



MINUTES
REGULAR CITY COUNCIL
TUESDAY, JANUARY 11, 2005, 7:00 P. M.
COUNCIL CHAMBERS, 245 E. BONITA AVE.

CITY COUNCIL:

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

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
Planning Manager Hensley
Associate Planner Vacca

CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 7:03 p.m. and led the flag salute. He said before he opens audience participation, City Manager Michaelis and Public Works Director Patel will provide a brief presentation on the flood damage.

STORM UPDATE

City Manager Michaelis expressed his personal appreciation to Public Works staff who prepared for water damage to streets and public property; to Metropolitan Water District; Flood Control; Sheriffs and Public Safety who did a tremendous effort to help citizens through difficult issues.

Public Works Director Patel presented a verbal update and slide presentation on the damage caused by the storm and reservoir water being released by the County in the north side of town. He indicated that Metropolitan Water District expressed concerned about damage to a 96" water main line; other areas in town suffered severe erosion; and mudslides occurred in the foothills. Director Patel outlined the mitigation efforts by County and City staff and he said traffic was diverted at Romola/Sycamore Canyon Road due to danger of a power pole falling over. SCE has secured the power poles and the roads were opened.

In response to Council, Director Patel said the trash racks installed as a result of the Williams Fire held back debris at Hamm Canyon.

ORAL COMMUNICATIONS

(For anyone wishing to address the City Council on an item not on the agenda. No action or discussion shall be undertaken on any item not appearing on the posted agenda.)

a. Members of the Audience

Don Stevenson, San Dimas Royale, Covina Blvd, addressed the City Council concerning the five year Accord approved in November, which approves a minimum 3.5% increase in rent. He said management sent him a notice increasing his rent to 5% effective January, 2005, and he asked by how much did the City increase the rent at Charter Oak Mobile Home Park.

Mayor Morris responded that rent at Charter Oak Mobile Home Park was increased by 4% to begin April 1, 2005, based on CPI for November. He explained the minimum of 3.5% and the maximum of 7% increases, based on CPI.

City Manager Michaelis said he would be happy to meet with Mr. Stevenson and find out from management how rent increases are calculated and if the Accord applies to his situation.

Mayor Pro Tem Ebiner asked staff to provide a special report at the next City Council meeting on the process used to determine the rent increases for Charter Oak Mobile Home Park.

2) **Owen Danaher**, representing the Pacific Railroad Museum, invited City Council and staff, and the general public to attend the dedication of the Historical plaque at the site of the old Southern Pacific Railroad Station site on Saturday, January 22, 2005, 2:00 p.m. at Cataract, Metrolink tracks. He said the alternate date is Saturday, January 29, 2005.

3) **Ted Powl**, President/CEO, Chamber of Commerce, announced that they are starting to form Spring classes for the Second Civic Academy. He encouraged participation and enrollment for the evening 9-10 week session. If anyone is interested, they could call the Chamber at 909/592-3818.

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.)

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

a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:

- (1) **No. 05-01**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF JANUARY, 2005.
- (2) **No. 05-02**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, CLARIFYING MEMBERSHIP OF THE GOLF COURSE ADVISORY COMMITTEE.
- (3) **No. 05-03**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD UNDER THE TIRE RECYCLING ACT.

b. Ordinances read by title, further reading waived, passage and adoption recommended as follows:

- (1) **No. 1146**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADDING TO THE SAN DIMAS MUNICIPAL CODE CHAPTER 1.30 RELATING TO

THE GRANTING OF REASONABLE ACCOMMODATIONS TO DISABLED
INDIVIDUALS. **SECOND READING**

- (2) **No. 1147**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS PROVIDING FOR AN INCREASE IN COMPENSATION FOR THE MAYOR AND COUNCILMEMBERS. **SECOND READING**

- c. Approval of minutes for meeting of December 14, 2004.

END OF CONSENT CALENDAR

PLANNING MATTERS

- a. Precise Plan Review 04-02 (DPRB Case No. 04-67) A request to construct two office buildings totaling 21,242 square feet at 456-460 East Foothill Blvd.

RESOLUTION NO. 05-04, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN REVIEW 04-02 (DPRB 04-67), A REQUEST TO CONSTRUCT TWO OFFICE BUILDINGS TOTALING 21,242 SQUARE FEET; LOCATED AT 456-460 E. FOOTHILL BOULEVARD.

Planning Manager Hensley reported that Athena Engineering submitted a proposal to construct two office buildings at 456-460 East Foothill Blvd. The Development Plan Review Board (DPRB) and Planning Commission have reviewed and approved this project. Manager Hensley said condition 30 should be omitted and recommended approval of Resolution No. 05-04 with that amendment.

In response to Mayor Pro Tem Ebner, Public Works Director Patel said there will be no parking on Foothill Boulevard, and due to visibility issues, the intention is to eliminate parking on the driveway between this building and the adjacent property. He added that there is approximately 100-150 feet between the two developments.

Mayor Morris asked if the owner or architect would like to comment.

Richard Sheriff, Engineering, Inc., is happy to have found the property. He said all the conditions are acceptable.

After the title was read, it was moved by Councilmember McHenry, seconded by Councilmember Bertone, to waive further reading and approve **RESOLUTION NO. 05-04**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN REVIEW 04-02 (DPRB 04-67), A REQUEST TO CONSTRUCT TWO OFFICE BUILDINGS TOTALING 21,242 SQUARE FEET; LOCATED AT 456-460 E. FOOTHILL BOULEVARD, with the omission of condition 30 per staff's recommendation. The motion carried unanimously.

- b. Precise Plan Review 04-01 (DPRB Case No. 04-75). A request for a two-story office building totaling 15,133 square feet at 510 East Foothill Blvd.

RESOLUTION 05-05, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN REVIEW 04-01 (DPRB 04-75), A REQUEST TO CONSTRUCT A 15,133 SQUARE FOOT TWO-STORY OFFICE BUILDING AT 510 EAST FOOTHILL BOULEVARD.

Associate Planner Vacca presented a request by Iris Whiting to construct a two story office building at 510 East Foothill Blvd. The Development Plan Review Board (DPRB) and Planning Commission have reviewed and approved this project. Staff recommended approval of Resolution No. 05-05.

Public Works Director Patel responded to Council that some parking would be allowed between the two developments; however, there are no plans to eliminate parking to cut through the median.

In response to **Bob Carter**, Norman Nichols Architect, Planner Vacca said the conditions were updated and corrected for this meeting. Mr. Carter indicated that with the correction, all the conditions were fine and he looks forward to completing the project.

After the title was read, it was moved by Councilmember McHenry, seconded by Mayor Pro Tem Ebiner, to waive further reading and approve **RESOLUTION NO. 05-05**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN REVIEW 04-01 (DPRB 04-75), A REQUEST TO CONSTRUCT A 15,133 SQUARE FOOT TWO-STORY OFFICE BUILDING AT 510 EAST FOOTHILL BOULEVARD. The motion carried unanimously.

- c. Update on preparation of City comments regarding Draft EIR, vesting Tentative Tract No. 47749 and Oak Tree Permit No. 99-028 (Vista Verde Ranch)

Community Development Director Stevens said staff would prepare a draft response on the Draft EIR and detailed comments on the tract map and oak tree permit for Council consideration. He indicated the public comment period for the DEIR is from December 20, 2004 to February 2, 2005 and a public hearing before the Regional Planning Commission is scheduled for February 9, 2005, at 9:00 a.m. Staff recommends a community informational forum be hosted at 7:00 p.m. on Thursday, January 27, 2005 at the Senior/Community Center to facilitate public information on the project and encourage public comment and participation. He asked Council if it would be beneficial to invite the applicant and County Planning staff; how extensive should mailed notices be; and said the Coalition to Preserve Bonelli Park requested to make a presentation. He noted that it would be impossible for the County Planning Commission to take final action on the EIR or tract map at their February 9, 2005 meeting due to insufficient time to respond to comments.

Councilmember Templeman stated he requested the forum because citizens who are unable to attend the County meeting want the opportunity to hear the City's response and add their voice.

Mayor Morris encouraged having a forum to provide an opportunity for citizen attendance and comments. He said County staff should be invited to attend, but not to make a presentation. Mayor Morris suggested hiring a court reporter to record a transcript of comments.

Director Stevens said he intends to inform everyone present to not rely on the City representing their concerns and for the record, would encourage residents to write separate letters on environmental concerns.

Councilmember Bertone recommended having the forum on January 27, 2005 and said the Coalition to Preserve Bonelli Park is prepared to give a presentation. He suggested directing staff to attend the February 9, 2005 Regional Planning Commission meeting. Councilmember Bertone plans to attend the meeting as a representative of the Coalition to Preserve Bonelli Park.

Councilmember McHenry advocated having a court reporter to provide an accurate record.

In response to Council, Director Stevens said it is relatively easy to generate a mailing list. He plans to distribute to a range of approximately 500-600 feet radius, (which exceeds the requirement of 300 feet);

he will notice Homeowners Associations; and advertise on the website. He and City Manager Michaelis will produce a press release.

It was the consensus of the City Council to host the Community Forum on Thursday, January 27, 2005, 7:00 p.m., at the Senior Citizen/Community Center to provide residents the opportunity to comment on the County Planning Commission's environment impact report; and to hire a court reporter.

In response to Council's plans to attend the forum, Assistant Attorney Steres stated that under the Brown Act, the majority of the City Council could attend a community forum; however, depending on participation, a notice may be required.

Director Stevens felt it would be helpful to have Mayor Morris present some policy related issues at the County Planning Commission meeting, leaving the technical details to staff.

OTHER MATTERS

- a. Sycamore Canyon Equestrian Center – status report – request direction
 - Status report – process to complete a revised lease for council consideration.
 - Request for a rate increase to cover higher hay costs.
 - Request to add additional stables.
 - Review of boarder concerns.

City Manager Michaelis updated the City Council on several issues related to Sycamore Canyon Equestrian Center, focusing on the lease revision process; request for a rate increase to cover higher hay prices; request for additional stables; and to address boarder concerns. Staff recommended direction to schedule Tuesday, January 25, 2005 for Council consideration of the \$20 increase in fees; have the Adairs notify boarders of the proposed increase, provide justification for the increase, and post a notice to boarders of the Council meeting.

Council discussed a recent increase in boarding fees; ambiguities of the lease provisions; responsibility of operators to have a plan for increases; pass-through costs; justification and consideration of a temporary increase for hay costs; good horse feeding practices; mandated capital improvements and who is responsible; maintenance issues; creation of an Advisory Committee; and that the City-owned leased property is bound by a lease agreement.

In response to Council, Mark Steres, Assistant City Attorney, said that at the time the Adairs were selected as the operators/lessees, the lease reflected a number of improvements that were not completed within the time frame. He indicated the lease was too ambitious, based on revenue generated from the site. His office is working with City staff to examine the lease to improve the language. He commented that one condition of the right to renewal is compliance with the lease.

City Manager Michaelis explained that he is working on NPDES requirements and restroom locations, and is not working with the City Attorney's office regarding additional language. He plans to present the completed report in March for Council consideration. However, he recommended that on January 25, 2005, Council consider the fee increase, with boarders receiving notice of the meeting.

Councilmember Templeman suggested the City Attorney contact Equestrian Commissioners for assistance in identifying best practices.

Mayor Pro Tem Ebner requested an independent analysis and comparison of what the price per boarder should be, based on the rate increase requested.

Mayor Morris asked if anyone wished to comment.

Sally Feola, Chair, Equestrian Commission, stated the Commissioners have a wealth of knowledge and would like to assist in any way. She would appreciate being notified of meetings.

Diane Higashi opposed the rate increase, and said she has seen no improvements at the Ranch. She mentioned personal problems with the Adairs regarding repairs and horse feeding. She distributed photographs to the Council and indicated she would like to see Equestrian Commissioners be more functional.

Debbie Humphreys, Equestrian Commissioner/boarder, said Commissioners assist the City Council by making recommendations. She said hay is a cyclical commodity with lowest prices in summer and higher prices in winter; nevertheless, she opposed the rate increase, citing lack of improvements. In response to Councilmember Templeman, she replied that the Commission had no previous knowledge of this rate increase.

City Manager Michaelis reported that the rate increase request was received after the agenda was prepared for the Equestrian Commission meeting. Mayor Pro Tem Ebner felt the request was not an emergency and should have gone through the Equestrian Commission.

In response to Council's concerns about Commissioner/Boarders, Attorney Steres clarified that a member of the Equestrian Commission who is a boarder not only could not vote, they could not participate in discussions as a commissioner, but could speak during the comment period of the Commission meeting as a boarder. The State law provision of leaving the room is applicable only to the City Council and Planning Commissioners.

In response to Ms. Humphreys' referral to the October 2003 minutes wherein a rate increase was approved for two years, Mayor Morris indicated that item was continued for consideration at a later date.

Dan Heersema, 2680 Terrebonne, thanked Council for the two lane road on San Dimas Canyon Road. He said there should be justification for the hay increase and stated the Adairs already imposed a \$25 per month trailer parking fee in addition to the previous boarding increase. He expressed his big concern is noticing people of the meetings. He handles insurance claims and expressed concern of a claim arising from the woman falling off her horse.

Mayor Morris clarified that this item was on the agenda to not make a decision other than scheduling the consideration of the rate increase. He said there would be a general notice of the meeting to discuss the whole matter.

Laurie Adair, Operator of Sycamore Equestrian Center, defended the request for a temporary increase for a special circumstance by providing invoice data on escalating hay costs due to early rains. Additionally, she cited other operating costs that have recently been increased. She indicated the previously approved increase covered workers compensation and other operating costs. Ms. Adair said repairs are addressed as the request comes in; however, similar repairs are reported by the boarder as not being resolved. She reported that during the storm, a tree fell on three stalls to which she promptly responded. To expedite a response, she requested that boarders contact her directly. She distributed for Council's review photographs of drip lines.

Councilmember Bertone said the City needs to be proactive in following up on maintenance issues.

After notification that the Adairs would be out of town at the end of January, Mayor Morris indicated that the hay increase would then be considered on Tuesday, February 8, 2005 and staff would submit the complete report for public hearing on March 22, 2005. Between now and March 22, city staff would work with the Adairs to address pending issues to consider renewal of the lease agreement.

Darlene McGrady, Equestrian Commissioner, distributed photographs of the tree that fell on her horse stall. She asked City Attorney Steres “Who is responsible for trimming trees to make sure they do not kill horses – the City or the operators?”

Mayor Morris responded that the Joint Powers Insurance Authority would take the position that tree falling is an act of God. He said he did not know what the lease states.

b. Request to hang banners for fundraising – La Verne-San Dimas Education Foundation.

City Manager Michaelis presented a request by the La Verne and San Dimas Educational Foundation to use banners to promote their efforts to raise funds for their scholarship program. The City’s policy has been to use banners to announce community and city sponsored events and not allow banners for fundraising or advertising. Council direction is requested.

Councilmember Bertone made the motion that the City cooperate with the quasi-government Educational Foundation to put up and take down banners to raise funds toward scholarships.

Mayor Morris and Mayor Pro Tem Ebner felt this was a good cause, but it violates two City policies that prohibit advertising and fundraising.

Councilmember Templeman seconded the motion.

Carrin Bouchard, President for La Verne-San Dimas Educational Foundation, said the fundraiser benefits all students in both communities. The main event is the Perseverance Award to encourage students who struggle through educational time periods. She said the banner would be used for community recognition purposes, not to collect extra money. She dropped off a package that showed the color copy and would bring the design for SCE approval.

In response to Councilmember McHenry, Public Works Director Patel said Fairplex employees put up and take down the fair banners placed on Edison poles.

Councilmember Bertone restated the motion and Councilmember Templeman said Jim Elliott, School Board Member supported the effort to help this nonprofit organization help students.

Mayor Pro Tem Ebner indicated he would vote for the motion; however, before another consideration is placed on the agenda, he would like the policy on banners reviewed.

Councilmember McHenry stated policy is not an issue; he felt it would set a bad precedent using taxpayers funds to pay for the cost of installation. He opposed this request.

Mayor Morris indicated without policy consideration, he would vote against this matter.

The motion carried 3.2.

SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular City Council meeting at 9:54 p.m. and convened a meeting of the San Dimas Redevelopment Agency Board of Directors. The meeting reconvened at 9:55 p.m.

ORAL COMMUNICATIONS

- a. Members of the Audience

Brian Worthington agreed with Mayor Morris and Councilmember McHenry that posting those banners would set a precedent and at a later date cause a problem. He did not want the City to display banners except for seasonal occasions.

- b. City Manager

No report.

- c. City Attorney

None

- d. Members of the City Council

- 1) Reschedule March 8, 2005 Council meeting.

It was the consensus of the City Council to reschedule the regularly scheduled City Council meeting to

- ❖ **Tuesday, March 1, 2005, 7:00 p.m..**

2) Mayor Pro Tem Ebiner, requested clarification on two issues to be reported at the next meeting:

- a) Mr. Stevenson's rent goes into effect in January, 2005 – does the Accord apply to him or not?
b) What was the rationale and how did we arrive at the 4% increase for Charter Oak Park, based on monthly CPI rates.

3) Mayor Pro Tem Ebiner offered kudos to Public Works and Sheriffs Dept. for their work during the storm.

4) Councilmember McHenry said he got a letter from PERS Care Health Benefits requiring the purchase of pharmaceutical needs through an out of state provider. He requested a letter be sent to Legislators informing them that this is the wrong precedent to set and requesting that prescriptions be purchased locally.

CLOSED SESSION

- a. **Adjourned at 10:03 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:**

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Vacant Lot 912 Overland Court, San Dimas, California

Negotiating Parties:

For Agency: Blaine Michaelis, City Manager/Executive Director, and J. Kenneth Brown,
City/Agency Attorney.

For Property: Darrell Johnson, Intelli-tech; Francis Kuhn, Westcorp

Under Negotiation: Possible purchase of property and terms and conditions of City/Agency possible participation.

No reportable action.

ADJOURNMENT

The meeting adjourned at 10:40 p.m. The next meeting is on Tuesday, January 25, 2005, 4:30 p.m. Study Session 1) to receive a report on the Gold Line Station Phase II; 2) to receive a report from the Bonita Avenue Corridor Committee.

Mayor of the City of San Dimas

ATTEST:

City Clerk