



**MINUTES**  
**REGULAR CITY COUNCIL**  
**TUESDAY, NOVEMBER 8, 2005, 7:00 P. M.**  
**COUNCIL CHAMBERS, 245 E. BONITA AVE.**

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**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  
Planning Manager Hensley  
Senior Engineer Garwick  
Planning Assistant Concepcion

**CALL TO ORDER AND FLAG SALUTE**

Mayor Morris called the meeting to order at 7:02p.m. and led the flag salute.

**RECOGNITION**

- Proclaim the week of November 14-20, 2005 "Children's Book Week" for Los Angeles County Library, San Dimas Branch.

Mayor Morris presented to Elaine Reed a City Proclamation declaring November 14-20, 2005 "Children's Book Week" and encouraged citizens to join in the celebration of books for young people and learning through reading.

**Elaine Reed**, Children's Librarian, San Dimas Branch, reported that a winner has been selected in their Bookmark contest and will be announced during Book Week. She responded to Mayor Morris that approximately 500 children sign up for summer reading, personal programs, and magic shows. She provided Library hours and hopes the public will take advantage of the free activities.

**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

**Ginny Phillips**, 525 No. Amelia, addressed the City Council on what she and Dennis endured over the past six years to apply for permits to build a two-story garage and request public documents while other residents were issued permits without problems.

b. City Manager

1) City Manager Michaelis updated the City Council on a matter proposed by the Fire Department to locate the Area Trauma Center Helicopter Operation to Station No. 64. He met with senior members of the Los Angeles County Fire Department and requested them to make a presentation to the City Council on November 22, 2005.

2) City Manager Michaelis stated he would request to meet within the next week in closed session to discuss a matter concerning Costco.

3) City Manager Michaelis reported that an item surfaced after the agenda was prepared that required immediate attention. He said acquisition of properties on South Cataract are being offered for sale on November 9, 2005 and requires immediate response by the City Council.

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to add to the Closed Session for Council's consideration this evening the acquisition of properties at 108 and 112 South Cataract.

Councilmember Ebner abstained as he owns property in the vicinity of the subject item. The motion carried 4.1.

c. City Attorney

No report.

d. Members of the City Council

1) Mayor Pro Tem Templeman said that at a recent Retreat it was thought worthwhile for the City and Sheriff's Department to upgrade the radar trailer. He stated that at the recent League of California Cities conference, he obtained information on an improved model that actually counts the number of cars that go by and their average speed, and thought better decisions could be made with this information.

**CONSENT CALENDAR**

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

Councilmember Ebner requested amendment to the October 25, 2005 minutes on page three: change 325 Railway to 235 Railway; and on page ten, the minutes should reflect that Councilmember Ebner abstained on motion to state that the M & E Packing House, Vue Sign Barricade Flasher and General Pump Replacement are no longer being considered by the City Council as potential sites for the Gold Line Station.

**MOTION**

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

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

- (1) **No. 05-63**, A Resolution of the City Council of the City of San Dimas, California, approving certain demands for the months of October and November, 2005.
- (2) **No. 05-64**, A Resolution of the City Council of the City of San Dimas, California, amending Salary Plan Resolution No. 05-46 to change the classification title of Arborist to Municipal Arborist.

- b. Approval of minutes for the regular City Council meeting of October 25, 2005.

END OF CONSENT CALENDAR

## PLANNING MATTERS

- a. Mills Act Contract Consideration – 623 North Walnut Avenue

**RESOLUTION NO. 05-66**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING THE ATTACHED HISTORIC PROPERTY PRESERVATION AGREEMENT, PURSUANT TO THE MILLS ACT, FOR THE SINGLE FAMILY RESIDENCE AT 623 NORTH WALNUT AVENUE.

Planning Assistant Concepcion presented a request by Frances Gentle to enter into a Mills Act Contract with the City. Staff recommends approval of Resolution No. 05-66 entering into an agreement with the property owner to preserve the existing historic residence at 623 North Walnut Avenue.

Mayor Morris asked if anyone wished to speak on this item. No one came forward to speak.

## MOTION

After the title was read, it was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to waive further reading and adopt **RESOLUTION NO. 05-66**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING THE ATTACHED HISTORIC PROPERTY PRESERVATION AGREEMENT, PURSUANT TO THE MILLS ACT, FOR THE SINGLE FAMILY RESIDENCE AT 623 NORTH WALNUT AVENUE.

The motion carried unanimously.

## OTHER BUSINESS

- a. Approval of a new Lease Agreement with D & L Ranch Management Company for the operation of the Sycamore Canyon Equestrian Center.

City Manager Michaelis reported that for several months the City and D & L Ranch Management have worked on elements of a new agreement that resulted in a recommended new lease agreement. Mr. Michaelis highlighted the changes in the proposed lease agreement and recommended approval. He mentioned that notices were sent to the Ranch Operators, Equestrian Commissioners, and Boarders and stated that D & L Ranch Management and their representatives as well as boarders are present to comment.

In response to Mayor Pro Tem Templeman, City Manager Michaelis replied that standards have not been established for equestrian center operations; however, the operators need to demonstrate compliance with safety inspections.

Mayor Pro Tem Templeman expressed concern that the Ranch Operators distributed handouts to the boarders that they are not liable for the care of the animals. He inquired if the City is held harmless if a boarder files suit against the Ranch.

City Manager Michaelis stated that the intent of the Lease Agreement is that the burden of responsibility is on the operators to provide a safe environment for the care of the animals.

City Attorney Brown referred to page 28 of the Lease Agreement, section 11.6 (a) through (d), citing that the City, representatives, and property would be indemnified and held harmless by the tenant for the use of the leased premises.

Mayor Pro Tem Templeman inquired if the Ranch Operators could factor into the boarder fee any utility debt.

Mayor Morris replied that under the agreement the City would no longer have anything to do with setting fees.

In response to Councilmember Ebner, City Manager Michaelis explained that when two persons cannot agree, there is a voluntary process through mediation to find resolution, and if the issue remains unresolved, the dispute is submitted to arbitration.

Mayor Morris called on representatives from D & L to speak.

**Erica Madrid**, representing D & L Management Company, Laurie and Danny Adair, Owners/Operators, stated that she and Mr. Michaelis worked hard over the past several months, and she felt confident the new Lease Agreement would be a benefit to the City of San Dimas, the community, and her clients. Given full autonomy, Mr. and Mrs. Adair would provide a more successful state-of-the-art Equestrian Center. She indicated that Mr. Michaelis had summarized all the changes and she had nothing more to add.

**Laurie Adair**, D & L Ranch Management, thanked the Council for their willingness to work together to establish a new improved lease for Sycamore Canyon Equestrian property. She felt the new lease provided the necessary tools to operate a successful equestrian center and provide more efficient customer service. She realized the importance of reimbursing the City for the utility expense, and looks forward to the year to come to use the opportunity to demonstrate first class service.

Mayor Morris invited members of the audience to speak.

**Pete Miller** boards two horses at the Center and wholeheartedly supported the new Lease. He said the City would not be disappointed with their decision.

## **MOTION**

It was moved by Councilmember McHenry, seconded by Councilmember Bertone, to approve the new lease agreement between the City of San Dimas and D & L Ranch Management per staff's recommendation.

In response to Council, City Manager Michaelis stated that a schedule has been set up for repayment of the utility debt and if there is a breach in the agreement, there is a process in the agreement to cure the debt or default proceedings would follow.

The motion carried unanimously.

- b. Approve Feasibility Study for Mitigating Erosion in Channel at Cienega Valley Estates.
  - 1) Appropriation of \$8,804.00 from Infrastructure Fund.
  - 2) Award of Contract to MWH for the preparation of Feasibility Study for the amount of \$17,609.00.

Public Works Director Patel said this request is for the City Council to approve appropriation of funds to retain an environmental consultant to prepare a feasibility study to mitigate the ongoing erosion in a channel at Cienega Valley Estates. He stated that under a cooperative project, the owners of the Estates have agreed to pay 50% of the feasibility study costs. Staff recommends appropriation of \$8,804.00 from Infrastructure Fund for the Feasibility Study for Mitigation of Erosion in Channel at Cienega Valley Estates and Award of Contract to MWH for the preparation of Feasibility Study in the amount of \$17,609.00.

Councilmember McHenry stated that when the park was built, the City Engineer felt the installation of a pipe was important; however, the developer had an economic interest in allowing water to run in the channel. Councilmember McHenry felt that the burden is on the property owner and not the taxpayers; however, he was willing to go along with 50% if the owner showed good faith.

Councilmembers discussed the attractive feature of percolating water; the problems of erosion; the quantity and velocity of flow increased as development occurred upstream; 100 year storms; and the City Council might have some culpability.

### **MOTION**

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember Bertone, to authorize the appropriation of \$8,804 from the Infrastructure Fund to fund the retention of MWH, an engineer/environmental consultant to develop and assess alternatives to successfully mitigate the erosion problem at Cienega Valley Estates, convey anticipated storm flows, and be permissible and constructable per staff's recommendation.

The motion carried unanimously.

**The following item was continued to Special City Council meeting on Tuesday, November 15, 2005, at 6:30 p.m.**

- c. Repair of Storm Damage to Romola Avenue and San Dimas Canyon Road.
  - 1) Appropriation of funds in the amount of \$44,965 from the Emergency Fund;
  - 2) Waiver of Formal Bid Process for Cash Contract No. 2005-15 for Grouting of Romola Avenue and Cash Contract No. 2005-16 for Paving and Grading Repair of Romola Avenue and San Dimas Canyon Road;
  - 3) Award of Cash Contract No. 2005-15 to Coast to Coast Pressure Grouting, in the amount of \$21,500, for Grouting of Romola Avenue;
  - 4) Award of Cash Contract No. 2005-16 to Mobassaly Engineering, Inc, in the amount of \$17,600, for Paving and Grading Repair of Romola Avenue and San Dimas Canyon Road.

### **SAN DIMAS REDEVELOPMENT AGENCY**

Mayor Morris recessed at 8:12 p.m. the regular City Council meeting to convene the meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:14 p.m. with all members present.

### **ORAL COMMUNICATIONS**

- a. Members of the Audience

No one

b. City Manager

No report.

c. City Attorney

No report.

d. Members of the City Council

1) Mayor Pro Tem Templeman reported four park lights out at the Dog Park. He stated this is a safety issue and asked staff to have someone look at the SCE lights as it is getting dark earlier.

2) City Manager Michaelis reminded the City Council of the November 22, 2005, 5:30 p.m. tour of the new San Dimas Sheriff's Station.

**CLOSED SESSION**

The meeting recessed at 8:16 p.m. to a closed session pursuant to Government Code Section 54956.9(a) and Government Code Section 54956.8:

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

Name of Case: Phillips v. City of San Dimas, LASC Case No. BS089159

No reportable action.

b. **CONFERENCE WITH REAL PROPERTY NEGOTIATION  
(GOVERNMENT CODE SECTION 54956.8)**

Property: 108, 112 South Cataract Avenue, San Dimas, California

Negotiating Parties:

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

For Property: Karol Curtis, The Curtis Company

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

The Redevelopment Agency authorized an offer to purchase the property.

**ADJOURNMENT**

Adjourned at 8:36 p.m. to Tuesday, November 15, 2005, 6:30 p.m..

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Mayor of the City of San Dimas

ATTEST:

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City Clerk