



**MINUTES**  
**REGULAR CITY COUNCIL**  
**TUESDAY, MAY 24, 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 Ebner  
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  
Planning Manager Hensley

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

Mayor Morris called the meeting to order at 7:00 p.m.

**2. RECOGNITION**

- ❖ Proclaim the week of June 6-10, 2005 as "Relay for Life Week" for the American Cancer Society.

Mayor Morris presented to Vanessa Estella, Manager of Special Events, American Cancer Society, San Dimas residents Bob Janecky and Bee Dallas a proclamation declaring June 6-10, 2005 "Relay for Life Week" in support of the American Cancer Society's fund-raising efforts to continue the research and education required to successfully combat cancer.

Bob Janecky presented an invitation from the American Cancer Society to the Mayor, Councilmembers, and citizens to come to the first San Dimas Relay for Life from 9:00 a.m. Saturday, June 11, through 9:00 a.m. Sunday, June 12, 2005, at San Dimas High School track. He asked if Mayor Morris and Councilmembers would say a few words at the Survivors ceremony and walk at 9:00 a.m. Saturday. Luminaries will be lit at 9:00 p.m.

**3. 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) **Dennis Phillips**, 525 No. Amelia, requested clarification of legal fees spent on his lawsuit, as well as the Secretos and others. He stated he was unable to comprehend a letter received from the City explaining legal costs.

Mayor Morris explained the procedure for requests under the Public Records Act and the information provided to Mr. Phillips. He stated that the retrospective rate paid by the Joint Powers Insurance Authority (JPIA) is more complicated, but Mr. Phillips is welcome to look at the Memorandum of Coverage and how rates are calculated.

Councilmember Ebner suggested highlighting on the budget the line items for the City Attorney and JPIA.

Councilmember Bertone stated that in defense of staff and the city attorney, the City Council was aware of legal costs prior to authorizing litigation in the attempt to uphold the existing ordinance.

2) **Patricia Lawler**, 1430 Caballo Ranch Road, appreciates the law enforcement and fire protection services now provided; but expressed concern about traffic off Foothill if a one-lane bridge is installed. She thought signs should be posted prohibiting non-residents and Sheriffs could issue warnings and citations to violators.

### **CONSENT CALENDAR**

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

It was moved by Councilmember Bertone, seconded by Councilmember 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) **RESOLUTION NO. 05-38**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF MAY, 2005.
  - (2) **RESOLUTION NO. 05-39**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE STATE FRANCHISE TAX BOARD FOR TAXPAYER INFORMATION.
- b. Approval of minutes for meetings of February 22, 2005 Special Pre-Budget Session; February 22, 2005 regular City Council meeting; March 1, 2005 Adjourned Regular City Council meeting; March 1, 2005 Special City Council meeting; March 1, 2005 Continued Special Pre-Budget and Bonita Avenue Corridor Study Session.
- c. Request adjustment to City Attorney/Agency Redevelopment Counsel compensation.
- d. Amendment to contract with HDL property tax consultants, to increase their annual service fee to \$13,500.
- e. Appropriation of \$11,000 from general fund for the appropriation of the Safe Route to School Grant for various safety-related improvements at all of the San Dimas schools. Award of contract to Albert Grover & Associates for professional Traffic Engineering services, in the amount of \$11,000.

END OF CONSENT CALENDAR

## **PUBLIC HEARINGS**

- a. Proposed 2005-2006 Assessment Rates for Open Space Maintenance Districts: Staff is recommending that the current level of service be maintained and the same assessment rate be adopted for FY 2005-2006 as was adopted for FY2004-2005.

**RESOLUTION NO. 05-40:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2005-2006 FOR OPEN SPACE DISTRICT NO. 1 (TRACT 32818, BOULEVARD DEVELOPMENT) PROPOSED ANNUAL ASSESSMENT \$484.00 PER PARCEL.

**RESOLUTION NO. 05-41:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2005-2006 FOR OPEN SPACE DISTRICT NO. 1, ANNEXATION NO. 3 (TRACT 32841, NORTHWOODS) PROPOSED ANNUAL ASSESSMENT \$630.00 PER PARCEL.

Assistant City Manager Duran presented the staff report recommending that the current level of service be maintained and the same assessment rate be adopted for FY 2005-06 as was adopted for FY 2004-2005. He said notices of the hearing were sent to surrounding residents.

Mayor Morris opened the public hearings and asked if anyone wished to speak regarding the subjects. There being no one, the public hearing was closed.

After the titles were read, it was moved by Councilmember Bertone, seconded by Councilmember Ebiner, to waive further reading and adopt:

**RESOLUTION NO. 05-40:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2005-2006 FOR OPEN SPACE DISTRICT NO. 1 (TRACT 32818, BOULEVARD DEVELOPMENT) PROPOSED ANNUAL ASSESSMENT \$484.00 PER PARCEL.

Mayor Pro Tem Templeman commented that for the future it would be worthwhile to include a paragraph in the notice of action that sets the stage for communications on what the issues are.

The motion carried unanimously.

After the titles were read, it was moved by Mayor Pro Tem Templeman, seconded by Councilmember Ebiner, to waive further reading and adopt:

**RESOLUTION NO. 05-41:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2005-2006 FOR OPEN SPACE DISTRICT NO. 1, ANNEXATION NO. 3 (TRACT 32841, NORTHWOODS) PROPOSED ANNUAL ASSESSMENT \$630.00 PER PARCEL.

The motion carried unanimously.

- b. **RESOLUTION NO. 05-42:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, SETTING THE SPECIAL CITYWIDE PARCEL TAX FOR FY 2005-2006 TO BE USED FOR LANDSCAPE MAINTENANCE PURPOSES.

Assistant City Manager Duran presented the staff report and provided two options for the rate of tax. Mr. Duran explained that when the voters approved the parcel tax in 1997, a provision was included to enable the City to raise the amount by the cost of living at the discretion of the City Council. He stated that a significant amount of the increase is due to the development and maintenance of Horsethief Canyon Park. Staff recommended Option 2 increasing the special parcel tax by the 4.8% CPI by adopting Resolution No. 05-42 setting the special city wide parcel tax for fiscal year 2005-2006.

Mayor Morris opened the public hearing and asked if anyone wished to speak regarding the city-wide landscape maintenance district. There being no one, the public hearing was closed.

Assistant Manager Duran responded to Council that there are sufficient funds this fiscal year; however, it may be necessary to withdraw money from the general fund next fiscal year to cover the proposed increased expenditures. He said a significant amount of water is used for landscape maintenance.

After the title was read, it was moved by Councilmember Ebner, seconded by Councilmember Bertone, to approve option two, adjusting the tax by increasing the rate by the Consumer Price Index of 4.8%, and to waive further reading and adopt:

**RESOLUTION NO. 05-42:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, SETTING THE SPECIAL CITYWIDE PARCEL TAX FOR FY 2005-2006 TO BE USED FOR LANDSCAPE MAINTENANCE PURPOSES.

The motion carried unanimously.

- c. Authorization to apply for Bureau of Justice, Justice Assistance Grant in the amount of \$12,659.

**RESOLUTION NO. 05-43:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING THE SUBMITTAL OF THE EDWARD BRYNE JUSTICE ASSISTANCE GRANT APPLICATION FOR FISCAL YEAR 2005-2006

Assistant City Manager Duran reported that for fiscal year 2005-06, the City is eligible for a new Federal Law Enforcement grant in the amount of \$12,659. He said this grant replaces the Bureau of Justice Local Law Enforcement Block Grant, which the City is no longer eligible to receive. Staff recommends that the City Council conduct a public hearing on the proposed expenditures and that the City Council adopt Resolution No. 05-43 approving the expenditures for TY 2005-06 for BOJ JAG.

Mayor Morris opened the public hearing and asked if anyone wished to speak regarding the subject. There being no one, the public hearing was closed.

After the titles were read, it was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to waive further reading and adopt:

**RESOLUTION NO. 05-43:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING THE SUBMITTAL OF THE EDWARD BRYNE JUSTICE ASSISTANCE GRANT APPLICATION FOR FISCAL YEAR 2005-2006.

The motion carried unanimously.

## OTHER

- a. Request from San Dimas Historical Society for the City to purchase and install downtown historical markers.

City Manager Michaelis said that at a recent retreat session, representatives from the Historical Society introduced a project to place informational displays for selected downtown buildings, and requested city support in the amount of \$1,750. Staff recommended approval and authorization to have staff work with the Historical Society on the installation of the markers.

**Paul Rippens**, San Dimas Historical Society, and **Bill Emerson** brought in a post to display and said the idea is for visitors to see what was there in days prior. The posts are constructed of steel, and volunteers are willing to assist in the installation if the City approves the expenditure. Once placed, the markers will be maintained by the San Dimas Historical Society.

It was moved by Councilmember Bertone, seconded by Councilmember McHenry, to authorize the appropriation for actual costs of the 12 markers up to \$1,750, and to authorize staff to help with installation. The motion carried unanimously.

- b. San Dimas Canyon Dip crossing repair, Reconstruction Measures and Funding
  - 1) Appropriation of advanced funds in the amount of \$55,000 from the Emergency Reserve Funds in the General Fund to complete Phase 1 – short term San Dimas Canyon Road Dip Crossing – temporary repairs;
  - 2) Waiver of formal bid process for construction of Phase 1 – temporary repairs at San Dimas Canyon Road Dip Crossing;
  - 3) Appropriation of an additional \$25,000 from Emergency Reserve Funds in the General Fund to retain an Environmental Consultant to assist in the environmental permit process required to repair the Dip Crossing on San Dimas Canyon Road.

Public Works Director Patel reported on the extent of damage to San Dimas Canyon Dip Crossing as a result of the storms, and outlined FEMA funding options for repairs. Staff recommended appropriation of an additional \$80,000 from Emergency Reserve Funds in the General Funds, to complete Phase I, short term temporary repairs, and retention of an environmental consultant to assist with the environmental permit process for preliminary and final filing of permits for repairs of the dip crossing. Staff further recommended the waiver of formal bid process to commence temporary repairs.

Councilmember McHenry indicated that over the past 75 to 100 years, the streambed has realigned more than once, and debris has piled on the streambed. When County Flood started rearranging the streambed last summer, it created an eddy pattern, which started eroding and gnawing out the bank. He felt staff should contact the County to put up some form of debris rake, to control the weeds and keep debris from coming down. He thought the short term repair was a good solution – it gets neighbors in and out and provides staff with enough time to explore funding options and contact Federal, County and State agencies, and if necessary, the Congressman.

In response to Mayor Morris, Director Patel indicated that the long term plan is part of the funding process and the goal is to attempt to straighten the streambed as much as possible to keep the water in a straight flow line.

In response to Councilmember Bertone, Director Patel stated \$55,000 would be used on temporary repairs to provide access within 45-60 days and last for approximately one year. He said other measures proposed would take between six months and one year to go through the approval process, and he did not want to use FEMA funds for temporary repairs.

Councilmember Bertone indicated that the County needs access to their facility and unless they agree to cooperate, he was not in favor of appropriating funds for a long term bridge construction.

Director Patel explained the process and said the goal is to open a two lane roadway to 26 feet wide and have two or three culverts slightly larger than the existing culverts. To be able to grade a flow line, clean up and lay pipes, it is necessary for the County to stop the flow of dam water, and to prevent erosion of the area, some concrete head walls would be built.

Director Patel concluded the staff report and said Del Gilbertson, RKA Engineers, is present, and included in the packet is a letter of intent from Grace Church offering to fund their fair share of the construction costs.

In response to Mayor Morris, Director Patel said as part of the Church's conditions of approval, they are required to construct a right turn lane on the bridge into the development because the location of the Church is so close to the crossing.

In response to Mayor Pro Tem Templeman, Director Patel said the life cycle of the temporary repairs depends on precipitation; he will continue to communicate with County staff regarding a collaborative effort in funding a permanent solution; and staff has stepped up maintenance efforts on Golden Hills Road for use as an interim access road.

An unidentified female citizen brought in a rock that almost hit her car on Golden Hills Road.

In response to Mayor Pro Tem Templeman, Mayor Morris said closing Golden Hills Road to La Verne residents is not consistent with asking La Verne Fire Department to cover public safety and their Police Department to cover law enforcement. He suggested the road be posted to alert motorists about its inherent dangers.

In response to Council, **Del Gilbertson**, RKA Civil Engineers, consultant for city, stated that federal agencies develop mitigation measures based on the project. What they dictate has a strong influence on the project recommended. He said after consulting with the various agencies, he would present to the Council several options. He would try to avoid a concrete bridge, which would be cost prohibitive. He felt a prefabricated metal structure with a concrete deck could be considered a permanent solution. Mr. Gilbertson stated they would lower the streambed as much as possible to increase capacity where water would travel underneath the bridge and not down San Dimas Canyon Road.

Director Patel reported that Mr. Gilbertson is not aware that in the middle of the road, below the flowline water, there is a water main that serves the residents of Caballo Ranch Road. Staff has to work with those constraints.

It was moved by Councilmember Bertone, seconded by Councilmember McHenry, to approve staff's recommendation to appropriate \$80,000 from emergency reserve funds in the General Fund for Phase I; to retain an environmental consultant; and to waive the formal bid process to begin temporary repairs to the San Dimas Canyon Dip Crossing.

Mayor Morris asked if members of the audience wished to speak or ask questions.

**Janet Cross** appreciates the City taking care of police and emergency situations. She said there is no need for Golden Hills to be open if the City provides a way in and out. She cannot see how there is space for a right turn lane for the Church entrance.

**Jim Campbell** is grateful to Mr. Michaelis for handling emergencies. Everyone feels more comfortable if they need to call 911. He said the temporary bridge sounds great. He believes Golden Hills Road is a major hazard, but could see leaving it open for La Verne residents.

**Frank Convertino**, Chair, Elder Board for Grace Church, thanked the City for their quick response during a crisis time to get barriers up to protect people from going over the edge, going in and out of their property. He said included in the agenda packet is their letter of commitment and support to back expansion of the bridge. They are in favor of the long term bridge, so they could widen the street and get turn lanes in, because construction is held up until completed. He also thanked the Council for approval of the temporary bridge providing another access way in and out.

**Patricia Lawler** expressed concern that in the past contractors used the Grace Church property as a fill. Now, it seems the stream has changed direction and she is concerned of how much asphalt and cement is underground and if the stream changes direction again, there may not be sufficient catch for debris. It will erode and damage the Church property again. She is thrilled with the temporary fix. She would like to be updated on the progress.

The motion carried unanimously.

#### **SAN DIMAS REDEVELOPMENT AGENCY**

Mayor Morris recessed at 8:45 p.m. the regular Council meeting to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The meeting reconvened at 8:46 p.m.

#### **ORAL COMMUNICATIONS**

- a. Members of the Audience

There were no comments.

- b. City Manager

- 1) City Manager Michaelis said it is not necessary to hold the closed session with respect to Sycamore Canyon Equestrian Center.

- 2) City Manager Michaelis announced that Parks and Recreation Director Theresa Bruns is attending a pre-graduation ceremony for her Masters Degree in Public Administration from Cal State Long Beach. He said he is proud that Theresa is graduating Phi Alpha Alpha and he congratulated her on her accomplishments.

- c. City Attorney

No report.

- d. Members of the City Council

- 1) Appointment to the Senior Citizens Commission

Mayor Morris and Councilmember Bertone had previously interviewed three candidates whose applications were on file in the City Clerk's office. Since that time, one applicant withdrew her application.

It was moved by Councilmember Bertone, seconded by Mayor Morris, to appoint Beverly Levreau to the Senior Citizens Commission with a term expiring May 31, 2007. The motion carried unanimously.

2) Councilmember Ebiner requested review of the DPRB approval of reasonable accommodations request because 1) this is the first application of the new written policy. The City Council could make sure the policy is applied as intended; 2) the City Council should affirm the DPRB decision for a long running issue. A reasonable person might ask why not accommodate the original request since staff has stated there has always been an unwritten policy to accommodate those with disabilities. It would be helpful for the City Council to see support material discussed in the past that had a big effect on staff; and 3) The vote was not unanimous; and the City Council representative was not present. Although he did not anticipate any change in the outcome, Mr. Ebiner suggested the review could be held at the next meeting on June 14, 2005.

Director Stevens stated that the Secretos could confirm the availability to be at the meeting on the 14<sup>th</sup>, otherwise he would reschedule the meeting.

Councilmember McHenry stated he was not prepared to override the DPRB decision and felt the Council should not entertain discussion about it.

Mayor Pro Tem Templeman disagreed with the recommended course of action and suggested that staff provide an after action analysis on the strengths and weaknesses of the process. If this item is heard, he would like the agenda cleared for that meeting.

Councilmember Bertone stated he would not appeal, however, out of respect, he would follow the tradition of granting an appeal made by a Councilmember. He requested staff to oblige the Secretos if they are unable to meet on June 14, 2005.

In response to Council, Director Stevens stated he could provide a report describing the process so the Council could evaluate the effectiveness of the ordinance. The Council would have the option of making a change in the decision made by the DPRB and reviewing the issue.

Mayor Morris indicated that while he would not appeal, he would not overturn the request for appeal. He read the minutes why the DPRB came up with the decision different than staff's recommendation, nevertheless, he agreed that in the past the Council has not refused to hear a matter to be heard that a Councilmember wanted to appeal.

Councilmember Ebiner expressed that for two years staff spoke about an unwritten policy and he would like to see the materials presented that has now convinced the DPRB to grant the Secretos' request.

In response, Mayor Morris explained that the ordinance was changed to permit below surface structures in side yards. He believed the one issue staff opposed was the extension of the pool into the front yard. He requested that the City Council be provided copies of all materials submitted and Councilmembers commit to read it before the public hearing.

City Attorney Brown mentioned that the 200 pages of material presented in support of this new pool design and location were different from those that were presented in the first application. He stated that the unwritten policy the City had was in light of presenting data to support the need for the special accommodation.

It was moved by Councilmember Ebiner, seconded by Councilmember Bertone, to hear the appeal of the DPRB approval of reasonable accommodations request. The motion carried by the following vote:

AYES: Councilmembers Bertone, Ebner, Morris  
NOES: Councilmembers McHenry, Templeman  
ABSENT: None  
ABSTAIN: None

City Attorney Brown suggesting keeping open the date of June 8, 2005 in the event Mr. Sutton agrees to accept the invitation to allow the new judge to sit in. He will keep the City Council informed.

### **CLOSED SESSION**

There was not a closed Session for a City/Redevelopment Agency closed session pursuant to Government Code Section 54956.8:

#### **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Property: Sycamore Canyon Equestrian Center, 1525 Sycamore Canyon Rd.  
Negotiating Parties:  
For Agency: Blaine Michaelis, City Manager/Executive Director, and J. Kenneth Brown, City/Agency Attorney  
For Property: Danny and Laurie Adair  
Under Negotiation: Renegotiation and terms and conditions of lease of property.

A closed session was not held.

### **ADJOURNMENT**

- 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

Adjourned to a closed session before Judge on June 8, 2005, 9:00 a.m. Department 98, Room 574, of the Los Angeles Superior Court, Central District, 111 North Hill Street, Los Angeles, California 90012.

City Attorney will advise if Council is to appear in closed session on June 8, 2005.

The meeting adjourned at 9:07 p.m. The next meeting is June 14, 2005, 7:00 p.m.

---

Mayor of the City of San Dimas

ATTEST:

---

City Clerk