



**MINUTES**  
**REGULAR CITY COUNCIL/  
SUCCESSOR AGENCY MEETING**  
**TUESDAY, FEBRUARY 14, 2012, 7:00 P. M.**  
**SAN DIMAS COUNCIL CHAMBERS**  
**245 E. BONITA AVENUE**

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**PRESENT:**

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

City Manager Blaine Michaelis  
City Attorney Mark Steres  
City Clerk Ina Rios  
Assistant City Manager for 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  
Associate Planner Marco Espinoza  
Recreation Coordinator Erica Rodriguez

**1. CALL TO ORDER**

Mayor Morris called the meeting to order at 7:00 p.m. and led the flag salute.

**2. RECOGNITIONS**

- Present Proclamation to San Dimas Community Hospital, Prime Healthcare

Mayor Morris said Thomson Reuters, the world's leading source of information, has recognized Prime Healthcare Services twice in four years as one of the 15 top health systems in the nation based on quality of care, efficiency and patient satisfaction. He congratulated and presented a Proclamation to Dr. Zuhair Yahya, Medical Director, Gregory Brentano, CEO, and Dora Noriega, Chief Nursing Officer for providing quality patient care in the community.

Gregory Brentano, CEO, San Dimas Community Hospital, accepted on behalf of Prime Health Care and the community of San Dimas. He said Prime Healthcare is recognized as one of the top 15 health systems in the United States and when a patient comes to their hospital, they can expect to receive care from the extraordinary staff who work hard to provide the quality care expected. He thanked the City Council for the recognition and said they will continue the work they do.

Kristy MacDougall, Senior Field Representative, on behalf of Assemblyman Hagman, Congressman Dreier, and Supervisor Antonovich, commended and presented Certificates of Recognition to Dr. Zuhair Yahya, Medical Director, Gregory Brentano, CEO, and Dora Noriega, Chief Nursing Officer for being recognized for the outstanding award.

- Present Certificates to winners of the University of La Verne Third Annual “My Home Town” Video Contest for High School Filmmakers

Mayor Morris presented Certificates of Recognition from the City of San Dimas and from Assembly Hagman’s office to Instructor Dr. Michael-John Morgan and San Dimas High School students Daniel Young, Ryan Thompson, and Jacob Booher, the Grand Prize Winners of the “My Home Town” Third Annual Video Contest hosted by the University of La Verne.

Dr. Morgan introduced Ryan Thompson and explained that the University of La Verne runs the “My Home Town” video contest for student filmmakers. The short video was aired and Dr. Morgan said the San Dimas students made a wonderful video and placed first from among 45 schools.

Shane Rodriguez, Acting Station Manager, University of La Verne, said every year they encourage local high school student filmmakers to make a video about their community and they are awarded various prizes. He congratulated student filmmakers Daniel Young, Ryan Thompson and Jacob Booher.

### 3. ANNOUNCEMENTS

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

Pui-Ching Ho, Library Manager, invited families to the Family Drum Circle on Wednesday, February 15, 6:30 pm. to tell stories using a variety of musical instruments. She invited readers to join the Thursday Evening Book Club at 6:30 p .m. on Thursday, February 16, 2012 to read Harley Jane Kozak’s hilarious mystery *Dating Dead Men*; All ages are invited to register for a papercutting workshop on Saturday, February 18<sup>th</sup>, 3:00 p.m. where Master Paper Cutter Marcelino Bautista Sifuentes will display artwork, present history, and provide a hands-on demonstration. The workshop is limited to 25 persons on a first come, first served basis. For detailed information, contact the Library at 909.599.6738.

- b. Update on sales process for four city-owned condominiums at Grove Station.

1) Assistant City Manager Stevens said as part of an effort to implement the Housing Element, the City of San Dimas acquired four housing units at the Grove Station Development Project. He said to comply with County-wide affordability requirements, the units are available to qualified moderate income persons. He reviewed the basic eligibility requirements and said detailed information is available on the City’s website at [www.cityofsandimas.com](http://www.cityofsandimas.com) or by contacting the City’s Housing Division at 909.394.6207.

2) Assistant City Manager Stevens announced two community meetings coming up: 1) Community Development Department is hosting a meeting on Wednesday, February 22, 2012, at 6:00 p.m. in the City Council Chambers, to provide information on business improvement districts to downtown businesses and property owners. 2) Staff has conducted two community meetings to date to solicit community input on the potential use of 60 acres of open space jointly owned by the City of San Dimas, Watershed Conservation Authority and the Rivers, Mountain Conservancy. He said staff is going to present conceptual plans at 6:00 p.m. on Tuesday, March 6, 2012, in the City Council Chambers on the Walnut Creek Habitat and Open Space project. He said copies of the plans and presentations will be available on the City’s website prior to the meeting.

- c. *Lighten Up San Dimas*, Fitness Kickoff on Wednesday, February 22, 2012, 5:00-8:00 p.m. at Lone Hill Middle School presented by the Cities of San Dimas and La Verne, the Bonita Unified School District and Citrus Valley Health Partners.

Recreation Coordinator Rodriguez, Parks and Recreation Department, invited the City Council and the community to attend *Lighten Up San Dimas*, Fitness Kickoff on Wednesday, February 22, 2012, 5:00-8:00 p.m. at Lone Hill Middle School. She said the health and wellness event is part of a series of events sponsored by Citrus Valley Health Partners in cooperation with Bonita Unified School District and Cities of San Dimas and La Verne.

**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 and ask 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) Phillip Grana said he appreciates seeing his grandson receive recognition by the City Council and thanked the City Clerk for preparing the video for presentation.
- 2) Ginny Phillips, 525 No. Amelia, said they were served with a search warrant, in the form of an affidavit, to search their box car, after winning the right to build a two-story garage.
- 3) Dennis Phillips, 525 No. Amelia, said he was given 15 days to vacate the boxcar, which has been on his property for several years and staff amended the code to determine he is not allowed to have a side yard. However, when he invited inspection of the box car, he was served with a search warrant.
- 4) Jumel Nicole Sacro, ASB President, San Dimas High School, reported on fundraisers, their scholastic and athletic achievements, and volunteer work assisting kids at the Senior Citizen/Community Center. She said seniors are completing their senior project and a select few will be participating in San Dimas Students in Government Day on February 29. She will be representing the Mayor on February 28<sup>th</sup>.
- 5) Tim Rowe, 2571 Terrebonne, San Dimas Little League, is proud that in this economy, the League was able to provide scholarships to over 30 families this year. He invited the City Council to their 55<sup>th</sup> Season opening day ceremony at 8:45 a.m. on Saturday, March 10, 2012, beginning with a parade from city hall to the field on Juanita Avenue. Mr. Rowe said he understands the budget constraints on municipalities and thanked the Parks and Recreation Commission for their continued support toward lighting the fields. He mentioned that the League was able to make several improvements through capital funding and thanked city staff for their assistance and loan of the boom truck. He said information is available on their website at sandimaslittleleague.com and Facebook.
- 6) Susie Crawford, Branch Hands, said she is working with City Arborist Deborah Day, and invited the community to Arbor Day Celebration from 9:00 a.m. to 3:00 p.m., on March 3<sup>rd</sup>, at Frank G. Bonelli Park to enjoy a myriad of fun activities and give-aways, sponsored by Waste Management, Golden State Water Company, and San Dimas Hospital. She said Arborists will be available to answer questions and boy scouts will be planting 100 trees. She encouraged everyone to bring buckets and a trowel to take home free mulch.

In response to Councilmember Bertone, Ms. Crawford replied that Supervisor Antonovich is addressing the Branch Hands application for admission fees to be waived.

7) Mitchel Crawford, Chairman, San Dimas Chamber of Commerce, reminded that Toast of the Town is on Thursday, February 16, in the Stanley Plummer Building, and will feature 16 food purveyors; award winning wines from the cellars of the Los Angeles County Fair; live jazz performed by Ed Wolfe Jazz Ensemble; and raffle prizes. Tickets and are available for \$30 at the San Dimas Chamber of Commerce.

8) Janie Graef announced that the San Dimas Rodeo Scholarship applications have been mailed to schools. Additional information is available at sandimasrodeo.com and at Bonded Cleaners. She said the application process is open to all High School seniors who live in San Dimas, La Verne, or Glendora, and the Rodeo will be awarding \$5,000 this year.

9) Margie Green, Soroptimist International, San Dimas/La Verne Chapter, encouraged the community to attend their fund raiser dinner/Casino Night with entertainment, raffle prizes, and live and silent auction, on March 10, at Avalon, to help raise money to clothe children in town and provide grants to teachers. Additional information is available by contacting her at 909.599.8780 or by contacting the Chamber of Commerce at 909.592.3818.

10) Gary Enderle, 2044 Via Esperanza, invited the community to the San Dimas HEROES fundraiser, A Comedy Evening with Fritz Coleman, on March 10, in the Community Building, beginning with social hour at 6:00-7:00 p.m. He said the show will start at 7:00 p.m. with opening act husband and wife team, the Bornsteins, who have traveled all over the country entertaining our troops. Mr. Enderle said all proceeds will go toward the water feature at the Veterans Memorial project. He gave a brief update on the water feature designed by, and to be installed by, Water Studios.

## 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 Ebiner requested a separate vote on item 5.a.2, Resolution No. 2012-08 prohibiting parking on certain streets.

**MOTION:** It was moved by Councilmember Bertone, seconded by Councilmember Ebiner, 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. 2012-07, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF JANUARY AND FEBRUARY, 2012.**
- b. Approval of minutes for regular City Council meeting of January 24, 2012.
- c. Approval of minutes for joint City Council/San Dimas Housing Authority meeting of January 24, 2012.
- d. Approval of minutes for the dissolved San Dimas Redevelopment Agency for the meeting of January 24, 2012. (Successor Agency Action)
- e. Tax Sharing Resolutions approving and accepting negotiated exchange of property tax revenues resulting from annexation to County Sanitation District No. 22 (Annexation No. 416) one proposed single-family home on De Anza Heights.

END OF CONSENT CALENDAR

**ITEM 5.a.2:**

- (2) Annual update of parking prohibition on certain streets:  
**RESOLUTION NO. 2012-08, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS PROHIBITING PARKING OR STOPPING OF VEHICLES ON CERTAIN STREETS.**

It was moved by Councilmember Bertone, seconded by Councilmember Badar, to waive further reading and adopt **RESOLUTION NO. 2012-08, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS PROHIBITING PARKING OR STOPPING OF VEHICLES ON CERTAIN STREETS.**

Councilmember Ebner said the parking restrictions are unnecessary, particularly at Fresh and Easy. He will vote against adoption of Resolution No. 2012-08.

The motion carried 4.1; Councilmember Ebner opposed.

**6. PLANNING/DEVELOPMENT SERVICES**

- a. Appeal of DPRB Case No. 08-47 Revised house layout and grading plan from the previously approved plans.  
DPRB CASE NO. 08-47, A request to construct a 5,117 sq. ft. two-story, single-family residence and several attached garages totaling 1,908 sq. ft. within Specific Plan No. 4 at 1658 Gainsborough Road (APN: 8426-034-020).  
ASSOCIATED CASE: TREE PERMIT 10-48, A request to remove a mature Coast Live Oak in order to accommodate the revised layout of the house and garages. (CONTINUED FROM JANUARY 24, 2012)
- 1) **RESOLUTION NO. 2012-05, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS DENYING THE APPEAL REQUEST AND UPHOLDING THE DENIAL WITHOUT PREJUDICE OF DPRB CASE NO. 08-47, A REQUEST TO CONSTRUCT A 5,117 SQ. FT. TWO-STORY, SINGLE-FAMILY RESIDENCE AND SEVERAL ATTACHED GARAGES TOTALING 1,908 SQ. FT. WITHIN SPECIFIC PLAN NO. 4 AT 1658 GAINSBOROUGH ROAD. (APN: 8426-034-020).**

Associate Planner Espinoza reported that this project was originally approved by the Development Plan review Board on June 28, 2007 as DPRB Case No. 07-34. The applicant allowed the approval to expire and did not apply for an extension. The project was resubmitted and approved by the DPRB on November 11, 2008 and grading permits were issued in March 2009. However, the project was stopped due to several complaints regarding excess amount of unpermitted soil imported to the site. In the interim, staff has worked with the applicant, his architect and engineer to review and modify the project to meet code requirements. Planner Espinoza informed the City Council that the applicant's engineer has moved out of state and at time of writing, a new engineer has not been hired. Planner Espinoza expressed concerns with soil erosion since the project was placed on hold in 2009, and recommended to the Board that the applicant be required to restore the site to its original grading level within three months. On October 27, 2011, the Development Plan Review Board denied the appeal without prejudice, and required the applicant to restore the site to its original grading level within three months. Planner Espinoza said the tree removal permit in conjunction with the application was also denied because staff did not have appropriate house plans to make a determination for the tree removal. Staff recommended that the City Council adopt Resolution No. 2012-05 upholding the Development Plan Review Board's determination to deny DPRB Case No. 08-47, without prejudice, and require the applicant to restore the site to its original grading level within three months.

In response to Mayor Pro Tem Templeman, Planner Espinoza replied that plans for the house are the same as originally submitted, however, approval of those plans was based upon an incorrect topographic map, and the house would have to be modified to comply with code requirements.

In response to Councilmember Ebner, Planner Espinoza replied that the applicant's engineer submitted the topographic map that contained incorrect information.

In response to Councilmember Bertone, Planner Espinoza replied that a grading permit was issued based upon the information submitted. He explained that the original calculations started with 800 cubic yards of soil imported, however, every time the applicant submitted revised plans, cubic yardage decreased. He said there was a lot of discrepancy in imported soil calculations.

Mayor Morris invited the appellants to present their case.

Pete Volbeda, Project Architect, requests that the City Council overturn the decision of the Development Plan Review Board to deny their request to build a two-story single family residence. He disagrees with Planning staff's suggestion for a split level design of the house with the appearance of one story placed in front and the second-story placed to the rear. He indicated that with the shape of the lot, the two-story house will still be visible from the rear view. He stated that the best way to design any hillside home is step pad footing of the house with the existing grade. He said that their slope below pad is less than 8% and there is a three-foot difference in elevation between floor levels from 698 feet to 695 feet. He was confused that staff reported that the rear of the yard was cut to an elevation of 690 feet and does not understand the requirements to draw the elevation to 690 feet because it is currently at 692 feet. They are in the process of exporting excess dirt off the site to comply with city guidelines. However, even if the lot is restored, he still disagrees with staff about how much split level to build the house. He added that the two adjacent homes are two-story homes with a similar slope, and requests that the City Council approve their design so they can submit a grading plan to resolve drainage issues.

In response to Mayor Morris, Mr. Volbeda admitted they had used incorrect topography and they hired a surveyor to survey the lot. With that survey information, they were able to determine the original topography, and their last submittal to the city was based on those new calculations.

In response to Councilmember Ebner, Mr. Volbeda replied that the original elevation was 698 feet by the front door and 697 feet was proposed in 2008, a difference of 1-foot, however, it was based on the incorrect topography. He further replied that the highest point of the fill is approximately 15-foot high, and an excess of 400 cubic yards of soil will be exported.

Mayor Pro Tem Templeman asked about their concept to address ongoing water retention issues that could impact adjacent residents. Mr. Volbeda replied that they have retained a new civil engineer who can address that issue.

2) Ed Eckert, Civil Engineer, Gilbert Engineering Company, Inc., said he did not prepare the original grading plan or topography. Based on review of the site, he is requesting approval of the proposed house design as submitted, and if approved, they can proceed to submit a revised grading plan to construct the project. He stated that the lot was graded after permits were issued, however, due to incorrect topography, more yardage was moved than approved. A plan was submitted to remove approximately 400 cubic yards of dirt, reduce the grading to approximately 111 cubic yards, which is in compliance with city requirements, reduce the height of the pad, and reshape the fill to fit in with the surrounding terrain. He said the recommendation to restore the lot to original grade would not benefit the City, property owner, or surrounding neighbors. He added that the project would be delayed, removal of the containment pit would negatively impact adjacent neighbors, and removal of the graded pad would require grading and hauling of approximately 600 cubic yards of soil. He said the best solution is to complete the home based on the submitted plans, reduce the height of the existing pad, and construct

proper drainage devices in compliance with National Pollutant Discharge Elimination System (NPDES) requirements.

In response to Councilmember Ebner, Planner Espinoza replied that the applicant is proposing to develop the property with a lot of soil, instead of developing with the original contours, which is in the intent of the code.

In response to Mayor Pro Tem Templeman, Mr. Eckert illustrated various ways to retain water. Planner Espinoza replied that an infiltration system is required for this project.

In response to Councilmember Badar, Mr. Volbeda replied that he has not had discussions with city staff since the project was denied by the Development Plan Review Board. He said the plans presented at the Review Board are the plans he would like approved tonight, including the water retention plan.

Mayor Morris stated that an analysis of the visual impact on lower properties was originally conducted to determine which lots would be designated A, B or C lots in this Specific Plan, and lot designations were prepared by a developer and engineer, and approved by the City, with a very specific kind of building that could be built on each of those lots. He said people with C lots generally changed the basic nature of the lot, even though it was in a sensitive area, and designed a building to fit the altered lot. He said the City Council is faced with the dilemma of whether or not to approve a design that does not comply with the code, or determine that the lot be restored to its original state and request an appropriate design to fit the lot.

3) James Polson, Owner's representative, Aspen Financial Group, Inc., explained that the lot was purchased with plans, soils report, and topographic map, and the City approved the plans for the house. He said the owners redesigned the house using the topographic map and soils report, and relied on the surveyor's report. He said the new civil engineer confirmed that the yardage of dirt being removed and imported is in compliance, with less than 200 feet outside of the footprint needed.

In response to Mayor Morris, Mr. Polson said only a small portion of the lot is off in the center area. Mr. Volbeda added that they thought the original grade was five feet higher, however, the existing grade is actually five feet lower as it was three years ago prior to grading the lot.

In response to Council, Assistant City Manager Stevens stated that staff has been going through this process for three years with the applicant and still does not have a plan that fits the original topography. He said staff is saying the applicant can take all the time they want after restoring the site to its original condition, and then come up with a plan that complies with code requirements. He said making the grading work with the proposed plan might not be compliant with a Lot C requirement.

In response to Councilmember Badar, Mr. Polson replied that during heavy rains, when first graded, there was a lot of mud and water runoff into the neighbors' lots. He said to address the problem, a containment pit was dug to dam the water, and every time the pool fills, the water is pumped out.

Assistant City Manager Stevens said the interim fix was developed in response to minimize the impact on neighbors while a permanent solution was found. He said it was not intended to last three years.

Mr. Polson stated that if the containment pit is taken out, water flow will flood the neighbor's yard and Weed Abatement will be necessary.

Planner Espinoza said as part of restoring the hillside to its original state, there are mitigation measures in place that require a retention basin be installed to minimize water runoff.

Dave Gilbertson, City Engineer, RKA Consulting Group, Inc., clarified that there is concern about controlling runoff in the interim if the hillside is restored to its natural state. As Planner Espinoza stated, a basin has to be installed in perpetuity, and as natural growth matures, the amount of runoff will decrease and homeowners below should be protected. City Engineer Gilbertson stated that it is unknown how much soil was brought in and because the original topographic map was inaccurate, city staff relied on the applicant to provide adequate numbers. He said the only thing to do is restore the hillside back to what natural was, create a new topographic map, and start the design from that point.

In response to Mayor Morris, City Engineer Gilbertson replied that that the issue exists with how much fill there is at the site and whether or not the improved development plan complies with the code.

Mayor Morris said this is an appeal, and invited residents with firsthand knowledge of the matter to comment on DPRB Case No. 08-47.

1) John Peggs, 1133 Edinburgh Road, felt the property owner has a right to build a home on his property as long as it complies with city regulations. He said the landowner is responsible for bringing in excess soil and creating the erosion problem, and adjacent neighbors had to complain to the City about mud coming onto their properties before the applicant installed a containment pit. He added that if the property owner is required to restore the hillside to its natural terrain, he should be held accountable for containing the mud and water to minimize damage to adjacent properties.

2) Paul Feintuch, 1139 Edinburg Road, said that over time, a C Lot was converted to a B or A Lot, which does not conform to the neighborhood and does not meet Specific Plan 4 lot requirements. He said the applicant essentially changed the terrain to match his house design, versus designing the house to fit the terrain. He added that staff is trying to reduce the visual impact to the southerly adjacent homes in the placement of the house. He added that in its natural state, there was always water flowing to a storm drain on Edinburgh, however, after all the soil was imported and grading done, a cliff was created in the rear of the lot and the water flow dramatically changed its path and became mud, which caused major damage to adjacent properties. To address this problem, two and one-half years ago, a retention pit was built, which is essentially a large water pond, with nothing structurally in place to hold that volume of water. He felt the concept of a retention pit is only as good as the diligence of the owner to pump out water and control erosion. He felt this giant pond poses a hazardous flooding condition that threatens public safety, and is not a long term solution. He strongly urged the City Council to uphold the Review Board's decision.

3) Mayor Morris read an email submitted by Tony Ponzo, stating that the land is an eyesore in its present condition and detracts from the neighborhood and the values of the surrounding homes. Mr. Ponzo is in favor of housing being constructed.

There being no one else wishing to speak, Mayor Morris invited the appellants to respond to comments.

1) James Polson said if the property is restored to its original condition, the County will order weed abatement, and with the removal of the containment pit, there will be runoff and mudslides.

Councilmember Badar stated that staff is requiring retaining the containment pit after the land has been brought back to a natural state. He added that the changes made caused the problem that required the containment pit.

In response to Councilmember Ebiner, City Attorney Steres replied that the City Council could uphold the Development Plan Review Board's decision, modify, or overturn their action. He added that the process of restoring the property back to its original grade is through a grading permit process that can include conditions of approval for erosion control. The applicant would have to comply with provisions of the National Pollutant Discharge Elimination System (NPDES).

Mayor Pro Tem Templeman said there is a code enforcement problem with debris piled up at the street and he expressed concern with vectors if the deep earthen pond is not properly maintained. He said staff needs to address all those issues.

2) Ed Eckhart submitted copies of his letter for the record.

There being no one else wishing to comment, Mayor Morris closed the appeal hearing.

Councilmember Ebner commented that a home on the lot should be encouraged and that it conforms to a Type C Lot. He felt the property owners should be responsible for controlling erosion and runoff.

**MOTION:** After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Ebner, to waive further reading and adopt **RESOLUTION NO. 2012-05**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS DENYING THE APPEAL REQUEST AND UPHOLDING THE DENIAL WITHOUT PREJUDICE OF DPRB CASE NO. 08-47, A REQUEST TO CONSTRUCT A 5,117 SQ. FT. TWO-STORY, SINGLE-FAMILY RESIDENCE AND SEVERAL ATTACHED GARAGES TOTALING 1,908 SQ. FT. WITHIN SPECIFIC PLAN NO. 4 AT 1658 GAINSBOROUGH ROAD. (APN: 8426-034-020).

Mayor Pro Tem Templeman said it is unfortunate that the vote will cost the landowner more money, however, the City should not be blamed for the land failure or runoff caused by the landowner's actions.

Mayor Morris said the situation may not have been created by the property owner's agents present tonight, however, it is a situation that must be corrected. He said the property has always been designated as a C lot and it has to be brought back to its natural state and an appropriate design has to be submitted to match the lot.

The motion carried unanimously.

## 7. OTHER MATTERS

- a. Consider for Approval the 2012 Farmers Market proposal as submitted by Advocates for Healthy Living.

Parks and Recreation Director Bruns provided background on Farmer's Market activities since 2007 and said at the conclusion of each market season, staff has met with Mr. Cuellar and the community to evaluate the Market season. She stated that staff and Mr. Cuellar have been responsive to concerns of the business community and residents of the adjacent neighborhood. She presented current request to conduct the Farmer's Market on Wednesday evenings, April 4 through September 26, 2012 on First Street, adjacent to Civic Center Park. The proposal also includes use of the Civic Center Plaza based upon staff discretion. The Market's proposed hours of operation are 4:00 p.m. on First Street, 5:00 p.m. in the City Hall parking lot, to close at 8:30 p.m. on school nights, and 9:00 p.m. on non-school nights. Mr. Cuellar is requesting the closure of First Street at 3:00 p.m. and the parking lot closure at 4:00 p.m. until 10:00 p.m. Staff recommends the City Council authorize renewal of the temporary use permit for Advocates for Healthy Living to operate a 2012 Farmers' Market event in the public right-of-way, including approval of street closures on First Street, east from Iglesia Street, and the east side of the City Hall municipal parking lot each Wednesday, beginning April 4, 2012 through September 26, 2012, subject to standards and conditions. Adjustments include the following two items:

- 1) The requirement for posting resident parking on Iglesia Street was not utilized last year and was removed. The permit restricts vendor parking to event parking in the Municipal Lot on First Street, Bonita Avenue east side of Iglesia. Vendor parking is not permitted on the west side of Iglesia from Bonita Avenue to Second Street, or First Street, or on Second Street west of Iglesia.

Director Bruns reported that she met with Advocates for Health Living and they will continue posting or work with residents if a problem ensues.

2) Staff recommended Condition 30 to state:

“The applicant may provide low volume amplified entertainment until 8:00 pm on school nights and 9:00 p.m. on non-school nights during the weeks of the event when Music-in-the-Park and Movies-in-the-Park programs are not operating and may provide low volume amplified entertainment until 7:00 p.m. on evenings when Music-in-the-Park and Movies-in-the-Park are conducted. Performances should be located in the City Hall Municipal Parking Lot area and shall face away from residents in the direction other than north.”

Director Bruns mentioned that Bill Tilberry is in the audience.

Mayor Morris invited members of the public to express their position.

**MOTION:** It was moved by Councilmember Ebiner, seconded by Mayor Pro Tem Templeman, to authorize staff to renew the temporary use permit for Advocates for Healthy Living to operate a 2012 Farmers Market in the public right-of-way, subject to standards and conditions of approval including revised Condition 30 as outlined by staff, with a start date of April 4, 2012. The motion carried unanimously.

Mayor Pro Tem Templeman acknowledged Bill Tilberry and Charles McCants in the audience and thanked Mr. Tilberry for working with the neighborhood to make sure everything is in order.

- b. Consider recommendations from the Parks and Recreation Commission for naming the park where the HEROES Monument is located.

Parks and Recreation Director Bruns reported that at their January 27, 2012 meeting the Parks and Recreation discussed naming the park where the HEROES Monument is located. Names for the Park were solicited and Commissioners voted to recommend the following three names to the City Council for consideration: Patriots Park; Freedom Park; and Veterans Monument Park. Staff also recommended consensus on the need for a monument park sign and will return to the City Council during the upcoming budget sessions.

**MOTION:** It was moved by Councilmember Badar, seconded by Mayor Pro Tem Templeman, to name the Park where the HEROES Monument is located “Freedom Park”, and to not put up a park sign. The motion carried unanimously.

Assistant City Manager Stevens suggested that incorporating a sign into the entry way trellis design may be a more subtle way of getting the park name without detracting from the monument with a larger sign.

- c. Report on appointment process for Successor Agency Oversight Committee and update on the Redevelopment dissolution process. (Successor Agency Action)

Assistant City Manager Duran reported that the dissolution of the Redevelopment Agency took effect February 1, 2012 as part of AB 1x26, and the City became the Successor Agency assuming the responsibility of pre-existing obligations and contracts, and winding down the redevelopment operations. He said the process is very complex and ambiguous, and to comply, staff is preparing for a mandated fiscal audit of records from July 1, 2011 through January 31, 2012, and setting up new accounts for the Successor Agency. He clarified that the Successor Agency is not a new body and pointed out that certain actions to be taken fall under the scope of the role as Successor Agency such as adopting the Recognized Obligations Payment Schedule, which will be brought for approval at the next meeting, as well as appointments to the Oversight Board.

City Manager Michaelis stated that the role of the Oversight Board is to review the financial obligations of the former Redevelopment Agency. He said of the seven members, two are appointed by the Board of Supervisors; two by the City; one from the chancellor of the State Community College; one from the largest special district – identified as the Fire District; and one from the County Board of Education. Supervisor Antonovich asked for local nominations to consider appointing his two board members. City Manager Michaelis said some cities are appointing their local School District Superintendent; San Dimas has not yet heard from the Fire District or Community College. City Manager Michaelis stated that the Department of Finance indicated they do not have the resources to deal with over 400 agencies and the time schedule needs to be in place before May 1, 2012. He said on the agenda for the next City Council meeting, the City Council can consider recommendations for appointees and a list of recommendations we must submit to other agencies willing to accept the recommendations for their appointments to the Oversight Board.

City Manager Michaelis said there has been some initial legislation to address outstanding technical issues. Three legislative proposals are moving through the process – one bill is from Senator Steinberg that allows the Successor Agency to administer low-moderate housing funds for housing projects. Senator Steinberg wants to reinstate the urgency provision and hopefully goes before the Governor.

City Manager Michaelis said Senator Dutton's Senate Bill relates to payments of proceeds of bond issues. He said Assembly Member John Perez's legislation not only continues with low-moderate housing income funds, all monies are enforceable obligations if entered into within two years of the formation of the Agency are valid and binding upon the Successor Agency. Mr. Michaelis said of more assistance to municipalities, the bill helps define that city loans to the Redevelopment Agency may be contractually an obligation payable under the process. This has been submitted as an urgency measure and he hopes it is adopted soon to avoid issues when the Successor Agency submits proposals for payment.

Councilmember Bertone said that appointments to the Oversight Board should be people who can make decisions in the best interest of the city. He suggested the City Manager, Assistant City Manager of Community Development or Assistant City Manager be appointed to the Oversight Board.

Mayor Pro Tem Templeman felt that only people who are familiar with redevelopment and have an understanding of the debts that need to be paid should be considered for appointment to the Oversight Board.

## **8. ORAL COMMUNICATIONS**

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

- 1) Gary Enderle, thanked the City Council, Director Bruns and the Parks and Recreation Commission for considering the various names for the park. Freedom Park is appropriate. He mentioned that the water feature design features a five pointed star representing the five branches of the service and how they work together for freedom. It will be known as the Veterans Memorial at Freedom Park.

- b. City Manager

- 1) Establish a date for the Spring City Council – Staff Retreat  
possible dates: Monday, April 23; April 30; Wednesday, April 25; Saturday, May 5

It was the consensus of the City Council to conduct the staff retreat on Monday, April 23, 2012, at 5:00 p.m. – 9:00 p.m.

- 2) City Manager Michaelis encouraged callers to tune in on *Ask the Mayor* on Thursday, February 16, 2012, at 7:00 p.m..

c. City Attorney

City Attorney Steres said he is pleased to be here while City Attorney Ken Brown is out of town.

d. Members of the City Council

- 1) Appointments to Public Safety Commission.

Mayor Morris reported that he and Councilmember Badar interviewed seven candidates on January 31, 2012 and recommended appointing Charles McCowan and Cheryl Avelar to the Public Safety Commission.

**MOTION:** It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to appoint Charles McCowan and Cheryl Avelar, to a two-year term through February 10, 2014, on the Public Safety Commission. The motion carried unanimously.

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

No one attended a meeting at the expense of the City.

- 4) Individual Members' comments and updates.

a) Mayor Pro Tem Templeman thanked Director Patel on the report regarding the sink hole at Cataract and First Street. He referred it to the Historical Society who felt that the concrete/rock pipe with a semi-flat bottom may have been constructed prior to 1920.

## 9. ADJOURNMENT

Mayor Morris adjourned the meeting at 10:10 p.m. The next meeting is 5:00 p.m., February 28, 2012, for Preliminary Budget Meeting. The regular meeting is at 7:00 p.m. with students for Student In Government Day.

Respectfully submitted,

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Ina Rios, CMC, City Clerk