



MINUTES
REGULAR CITY COUNCIL
TUESDAY, SEPTEMBER 13, 2005, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

CITY COUNCIL:

Mayor Curtis W. Morris
Mayor Pro Tem Jeff Templeman
Councilmember Denis Bertone
Councilmember John Ebiner
Councilmember Sandy McHenry

City Manager Michaelis
City Clerk Rios
City Attorney Brown
Assistant City Manager Duran
Community Development Director Stevens
Public Works Director Patel
Parks and Recreation Director Bruns

CALL TO ORDER AND FLAG SALUTE

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

RECOGNITIONS

❖ **Deputy Kevin Unland**

Mary Ellen Newcomb from Lonehill Middle School presented to Deputy Unland presents and a plaque for the many years of dedicated service as the School Resource Officer.

Mayor Morris congratulated and presented to Deputy Kevin Unland a proclamation to recognize his many years of dedicated service to the Schools and the community in San Dimas, stating he has done a fantastic job.

Jim Curtis, Captain, San Dimas Sheriff's Department, added that Deputy Unland is a 15 year veteran of the Sheriff's Department first assigned to Walnut Station, and to San Dimas Station the past 10 years. He stated that Kevin has done an outstanding job as the School Resource Officer for the last 5.5 years. He is truly a professional with a positive image not only for the Sheriff's Dept., but as an individual for the community. Captain Curtis thanked him for his outstanding accomplishments and for keeping kids safe.

Mayor Pro Tem Templeman thanked Deputy Unland for all the work with *Every Fifteen Minutes* and said it was a real pleasure working with him.

Deputy Kevin Unland thanked everyone and said this community cares about police officers, kids, and its citizens and he could not say enough about the teamwork in this city. He appreciates the accolades and looks forward to interacting in the future.

Jim Elliott, Member Board of Education, introduced Board colleagues Patty Latourelle, Glenn Crieman, and Superintendent Dr. Bob Otto. He said that as a parent, he had the pleasure of knowing Deputy Unland and personally wished him the best in the next stage of his career.

Captain Curtis introduced new School Resource Officer Brady Thomas, a 15 year veteran of the Sheriff's Department who has worked between San Dimas and Walnut for approximately 10 years, and in San Dimas the last five years. He stated that Deputy Thomas grew up in San Dimas and attended the Bonita Unified School District elementary level, Lonehill Middle School, and San Dimas High School. He felt Brady is the right fit for the job of keeping schools and kids safe.

Deputy Brady Thomas thanked Captain Curtis for selecting him to fill Deputy Unland's shoes. He said he has a history with the City and the School District, and looks forward to working with all administrators within the district to keep schools safer for our kids.

❖ **Recognition of City Swim Team members who represented San Dimas at the Southern California Swimming Championships in Riverside.**

Mayor Morris congratulated and presented a resolution to the Swim Team members for representing San Dimas and earning medals at the Southern California Swimming Championship in Riverside. He stated that our Recreation staff has been very involved over the years in the Southern California Municipal Athletic Federation and makes it possible for our kids to participate.

❖ **Joe Vacca, Associate Planner**

Mayor Morris recognized Planner Vacca for his outstanding service to San Dimas and expressed best wishes on his new assignment as a Principal Planner for the City of Moorpark. He stated that Joe made a tremendous impact in San Dimas.

City Manager Michaelis expressed gratitude and appreciation for Joe's contribution to the community, lives and association with him. He wished him well in his new venture.

Joe Vacca thanked the Council and staff for the opportunity to work in and for this community, stating that it's a very attractive community and has an exceptional quality of life due in part to staff and hard work.

Councilmember Ebiner stated he appreciates his conscientiousness and knowledge and said Joe has a good sense of what quality of life and a built-in environment that has an effect on what a community is like. He stated that Joe has integrated, internalized and upheld San Dimas standards, and many who work with Joe appreciate and compliment him on his work.

Councilmember Bertone wished him luck said Joe is a true gentleman and a professional.

Councilmember McHenry wished him the best and said it was a pleasure working with Joe in the Development Plan Review Board.

Mayor Pro Tem Templeman said he stopped by to see Joe and wished him luck on his new job.

ORAL COMMUNICATIONS

(For anyone wishing to address the City Council on an 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.)

a. Members of the Audience

1) **Julia Sylva**, Lewis Brisbois Bisgaard & Smith LLP, representing the developer for the Vista Verde development, stated the County Regional Planning Commission heard the matter on August 24, 2005 and unanimously approved staff's recommendation to move forward with hearings and further study. She stated that her client seeks to exercise his right to develop 70 units on the property according to applicable law and is awaiting city direction as to how many units would be approved. She understands the City held a study session and raised issues related to lot line adjustment, access, and density.

Mayor Morris clarified that the City has never taken a position in favor of the project and only directed staff to appear at the County Regional Planning Commission hearing to oppose the proposed plan. He stated there has not been an application submitted to the City of San Dimas.

Community Development Director Stevens said he appeared at the recent County Regional Planning Commission hearing at the end of August, wherein he continued to express concerns and reservations relative to issues associated with the project. He stated that staff remains open to meeting with the applicant and County staff in an effort to resolve issues. He said at this time, the project as currently proposed is not one the City Council could support and staff continues to present that position to the County as the application moves through the process.

Councilmember McHenry stated he will reserve his comments to speak under Member of the City Council.

Councilmember Bertone made it clear he spoke before the Regional Planning Commission on behalf of the Coalition to Preserve Bonelli Park.

Ms. Sylva stated she understood the City has not taken an official position, and said her client would like to meet with staff to resolve outstanding issues.

2) **Ted Powl**, President/CEO, Chamber of Commerce, urged folks to take advantage of our western heritage by participating in and attending Western Week starting with Ms. Rodeo California's competition on September 27; the coronation on September 30; and on Saturday and Sunday, October 1-2, San Dimas Western Days and San Dimas Rodeo. He encouraged participation in the parade and attendance to see the Pow Wow; Cowboy Shootouts; downtown craft fair; and the Hawaiian Rodeo.

3) **Dennis Phillips**, 525 No. Amelia Avenue, addressed the City Council on Councilmember McHenry's property and said the existing use seems to be more of a primary residential than accessory caretaker facility. He stated the City Attorney should put a stop to an illegal decision.

Mayor Morris clarified that the Development Plan Review Board overruled the recommendation made by Director Stevens and made it as a use determination that it was the equivalent of a caretaker's use. He said the decision could have been, but was not, appealed to the City Council by any resident.

b. City Manager

No comments

c. City Attorney

None

d. Members of the City Council

Councilmember McHenry stated that when the issue on his property first came up, he spoke with staff, set up a process, and has fully complied. He stated that under the previous zone, cattle grazing was permitted, and the zone was changed after development began.

Councilmember McHenry responded to Ms. Sylva concerning Vista Verde project and stated that Mr. Singh's attorney represented to the County Regional Planning Commission that the Fifth District fully supported the project, whereupon the Chief Planner for Supervisor Antonovich's office rushed to the meeting to report that the County has not taken a position on the project. Mr. McHenry stated that while not opposed to the development, the Council is not in favor of the currently proposed project. He said based on communication with the developer on this project, Mr. Singh simply does not like the answer.

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 stated that item (b) would be removed for separate consideration.

It was moved by Councilmember Bertone, seconded by Councilmember Ebiner, and carried unanimously to accept, approve and act upon the consent calendar, as follows:

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
 - (1) **No. 05-57**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF AUGUST AND SEPTEMBER 2005.
 - (2) **No. 05-58**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE CALHOME PROGRAM.
- c. Accept and authorize Letter of Agreement dated August 26, 2005 with the City of Glendora related to cooperation to address traffic issues and mitigations related to the San Dimas Costco project and the Glendora Diamond Ridge project.
- d. Lot Line Adjustment 05-01: A request to adjust the lot line between 621 & 651 South Walnut.

END OF CONSENT CALENDAR

- b. Approval of minutes for City Council/Staff Retreat of April 26, 2005; City Council/Staff Retreat of May 10, 2005; and Special City Council meeting of May 10, 2005; and regular City Council meeting of August 23, 2005.

City Manager Michaelis requested amendment to the August 23, 2005 minutes on page seven, under item (a) in closed session to reflect that the Redevelopment Agency approved appraisal information for the above properties.

Councilmember Ebiner requested correction to the May 10, 2005 City Council/Staff Retreat minutes, on page four, to reflect that he owns property within the vicinity of the Bonita/Cataract property and recused himself from discussion.

It was moved by Councilmember Ebner, seconded by Councilmember Bertone, to approve item 4(b) as amended. The motion carried unanimously.

PUBLIC HEARING

(The following items have been published and/or posted. The Mayor/Chairman will open the meeting to receive public testimony.)

- a. Joint Public Hearing of the City Council and San Dimas Redevelopment Agency to consider an amendment to Disposition and Development Agreement with Costco Wholesale Corporation, for a Costco project located at the Southeast corner of Lone Hill and Gladstone.

1) RESOLUTION NO. 05-59, A RESOLUTION OF THE SAN DIMAS CITY COUNCIL PURSUANT TO THE PROVISIONS OF CALIFORNIA HEALTH AND SAFETY CODE SECTION 33433 APPROVING A PROPOSED DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE SAN DIMAS REDEVELOPMENT AGENCY AND COSTCO WHOLESALE CORPORATION, A WASHINGTON CORPORATION.

2) RESOLUTION NO. 179, A RESOLUTION OF THE SAN DIMAS REDEVELOPMENT AGENCY APPROVING AND AUTHORIZING THE EXECUTION OF A DISPOSITION AND DEVELOPMENT AGREEMENT WITH COSTCO WHOLESALE CORPORATION, A WASHINGTON CORPORATION.

City Manager/Executive Director Michaelis said there have been changes to the project since the City Council/Agency approved the Disposition and Development Agreement with Costco in March, 2005. He reviewed the elements of the DDA and reported that this hearing is to consider the adoption of the Disposition and Development Agreement with Costco to effectuate redevelopment objectives in the Creative Growth Redevelopment Project Area Plan Amendment No. 3. Manager/Director Michaelis recommended approval of City Council Resolution No. 05-59 and San Dimas Redevelopment Agency Resolution No. 179.

Mayor/Chairman Morris clarified that this is still subject to final approval by Costco, based on the acquisition of property.

In response to Mayor/Chairman Morris, City/Agency Attorney Brown stated that the only difference between this action and the action of March 22, 2005, is a change in the increase of Agency participation from \$4.75 million to \$6 million. This does not change the fifteen year period in which payment is to be made. He stated that there is a meeting tomorrow to discuss moving forward aggressively to acquire a number of properties the Agency does not yet own, and values to property fixtures, equipment are going to be determined within the next 60 days through appraisals.

City Manager/Executive Director Michaelis stated that Steve McArthur, representative of Costco, is present to make comments.

Steve McArthur, 17300 Red Hill, Irvine, representative, Costco Wholesale, stated he is looking forward to finally getting started on the process and seeing the project built next year. He is here to answer any questions.

In response to Councilmember Ebner, Director Michaelis explained the sales tax producing capacity of the entire project. He said over the fifteen year time period, the City could expect to receive 60% of the sales tax revenue, and after that time period, the City would gain the benefit of the entire sales tax amount.

Mayor/Chairman Morris opened the joint public hearing, outlined the format, and asked if anyone wished to speak either for or against the amended Disposition and Development Agreement. There being no one wishing to speak, Mayor/Chairman Morris closed the public hearing.

After the title was read, it was moved by Council/Agency member McHenry, seconded by Council/Agency member Bertone, to waive further reading and adopt:

RESOLUTION NO. 05-59, A RESOLUTION OF THE SAN DIMAS CITY COUNCIL PURSUANT TO THE PROVISIONS OF CALIFORNIA HEALTH AND SAFETY CODE SECTION 33433 APPROVING A PROPOSED DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE SAN DIMAS REDEVELOPMENT AGENCY AND COSTCO WHOLESALE CORPORATION, A WASHINGTON CORPORATION.

RESOLUTION NO. 179, A RESOLUTION OF THE SAN DIMAS REDEVELOPMENT AGENCY APPROVING AND AUTHORIZING THE EXECUTION OF A DISPOSITION AND DEVELOPMENT AGREEMENT WITH COSTCO WHOLESALE CORPORATION, A WASHINGTON CORPORATION.

The motion carried unanimously.

PLANNING

- a. Award of Cash Contract 2005-09 to America West Landscape, Inc. in the amount of \$232,328.67, for Sycamore Canyon Equestrian Trail improvements and consider 2005-06 Annual Capital and Operating Budget adjustment of \$ 320,000.

Councilmember McHenry expressed a conflict of interest, excused himself from discussion, and left the Chambers at 8:10 p.m..

Planning Manager Hensley reported that the project consists of construction of approximately six feet wide recreational trail, construction of retaining walls, where necessary, and an alternate bid for the trail between the first and second gate on Sycamore Canyon Road. This item was discussed at the July 26, 2005 meeting and the City Council expressed a desire to bid the second phase of the trail at this time. Two sealed bids were received and publicly opened on Tuesday, September 6, 2005 for the subject cash contract. He said the engineer's bid estimate for the trail was \$120,000 and \$85,000 for the alternate. Manager Hensley stated that a budget amendment in the amount of \$320,000 is necessary to complete the project and recommended the budget amendment and that Cash Contract 2005-09 be awarded to America West Landscape for an amount of \$232,328.67.

In response to Mayor Pro Tem Templeman, Planner Hensley said he felt confident that if the contractors begin within the next two-three weeks, weather permitting, the project could be completed within four-five weeks.

Mayor Pro Tem Templeman said it is our effort to get hikers and equestrian users off the narrow Sycamore Canyon road and this creates a better opportunity for that to happen.

Planner Hensley stated that the above grant was provided, and the County has agreed to clear some additional trails to provide much greater access to the northern foothills to create a loop trail in the area.

In response to Councilmember Ebner, Planner Hensley stated America West Landscape is a landscape contractor and recently completed a similar trail project along the blue line stream for the City of Los Angeles Parks and Recreation Department.

Mayor Morris stated that this is not a public hearing, but asked if any members of the public would like to speak regarding this trail. He said many members of the equestrian community have been waiting a long time for this improvement, and it will soon happen. No one came forward to speak.

It was moved by Councilmember Templeman, seconded by Councilmember Ebiner, to award Cash Contract 2005-09 to America West Landscape, in the amount of \$232,328.67, for Sycamore Canyon Equestrian Trail improvements; and to amend the 2005-2006 budget to appropriate \$320,000 to cover contingencies, trail signs, tree removals and mitigation, and mitigation monitor. The motion carried unanimously.

Councilmember McHenry returned at 8:15 p.m. to the dais.

OTHER BUSINESS

- a. Presentation – request for City participation -Veterans Memorial.

Mayor Morris announced a request from San Dimas H.E.R.O.E.S. for city participation in a veteran memorial project, in part celebrating military personnel currently serving. He asked committee members to provide their presentation and the following members spoke:

Janie Graef, resident/business owner, member of San Dimas H.E.R.O.E.S., stated this is to help establish a remembrance of every service person.

Julie Venner, teacher at Ekstrand School, has a son currently in active duty in Iraq serving with the U.S. Army.

Nancy Yonez said she and husband have lived in San Dimas for 20 years and have a son in Iraq currently serving with the U. S. Army.

Dawn Periorrin, Special Education Teacher for 28 years at Shull School in San Dimas, is proud to live in San Dimas 27 years, and her husband has a business in San Dimas. They have a son currently serving with the Marines.

Gary Enderle, resident of San Dimas, Vietnam Veteran.

David Harbin, lifelong resident of San Dimas, is very enthusiastic about this project.

Ms. Graef said last week a proposal was presented to Council and staff. She said this is two-phase operation: Phase I is to establish a street banner program recognizing all San Dimas residents who are currently serving in the Armed Forces; Phase II is to build a permanent memorial recognizing all San Dimas residents who have served in the armed forces. She said Dawn and Dave will describe phase I and include funding.

Ms. Periorrin stated that 3x6 foot banners would be located on Southern California Edison poles, and the anticipated cost is \$85, plus the cost of brackets and hanging of the banners. To be eligible to have a name on a banner, the individual must be actively serving in the military at the time and be a resident of San Dimas for one year. The Committee proposed a letter to send to the military family encouraging them to back this program in honor of their heroes and the banner will be hung as long as the individual is active in the military or until the permanent memorial is erected, which ever comes first. When a banner is hung, the individual's family would be invited to attend a Council meeting, and once removed, the banner is presented to the family at another meeting.

Mr. Harbin indicated that they are not asking for a contribution from the City. He said the Committee is in the process of establishing different levels of sponsorship, contributions and manner in which the military person would be recognized. They plan various fund raising projects, which include, but are not limited to banners purchased by families; corporate sponsors, and all community organizations will be contacted to participate in this fundraising effort. He felt it was important to recognize these young people for the good they are doing for this country and the world. He stated he always thought highly of his grandfather who was a WWI Veteran and hopes to have a permanent memorial for his memory as well as future heroes.

Ms. Graef reported that San Dimas H.E.R.O.E.S. has a Post Office Box, telephone number, and email address, and the Group is in the process of establishing a website. She said the local newspaper, San Dimas Community News, runs articles monthly on an individual currently serving in the military. They are planning to submit press releases and other information to local newspapers. She said Congressman Dreier's office has agreed and is currently assisting in obtaining names of current and past servicepersons. She respectfully requested the City consider establishing an account where donations may be made; recognizing at Council meetings military personnel scheduled to be deployed to a hostile environment; provide necessary hardware and labor for hanging/removing banners; and assist in selecting a site for the permanent memorial. They look forward to working with the Council, staff, and other members of the community to accomplish these goals.

Mayor Morris inquired if they had any idea of how many people were currently serving and on what streets would banners be hung.

Mr. Graef replied they are anticipating possibly hanging between 75-100 banners, and thought banners could be hung on Arrow Highway, Foothill Boulevard, San Dimas Avenue, Bonita Avenue, and Via Verde.

Mr. Enderle said one thought was to hang banners on San Dimas Avenue in Via Verde for residents of Via Verde. He stated he would like to take a few minutes to show a video taken of a monument built in Sierra Madre to give an idea of what could be accomplished if everyone works together, and at the conclusion answer any questions.

In response to Councilmember Ebner, Mr. Enderle stated that anyone who has lived in San Dimas for one year at any time would be eligible for the program. He said the only exception would be somebody who lived in San Dimas for a shorter period of time and if they wish to be included, the request would go before the Committee for determination.

Ms. Graef stressed that no name would be put on the program without the individual's or family's permission.

In response to Mayor Morris, City Manager Michaelis said if Council is inclined to move forward with this project, staff could work with H.E.R.O.E.S. to identify and explore a variety of recognition options; work with H.E.R.O.E.S. to begin initial consideration of a suitable location for a memorial; the banner project would be added to the Retreat agenda for discussion in November after additional information is compiled; and work with H.E.R.O.E.S. to provide recommendation to the City Council at the December Council meeting;

Councilmember Bertone thought it was a great idea to have a permanent memorial to honor all people who have served in the military or died during war. He appreciated the recommendation to further discuss the banner program at the Retreat and **moved to get a permanent banner policy**. He recommended staff investigate Claremont's recently adopted banner policy to bring back to Council.

Councilmember McHenry was supportive of both elements. He indicated that the location for the permanent memorial is important, and hopefully within the next 30 days, staff could work with the Committee to outline policies and procedures for the banner on poles program. He **seconded the motion**.

Councilmember Ebner stated he has no objection to the motion; he felt the Parks and Recreation Commission, along with staff, should meet with the Committee to discuss monument location and obtain input from various members of the community, as well as examples of banner policies in neighboring cities.

Mayor Morris thought it seemed logical to take the project in two phases, but the banner program should be moved forward as soon as possible.

Mayor Pro Tem Templeman stated the banner program has been added to the Retreat agenda to create a policy to allow pole banners, and he requested the Committee be notified.

The motion carried unanimously.

- c. Consider 2005-06 budget adjustment of \$90,000 to add a motor officer to the City's contract for services with the Los Angeles County Sheriff's Department for additional traffic enforcement.

City Manager Michaelis reported that in the past Motor Deputies were reduced from two to one and a deputy was added to the Community Action Team, which has been very effective in the community. The City is experiencing more public concern with speeding and traffic safety in residential areas and schools. Motor Deputies are very effective in addressing traffic safety issues through enforcement. Manager Michaelis said the initial annual cost to have a second full-time Motor Deputy is \$131,520. He recommended a budget amendment in the amount of \$90,000 for public safety expenditures.

In response to Mayor Pro Tem Templeman, Captain Jim Curtis said a list of motor officers is available, and he outlined the traffic car and motor unit schedule for weekdays and weekends. He added that he primarily assigns traffic accidents to the patrol units, however, on occasion, the motor unit could respond.

It was moved by Councilmember McHenry, seconded by Councilmember Bertone, to authorize staff to complete the process to add a Motor Deputy to the City's public safety contract with the Sheriff's Department and to adjust the 2005-06 budget to add \$90,000 in public safety expenditures. The motion carried unanimously.

- c. Update Sycamore Canyon Equestrian Center lease.

City Manager Michaelis reported that the City is in the process of amending the existing or creating a new lease with Ranch Operators for city property used and operated as an equestrian center at Sycamore Canyon. He said staff has not yet reached agreement with respect to Council's direction; however, on Friday, September 16, 2005, he will meet with the Ranch Operators to resolve pending issues. Manager Michaelis stated that the Adairs have requested a change to the repayment of the loan after the project is completed; a credit against financing for some improvements previously installed; a cap placed upon the amount of contribution made as payment for financing; waiver of utility payments owed City; an arena/caretaker facility financed by City; and City to pay unappreciated balance of improvements to Operators at termination of agreement. He stated that these requests are outside of the authority granted to him in renegotiating the lease and are not agreement provisions he would recommend.

Councilmember McHenry reiterated the requests and suggested renewing and enforcing the existing lease agreement.

Manager Michaelis stated he would like the opportunity to re-negotiate the lease within the terms of the City Council, and if not possible, would fall back on the current lease.

It was the consensus of the City Council to direct the City Manager to proceed with negotiations with the Adairs.

SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed at 9:10 p.m. the meeting of the City Council and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The meeting was reconvened at 9:55 p.m. with all members present.

ORAL COMMUNICATIONS

- a. Members of the Audience

No one.

- b. City Manager

- 1) Vista Verde Ranch update.

Community Development Director Stevens reported that he attended the County Regional Planning Commission hearing and said they have not taken a position either for or against the project. He stated they asked questions about pending issues and referred the matter to the Subdivision Committee for review and to report back on December 7, 2005. Director Stevens also attended the Subdivision Committee meeting on Monday and made clear to the various County departments that the City has issues relative to sewer, road connections, emergency gates, etc. They are embarking on a new technical review and Planning staff would be making a recommendation based on revisions to the project. Director Stevens did not know what those recommendations would be. He said he would meet with Supervisor Antonovich's staff and County Planning staff to discuss issues the City continues to have with this project, and after the meeting, he will provide an update.

In response to Councilmember Bertone, Director Stevens said they have not prepared a response to comments at this point in time. Additionally, a number of new technical studies and a gnatcatcher study have been done, and he would suggest they re-circulate the environmental document and let a new comment period occur. He thought December is an optimistic date especially if they have to re-circulate the environmental impact report.

In response to Councilmember McHenry, Director Stevens said there are two different projects and there are bridge impacts that could not be analyzed in a response document. He added that there is an issue with the width of the bridge and whether or not to accept the bridge improvement as a public or private street. He further replied that the Fire Department is in support of this project and basically recommended approval of the access as proposed, not fully understanding they may not have an emergency access on Calle Bandera.

In response to Mayor Pro Tem Templeman, Director Stevens stated they are proposing to run the sewer through Mesarica, however, staff had discussions about issues concerning the right of way and encroachment. Staff is considering not allowing the sewer connection unless it comes with an annexation proposal. County staff is inclined to conditionally approve it subject to obtaining an encroachment permit. Director Stevens said he continues to be aggressive with Tzu Chi in terms of potential annexation and said Mr. Singh would consider application for annexation as being inconsistent with the Agreement he inherited that stated they could not oppose the development project.

City Attorney Brown had a discussion with the Executive Director of LAFCO and stated that Mesarica property owners object to becoming a part of San Dimas, and the past practice has been to not require annexation of those properties. He said he would provide a copy of adopted Resolution that grants to the Council absolute right to determine whether or not Calle Bandera would be closed permanently.

c. City Attorney

None

d. Members of the City Council

1) Reappointment of Parks and Recreation Youth Commissioner

It was moved by Councilmember McHenry, seconded by Councilmember Templeman, to reappoint Melissa Njoo as Youth Commissioner to the City's Parks and Recreation Commission, with a term to expire September 13, 2006. The motion carried unanimously.

2) Councilmember Ebner encouraged participation in the City's 5K run at 7:30 a.m. and 1 mile fun run at 8:30 a.m., on Saturday, September 24, 2005. He said sign ups would be held at 6:30 a.m.

CLOSED SESSION

Recessed at 10:07 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.9: The closed session was announced as required by Government Code Section 54957.7(a).

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

Name of Case: Bradley and Rebecca Secreto v. City of San Dimas, LASC Case No. BC298567

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

Name of Case: Bradley and Rebecca Secreto v. City of San Dimas, LASC Case No. BS094531

No reportable action.

Reconvened in open session at 10:25 p.m. to continue the study session discussion to improve the public's experience with the City.

ADJOURNMENT

Adjourned at 12:05 a.m. The next meeting is on September 27, 2005, 7:00 p.m.

Mayor of the City of San Dimas

ATTEST:

City Clerk