month extension of the term, to expire September 30, 2011.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember Ebner, to authorize staff to execute an amendment to the existing Agreement with the University of La Verne to allow a three-month extension of the term, through September 30, 2011. The motion carried unanimously.

## 7. PLANNING/DEVELOPMENT SERVICES

- a. ENVIRONMENTAL ASSESSMENT AND PRECISE PLAN No. 11-01 AND DEVELOPMENT PLAN REVIEW 07-27 - DEFALCO - Request to construct a 4,690 sq. ft. single story house, 484 sq. ft. detached garage, and a 1,892 sq. ft. barn, on 40 acres of land (Falcon Ridge Ranch) in Specific Plan No. 25 located on Sycamore Canyon Road (APN: 8678-030-005). Related File: Conditional Use Permit 11-01.
  - 1) **RESOLUTION NO. 2011-23**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING DEVELOPMENT PLAN REVIEW 07-27, A REQUEST TO CONSTRUCT A 4,690 SQUARE FOOT SINGLE STORY HOUSE, 484 SQUARE FOOT DETACHED GARAGE, AND A 1,892 SQUARE FOOT BARN, ON 40 ACRES OF LAND (FALCON RIDGE RANCH) IN SPECIFIC PLAN NO. 25 LOCATED ON SYCAMORE CANYON ROAD. (APN: 8678-030-005).
  - 2) **RESOLUTION NO. 2011-24**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN REVIEW 11-01 (DPRB 07-27), A REQUEST TO CONSTRUCT A 4,690 SQUARE FOOT SINGLE STORY HOUSE, 484 SQUARE FOOT DETACHED GARAGE, AND A 1,892 SQUARE FOOT BARN, ON 40 ACRES OF LAND (FALCON RIDGE RANCH) IN SPECIFIC PLAN NO. 25 LOCATED ON SYCAMORE CANYON ROAD. (APN: 8678-030-005).

Director of Development Services Coleman said the consideration of the proposed project was continued from May 24, 2011 at the request of the applicant due to concerns and questions regarding the draft conditions of approval. Director Coleman said staff was able to address the applicant's concerns with the exception of the condition requiring realignment of the Sycamore Canyon Road easement. He said the 40-acre DeFalco property is part of Planning Area 2 of Specific Plan No. 25 that provides for limited development of the Northern Foothills. Staff worked with the applicant to resolve all design issues and the applicant's property, improvements, and uses are consistent with uses that promote environmental preservation, including nature preserves, ponds, and related low activity uses. Mr. Coleman said the State Fire Marshall has declared the entire Northern Foothills area to be a very high fire hazard and the first structures built in the Wildland-Urban Interface Fire Area will be subject to the 2010 California Residential Code. Director Coleman said the Development Plan Review Board and the Environmental Committee reviewed the project and recommended approval. Staff and the Planning Commission recommend that the City Council adopt Resolution No. 2011-23 and Resolution No. 2011-24, and adopt a CEQA determination that although the proposed project could have a significant effect on the environment, because all potentially significant effects 1) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and 2) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

In response to Council, Assistant City Manager of Community Development Stevens explained that there is some issue as to whether the paper road easement is properly established by other beneficiaries and staff is asking Mr. DeFalco to agree to defer until the need arises, the relocation of Sycamore Canyon

Road easement from the current paper location to the actual current physical location. He said staff wants to protect the City's potential interest in what may be a public road easement.

Assistant City Manager Stevens added that under the terms as currently approved, NJD is not seeking the access, however, it is possible that if the NJD project does not proceed, a future development may want to lay claim to the public portion of this easement. He stated that the public portions go north and not across the existing fire road.

Mayor Pro Tem Templeman opposed additional traffic on Sycamore Canyon Road. Councilmember Bertone agreed with Mr. Templeman's statement, however, with advice from the City Attorney, he did not want the city placed in a litigious situation over access rights for adjacent property owners.

Mr. Stevens stated he is not uncomfortable with the City Attorney's opinion that the City's best legal position is to say nothing in conjunction with the approval, however, he expressed concern about the conflict between the physical location of the road and the paper location of the road, and the future right as public access.

City Attorney Brown stated he does not want to be in the position of precluding the possibility that someone may assert prescriptive rights at some point in time.

Assistant City Manager Stevens commented that conditions of approval with NJD may accommodate trails on the south 40 acres connecting to the Wildwind Motorway, which lead to Mr. DeFalco's property. He said Mr. DeFalco has been supportive of trails and staff is working with him on a voluntary trails arrangement.

John DeFalco thanked staff for working with him and reported that the existing road easement crosses the Sycamore Creek blue line stream, and the terrain on the east side of the paved road is so steep it can never be developed. He added that he has had numerous meetings with the County Supervisor's Office and Los Angeles County Parks and Recreation, the owners of the first 400 feet of the paved road from the yellow gate, and the County is not in favor of opening the road to vehicular traffic. Mr. DeFalco said he is amenable to allowing access to anyone north of his property who wants to develop a single family home. He mentioned that his property is considered a major wildlife corridor with ponds and watering holes, and he allows public access to horseriders, however, cars and horses are not compatible.

Mayor Morris expressed concern that the City would be liable to a potential lawsuit if they denied access rights to property owners who may or may not wish to develop their property.

City Attorney Brown stated that he does not want the City in a position to preclude public access to property owners to the north of Mr. DeFalco's property, who have the potential paper access and are entitled to obtain access.

In response to Councilmember Bertone, Assistant City Manager Stevens replied that an Environmental Impact Report was conducted in 1999 that allows Mr. DeFalco and others to take advantage of not having to go through a complete environmental analysis, where appropriate.

In response to Council, Assistant City Manager Stevens said the City Council is voting on the Precise Plan 11-0 and Development Plan Review No. 07-27, with the exception of Condition 44 to realign the existing Sycamore Canyon Road easement to coincide with the currently improved roadway. The City Council will be directing the City Attorney to report back after analyzing that issue further to determine whether or not the two Resolutions need to be amended to include that condition.

City Attorney Brown stated that the City Council will consider Resolution No. 2011-23 and Resolution No. 2011-24, with the understanding that the details of Condition 44 will be fine tuned with staff and the property owner.

After the title was read, it was moved by Councilmember Badar, seconded by Councilmember Bertone, to waive further reading and adopt **RESOLUTION NO. 2011-23**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING DEVELOPMENT PLAN REVIEW 07-27, A REQUEST TO CONSTRUCT A 4,690 SQUARE FOOT SINGLE STORY HOUSE, 484 SQUARE FOOT DETACHED GARAGE, AND A 1,892 SQUARE FOOT BARN, ON 40 ACRES OF LAND (FALCON RIDGE RANCH) IN SPECIFIC PLAN NO. 25 LOCATED ON SYCAMORE CANYON ROAD. (APN: 8678-030-005). The motion carried unanimously.

After the title was read, it was moved by Councilmember Badar, seconded by Councilmember Bertone, to waive further reading and adopt **RESOLUTION NO. 2011-24**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN REVIEW 11-01 (DPRB 07-27), A REQUEST TO CONSTRUCT A 4,690 SQUARE FOOT SINGLE STORY HOUSE, 484 SQUARE FOOT DETACHED GARAGE, AND A 1,892 SQUARE FOOT BARN, ON 40 ACRES OF LAND (FALCON RIDGE RANCH) IN SPECIFIC PLAN NO. 25 LOCATED ON SYCAMORE CANYON ROAD. (APN: 8678-030-005). The motion carried unanimously.

- b. Request to allow late appeal of public nuisance determination regarding 405 W. Gladstone (Code Enforcement Case No. 10-1488).

Director of Development Services Coleman reported that for several years the property at 405 W. Gladstone has been in code enforcement for illegal grading and other violations, most of which were abated, with the exception of the fill dirt and debris. At the May 11, 2011 nuisance abatement hearing, the property owner and Mr. Stringfellow were informed that they would be receiving the decision of the hearing officer by mail and were informed of their right to appeal within ten days. Director Coleman said the City initiated nuisance abatement proceedings and on May 12, the hearing officer's public nuisance determination and order of abatement was mailed by regular mail and certified mail to the property owner that the fill dirt and debris must be removed by May 26. The first certified letter was unclaimed and the Post Office made a second attempt to deliver the certified notice, which was picked up by John Hollander on May 25. Pursuant to the San Dimas Municipal Code, the applicant has a ten day appeal period, which expired May 23, 2011, and Mr. Stan Stringfellow attempted to file an appeal on May 26, 2011. Staff reported that there is no provision in the Code to allow a non-timely appeal, therefore, staff recommended that the City Council 1) deny the request to appeal after the 10 day appeal period expired, thus letting stand the public nuisance determination and order of abatement; 2) direct staff to proceed with legal remedies, including, but not limited to, abatement work and cost recovery; 3) direct staff to not accept any new planning applications or amendments of planning applications, and to not issue any building permits on the property, until abated.

In response to Council, Director Coleman stated that at the end of the hearing process, the hearing officer explained the appeal process and informed the property owner that the decision would be rendered in writing and the property owner would have ten days to appeal the decision. Mr. Coleman said both Mr. Stringfellow and Mr. Hollander were present at the hearing. He added that the property owner has never provided an alternate address to use for notification purposes, other than the Claremont address of their corporate office.

Mayor Pro Tem Templeman said a lot of illegal dumping occurred over a six year period of time, and when Mr. Stringfellow got involved, the property has been considerably improved. He said due diligence was in place, and he did not mind hearing the appeal, however, staff has indicated the Code does not provide a provision to do so.

Councilmember Ebiner said he would be interested in hearing the extenuating circumstances and why it took three notices for the property owner to pick up the mail over a two-week period.

In response to Councilmember Bertone, Director Coleman said the staff report includes Planning Commission minutes related to the hearing on the parcel map and Mr. Stringfellow acknowledged that the dirt was brought to the property in 2006. The minutes also reflect that Mr. Stringfellow committed to securing proper permits for the fill dirt and has not done so to date.

In response to Mayor Morris, City Attorney Brown replied that while staff must comply with existing law, there are provisions in the law to allow an application to be made to seek relief from default. In light of a unique circumstance, the City Council has the power to provide the benefit of a hearing without considering the merits of the case.

Mayor Morris invited Mr. Stringfellow to explain why the City Council should exercise discretion to relieve them from default from filing a timely appeal.

1) Stan Stringfellow stated that staff cited several remedies allowed by law including expenditure of public funds, civil and criminal prosecution, additional daily citations and liens on the property, and legal action to collect those liens. Staff also recommended that the City Council direct staff to refuse further submittals for revision of the tentative tract map, or submittals to the Development Plan Review Board for approval of homes to be built on the property. Mr. Stringfellow said it is 1) his hope that the City Council grants approval to hear the appeal before public funds are committed and/or economic hardships are imposed on the property owner. 2) Mr. Stringfellow cited problems in getting mail delivered properly and said Mr. Hollander's business has suffered financially and downsized considerably; 3) Mr. Hollander had no way of knowing when the letter of determination would be mailed; 4) Request for appeal was attempted on May 26 –a mere three days late; 5) granting an appeal would not prejudice the city in any way; 6) this is a violation that occurred five years ago and causes no harm; and 8) there is no imminent public threat that would serve as a basis for denying the appeal. He respectfully requests granting the request for an appeal of Case No. CE10-1488; that the City Council stay enforcement action until the appeal is concluded; direct staff to accept all submittals for processing map revisions for approval of homes to be constructed on the site; and to schedule the appeal on July 26, 2011.

In response to Councilmember Bertone, Assistant City Manager Stevens clarified that the tentative tract map is not recorded and is a separate process. He said that if there is an existing nuisance on the property, staff suggested not processing any development applications.

In response to Mayor Morris, Mr. Stringfellow replied that a check in the amount of \$1,600 was mailed on Friday to the Citation Center in Santa Ana to cover the outstanding citations.

Stan Stringfellow requested additional time to discuss potential remedies for the citations if it is the City Council's decision to deny the request for appeal.

2) John Hollander stated that his business has been downsized to one-half the original size and employees are handling double the workload, which resulted in the notice being lost in the shuffle. He said as soon as he became aware of the postal request, he personally picked up and delivered the notice to Mr. Stringfellow.

Councilmember Bertone said he believes in consistency of law and if Mr. Hollander is granted an appeal, the same courtesy should be granted to anyone else who misses the appeal deadline for any reason.

Assistant City Manager Stevens said it is really important that the City Council establish a clear, unequivocal finding as to reasons for granting an appeal or all deadlines are relatively moot and may result in having each late application evaluated on a case-by-case basis.

Director Coleman added that it also affects development entitlements and puts at risk those very approvals the City is granting.

Mayor Morris said pursuant to those considerations, the City Council can find on facts that there is no prejudice to any individual if the appeal is granted; the City Council can apply standards of the California Code of Civil Procedure, Section 473, which sets forth grounds for relieving a person of default through his or her mistake, inadvertence, surprise, or excusable neglect; and, based on Mr. Stevens comments, not everyone who files a late application for appeal will qualify for the same opportunity.

City Attorney Brown stated that statements made by Mr. Hollander that the notice of determination was mailed to him at his office, which is undergoing difficulties, gives the basis for excusable neglect.

Mayor Morris stated that the motion should include that it was based on statements made by Mr. Hollander.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to grant the appeal based on a finding that there was no prejudice caused by three days delay in filing the appeal and based on excusable neglect pursuant to statements made by Mr. Hollander, the reason that a court would use in California Code of Civil Procedures Section 473(b). The motion carried unanimously.

It was the consensus of the City to set the appeal hearing on Tuesday, July 26, 2011.

## **8. SAN DIMAS REDEVELOPMENT AGENCY**

Mayor Morris recessed the regular meeting at 10:06 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 10:09 p.m..

## **9. ORAL COMMUNICATIONS**

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

- 1) Dennis Phillips lamented that code enforcement is focused on his box car and provides no remedies to him. He said although he has a uniquely shaped property, staff is deciding that he has no side yard. When he asks for remedies, he gets no response and no consideration.

- 2) Ginny Phillips said although there are no formal complaints for the box car, they keep getting citations. She asked for a response to her letter written to City Attorney Brown.

City Attorney Brown stated he received the letter today.

- b. City Manager

- 1) Verbal Update – HEROES Memorial Project

City Manager Michaelis said the plan check was reviewed and submissions were narrowed down to defineable, workable issues that could be resolved. He added that the HEROES provided a statement of funds that exceed the estimated budget for the construction of the project, which according to the contractor, the budget figure still holds at \$85,000 for Phase I of the project. Mr. Michaelis said they also discussed insurance requirements and workers compensation and expect to be able to issue the building permit next week to move forward with the project.

Mayor Pro Tem Templeman indicated that other volunteer organizations are not asked to provide workers compensation for their volunteers. He would like the definition of volunteer and the scope of work volunteers would be providing, and suggested the City Council consider the necessity and feasibility of requiring workers compensation, which would place a burden on the organization with additional costs. He asked if the Jedediah Smith and Cornerstones of Freedom sculptures are subject to the same ADA requirements.

Assistant City Manager Stevens explained that the monuments for Jedediah Smith and Cornerstones of Freedom survive under the previous standards until an alteration is made.

In response to Council, Assistant City Manager Stevens stated that ADA issues and standards were adjusted and changed over the course of time. Suggestions for using concrete on what has been determined to be an ADA path of travel were requested to minimize risk of future maintenance. He said there were discussions with the Committee and staff did not object to the use of decomposed granite in earlier versions of the plan. However, when they got to the plan check process, staff's discussion shifted to state that decomposed granite is allowable, but staff strongly encouraged a path material that is less subject to risk maintenance. He added that a decision has not been reached on that issue and is waiting to hear from the Committee.

Mayor Morris adamantly opposed the use of decomposed granite on pathways, and stressed the necessity of protecting the City from a potential liability.

Councilmember Bertone stated that everyone wants the project built. He resents the implication that the City is not cooperating when staff has been directed to do more on this project than any other project.

In response to Councilmember Badar, Assistant City Manager Stevens replied that staff suggested several opportunities that would retain the integrity of the design and may result in cost savings to the project. Staff is very cognizant of issues associated with costs and has conveyed that if the organization does not have the budget for concrete, staff will discuss this further with the Committee. He added that information comes forward in a piecemeal fashion and when resubmitted, the specifications have changed. He does not think it is an unreasonable request to request the reason for the changes and new manufacturer specifications for the flagpoles and footings, as well as structural calculations for the monument wall.

Director of Parks and Recreation Bruns added that staff has been very conscientious about this project and department directors were assigned to that process. Staff has tried not to direct the project or design the project, but to allow the process to take shape, with staff's direction as to safety requirements, codes and standards.

1) Gary Enderle stated the Committee wants the project done right and legal. They do not want the City or the Committee liable. He said their budget is very conservative and they would like a clear answer whether or not decomposed granite would be allowed so they can make necessary adjustments. He expressed a problem with skateboarders if concrete is used and mentioned that pavers might be considered instead of concrete. He said the benches are planned for Phase II and thought that the path can also be deferred to Phase II of the project. He would like to discuss this further with staff.

Mayor Morris moved that the City require at least one concrete pathway to avoid maintenance issues with the use of decomposed granite. The motion was seconded by Councilmember Bertone.

The motion carried 3.2; Councilmembers Badar and Templeman opposed.

2) City Manager Michaelis announced that a new feature is available to take email questions on the air on the *Ask the Mayor* live show starting at 7:00 p.m. on Thursday, June 30, 2011. Email address is: Askthe mayor@ci.san-dimas.ca.us.

c. City Attorney

There were no comments.

d. Members of the City Council

1) Designate Voting Delegates for 2011 League Annual Conference.

The League of California Cities conducts an annual business meeting to take action on conference resolutions. Councilmember Emmett Badar is the City's delegate and Councilmembers Denis Bertone and Jeff Templeman are the alternates.

It was moved by Mayor Morris, seconded by Councilmember Ebner, to appoint Emmett Badar as the City's Delegate to the League of California Cities Annual Convention and to appoint Jeff Templeman and Denis Bertone as Alternates to represent the City of San Dimas at the League of California Cities' Annual Convention.

2) Appointments to Public Safety Commission.

Mayor Morris said he and Councilmember Badar conducted interviews to fill two vacancies on the Public Safety Commission due to term expirations.

It was moved by Councilmember Bertone, seconded by Councilmember Ebner, to appoint Roger Therien and Dawna Marshall to the Public Safety Commission for a two-year term, expiring February 10, 2013. The motion carried unanimously.

3) Appointments to Equestrian Commission.

Mayor Pro Tem Templeman said he, Mayor Morris and Equestrian Commission Chair Claudia Cook conducted interviews to fill one vacancy on the Equestrian Commission and recommended Sonya Sevier be appointed.

It was moved by Councilmember Bertone, seconded by Councilmember Ebner, to appoint Sonya sevier to the Equestrian Commission for a two year term, expiring July 1, 2013. The motion carried unanimously.

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

There were no meetings attended at the expense of the City.

5) Individual Members' comments and updates.

Councilmember Bertone praised Margie Green on an outstanding job as Chairperson of the Chamber Board. He said the Chamber breakfast will be held on Thursday to recognize the outgoing and incoming Chairperson.

**10. ADJOURNMENT**

There being no further business, Mayor Morris adjourned the meeting at 11:20 p.m. The next meeting is July 12, 2011, 7:00 p.m.

Respectfully submitted,

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Ina Rios, CMC, City Clerk