



AGENDA
REGULAR CITY COUNCIL /
REDEVELOPMENT AGENCY MEETING
TUESDAY, FEBRUARY 8, 2011, 7:00 P. M.
MULTI-PURPOSE ROOM
SENIOR CITIZEN/COMMUNITY CENTER
201 E. BONITA AVENUE

CITY COUNCIL:

Mayor Curtis W. Morris
Mayor Pro Tem John Ebner
Councilmember Emmett Badar
Councilmember Denis Bertone
Councilmember Jeff Templeman

1. CALL TO ORDER

2. RECOGNITIONS

- San Dimas Community Volunteers, Athletes for Autism Group

3. ANNOUNCEMENTS

- a. Pui-Ching Ho, Librarian, San Dimas Library

4. ORAL COMMUNICATIONS (Members of the audience are invited to address the City Council on any 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. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time and ask to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

- a. Members of the Audience

5. 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.)

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

(1) **RESOLUTION NO. 2011-05**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF JANUARY AND FEBRUARY, 2011.

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

1) **ORDINANCE NO. 1203**, AMENDING THE SAN DIMAS MUNICIPAL CODE BY AMENDING SECTION 10.06 THERETO DESIGNATING SPEED LIMITS ON CERTAIN STREETS IN THE CITY OF SAN DIMAS. **SECOND READING AND ADOPTION**

- c. Approval of minutes for regular meeting of December 14, 2010.

- d. Award of Cash Contract No. 2011-01, First Street sidewalk replacement project to Mora's Equipment & Construction, Inc., in the amount of \$41,965.00.

END OF CONSENT CALENDAR

6. SAN DIMAS REDEVELOPMENT AGENCY

- a. Oral Communications (This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.)
- b. Approval of minutes for meeting of January 25, 2011.
- c. Executive Director
 - 1) Update on status of projects.
 - 2) Letter in Opposition to Governor Brown's Budget Proposal to Eliminate California Redevelopment Agencies
- d. Members of the Agency

7. ORAL COMMUNICATIONS

- a. Members of the Audience (Speakers are limited to five (5) minutes or as may be determined by the Chair.)
- b. City Manager
 - 1) Update on City Hall, Civic Center, and Stanley Plummer expansion and renovation project.
- c. City Attorney
- d. Members of the City Council
 - 1) Councilmembers' report on meetings attended at the expense of the local agency.
 - 2) Individual Members' comments and updates.

8. CLOSED SESSION

Recess to a Redevelopment Agency closed session pursuant to Government Code Section 54956.9(c):

- a. Pursuant to the provisions of Government Code section 54956.9 (c) a closed session will be held with the city attorney to discuss potential litigation involving a dispute with the contractor arising out of the reconstruction/paving of Foothill Blvd.
- b. Report on closed session items.

9. ADJOURNMENT

The next meeting is 5:00 p.m., February 22, 2011, for Preliminary Budget Meeting. Regular meeting is at 7:00 p.m.

AGENDA STAFF REPORTS: COPIES OF STAFF REPORTS AND/OR OTHER WRITTEN DOCUMENTATION PERTAINING TO THE ITEMS ON THE AGENDA ARE ON FILE IN THE OFFICE OF THE CITY CLERK AND ARE AVAILABLE FOR PUBLIC INSPECTION DURING THE HOURS OF 8:00 A.M. TO 5:00 P.M. MONDAY THROUGH FRIDAY. INFORMATION MAY BE OBTAINED BY CALLING (909) 394-6216. CITY COUNCIL MINUTES AND AGENDAS ARE ALSO AVAILABLE ON THE CITY'S HOME PAGE ON THE INTERNET:
<http://www.cityofsandimas.com/minutes.cfm>.

SUPPLEMENTAL REPORTS: AGENDA RELATED WRITINGS OR DOCUMENTS PROVIDED TO A MAJORITY OF THE SUBJECT BODY AFTER DISTRIBUTION OF THE AGENDA PACKET SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION AT THE CITY CLERK'S OFFICE AT 186 VILLAGE COURT DURING NORMAL BUSINESS HOURS. [PRIVILEGED AND CONFIDENTIAL DOCUMENTS EXEMPTED]

HEARING ASSISTANCE: THE CITY OF SAN DIMAS CITY COUNCIL CHAMBERS IS EQUIPPED WITH A HEARING ASSISTANCE SYSTEM. PLEASE CONTACT THE CITY CLERK (909) 394-6216 TO CHECK OUT A RECEIVER.

POSTING STATEMENT: ON FEBRUARY 4, 2011, A TRUE AND CORRECT COPY OF THIS AGENDA WAS POSTED ON THE BULLETIN BOARDS AT 201 EAST BONITA AVENUE (SAN DIMAS SENIOR CITIZEN/COMMUNITY CENTER); 186 VILLAGE COURT (SAN DIMAS TEMPORARY CITY HALL); 145 NORTH WALNUT AVENUE (LOS ANGELES COUNTY PUBLIC LIBRARY, SAN DIMAS BRANCH); AND 300 EAST BONITA AVENUE (UNITED STATES POST OFFICE) AND AS A CONVENIENCE, AT THE VONS SHOPPING CENTER (Puente/Via Verde) AND THE CITY'S WEBSITE AT www.cityofsandimas.com/minutes.cfm.

RESOLUTION NO. 2011-05

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN DIMAS, CALIFORNIA, APPROVING
CERTAIN DEMANDS FOR THE MONTHS OF
JANUARY AND FEBRUARY 2011

WHEREAS, the following listed demands have been audited by the Director of Finance;
and

WHEREAS, the Director of Finance has certified as to the availability of funds for
payment thereto; and

WHEREAS, the register of audited demands have been submitted to the City Council for
approval.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Dimas
does hereby approve Prepaid Warrants: 01/31/11; 21755 through 21818; in the amount of
\$4,325,924.49; Warrant Register: 02/15/11; 134506 through 134632; in the amount of
\$498,389.69.

PASSED, APPROVED AND ADOPTED THIS 8th DAY OF FEBRUARY 2011.

Curtis W. Morris, Mayor of the City of San Dimas

ATTEST:

Ina Rios, CMC, City Clerk

I HEREBY CERTIFY that the foregoing Resolution was adopted by vote of the City
Council of the City of San Dimas at its regular meeting of February 8, 2011, by the following
vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ina Rios, CMC, City Clerk

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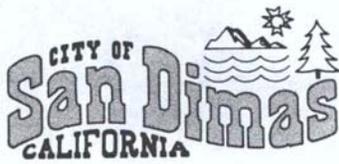


***THE WARRANT DISBURSEMENT
JOURNAL IS NOT AVAILABLE TO
VIEW THROUGH LASERFICHE***

***A PAPER COPY IS AVAILABLE IN THE
FINANCE DEPARTMENT***

SORRY FOR ANY INCONVENIENCES.

DOCUMENT IMAGING DEPT.



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of February 8, 2011

From: Blaine Michaelis, City Manager

Initiated by: Krishna Patel, Director of Public Works

Subject: **ORDINANCE NO. 1203**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING THE SAN DIMAS MUNICIPAL CODE BY AMENDING THE SECTION 10.06 THERETO DESIGNATING SPEED LIMITS ON CERTAIN STREETS IN THE CITY OF SAN DIMAS

SUMMARY

Ordinance No. 1203 determines speed limits for designated streets in the City of San Dimas.

The City Council introduced Ordinance No. 1203 at their January 25, 2011 meeting.

RECOMMENDATION

Adopt Ordinance No. 1203.

ORDINANCE NO. 1203

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS
AMENDING THE SAN DIMAS MUNICIPAL CODE BY AMENDING THE
SECTION 10.06 THERETO DESIGNATING SPEED LIMITS ON CERTAIN
STREETS IN THE CITY OF SAN DIMAS.

THE COUNCIL OF THE CITY OF SAN DIMAS DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 10.06.100 of the San Dimas Municipal Code is hereby amended to read as follows:

Section 10.06.100. In accordance with the provisions of Section 22357 and Section 22358 of the Vehicle Code of the State of California, the City of San Dimas hereby determines that the speed limits on certain streets are necessary for the orderly and safe movement of traffic in the City of San Dimas. Based on the engineering and traffic surveys of Warren Siecke and Associates presented to it, as required by Section 22358 of the Vehicle Code of the State of California, the City Council finds and determines that the speed limit set forth below are those most appropriate to facilitate the orderly movement of traffic and are responsible and safe and shall be the prima facie speed limits for the areas identified herein.

<u>STREET NAME</u>	<u>LIMIT</u>	<u>RECOMMENDED MPH SPEED LIMIT</u>
ALLEN AVENUE	Amelia Avenue to San Dimas Canyon Road	35
ARROW HIGHWAY	Valley Center Avenue to San Dimas Avenue	40
ARROW HIGHWAY	San Dimas Avenue to Walnut Avenue	45
ARROW HIGHWAY	Walnut Avenue to East City Limit	45
BADILLO STREET	West City Limit to Valley Center Avenue	45
BADILLO STREET	Valley Center Avenue to Covina Boulevard	45
BONITA AVENUE	Arrow Highway to Cataract Avenue	35
BONITA AVENUE	Cataract Avenue to San Dimas Avenue	25
BONITA AVENUE	San Dimas Avenue to Walnut Avenue	25
BONITA AVENUE	Walnut Avenue to East City Limits	40
CATARACT AVENUE	Arrow Highway to Covina Boulevard	40
CIENEGA AVENUE	Valley Center Avenue to Arrow Highway	40
CLIFFSIDE DRIVE	Terrace Drive to Southerly Terminus	30
COVINA BOULEVARD	Valley Center Avenue to Badillo Street	35
COVINA BOULEVARD	Badillo Street to Cataract Avenue	40
CYPRESS STREET	West City Limits to Lone Hill Avenue	40
CYPRESS STREET	Lone Hill Avenue to 550' E/O Danecroft Avenue	35
CYPRESS STREET	550' E/O Danecroft to East End	25
EUCLA STREET	Bonita Avenue to Arrow Highway	30
FOOTHILL BOULEVARD	West City Limits to East City Limits	45
GLADSTONE STREET	Lone Hill Avenue to San Dimas Canyon Road	35
LONE HILL AVENUE	Gladstone Street to Cienega Avenue	40

<u>STREET NAME</u>	<u>LIMIT</u>	<u>RECOMMENDED MPH SPEED LIMIT</u>
LONE HILL AVENUE	Gladstone Street to Cienega Avenue	40
LONE HILL AVENUE	Cienega Avenue to Cypress Street	35
PUDDINGSTONE DRIVE	San Dimas Avenue to East City Limits	30
PUENTE STREET	West City Limits to Via Verde	45
PUENTE STREET	Via Verde to Via Amadeo	30
SAN DIMAS AVENUE	Foothill Boulevard to Gladstone Street	40
SAN DIMAS AVENUE	Gladstone Street to Arrow Highway	35
SAN DIMAS AVENUE	Arrow Highway to 1000' S/O Puddingstone Drive	40
SAN DIMAS AVENUE	1000' S/O Puddingstone Drive to Avenida Loma Vista	55
SAN DIMAS AVENUE	Avenida Loma Vista to Via Verde	50
SAN DIMAS AVENUE	Via Verde to Avenida Melisenda	35
SAN DIMAS AVENUE	Avenida Melisenda to San Dimas Avenue (Loop Junction)	35
SAN DIMAS CANYON ROAD	Terrebonne Avenue to Foothill Boulevard	35
SAN DIMAS CANYON ROAD	Foothill Boulevard to Allen Avenue	40
SAN DIMAS CANYON ROAD	Allen Avenue to Arrow Highway	40
SYCAMORE CANYON ROAD	San Dimas Canyon Road to North City Limits	25
VALLEY CENTER AVENUE	Badillo Street to Gainsborough Road	40
VIA VERDE	Covina Hills Road to I-57 Freeway	45
WALNUT AVENUE	Foothill Boulevard to Cannon Avenue	30
WALNUT AVENUE	Teague Drive to Cannon Avenue	25
WALNUT AVENUE	Cannon Avenue to Puddingstone Drive	30

SECTION 2. This ordinance shall take effect thirty (30) days after its final passage, and within fifteen (15) days after its passage, the City Clerk shall cause it to be published in a local newspaper of general circulation hereby designated for that purpose.

SECTION 3. This ordinance supersedes Ordinance No. 1142.

PASSED AND APPROVED THIS _____ day of January, 2011.

Mayor, City of San Dimas

ATTEST:

CITY CLERK



MINUTES
REGULAR CITY COUNCIL
TUESDAY, DECEMBER 14, 2010, 7:00 P. M.
MULTI-PURPOSE ROOM
SENIOR CITIZEN/COMMUNITY CENTER
201 E. BONITA AVENUE

PRESENT:

Mayor Curtis W. Morris
Mayor Pro Tem John Ebner
Councilmember Emmett Badar
Councilmember Denis Bertone
Councilmember Jeff Templeman

City Manager Blaine Michaelis
City Attorney J. Kenneth Brown
City Clerk Ina Rios
Assistant City Manager of Community Development Larry Stevens
Assistant City Manager Ken Duran
Director of Development Services Dan Coleman
Director of Parks and Recreation Theresa Bruns
Building and Safety Superintendent Eric Beilstein

ABSENT:

Director of Public Works Krishna Patel

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 7:01 p.m. and led the flag salute.

2. ANNOUNCEMENTS

a. 50th Anniversary Flashbacks

Bill Emerson, San Dimas Historical Society, presented to the City Council and staff a DVD of the 25th Anniversary video found in the time capsule that was converted by Susie and Mitchell Crawford.

b. Pui-Ching Ho, Library Manager, San Dimas Library

Pui-Ching Ho, Library Manager, invited the community to explore a variety of musical instruments on December 15 and said volunteers are needed to sort books for the Friends of the Library Book sale. For dates and time for other activities, contact the Library at 909/599-6738.

3. ORAL COMMUNICATIONS (Members of the audience are invited to address the City Council on any 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. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item, you may do so at this time and ask to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

a. Members of the Audience

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1) Ted Powl, President/CEO, Chamber of Commerce, said it has been a pleasure working with the City and community for the past 12.5 years. He announced that the Chamber is taking reservations for the State of the City address luncheon to be held on January 13, at the San Dimas Canyon Clubhouse, and the Citizen of the Year dinner on January 27 to honor Michael Kelly, Principal of San Dimas High School. He said the Chamber is now accepting enrollment to the Civic Academy for anyone interested in learning how the city works. Registration is only \$98 and class size is limited to 20 individuals. He thanked the City Council and staff for all the support and friendship.

Councilmember Bertone praised Mr. Powl and said he hopes Mr. Powl will continue participating in the various activities.

2) Shelbie Moore and Aunisha Leffridge invited the Council and community to the Choir Concert on December 15th and the Jazz Band Concert on December 16th.

3) Melissa Gonzalez, ASB Secretary, San Dimas High School, reported that the Christmas Boutique was successful; she highlighted upcoming fundraisers including a Holiday Assembly and performances from the Choir, band and talented student performers. She also outlined the academic and athletic activities.

4) Margie Green thanked Mr. Powl and Sandra Neas for their years of wonderful service to the San Dimas Chamber of Commerce. She said their retirement party will be announced at a later date. Mrs. Green added that the Chamber is taking reservations for the 50th Anniversary New Year's Eve celebration which will commence with a social at 6:30 p.m. and dinner at 7:30 p.m., with music by the Soundbytes as well as other forms of entertainment.

5) Sid Maksoudian said Mr. Ebner appealed the process for Computer Village and the public has a right to be heard. He added that Mr. Ebner has a conflict of interest and should have recused himself.

Mayor Pro Tem Ebner stated he does not own property within 500 feet of the subject project.

Mayor Morris stated that the subject project was not on calendar for a public hearing.

4. 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 Badar, and carried 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) Approving Warrant Register for November and December 2010.

RESOLUTION NO. 10-66, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF NOVEMBER AND DECEMBER, 2010.

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

1) Municipal Code Text Amendment 10-03, a request to amend various provisions of the Parking Chapter 18.156 of the Zoning Code for consistency with the 2010 CALGREEN Building Code.

ORDINANCE NO. 1199, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING MUNICIPAL CODE TEXT AMENDMENT 10-03, A REQUEST TO AMEND VARIOUS PROVISIONS OF THE PARKING CHAPTER 18.156 OF THE ZONING CODE FOR CONSISTENCY WITH THE 2010 CALGREEN BUILDING CODE. **SECOND READING AND ADOPTION**

- c. Approval of minutes for the regular City Council meeting of November 23, 2010 and City Council Special meeting of October 11, 2010.
- d. Award of Cash Contract No. 2010-11, Horsethief Canyon Park Gravity Sewer and Force Main System to Paulus Engineering, Inc., in the amount of \$79,780.00.
- e. Approval of MOU with Los Angeles County Metropolitan Transit Authority to fund the Widening of Foothill Blvd. at San Dimas Wash Bikeway Improvements.

END OF CONSENT CALENDAR

5. PUBLIC HEARING

(The following items have been advertised and/or posted. The meeting will be opened to receive public testimony.)

- a. A request to amend Chapter 15 of the Municipal Code (Buildings and Construction) to adopt by reference the 2010 editions of the California Building Code Volumes 1 & 2, the California Residential Code, the California Plumbing Code, the California Electrical Code, the California Mechanical Code, the California Fire Code, the California Green Building Standards Code, together with certain amendments, additions, deletions, and exceptions, including fees and penalties.

- (1) **ORDINANCE NO. 1200**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING SPECIFIED CHAPTERS OF TITLE 15 OF THE SAN DIMAS MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE, VOLUMES 1& 2, THE 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, THE 2010 EDITION OF THE CALIFORNIA PLUMBING CODE, THE 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE, THE 2010 EDITION OF THE CALIFORNIA MECHANICAL CODE, THE 2010 EDITION OF THE CALIFORNIA FIRE CODE, AND THE 2010 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS, INCLUDING FEES AND PENALTIES. **SECOND READING AND ADOPTION BY REFERENCE**

Superintendent of Building and Safety Beilstein explained that Title 15 of the San Dimas Municipal Code adopts the State building standards and additional model codes by reference, with some local amendments. Staff recommended Title 15 of the San Dimas Municipal Code be updated to stay in line with State mandated standards, as well as to eliminate any conflicts with other standards contained throughout the municipal code.

Mayor Morris opened the public hearing and invited testimony from the audience regarding the Uniform Building Code. There being no one else wishing to speak, Mayor Morris closed the public hearing.

After the title was read, it was moved by Councilmember Bertone, seconded by Councilmember Badar, to waive further reading and adopt **ORDINANCE NO. 1200**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS AMENDING SPECIFIED CHAPTERS OF TITLE 15 OF THE SAN DIMAS MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE, VOLUMES 1& 2, THE 2010 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, THE 2010 EDITION OF THE CALIFORNIA PLUMBING CODE, THE 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE, THE 2010 EDITION OF THE CALIFORNIA MECHANICAL CODE, THE 2010 EDITION OF THE CALIFORNIA FIRE CODE, AND THE 2010 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS, INCLUDING FEES AND PENALTIES. The motion carried unanimously.

- b. Receive public comments on the final Environmental Impact Report (EIR) for the Brasada Residential Project, located on 273 acres in the western portion of the Northern Foothills of San Dimas. Applicant: NJD, Ltd.

- 1) **RESOLUTION NO. 2010-67, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, AS REQUIRED BY THE CALIFORNIA CODE OF REGULATIONS SECTION 15090, ADOPTION OF FINDINGS FOR THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVAL OF A MITIGATION MONITORING AND REPORTING PROGRAM FOR GENERAL PLAN AMENDMENT 08-02, MUNICIPAL CODE TEXT AMENDMENT 08-04, TENTATIVE TRACT MAP NO. 70583 AND A DEVELOPMENT AGREEMENT ASSOCIATED THEREWITH.**

Assistant City Manager of Community Development Stevens reviewed the materials in the packet and introduced Ken Hallet and Diane Catalano of PBS&J, the City's environmental consultants.

Ken Hallet, PBS&J, provided a slide presentation and an overview of the California Environment Quality Act requirements and said the purpose is to identify significant environmental impacts and ways they can be avoided or reduced; he reviewed the project to divide 273 acres into 61 single family residential lots, seven common lot areas, and one 83-acre parcel for potential open space and related infrastructure and said the project is located north of Foothill Boulevard and Cataract Street. He highlighted eight project objectives that include implementing the settlement agreement by amending the General Plan and Specific Plan No. 25; adopt amendments sensitive to the unique character of the northern foothills; establish density and development standards to permit single family housing; focus density in development feasibility areas; focus development in less visually intrusive areas; consolidate and increase open space; enhance fire protection by providing new water systems; and coordinate development with the provision of infrastructure and public improvements. He introduced Diane Catalano who will present technical studies, environmental topics and issues, and project alternatives.

Diane Catalano, PBS&J, explained the numerous technical studies prepared for the environmental impact report including air quality and greenhouse gas emissions; animal species habitat, coastal gnatcatcher; cultural resources; geotechnical; hazardous materials assessment; hydrology and ground water; water quality; traffic and sewer capacity. She said the studies were used to address 12 topics in the environmental impact report and the project was found to have significant impacts associated with the degradation of visual character and quality of life. She addressed key topics determined to result in significant project related impacts to the following: Aesthetics and visual resources; air quality; biological resources; geology and soils; erosion and slope stability, expansive soils; geologic features map; and hazard and hazardous materials. She said some can be mitigated to less than significant impacts by applying various mitigation measures.

Ms. Catalano reviewed alternatives to the proposed project to explore ways to attain objectives while reducing significant environmental impacts of the proposed project. She stated that after the analysis was completed, the Draft Environmental Impact Report (DEIR) was prepared and went through the 45-day public review period. At the Planning Commission meeting, key issues were raised and in response to comments received, minor changes were made in the DEIR. Ms. Catalano reviewed the Final Environmental Impact Report (FEIR) documents consisting of three volumes, prepared in compliance with California Environmental Quality Act. She said a Mitigation Monitoring Reporting Program was prepared to identify project design features and address mitigable measures for each feature, and a Statement of Overriding Considerations was prepared to address unavoidable significant environmental impacts.

In response to Councilmember Templeman, Assistant City Manager Stevens highlighted a series of biological mitigation measures related to various different types of environmental impacts.

Mr. Stevens stated that the consultants have discussed the Final Environmental Impact Report (FEIR) and he noted that the Planning Commission and staff recommend approval of Resolution No. 2010-67 certifying the Final Environmental Impact Report as being compliant with the California Environmental Quality Act, setting forth all required findings, including the Statement of Overriding Considerations for those impacts deemed significant and unavoidable.

- c. Consideration of General Plan Amendment 08-02, a request to amend the General Plan to implement the NJD Settlement Agreement and accommodate the proposed Tentative Map design, including but not limited to; Increasing the Maximum Allowable Density; Revising Recommended Environmental Thresholds and Appropriate Levels of Development; Revising Objectives and Policies; and

Consideration of Specific Plan Amendment 08-04, a request to amend Specific Plan No. 25 to implement the NJD Settlement Agreement and to accommodate the proposed Tentative Map design, including, but not limited to: Increasing the Maximum Allowable Density; Revising Standards for Lot Size, Open Space and "No Building" areas, Grading, Building Height, Lot and Site Design, and Access and Circulation, for the Brasada Residential Project, located on 273 acres in the western portion of the Northern Foothills of San Dimas. Applicant: NJD, Ltd.

- 1) **RESOLUTION NO. 2010-68**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING GENERAL PLAN AMENDMENT 08-02, AMENDING VARIOUS GENERAL PLAN POLICIES AND OBJECTIVES AFFECTING THE NORTHERN FOOTHILLS.
- 2) **ORDINANCE NO. 1201**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 08-04, AMENDING THE MAXIMUM ALLOWABLE DENSITY AND OTHER DEVELOPMENT STANDARDS IN SPECIFIC PLAN NO. 25 IN THE NORTHERN FOOTHILLS AREA. **FIRST READING AND INTRODUCTION**

Assistant City Manager of Community Development Stevens stated that revisions are necessary to bring the proposed project consistent with the various existing policies and objectives set forth in the San Dimas General Plan. He presented Options A and B for Council consideration and recommended Option A that would accommodate the project as proposed with minor revisions to the Conceptual Grading Plan to accommodate additional landform grading and the permissible number of two-story lots.

Assistant City Manager Stevens stated that the proposed project also requires multiple revisions to Specific Plan No. 25. He reviewed Options A and B and said the Planning Commission increased the two-story lot percentage to 27% to accommodate the 16 two-story lots requested. The applicant agreed to revise the three lots to achieve the 0.50 minimum size. Mr. Stevens stated that Option B promotes more substantial revisions including extensive grading modifications and a reduction in the requested number of lots from 61 to 54. He said staff supported Option B. The Planning Commission also determined that revised horse keeping standards were appropriate for newly created Planning Area 1.

Planning Commission recommends approval of General Plan Amendment 08-02 and Municipal Code Text Amendment 08-04 as set forth in Planning Commission Resolutions PC-1428 and PC-1429.

Staff recommends revisions to General Plan Amendment 08-02 and Municipal Code Text Amendment 08-04 as noted in shaded option boxes in Attachments A and B of Planning Commission Staff Report dated November 17, 2010.

Mr. Stevens said Resolution No. 2010-68 approving General Plan Amendment 08-02 and Ordinance No. 1201 approving Municipal Code Text Amendment 08-04 has been drafted to implement the Planning Commission recommendations.

- d. Consideration of Tentative Tract Map 70583, a request to develop 61 Single Family Residential lots, seven common area lots, one 83-acre parcel for potential open space, and related infrastructure for the Brasada Residential Project, located on 273 acres in the western portion of the Northern Foothills of San Dimas. Applicant: NJD, Ltd.

- 1) **RESOLUTION NO. 2010-69**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING TENTATIVE TRACT MAP NO. 70583, A REQUEST TO SUBDIVIDE APPROXIMATELY 270 ACRES INTO 61 RESIDENTIAL LOTS ON THE PROPERTY LOCATED AT NORTHERLY EXTENSION OF CATARACT AVENUE INTO THE NORTHERN FOOTHILLS (BRASADA RESIDENTIAL DEVELOPMENT).

Assistant City Manager Stevens presented the applicant's request for Tentative Tract Map 70583, to subdivide approximately 270 acres in the Northern Foothills, northerly of Cataract Avenue, into 61 residential lots. He said primary access would be through a gated entryway to a private road beginning at the northerly extension of Cataract and the project would include preservation in its natural state of large portions of the property. He highlighted a number of concerns related to density, number of equestrian lots, drainage/detention basins, access/emergency access, grading, two-story lots, open space/lot designations, and equestrian trails. Staff felt it was important to look at emergency access options and has not yet received the recommendation from the Fire Department. He mentioned that Condition 62 requires the City Engineer to review and approve a phasing plan. Staff expressed concern that the applicant's phasing plan is not sufficiently complete to be approved and grading or infrastructure or other improvements may not utilize the same phasing boundaries as the various map recordings.

The Planning Commission recommends approval of Tentative Tract Map 70583 as set forth in Resolution PC-1430.

Staff does not support the grading or number of lots consistent with the Planning Commission's recommendation on General Plan Amendment 08-02 and Municipal Code Text Amendment 08-04. Staff recommends revisions associated with grading and the number of residential lots from 61 to 54. Mr. Stevens said Resolution No. 2010-69 was prepared implementing the Planning Commission recommendations with certain minor changes noted.

- e. Consideration of Development Agreement, a request to enter into a statutory development agreement vesting certain land use entitlements and approvals granted by the City if the proposed project is approved, for the Brasada Residential Project, located on 273 acres in the western portion of the Northern Foothills of San Dimas. Applicant: NJD, Ltd.

- 1) **ORDINANCE NO. 1202**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING A DEVELOPMENT AGREEMENT RELATING TO THE APPROVAL OF A RESIDENTIAL DEVELOPMENT FOR 61 SINGLE-FAMILY RESIDENTIAL LOTS IN THE NORTHERN FOOTHILLS OF SPECIFIC PLAN NO. 25. **FIRST READING AND INTRODUCTION**

City Attorney Brown stated that on November 23, 2010, the City Council adopted Resolution No. 2010-62 providing for the approval of Development Agreements.

He stated he has been negotiating with the Developer and its representatives and expects that continued discussions will resolve open issues in the Development Agreement. However, he mentioned that some issues will require direction of the City Council. NJD is still waiting to be provided a list of all City project fees. Provision of this list is required before NJD will agree to any fee lock-in or list. One key

issue of the Agreement is the term of 14 years. Another unresolved issue is the Developer's request for indemnification in the event the City approves 54 lots with reduced grading, which would eliminate certain Fire Department turnarounds. The Developer feels that this creates a less desirable fire safety situation resulting in reduced fire protection standards. City Attorney Brown recommended against any form of indemnification in that instance. Additionally, the Developer feels that if the City defaults in any of its obligations under the Agreement, the conveyance of the 84 acre parcel for open space will revert to the Developer. He stated that the biggest area of concern deals with equestrian trails and open space. However, the Developer has agreed to guarantee a license and grant formal recognition of equestrian entitlement use over portions of the property prior to the time it is developed.

City Attorney Brown presented the negotiated Development Agreement with NJD, Ltd., relating to the approval of a residential development in the northern foothills of Specific Plan No. 25 and recommended that the City Council approve the Development Agreement, authorize staff to continue discussions with the Developer regarding minor changes to the Agreement, and introduce the Ordinance No. 1202.

In response to Councilmember Bertone, Assistant City Manager Stevens replied that the Developer cannot commence grading until the map is recorded.

RECESS

Mayor Morris called a recess at 9:25 p.m. The meeting resumed at 9:36 p.m.

Mayor Morris asked if there were any questions of Mr. Stevens or Mr. Brown.

In response to Mayor Pro Tem Ebiner, Assistant City Manager Stevens replied that tennis courts, basketball courts or arenas are not specifically identified for the project and would not be permitted. He further replied that existing standards will be retained in all Planning Area 2, however, additional grading will be allowed in Planning Area 1 to encourage clustering of development. He said a significant portion of grading is necessary to accommodate road access on Cataract Street.

In response to Councilmember Templeman, Mr. Stevens replied that the proposed water tank would be the source for the newly created water hydrant system. He said the system will be a gravity float system and all distribution lines will serve the project.

In response to Mayor Morris, Mr. Stevens stated the system will be designed and built to Golden State Water Company specifications and turned over to them for operation and maintenance.

Mr. Stevens responded to Mayor Pro Tem Ebiner that the intention is to have a minimum amount of lighting on the project and it is unlikely that standard 20-foot tall street lights would be installed. He said all analysis has been to have minimum street lighting, not an urbanized, brightly lit approach.

In response to Councilmember Badar, Mr. Stevens said the Developer would have to come back to amend the Specific Plan to accommodate lighted recreation facilities.

In response to Mayor Pro Tem Ebiner, Mr. Stevens replied that it is necessary to make a significant unavoidable finding as it relates to land form, aesthetics, and view because it is not possible to completely obscure the project and there will be some limited views from some locations of grading and development that will be occurring along those lines.

Diane Catalano said the change was evaluated based on comparing the existing condition to the proposed condition. In the view, although there would be some land form alteration, it was so far in the distance, it is not noticeable in terms of the entire view.

Mayor Morris explained the procedure for the public hearing. He opened the public hearing and invited testimony from the applicant.

Stan Stringfellow, Real Estate Consulting Services, 326 W. Arrow Highway, representing the applicant and NJD, said it has taken NJD almost 12 years and more than \$1 million in entitlement costs to get to this meeting. He introduced experts who created the maps, exhibits, and reports associated with this project: Kim Scott, V.P., NJD; Rick Jemison, V.P., NJD; Mike Houston, Attorney, Rutan & Tucker; Pat Costco, Engineer; Leslie Irish, L & L Environmental, Alonzo Pedrin, Gobar & Associates; Scott Franklin and associates Steve Oaks, Jim Hunt, and Don Oaks, former fire fighters.

In response to Councilmember Templeman's inquiry about bald eagle nests, Leslie Irish, L & L Environmental, replied that two nests were encountered on the property in 2009 and 2010. Nests were associated with a red tailed hawk, and not with a bald eagle. A bald eagle has not been observed on the property. She added that in 2009, the nests were not occupied; in 2010, one nest was occupied by the nesting pair.

Stan Stringfellow stated that they set out to create a great place to live and create a community that San Dimas can be proud of that creates jobs and businesses the community can benefit from; and about the contributions new members of the community would make to the city. In addition, they believe the proposed project resolves a majority of issues related to the lawsuit and subsequent settlement agreement in a way that is more beneficial to the applicant and city than was originally contemplated in the original settlement agreement.

Mr. Stringfellow provided a brief history on the acquisition of the 200 acres in San Dimas as part of a larger purchase, including 200 acres in Glendora and the subsequent lawsuit and settlement agreement. He said the most unique features of the project are the location, setting, topography, the development feasibility, and the absence of any geological/biological features or conditions that prevent the development. He said the owner is entitled to enjoy the benefits of the privately owned property, which has, for decades, been used for ranching, equestrian use, and other recreational activities, and is inundated with non-native grasses, shrubs, and trees. He said it is the intention of the owner to protect, preserve, improve, and replace whatever impacts it makes to the habitat. As part of the settlement agreement in 2005, NJD agreed to cooperate with the City of Glendora and the City of San Dimas and had agreed to offer to sell 400 acres to a conservancy for open space. However, with the deteriorating economy, funds are not available for that purpose and efforts to sell the property to a conservancy have been exhausted.

Mr. Stringfellow presented a three-dimensional Powerpoint of the property and the site's unique features, the bench bowl, upper ridges and prominent points in the project, as well as the difficulties with access, and said they want to reduce the area of impacts, preserve scenic vistas by creating open space, conservation space, and no-build areas. They also want to provide linkage to existing trail systems, enhance public safety in excess of existing requirements, create building pads that could be fully enjoyed by their owners, and build a marketable project that is economically viable for the Developer and the city.

Mr. Stringfellow said the original 2008 map clearly contemplated lots on the upper ridges, and city staff believed the original 200 acres could adequately handle at least 45 lots. He said the new reiteration of the proposed map included parcel 2 and parcel 3, and showed lots on the upper ridges and lots on the lower 40 of parcel 3. The revised 2009-10 map has removed the homes on the upper ridges, lots off the lower 40 acres of parcel 3, and has confined the bulk of development into the bench bowl area, significantly reducing visual impacts of the project. He said city staff is recommending 54 lots. He said if 54 lots are approved, the project would be configured to the 2008 map rather than the revised 2009-10 map. He said they have resolved most issues raised by staff relating to retaining walls, emergency access grading, view impact, trails, and equestrian uses, with the exception of density, which he presented in the 3-D GIS based simulation. He said they disagree with staff's recommendation on grading and stated they cannot reconcile reducing the safety of the project to accommodate grading reductions. Their resistance is based on the recommendation of the fire experts and meetings with L. A. County Fire Department which felt the double turnaround is a benefit to public safety.

Mr. Stringfellow defined private ownership of surrounding properties and said Parcel 3 above the 210 freeway is not visible from Maverick or from homes below or above and the 40 acres are being offered to the City for tax credits. He said they are committed to building the double turnarounds on their property and will pursue the purchase of the County property through the County, however, there are no guarantees they will be able to acquire the property.

Mr. Stringfellow summarized the mechanical stabilized earth walls that will be found in four primary locations within the project, all of which limit visibility. He said the City Council must consider two key public safety issues related to the adequacy of four proposed emergency access routes for the project and if it finds that none of the accesses are adequate, must consider if the project meets standards for single access development. He added that by putting in this development, the fire protection plan also benefits the surrounding residents.

Mr. Stringfellow said based on analysis conducted for National, State, County and Local government fire code standards, the Fire Consultant concluded:

- 1) The existing preferred secondary emergency access route is designed with the turnaround which meets requirements of the mitigation measure;
- 2) A recorded restricted covenant insures secondary emergency access would be preserved if future development occurs;
- 3) The fuel modification plan provides defensible space in lieu of secondary access;
- 4) The fire protection plan mitigates loss.

In response to Council, Mr. Stringfellow replied that NJD owns the easement rights to use the easement that crosses through the multiple properties. He said by conditioning them to have a secondary access, if jurisdictional approvals from Glendora are not obtained, the City of San Dimas has to either get approval or waive the condition.

Mayor Pro Tem Ebner left the dais at 11:29 p.m. and returned at 11:32 p.m.

Mr. Stringfellow said the only issue that remains unresolved is the number of horses proposed to keep on site. He said the reason they are asking for a reduced number of horses is 1) it is not in keeping with the character of the community to have a large number of horses; 2) public safety concerns, the issue of an evacuation plan was discussed; they are not in a position to evacuate more horses than people. They are asking the City Council to reduce the number to two horses per acre, with a maximum of five horses per lot. He said the proposed project balances the interests of the community, creates open space, scenic vistas, improves and preserves biological features of the site, produces a market designed product, enhances revenues to the City, is economically viable for the Developer, and provides for public safety. He respectfully requests approval.

In response to Councilmember Templeman, Mr. Franklin said he is recommending approval as a fire expert if secondary emergency access were to be eliminated for the cul de sac approach because of the construction methods being used, and said this project exceeds all the code requirements with the fuel modification plan.

Tentative Tract Map:

Mr. Stringfellow stated that under the terms of the settlement agreement the City was obligated to prepare and process both the General Plan amendment and Specific Plan No. 25 amendment necessary to implement the proposed Tentative Tract Map. After the processing of all requested documents, the City determined that studies were necessary for the support of the General Plan Amendment, Specific Plan No. 25 amendment, and Tentative Tract Map as submitted by the applicant and found consistent with Option A of the proposed amendment. He pointed out the unresolved issues of the Tentative Tract Map, with the following conditions:

Condition 12(a) - The applicant prefers approval of a single access subdivision;
Condition 25 - asking L.A. County Flood Control District to determine if drainage acceptance letters are required for downstream property owners. The Planning Commission agreed with the recommendation.
Condition 26 - Applicant believes \$100,000 is sufficient for emergency clearing of northerly debris basins; in the event the Homeowners Association fails to clean the northerly debris basins, the city has the right to do the work and lien the property. He stated that would be granted by the Homeowners Association documents. If the city/applicant cannot agree on \$100,000, the applicant would agree an independent third party should be used to help decide the amount of bond.
Condition 56(c) - requested proposed trail be removed that runs between Laurette's property and back of lot 20 primarily because there is no access there, and it could be a conservation area.
Condition 57 - requested that the term "shall" be changed to "may" on both lighting issues because they were never discussed with NJD or city staff, and they do not know the scope of work they are to do.
Condition 58 - they would prefer to not use standard street lights and are looking at mitigation measures to reduce and minimize lighting impact in the northern foothills and they believe the number of lights needed would be part of their architectural plans and design of the project.
Condition 59 - applicant disagrees with restrictions to the naming of project streets. They would like the City Council to approve the phasing plan.
Fire Department condition should read that when the Tentative Tract Map and Development Agreement conflict with the Fire Department's conditions, the Tentative Tract Map and Development Agreement shall control.

Development Agreement:

Mr. Stringfellow said they are looking for direction from the City Council on the following four major issues:

- 1) Staff requests that NJD grant a trail license on Parcel 3 (McHenry property) prior to recording of Phase I of the final map so the public and equestrian community can have access to existing trails. The applicant would like the City to assume the cost risk and maintenance enforcement of any restrictions.
- 2) If the final map is not approved, the applicant would like the license returned to them.
- 3) Staff is requesting the 84 acres be transferred shortly after approval of the Tentative Tract Map. The applicant prefers the 84 acres be transferred concurrent with recording of Phase I of the final map or, prior to transfer, and would like the property fenced for insurance purposes and a reversion clause that the property would be returned if applicant is unable to get all discretionary approvals from the various agencies and is unable to record the final map.
- 4) City asked to remove attorney fee clause. The applicant would like attorney fee clause left in.

Kim Scott, 3300 East First Avenue, Suite 510, Denver, CO, said that on September 28, 2010 a letter went to the City offering the south 40 acres (McHenry property) and the Begin property as a gift provided it is not taken up by detention basins. Also, they are waiting for the City Attorney to send back the deed restriction for uses. Mr. Scott Kim committed to do that due to excess inventory based on the negotiated 61 units. He said the easement that goes through Glendora property for secondary access was granted and Glendora did a General Plan Amendment confirming it was for emergency access only.

Mayor Morris invited members of the audience to comment on the project.

- 1) Don Green, 127 Maverick Drive, said that in the past, one of the plans called for 54 homes and at the last meeting, 61 homes were discussed. He expressed concern with four large homes being built on the upper ridge behind his home and said the hillside is unstable.

Mayor Morris clarified that the Planning Commission recommended 61 units and staff recommended 54, but there is no plan for 54 units. The City Council will consider whether to adopt the position of the Planning Commission or staff's Alternative B for a 54 unit maximum. He said the area above Mr. Green's home is not part of the plan being considered.

In response to Council, Mr. Stevens replied that the Developer was concerned with economic value if the number of lots is reduced. He confirmed there is no plan for 54 lots, however, if the City Council approves 54 lots, the Developer would have to revise the map, which would come back for the City Council's consideration. If the applicant came back with a proposal for houses on the ridge, the environmental analysis would need to be revised.

2) Marvin Ersher said he resents the idea of quid pro quo to give the city land for approving the development. He said it was a good development for the city, however, large homes are difficult to sell and the City should look at mansionization issues. He said the project would be better off without equestrian lots, since not one equestrian will move in. He agreed with the new plan, and will go along with locking cul de sacs and saving 100 walnut trees for preservation.

There being no one else wishing to speak, Mayor Morris closed the public hearing and brought back the item for Council consideration.

Mayor Morris reopened the public hearing for the purpose of having Attorney Houston respond to Councilmember Badar's concern about why the City of Glendora has concerns about NJD's right to legal access.

In response to Councilmember Badar, Attorney Michael Houston, Rutan & Tucker, 611 Anton Blvd., Costa Mesa, said in 1919 an easement was conveyed to a number of properties in the vicinity, including property held by NJD. He said the questions the City of Glendora raised is not whether they have a right to the easement, but whether that right for an easement could be used for certain types of access. He said Mr. Stringfellow raised the point with the General Plan Amendment limiting access to emergency access only. He added that the City of Glendora has further restricted whatever easement rights there may have been. Mr. Houston stated their position is that they are not overburdening at all and he would view the City of Glendora's letter as kind of a preservation of rights from a civil law perspective that if, in fact, there is an overburdening, they have preserved their right to enforce that against private property, not against the city itself. He added that several years ago, there was a lot line adjustment on one of these lots that was in Glendora, and also went into City of San Dimas, and he felt there were still easement rights that went into San Dimas at that time with that lot line adjustment affected by the City of Glendora.

In response to Mayor Pro Tem Ebiner, Assistant City Manager Stevens replied the City of Glendora has an amendment to the circulation element of their General Plan, which included the restriction about access roads going across city boundary lines, with the exception of emergency access. He added that staff and the Fire Department are not comfortable with approving the project on a single means of access.

In response to Councilmember Badar, Assistant City Manager Stevens replied that accesses exist and have been historically used in the event of a fire, however, the introduction of new development makes staff and the Fire Department think at least one of those accesses should be improved to all weather standards, should be an adequate width, and should be guaranteed for future maintenance. He stated that this summarizes the Fire Department's position and continues to be the recommendation of the City Engineer and Planning staff.

Councilmember Templeman said he believes there is secondary emergency exiting available.

Mayor Morris said he would like to see that documentation exists in perpetuity signed off by the City Attorney.

Kim Scott committed to file appropriate deed restrictions and a maintenance agreement for the emergency access.

Councilmember Bertone said he is not against the project and is willing to support staff's recommendation. He felt that under the settlement agreement the applicant is entitled to 33 homes and Mr. Bertone felt 54 is a good compromise.

Mayor Pro Tem Ebner said trail connectivity is a priority for him to have the ability to walk, run, ride horses and bicycles in a pleasant environment.

Councilmember Templeman said trail connectivity was the most important element from the Equestrian Commission as well.

Mayor Morris asked for comments on Resolution No. 2010-67 certifying the Environmental Impact Report.

Councilmember Bertone said the Environmental Impact Report is a document of disclosure and lists cumulative impacts as less than significant after mitigation. He felt the document should reflect significant and avoidable impacts and file a statement of overriding consideration. He opposed certifying the document.

After the title was read, it was moved by Councilmember Templeman, seconded by Councilmember Badar, to waive further reading and adopt **RESOLUTION NO. 2010-67**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, AS REQUIRED BY THE CALIFORNIA CODE OF REGULATIONS SECTION 15090, ADOPTION OF FINDINGS FOR THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVAL OF A MITIGATION MONITORING AND REPORTING PROGRAM FOR GENERAL PLAN AMENDMENT 08-02, MUNICIPAL CODE TEXT AMENDMENT 08-04, TENTATIVE TRACT MAP NO. 70583 AND A DEVELOPMENT AGREEMENT ASSOCIATED THEREWITH.

Mayor Pro Tem Ebner expressed concern with voting for the Resolution that approves a General Plan Amendment, Code Amendment, Tentative Tract Map, and Development Agreement that have not yet been approved. He cannot vote on this item until they know which general plan amendment has been approved.

Mr. Ebner said mitigation measures for lighting are not specific enough in the environmental impact report; this development is not protecting the northern foothills; removing 220 coastal live oaks and 38 walnut trees is not insignificant; based on the Planning Commission recommendation of the General Plan, the project is not sensitive to the unique character of the northern foothills; and connective trail access to adjacent properties should be included in future actions.

City Attorney Brown responded to Councilmember Templeman that if the action of the City Council is to approve the Environmental Impact Report, General Plan Amendment, Specific Plan Amendment, Tentative Tract Map and the Development Agreement, the Development Agreement and Specific Plan require a second reading of the Ordinance and he suggested the Mayor appoint a subcommittee of the City Council to assist in fine tuning the Development Agreement to include trails for equestrian, bicycles, and pedestrian use, details of the license, and the Tentative Tract Map condition 56(c) that deals with the east/west.

The motion carried by the following vote:

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

- c. Consideration of General Plan Amendment 08-02, a request to amend the General Plan to implement the NJD Settlement Agreement and accommodate the proposed Tentative Map design, including but not limited to; Increasing the Maximum Allowable Density; Revising Recommended Environmental Thresholds and Appropriate Levels of Development; Revising Objectives and Policies; and

Consideration of Specific Plan Amendment 08-04, a request to amend Specific Plan No. 25 to implement the NJD Settlement Agreement and to accommodate the proposed Tentative Map design, including, but not limited to: Increasing the Maximum Allowable Density; Revising Standards for Lot Size, Open Space and "No Building" areas, Grading, Building Height, Lot and Site Design, and Access and Circulation, for the Brasada Residential Project, located on 273 acres in the western portion of the Northern Foothills of San Dimas. Applicant: NJD, Ltd.

- 1) **RESOLUTION NO. 2010-68**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING GENERAL PLAN AMENDMENT 08-02, AMENDING VARIOUS GENERAL LPLAN POLICIES AND OBJECTIVES AFFECTING THE NORTHERN FOOTHILLS.
- 2) **ORDINANCE NO. 1201**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 08-04, AMENDING THE MAXIMUM ALLOWABLE DENSITY AND OTHER DEVELOPMENT STANDARDS IN SPECIFIC PLAN NO. 25 IN THE NORTHERN FOOTHILLS AREA. **FIRST READING AND INTRODUCTION**

Councilmember Bertone stated he is opposed to making multiple changes to the General Plan and Specific Plan to accommodate this project.

Mayor Morris stated that after seeing what the raging fires could do in the northern foothills, he believes the improvement to a cluster development as a way to protect the development from fire is a better choice.

Councilmember Templeman agreed that clustering is more appropriate for public safety and said the houses have been located in such a way as to eliminate visibility issues.

Councilmember Bertone stated he is in favor of a clustered development.

Mayor Pro Tem Ebner said protecting the foothills has always been his goal. He felt that the goals and objectives adopted ten years ago were too radically altered by the amendments and no longer protect the topographic and scenic character of the northern foothills, integrity of habitats, habitat linkages, and threatened or endangered species. He felt that staff's recommendation Option B would still allow the project to go forward.

Assistant City Manager Stevens stated that some language recommended by the Planning Commission makes it clearer that could be interpreted more favorably toward the Developer's proposal than some of Option B language. He said some objectives in Option B such as density, grading, or habitat would not have allowed the project to go forward.

Councilmember Badar said the Subcommittee discussed this item for the past two years and he thought comments brought up can be discussed and resolved in a study session.

Mayor Morris said the project keeps intact 83 acres and the debris basin. The biggest impact of all the development is the road, which requires excessive grading, and he felt the number of units whether 54 or 61, is arbitrary.

After the title was read, it was moved by Councilmember Templeman, seconded by Councilmember Badar, to waive further reading and adopt **RESOLUTION NO. 2010-68**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING GENERAL PLAN AMENDMENT 08-02, AMENDING VARIOUS GENERAL PLAN POLICIES AND OBJECTIVES AFFECTING THE NORTHERN FOOTHILLS.

The motion carried by the following vote:

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

After the title was read, it was moved by Councilmember Badar, seconded by Councilmember Templeman, to waive further reading and introduce **ORDINANCE NO. 1201**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING MUNICIPAL CODE TEXT AMENDMENT 08-04, AMENDING THE MAXIMUM ALLOWABLE DENSITY AND OTHER DEVELOPMENT STANDARDS IN SPECIFIC PLAN NO. 25 IN THE NORTHERN FOOTHILLS AREA.

In response to Council, Assistant City Manager Stevens replied that density standards for Planning Area No. 1 would allow .0225 dwelling units per acre which would be 61 lots within the 270 acres. He said that changes that affect Planning Area No. 2 include a limited opportunity for two-story residences and a change in grading standards to accommodate up to 12 foot high retaining walls. He said the other standards in Planning Area No. 2 remain unchanged.

In response to Councilmember Bertone, Mr. Stevens said that staff is attempting to distinguish development feasibility zones and topography, using some parameters from the original specific plan. He said this particular area is flatter and more accessible than most foothills, which is the basis for the rationale in the separate two areas.

The motion carried by the following vote:

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

- d. Consideration of Tentative Tract Map 70583, a request to develop 61 Single Family Residential lots, seven common area lots, one 83-acre parcel for potential open space, and related infrastructure for the Brasada Residential Project, located on 273 acres in the western portion of the Northern Foothills of San Dimas. Applicant: NJD, Ltd.

- 1) **RESOLUTION NO. 2010-69**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING TENTATIVE TRACT MAP NO. 70583, A REQUEST TO SUBDIVIDE APPROXIMATELY 270 ACRES INTO 61 RESIDENTIAL LOTS ON THE PROPERTY LOCATED AT NORTHERLY EXTENSION OF CATARACT AVENUE INTO THE NORTHERN FOOTHILLS (BRASADA RESIDENTIAL DEVELOPMENT).

In response to Council, Assistant City Manager Stevens said the Planning Commission conditions require a minimum of one emergency access road proceeding in a westerly direction from the double turnaround on Brasada Lane to the nearest public street in the City of Glendora, a minimum of 20 feet wide, improved to all weather standards. He said although the City Engineer is required to confer with the Fire Department, the final decision will be made by the City Engineer. He added that if approval by the City of Glendora is required by their ordinance, jurisdiction will be solicited and staff will ask for documentation about the use, maintenance and availability to be approved by the City Engineer.

In response to Mayor Morris, Mr. Stevens replied that the applicant would prefer Condition 12(a) related to secondary emergency access be deleted, however, Mr. Scott has stated he would voluntarily provide an documentation for an easement assuring a secondary access. It is staff's position that conditions of approval would be more enforceable.

Mayor Pro Tem Ebner would like a more concrete condition as it relates to lights and trails. He thought it would be appropriate to continue this vote to the next meeting.

Mayor Morris said if staff and legal counsel are satisfied with the easement recorded in perpetuity assuring a secondary access, he can accept staff's decision on that issue.

It was the consensus of the City Council to defer approval of this condition until staff, City Attorney, and the Developer can resolve the issues of trails, lighting mitigation, and affirmations of secondary emergency access maintenance agreement.

Mr. Stevens said he has direction on 12(a), 56(c), 57 and 58. He identified points of disagreement and before a motion is made, he requested consensus from the City Council on Condition 25 - objection to including City Engineer in determining the offsite drainage acceptance; Condition 26 - method of surety and amount of funds; and Condition 59 - street naming.

The City Council had no problem with Conditions 25 and 26 as written, and no problem with the applicant's requested street names in 59, and 61 lots.

It was moved by Mayor Pro Tem Ebner, seconded by Councilmember Templeman, to reopen the public hearing for purposes of continuing the public hearing to January 11, 2011, and to direct staff to work with the applicant to address the identified issues relative to Tract Map and associated conditions. The motion carried unanimously.

The public hearing was closed.

- e. Consideration of Development Agreement, a request to enter into a statutory development agreement vesting certain land use entitlements and approvals granted by the City if the proposed project is approved, for the Brasada Residential Project, located on 273 acres in the western portion of the Northern Foothills of San Dimas. Applicant: NJD, Ltd.

1) **ORDINANCE NO. 1202, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING A DEVELOPMENT AGREEMENT RELATING TO THE APPROVAL OF A RESIDENTIAL DEVELOPMENT FOR 61 SINGLE-FAMILY RESIDENTIAL LOTS IN THE NORTHERN FOOTHILLS OF SPECIFIC PLAN NO. 25. FIRST READING AND INTRODUCTION**

Mayor Morris stated that City Attorney Brown would appreciate Council direction on issues that are not fully resolved.

City Attorney Brown explained that the conditions that are approved will govern this development for a period of 14 years. He asked if there was consensus on the time frame.

It was the consensus of the City Council to provide a period of 14 years.

Mayor Morris said it is not of great importance to him that the 84 acres be transferred to the City in advance of recordation, however, he felt it was reasonable to grant the city license for use of the trails on the property. He had no objection to returning the property if the development does not move forward and he does not have a problem agreeing to hold them harmless if it does not cause the City to lose immunity.

Councilmember Templeman stated he wants the property fenced but is not willing to spend money on fencing when he anticipates the Developer will fence the property in the future.

City Attorney Brown said he will work out terms with the Developer on the transfer of the 84 acres, resolve the issues of indemnity, maintenance of the trail, conveyance of 40 acres, and limitations on the property, to be presented to the City Council on January 11, 2011, and recommended the City Council introduce Ordinance 1201 approving the Development Agreement with those anticipated revisions.

After the title was read, it was moved by Councilmember Templeman, seconded by Councilmember Badar, to waive further reading and introduce **ORDINANCE NO. 1202**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING A DEVELOPMENT AGREEMENT RELATING TO THE APPROVAL OF A RESIDENTIAL DEVELOPMENT FOR 61 SINGLE-FAMILY RESIDENTIAL LOTS IN THE NORTHERN FOOTHILLS OF SPECIFIC PLAN NO. 25. The motion carried by the following vote:

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

6. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 1:37 a.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 1:39 a.m..

7. MEETING OF SAN DIMAS PUBLIC FACILITIES FINANCING CORPORATION

Mayor Morris recessed the regular meeting at 1:39 a.m. to convene a meeting of the San Dimas Public Facilities Financing Corporation Board of Directors. The regular meeting reconvened at 1:40 a.m..

8. MEETING OF SAN DIMAS HOUSING AUTHORITY CORPORATION

Mayor Morris recessed the regular meeting at 1:40 a.m. to convene a meeting of the San Dimas Housing Authority Corporation Board of Directors. The regular meeting reconvened at 1:41 a.m..

9. ORAL COMMUNICATIONS

- a. Members of the Audience (*Speakers are limited to five (5) minutes or as may be determined by the Chair.*)

- 1) Sid Maksoudian said if he had appealed Development Plan Review Board Case No. 10-28 installation of security grates at Computer Village, he would have been able to comment. He said City Manager Michaelis suggested he write to the City Council requesting the item be brought back in January for further discussion.

- b. City Manager

City Manager Michaelis stated he explained to Mr. Maksoudian that the issue of security grates was closed and if Mr. Maksoudian wanted that item brought back for discussion, he can write a letter asking the City Council for their decision to re-hear the appeal.

- c. City Attorney

There were no comments.

d. Members of the City Council

1) Appointment to Senior Citizen Commission.

Mayor Morris said a Commissioner recently resigned from the Senior Citizen Commission and applicants from previous interviews were considered for the vacancy.

It was moved by Councilmember Bertone, seconded by Councilmember John, to appoint Chester Sasaki to the Senior Citizens Commission for a term through May 31, 2012. The motion carried unanimously.

2) Councilmembers' report on meetings attended at the expense of the local agency.

There were no meetings attended at the expense of the City.

3) Individual members' comments and updates.

1) Councilmember Templeman said he heard many positive comments about the Holiday Extravaganza and he appreciates staff's contributions. He wished everyone Happy Holidays.

2) Councilmember Bertone said the City budgets \$5,000 toward the yellow bus program sponsored every year by the Los Angeles County Fair to provide educational trips to the fair to elementary students. Once again sufficient funds were raised and there was no need to use city funds.

3) Councilmember Bertone said he would be happy to arrange a tour of the new \$3.5 million green Humane Society building for anyone interested. He wished everyone Happy Holidays.

4) Mayor Morris praised staff and the Holiday Extravaganza. He added that the issue of Security Grates was not scheduled for public hearing and since the City Council is the deciding body on an item that is appealed, there is no public input.

10. ADJOURNMENT

Mayor Morris adjourned the meeting at 1:58 a.m. The City Council will next meet on Tuesday, January 11, 2011, at 7:00 p.m.

Respectfully submitted,

Ina Rios, CMC, City Clerk



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the Meeting of February 8, 2011

From: Public Works Department *pp*

Subject: Cash Contract No. 2011-01, "First Street Sidewalk Replacement Project at the Civic Center Park"

1. **Appropriation of \$60,000 from the Infrastructure Funds**
2. **Award of Cash Contract No. 2011-01, "First Street Sidewalk Replacement Project at the Civic Center Park" to Mora's Equipment and Construction Inc. for the amount of \$41,956.92**

Summary

At the City Council Retreat of October 11, 2010, the Council approved a project to remove and replace hazardous sidewalk on First Street. At that time the estimated cost estimate was \$40,000. The total project budget with survey, soils testing and contingency would need to be approximately \$60,000. Staff recommends that Council consider appropriating the \$60,000 needed to fully fund the project budget from the Infrastructure Fund.

The request is also for the City Council to award Cash Contract No. 2011-01, "First Street Sidewalk Replacement Project at the Civic Center Park" to Mora's Equipment and Construction Inc. for the bid amount of \$41,956.92.

BACKGROUND

At the City Council Retreat of October 11, 2010, the Council reviewed several alternatives including a proposal for a long-term permanent improvement plan to widen First Street, west of Iglesia Street in an effort to address parking concerns and enhance the appearance of First Street. Council consensus determined that the proposed improvements for an estimated cost of \$161,000 were not appropriate at the time, but approved a concept for the removal and replacement of some of the hazardous sidewalk around the trees on the north side of First Street from east of Iglesia Street (south side of the Civic Center Park).

In an effort to minimize City liability, the scope of work for the \$40,000 concept approved consisted of removing hazardous sidewalk panels that have been lifted by trees and replacing them with decomposed granite (DG); construction of a new six (6) foot wide concrete sidewalk; and relocating existing irrigation lines, valves, and heads.

Upon further review in the field by staff, we took the opportunity to add the replacement of the sub-standard cross gutter on the east side of the intersection of Iglesia Street and First Street in the interest of public safety. In addition, due to high pedestrian activity as a result to public events in that area, staff also took the opportunity to add the replacement of the sub-standard wheelchair ramps at both entrances of City Hall and Senior Center parking area.

5d

DISCUSSION

Sealed bids were received by the City Clerk on Wednesday, February 2, 2011 and publicly opened for Cash Contract No. 2011-01, "First Street Sidewalk Replacement Project at the Civic Center Park"

The bid results are as follows (this summary of bid results is posted on the City's website and all bids are available if requested):

1. Mora's Equip. & Const. Inc.	\$ 41,956.92
2. CT&T Inc.	\$ 51,643.60
3. JDC Inc.	\$ 51,765.50
4. SJ Grigolla Const. Co.	\$ 52,437.50
5. Above All Names Const.	\$ 53,051.50
6. ABECS, Inc.	\$ 54,281.74
7. Kormx, Inc.	\$ 55,010.00
8. C.J. Const. Inc.	\$ 58,306.50
9. Aramexx Const.	\$ 60,130.00
10. Black Rock Construction	\$ 62,000.50
11. Gentry Brothers, Inc.	\$ 63,865.00
12. Nature Tech Landscaping	\$ 67,000.00
13. STL Landscape, Inc.	\$ 69,500.00
14. Elite Bobcat Service, Inc.	\$ 81,075.00

Incorporating the lowest bid, the project budget would be as follows:

Mora's Equip. & Const. Inc. Contract Cost	\$ 41,956.92
Contingency (~20% of Contract Amount)	\$ 8,400.00
Construction Survey Services	\$ 3,500.00
Soil Testing	\$ 6,000.00
Project Budget	\$ 59,856.92

The contingency for this project has been increased to twenty percent (20%) due to the amount of the contract.

Staff has reviewed the bid proposal and bid bond provided by the lowest responsible bidder, Mora's Equipment and Construction Inc. The contractor's bid bond is issued by an admitted surety, as required by Public Contract Code 20170. Staff confirmed through the State Contractor's License Board that the contractor's license number 910902, Class A expires on 2/29/2012. Based on the contractor's history and the references reviewed, the contractor is competent in this type of work.

RECOMMENDATION

Staff recommends the City Council consider approving the following:

1. Appropriating \$60,000 from the Infrastructure Funds to complete this Project.
2. Awarding Cash Contract No. 2011-01, "First Street Sidewalk Replacement Project at the Civic Center Park" to Mora's Equipment and Construction Inc. for the amount of \$41,956.92.

Respectfully submitted,

Steven Barragan
Associate Engineer



CITY OF SAN DIMAS
MINUTES
SAN DIMAS REDEVELOPMENT AGENCY MEETING
TUESDAY, JANUARY 25, 2011
SENIOR CITIZEN/COMMUNITY CENTER
MULTIPURPOSE ROOM, 201 E. BONITA AVENUE

PRESENT:

Chairman Curtis W. Morris
Vice Chairman John Ebner
Mr. Emmett G. Badar
Mr. Denis Bertone
Mr. Jeffrey W. Templeman
Executive Director Blaine Michaelis
Agency Attorney Ken Brown
Secretary Ina Rios
Assistant City Manager of Community Development Larry Stevens
Assistant City Manager Ken Duran
Director of Development Services Dan Coleman
Director of Public Works Krishna Patel
Director of Parks and Recreation Theresa Bruns

CALL TO ORDER

Chairman Morris called the meeting to order at 8:58 p.m.

ORAL COMMUNICATIONS (This is the time set aside for members of the audience to address the Board. Speakers are limited to three minutes.)

No one spoke.

APPROVAL OF MINUTES

It was moved by Mr. Templeman, seconded by Mr. Ebner, to approve the minutes of the January 11, 2011 meeting. The motion carried unanimously.

EXECUTIVE DIRECTOR

There were no comments.

MEMBERS OF THE AGENCY

There were no comments.

ADJOURNMENT

Chairman Morris adjourned the meeting at 8:59 p.m.

Respectfully submitted,

Ina Rios, Secretary

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Agenda Item Staff Report

TO: Agency Chairman and Board Members
For the Meeting of February 8, 2011

FROM: Blaine Michaelis, Executive Director

SUBJECT: Letter in Opposition to Governor Brown's Budget Proposal to Eliminate California Redevelopment Agencies

BACKGROUND

One element of Governor Brown's proposed State budget is the elimination of Redevelopment Agencies throughout California. He represents that there is \$1.7 billion in available tax increment from the elimination of Redevelopment that could be used to fund other programs. There has not been a lot of detail as to where the \$1.7 billion number comes from or how the dismantling of Redevelopment Agencies would actually occur, especially since most Agencies, San Dimas included, have a great deal of long term outstanding debt and development agreement commitments. In San Dimas case all most all of our annual tax increment revenue goes toward payment of debt or obligations.

In addition to the fact that it doesn't seem that there actually is \$1.7 billion available, the elimination of Redevelopment would eliminate what has proven to be an important economic development tool throughout the State. In San Dimas' case Redevelopment has been extremely beneficial in eliminating physical and economic blighted conditions, been the catalyst for new development and provided needed affordable housing.

Both the League of California Cities and the California Redevelopment Association are encouraging Cities with Redevelopment Agencies to express our opposition to the Governor and State Legislation for the proposal to eliminate Redevelopment Agencies.

RECOMMENDATION

Staff recommends that the Agency Board authorize the Mayor to send the attached letter of opposition to the Governor and our State Legislative Representatives.

6c(2)

2/8/2011

The Honorable Jerry Brown
Governor, State of California
State Capitol, Suite 1173
Sacramento, CA 95814

Dear Governor Brown:

I write today on behalf of the City of The City of San Dimas to express concern regarding your January Budget Proposal. Specifically, the City of San Dimas has concerns regarding the proposals to eliminate Redevelopment Agencies in California. Eliminating this important program will have grave consequences on California's economy and the City of San Dimas.

From a policy standpoint, the elimination of Redevelopment makes no sense. Redevelopment fundamentally boosts the economy, and is an essential tool in the state's economic recovery. Redevelopment builds and improves communities, spurs job growth and taxes and is the most significant provider of infrastructure, urban development and affordable housing in the state.

Ultimately, California's budget crisis will be solved by strengthening California's economy and creating jobs. We pride ourselves on the good partnerships we have built with businesses in our city, as should the state. Now is not the time to abandon these partnerships and the resulting infrastructure creation. We strongly encourage you to consider the constitutional and economic implications of enacting the budget you have proposed.

We look forward to working with you to find solutions that will address the state's fiscal problems while also supporting tools for economic growth.

Sincerely,

Mayor Curtis Morris

CC: State Legislators
Dan Carrigg, Legislative Director, League of California Cities