



**MINUTES**  
**REGULAR CITY COUNCIL**  
**TUESDAY, SEPTEMBER 26, 2006, 7:00 P. M.**  
**COUNCIL CHAMBERS, 245 E. BONITA AVE.**

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**PRESENT:**

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

City Manager Michaelis  
City Attorney Brown  
City Clerk Rios  
Assistant City Manager of Community Development Stevens  
Assistant City Manager Duran  
Public Works Director Patel  
Parks and Recreation Director Bruns  
Planning Manager Hensley  
Senior Engineer Garwick  
P. W. Superintendent Campbell

Warren C. Sieke, Traffic Engineer

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

Mayor Morris called the meeting to order at 7:01 p.m.

**2. 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) **Maurice Cuellar** invited everyone to the last Farmer's Market on Wednesday, September 27, between 4:30 p.m. to 8:30 p.m. and to enjoy live music from 5:30 p.m. to 7:30 p.m. He thanked volunteers and City staff for their help and support and requested that he be allowed to continue the Market next year.

2) **Ted Powl**, President/CEO, Chamber of Commerce, highlighted the schedule of events for Western Days in San Dimas on October 7-8, 2006 and encouraged everyone to attend.

3) **Gary Enderle**, 2044 Via Esperanza, addressed the City Council on the study session held to discuss uses for the Walker House and he submitted a petition with over 190 names. He stated he is not opposed to the renovation but felt the community at large should be more aware of what is going on.

4) **Margaret Clark**, City Councilmember, Rosemead, stated she has had the privilege of serving many years on the Water Quality Authority Board and would appreciate Council's vote to nominate her as the representative to continue their progress on cleanup.

### 3. CONSENT CALENDAR

(All items on the Consent Calendar are considered to be routine and will be enacted by one motion unless a member of the City Council requests separate discussion.)

Mayor Morris stated that item 3(f) would be removed for separate consideration and the regular meeting minutes have been amended and submitted for approval.

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

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
  - (1) **No. 06-48**, A Resolution of the City Council of the City of San Dimas approving certain demands for the month of September 2006.
- b. Approval of minutes for September 12, 2006 study session and regular meeting of September 12, 2006 as amended.
- c. Award of bid to PAVECO Construction, Inc. for asphalt repairs at various city locations per unit prices on summary sheet.
- d. Award of bid to Martinez Concrete, Inc., for concrete maintenance project at various citywide locations per unit prices on summary sheet.
- e. Approving and accepting negotiated exchange of property tax revenues resulting from annexation to County Sanitation District No. 22 (Annexation No. 389.)
- g. Assignment of Surface Transportation Local (STPL) Funds to the County of Los Angeles, in the amount of \$19,789, for Foothill Boulevard Improvement Project.

END OF CONSENT CALENDAR

- f. Budget appropriation in the amount of \$27,850 for San Dimas Canyon Golf Course Banquet Facility Access Ramp.

Parks and Recreation Director Bruns reported that removal of item 3(f) from the consent is merely for clarification. She said Voss Industries, Inc. is currently on site under contract with American Golf Corporation to complete the renovation project underway at the golf course and this is an extension of that contract to include the ADA accessible concrete ramp project, with eventual repayment to American Golf Corporation through the Golf Course Capital Improvement Fund.

It was moved by Councilmember McHenry, seconded by Mayor Pro Tem Templeman to approve the appropriation of \$27,850 for San Dimas Canyon Golf Course Banquet Facility Access Ramp. The motion carried unanimously.

### 4. OTHER BUSINESS

City Attorney Ken Brown stated that at the conclusion of staff's report, there would be an opportunity for persons to address the Council, however, at the present time there is litigation pending involving Samantha Palumbo, and as legal counsel he directed the City Council to refrain from responding to the public comments.

- a. San Dimas Avenue Traffic Safety and Accidents between Via Verde and Puddingstone.
  - Removal of the existing equestrian trail fencing on east side of San Dimas Avenue.
  - Appropriate of \$40,000.00 from the general fund for the removal of equestrian fence, signage, traffic, and engineering safety studies.
  - Waiver of format bid process in retaining a contractor to remove the fencing along San Dimas Avenue.

Public Works Director Patel reported that at the City's Traffic Safety Committee meeting, the City's Traffic Engineer reported that he was unable to find any commonality in the cause of the accidents based on evaluation of accidents occurring on San Dimas Avenue between Via Verde Avenue and Puddingstone. However, the only common factor between all parties was that the vehicles left the road and struck the equestrian fence along San Dimas Avenue. The Traffic Engineer concluded that 1) there are no specific roadway conditions that would cause vehicles to leave the road; 2) while concentration of collisions is possibly coincidental and may not continue, the potential severity of injuries resulting from the fence is significant; and 3) the equestrian fence provides a valuable safety benefit in that it prevents horses from bolting into the roadway, reducing the potential for equestrian/motor vehicle collisions. The Traffic Engineer further concluded that considering that the equestrian activity is primarily recreational and the injuries resulting from vehicular collision with the fence can be severe, it is reasonable to consider removing the fence.

After reviewing the Traffic Engineer's recommendation, and considering public testimony, the Traffic Safety Committee recommended on an interim basis, pending further analysis, removal of the equestrian fence on San Dimas Avenue, from Via Verde Avenue to the termination of the fence northerly; recommended prohibiting equestrian uses and posting signs; removing all equestrian crosswalks and markings; and requesting the Sheriff's Department to increase enforcement.

Staff recommended appropriation of \$40,000 from the general fund to complete signage, sandblasting and additional traffic and engineering safety studies. Staff also recommended that the studies include other equestrian trails areas in the city that are separated by the wooden rail and post fencing. Staff requested that the City Council waive the formal bid process and authorize approval to obtain informal bids from qualified contractors to expedite and facilitate the removal of the fence at San Dimas Avenue.

Director Patel stated that also in attendance is Warren Siecke, Traffic Engineer.

In response to Councilmember Bertone, City Attorney Brown stated that one of the items to be reviewed is keeping an equestrian trail after removal of the fence.

In response to Councilmember Ebner, Director Patel believes that in terms of reviewing and completing all studies, it would take approximately three to six months to finalize all studies and bring back a recommendation to the City Council.

Mayor Morris inquired if a status report could be brought to the Council in one month. Director Patel stated he would bring back a progress report at the October 24 meeting.

Mayor Pro Tem Templeman suggested contacting CalTrans to inquire whether equestrian use could be accommodated on the CalTrans right of way.

Director Patel replied to Councilmember Ebner that part of the studies would look at rumble strips, pavement grinding, pavement markers, and other safety elements.

In response to Councilmember Ebner, **Warren Siecke**, Traffic Engineer, explained that rest in red is an operation that could be programmed into the traffic signal operation at Avenida Loma Vista. He said it sets the signal at red light all the time on San Dimas Avenue and Avenida Loma Vista, except when a car

approaches and crosses over the detector embedded in the street and changes to green for that particular vehicle.

Mayor Morris invited public comments and stated that the Council would abide by the City Attorney's request to not respond.

- 1) **Michael Cirrito**, 1950 Avenida Monte Vista, submitted traffic reports and requested that the City look at other locations, specifically San Dimas Canyon Road, to replace existing fencing.
- 2) **Clay Rose** stated he drives the Canyon daily and had previously requested that the fences be stained. He suggested installing guard rails on San Dimas Canyon Road.
- 3) **Nick**, resident for 21 years, supported removal of the fence.
- 4) **Sigrid Rios** inquired about the timeframe to see improvements on the stretch of road on San Dimas Avenue.

Mayor Morris responded that recommendations were made by the Traffic Safety Committee and members of the Council would vote at the conclusion of this item whether or not to approve those recommendations. He stated that based on the advice of the City Attorney, the City Council is not able to comment as long as there is pending litigation.

- 5) **Judy Diaz**, Via Verde, expressed concern with closing the equestrian trail and mentioned that the fence on Via Verde is about the same age as the fence on San Dimas Avenue.

In response to Mayor Pro Tem Templeman, Mayor Morris replied that Director Patel reported that the vinyl fencing would be evaluated to determine its safety.

- 6) **Virginia Nichols**, President, L. A. Region, California State Horsemen Association, felt the removal of equestrian trails and railing would not change the driving habits of people who travel the Canyon. She felt speed was an issue that needed control. She supported the use of guard rails placed between the fencing and curb.
- 7) **Darlene McGrady**, Vice Chair, Equestrian Commission/Vice President California State Horsemen Association, Region 7, Marshall Canyon Mounted Assistance Unit, and Equestrian Trails, Inc., is not in favor of closing the horse trail. She also supported the guard rail and said an equestrian fence is positively needed in a high-speed zone.
- 8) **Mr. Woods**, Mechanical Engineer for NHRA Car Racing Safety Teams, stated that in 2003 he contacted "*Ask the Mayor*" to report that the Department of Transportation allows guard rails and petitioned the traffic engineer to put a no turn sign at Avenida Loma Vista. He wondered why the equestrian trails that link through Antonovich Park would be closed and inquired if anyone has conducted any studies on the new plastic fencing materials.
- 9) **Ginny Phillips**, 525 No. Amelia Avenue, expressed concern with low voter turnout and stated that two big issues were discussed by the City Council before the 2005 election: 1) San Dimas Equestrian Center negotiations; and 2) Mobile Home Park Accord negotiations.

Councilmember Bertone moved to authorize removal of the equestrian fence along the eastside of San Dimas Avenue; appropriate \$40,000 from the general fund for the removal of the equestrian fence; and waive the formal bid process for a contractor to remove the equestrian fence along San Dimas Avenue.

Councilmember McHenry seconded the motion and commented that the intent of the report is not to deny equestrian's long term use of the trail, but to evaluate the proper fence. He believes the barrier barricade works as a rail, but it is not high enough to keep horses out of the roadway.

The motion carried unanimously.

In response to Mayor Pro Tem Templeman, Director Patel stated that with Council approval, plans are in place to begin removal of the fence Wednesday morning.

- b. Nominate a representative to the San Gabriel Basin Water Quality Authority Board.

**RESOLUTION No. 06-50, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS NOMINATING MARGARET CLARK TO REPRESENT CITIES WITHOUT PRESCRIPTIVE PUMPING RIGHTS ON THE BOARD OF THE SAN GABRIEL BASIN WATER QUALITY AUTHORITY.**

City Manager Michaelis reported that cities without prescriptive pumping rights have an opportunity to nominate a Board Member to represent them on the San Gabriel Basin Water Quality Authority. Councilmember Margaret Clark has represented the City of San Dimas since 1993 and this year, Mayor Pro Tem Michael Touhey is seeking nomination as well.

It was moved by Councilmember McHenry, seconded by Councilmember Bertone, to nominate Councilmember Margaret Clark to represent cities without prescriptive pumping rights on the Board of the San Gabriel Basin Water Quality Authority. The motion carried unanimously.

- c. Approval and adoption of Resolution No. 06-51 approving Final Map of Tract 52717 located at the end of Valley Center Avenue and Gainsborough Drive. Approval of Subdivision Agreement for Tract 52717.

**RESOLUTION NO. 06-51, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE FINAL MAP OF TRACT NO. 52717.**

Senior Engineer Garwick reported that San Dimas 18 LLC is requesting final tract map approval and subdivision agreement for the approximately 19 acre property located at the end of Valley Center and Gainsborough Drive. The subdivision consists of 22 lots for 18 single family residences. Staff recommends that the City Council consider waiving the requirements of Conditions No. 56 and 58 of Resolution No. 03-41 that requires County approval and ownership of the storm drain system, and instead approve a private storm drain system built to the City Engineer's specifications to be maintained and owned by the Homeowners Association; approve and adopt Resolution No. 06-51, and approve Subdivision Agreement for Tract 52717.

In response to Mayor Pro Tem Templeman, Director Patel replied that the design would contain water and let it percolate through the ground over a period of time and during high storms, the water would drain over the top and erode the slope evenly, rather than a concentrated erosion of the slope.

Mayor Pro Tem Templeman expressed concern that in the future the Homeowner's Association would be unable to maintain the storm drain system and would come back with issues. He was not opposed to hiring a consultant to provide an opinion.

In response to Mayor Pro Tem Templeman, Director Patel stated that the City Engineer, Dominic Milano, reviewed several designs and alternatives and determined that this alternative works for all concerned in

terms of cost effectiveness, protection of slopes, and is environmentally friendly. After review, a consultant engineer is in agreement that this system would work for the environment.

In response to Council, Assistant City Manager Stevens stated that the obligation is clearly set forth in the CC& Rs and is part of the Homeowners' Association budget in determining their dues structure. He stated that this is necessary to be consistent within mitigation measures adopted in the environmental impact report. He indicated that there was a conflict between the environmental impact report mitigation measures and the County design standards to allow the County to accept the system, and explained that the system is clearly designed to handle the same amount of water, but what changed is the responsibility for maintaining the system would be upon the Homeowners' Association, instead of the County because the type of structure the County insisted upon is not considered to be environmentally acceptable in the Walnut Creek environment.

Councilmember Ebner stated that although he supports the environmentally friendly changes, he is opposed to the tract map since the project does not address the environmental issues. He inquired if he could vote on just the change of conditions.

City Attorney Brown recommended having a separate motion to approve the changes.

It was moved by Councilmember McHenry, seconded by Mayor Pro Tem Templeman, to waive further reading and adopt RESOLUTION NO. 06-51, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE FINAL MAP OF TRACT NO. 52717. The motion carried 3.2, with Councilmembers Bertone and Ebner opposed.

It was moved by Councilmember Ebner, seconded by Councilmember McHenry, to waive Conditions No. 56 and 58 of Resolution No. 03-41 requiring County approval and ownership of the storm drain system; approve a private storm drain system built to City of San Dimas City Engineer's specifications and maintained by the Homeowners Association. The motion carried 4.1, with Councilmember Bertone opposed.

d. Update on San Dimas Heroes Banners.

Assistant City Manager Duran provided an update on the City's participation in the Military Service Banner program and reported that there have been 37 banners installed, plus one to be installed, 13 on San Dimas Avenue, and 24 on Foothill Boulevard. He said the Council approved a donation of \$5,000 to the Heroes fund, and to date, the total expenditure for the purchase of the brackets and installation has been \$6,063.

## 5. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 8:25 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The meeting reconvened at 8:54 p.m. with all members present.

## 6. ORAL COMMUNICATIONS

a. Members of the Audience

1) **Judy Leaf**, Avenida Loma Vista, expressed concern that in the event of a disaster, public safety would be unable to provide assistance to its citizens and suggested implementation of a program similar to one offered by the La Verne Fire Department to provide CPR and First Aid training to citizens.

Mayor Pro Tem Templeman invited Mrs. Leaf to network with San Dimas hospital staff and public safety officials in discussing the possibility of pandemic on Friday, September 29, at 9:30 a.m., at the Sheriff's Station.

Mayor Morris directed the City Manager to explore CPR training programs and report in 30 days about what is available and what is involved.

2) Unnamed **Gentleman** reported illegal street vendors causing traffic hazards at various locations of the city. He also mentioned that there is a problem with earth erosion on San Dimas Avenue adjacent to the freeway and said he reported the problem to Caltrans.

Director of Public Works Patel stated that staff has contacted Caltrans as well. The City Manager was directed to look at fruit vending issues, and Mayor Pro Tem Templeman suggested contacting Assemblyman Huff.

b. City Manager

1) Announce San Dimas 5K and 1 mile Family Fun Run.

City Manager Michaelis encouraged residents to participate in the San Dimas 5K and 1 mile Family Fun Run to be held on Saturday, September 30, 2006, at 7:30a.m. and 8:30 a.m. respectively.

c. City Attorney

The City Attorney had no report.

d. Members of the City Council

1) Report on meetings.

Council had no meetings to report.

2) Appointment to Senior Citizens Commission

It was moved by Councilmember Bertone, seconded by Mayor Morris, to appoint Helen B. "Bee" Dallas to fill the unexpired term on the Senior Citizens Commission. The motion carried unanimously.

3) Councilmember Ebner reminded the audience that staff is in the middle of the downtown charrette and process on the vision for the downtown. He mentioned that various people attended the meetings/workshops and provided a lot of good suggestions. The next meeting is Tuesday, October 3, 2006, at 5:30-7:30 p.m. for a visual tour of Temecula and Encinitas; and between 7:30-8:30 p.m. the public would have an opportunity to provide input on what might work in San Dimas. He encouraged residents to take a ten questions survey at [www.cityofsandimas.com](http://www.cityofsandimas.com). Results of the survey would be available online.

4) Councilmember Ebner stated he had a discussion with the City Attorney concerning mansionization issues and stated that coming this way is the ruination of neighborhoods by overbuilding.

5) Councilmember McHenry reported that the Federal Government is issuing grants, in amounts of up to \$40,000, for Farmers Markets, in an effort to promote healthy eating. He stated he would bring information in to the City Manager.

6) Councilmember McHenry said consistent with Council's policy, the Development Plan Review Board approved requests to build large homes on Cannon Drive. Positive suggestions were made to minimize the building; however, they are at full lot coverage, and if Council has issues, they should contact Planning.

## 7. CLOSED SESSION

Mayor Morris recessed at 9:28 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

### a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Property acquisition pursuant to the Disposition Development Agreement with Costco for the Costco project at the southeast corner of Lone Hill and Gladstone.  
APN: 8383-009-004; 019, 025, 026, 044, 045, 046 & 047, 602 N. Lone Hill Avenue; 526 N. Lone Hill Avenue; 522 N. Lone Hill Avenue; 514 N. Lone Hill Avenue; 508 N. Lone Hill Avenue.  
APN: 8383-009-034, 943 W. 5<sup>th</sup> Street; 943 "B" W. 5<sup>th</sup> Street  
APN: 8383-009-035, 933 W. 5<sup>th</sup> Street  
APN: 8383-009-017, 018, & 036, 1000 W. Gladstone  
APN: 8383-009-015 & 016, 1002 Gladstone Street; 1004 Gladstone Street.  
APN: 8383-010-054, 942 W. 5<sup>th</sup> Street  
APN: 8383-010-009, 922 W. 5<sup>th</sup> Street  
APN: 8383-010-018, 019 & 020, 914 W. 5<sup>th</sup> Street

b. Property: Agency owned property at the southeast corner of Bonita Avenue and Eucla  
Negotiating Parties:  
For Agency: Blaine Michaelis, City Manager/Executive Director, and J. Kenneth Brown, City/Agency Attorney.  
For Buyer:: Mike Patel, Chaparral Lanes  
Under Negotiation: Terms and conditions of sale of land and City/Agency possible participation.

c. Property: Agency owned property at the southwest corner of Bonita Avenue and Cataract.  
Negotiating Parties:  
For Agency: Blaine Michaelis, City Manager/Executive Director, and J. Kenneth Brown, City/Agency Attorney.  
For Buyer:: Gary Parkinson  
Under Negotiation: Terms and conditions of sale of land and City/Agency possible participation.

d. Report on closed session.

There was no reportable action on the closed session items.

**8. ADJOURNMENT**

The meeting was adjourned at 10:09 p.m. The next meeting is on October 10, 2006, 7:00 p.m.

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Mayor of the City of San Dimas

ATTEST:

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City Clerk