



MINUTES
REGULAR CITY COUNCIL
TUESDAY, JANUARY 11, 2011, 7:00 P. M.
MULTI-PURPOSE ROOM
SENIOR CITIZEN/COMMUNITY CENTER
201 E. BONITA AVE.

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 Public Works Krishna Patel
Director of Parks and Recreation Theresa Bruns
Building and Safety Superintendent Eric Beilstein
Housing Coordinator Elisa Mitchell

1. CALL TO ORDER AND FLAG SALUTE

Mayor Morris called the meeting to order at 7:00 p.m. and led the flag salute.

2. RECOGNITIONS

- Recognize San Dimas Little League Teams and Coaches

Tim Roe provided a brief background on the Team's winnings and congratulated 12-year old members of the San Dimas Little League who won both the District 20 Championship and Division 3 where they took home Championship honors; and 10-year old members who also won District 20 Championship and advanced to Division playoffs.

In recognition of their achievement, City certifications were presented to 10-year old Players Kyle Bachmann, Kenneth Garcia, Jared Hanes, Travis Harris, Kyler Morelli, Brendan Ridge, Daniel Tubbs, Dylan Ware and David (DJ) Woo, led by Coaches John Bachmann and Dan Woo; 12-year old Players Brian Begin, Matthew Corona, Andrew Garcia, Cody Hanes, Austin Isenhardt, Brady Lange, Derek Matthews, Erick Ware and Noah Williams, led by Coaches Rob Hanes and Drew Williams. Not present were: Kurt Frescas, Lucas McGill, Matthew Madrid, and Montgomery Montenegro,

Mr. Roe thanked staff and parents for their dedication and hard work supporting youth sports. He mentioned that tryouts will be held Saturday.

Mayor Morris said this is a great partnership between the parents and the city. He praised and congratulated Mr. Roe for the great job in taking on the responsibility to move the organization forward.

3. ANNOUNCEMENTS/PRESENTATIONS

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

Pui-Ching Ho, Library Manager, said activities for the months of January and February 2011 include an SAT Practice test and followup scores; presentation on college choices; a recycled Art Workshop; and the Book Party discussion for the book "Outlander". For detailed information, contact the Library at 909/599-6738.

b. 50th Anniversary Flashback

Bill Emerson, Historical Society, said he, Susan Davis and David Harbin presented 23 flashbacks in 2010. He thanked Research Team members Susan Davis, Terry Templeman, and Connie Brown who accumulated data for the Flashbacks; and Susie and Mitchell Crawford who burned the DVD.

c. Soroptimist International of San Dimas-La Verne presentation on Stop Human Trafficking

Rhonda Beltran, President, Soroptimist International of San Dimas-La Verne, a service organization of business and professional women dedicated to improving the lives of women and girls locally and globally said today is Human Trafficking Awareness Day. She introduced Sandy Snyder, Kevin Frey, Joe Fransen, and Sheryl Panzer, members of the organization who brought awareness on human trafficking, as a modern-day form of slavery for sex and labor and encouraged the use of the Referral Hotline 1.888.373.7888 if anyone suspects a person is being used for trafficking in our own community:

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

1) Aunisha Leffridge and Shelbie Moore, Lone Hill Middle School, highlighted athletic victories; fundraisers; and reported field trips to the Santa Monica Aquarium and UCLA campus.

2) Jessica Valo, Executive Board President, San Dimas High School, highlighted the winter sports rally and formal dance and said students are preparing for finals and seniors are getting ready for graduation. She thanked Councilmember Badar for his visit to one of the English classes and hoped he enjoyed his time watching the debate.

3) Rhonda Beltran, President, Soroptimist International of San Dimas-La Verne, extended an invitation to the City Council and the community to attend their fundraiser on Saturday, March 5, 2011, 6:00 p.m. at Avalon, for a great time dancing, music, live and silent auction. She said proceeds benefit all local Soroptimist programs.

4) Kevin Frey, Administrative Aide, introduced the Senior Handyman Program, a new volunteer based program to help senior citizens with minor home repairs. He said if anyone is interested in volunteering, information is available on the City's website at www.cityofsandimas.com.

- 5) Margie Green, Chairman, Director of the Board, Chamber of Commerce, highlighted the Chamber's activities including the State of the City address by Mayor Morris on January 13th; Chamber Mixer on January 20th; Citizen of the Year dinner honoring Michael Kelly on January 27th; and the retirement party for Sandra Neas and Ted Powl on February 10, 2011.
- 6) Ted Powl, Chamber Volunteer, said registration is open for the Civic Academy commencing mid-March for seven weeks to learn how the various organizations and agencies operate to make the City a wonderful place to live. He said the cost is \$98 and includes meals and a commemorative Western shirt.
- 7) Ted Powl, Chamber Volunteer, said the Chamber of Commerce is sponsoring the Candidates Forum on Tuesday, February 15, 2011 at 6:00 p.m. He invited the community to meet the candidates and submit questions.
- 8) Sid Maksoudian took a moment to honor victims injured in Arizona and said he has also been victimized by bigotry.
- 9) Larry Stevens, Assistant City Manager of Community Development, announced that the Metro Gold Line Foothill Extension Construction Authority will host a series of public meetings to review the environmental process for Phase IIb of the Gold Line Extension. He said the first meeting starts on January 12 in Pomona and a meeting will be held in San Dimas on Thursday, January 20, between 6:00 p.m. to 8:00 p.m., at Ekstrand Elementary School. He said the meeting will consist of an update of the status of the project and allow questions and answers, with an open house at the end of the meeting. If anyone has questions, they can contact the Gold Line Authority at (626) 471-9050 or www.foothillextension.org. He added that the City of San Dimas will also post information to the city's website at www.cityofsandimas.com

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.)

It was moved by Mayor Pro Tem Ebner, seconded by Councilmember Bertone, 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) **RESOLUTION NO. 2011-01**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF DECEMBER 2010 AND JANUARY, 2011.
- b. Tax Sharing Resolutions approving and accepting negotiated exchange of property tax revenues resulting from annexation to County Sanitation District No. 21 (Annexation No. 732) Lot 4 of Tract 43086 on Rebecca Drive.

END OF CONSENT CALENDAR

6. PUBLIC HEARING

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

- a. Performance Report for FY 2009-10 and FY 2010-11 CDBG Program Years and Proposed FY 2010-11 Projected Use of funds.

Housing Coordinator Elisa Mitchell explained the subject grant program performance for fiscal years 2009-10 and 2010-11 as well as proposed use of 2011-12 funds. She recommended approval of the proposed FY 2011-12 CDBG Program as outlined in the staff report.

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

It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Ebiner, to approve the Community Development Block Grant FY 2011-2012 projected use of funds and authorize the City Manager to execute any and all documents necessary to further the projects approved herein, including but not limited to amendments and modifications thereto for CDBG projects with the Los Angeles County Community Development Commission, as recommended by Housing Coordinator Mitchell in her staff report for the meeting of January 11, 2011. The motion carried unanimously

- b. Precise Plan 10-01, a request to construct a 674 square foot addition for a deli/sandwich shop and a 656 square foot covered patio for outdoor eating area in conjunction with an existing fruit stand business at 264 E. Foothill Blvd. (APN: 8661-014-030) Applicant: Steve Rudy, Strawberry Farms. (TO BE CONTINUED TO JANUARY 25, 2011.)

- 1) **RESOLUTION NO. 2010-70**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING PRECISE PLAN NO. 10-01, A REQUEST TO CONSTRUCT A 674 SQUARE FOOT ADDITION FOR A DELI/SANDWICH SHOP AND A 656 SQUARE FOOT COVERED PATIO FOR OUTDOOR EATING AREA IN CONJUNCTION WITH AN EXISTING FRUIT STAND BUSINESS AT 264 E. FOOTHILL BLVD. (APN: 8661-014-030).

Mayor Morris opened and continued the public hearing on Precise Plan 10-01 to Tuesday, January 25, 2011, at 7:00 p.m., as requested by the applicant.

- c. 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 270± 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 of Community Development Stevens reported that the hearing was continued from December 14, 2010 to address concerns about emergency access and other unresolved details of several recommended conditions. He outlined a number of pending issues and said the primary unresolved issue relates to the secondary emergency access. Mr. Stevens stated that Kim Scott is asking for support of the project with a single means of access without the requirement for a secondary emergency access, although Mr. Scott stated he would voluntarily provide that secondary emergency access. Mr. Stevens said the applicant constructed a 24-foot wide all-weather roadway through his property in Glendora and has submitted to the City a draft restrictive covenant to assure its continued availability and maintenance. He added that both the City Engineer and Fire Department support the need to require a second emergency access as part of the Tentative Tract Map, however, there is not a final conclusion between the City Engineer and Fire Department that the existing roadway meets all standard requirements. Mr. Stevens

stated that a number of other issues arose and to address the applicant's concerns, modifications were made to condition numbers 21, 25, 26, 30, 31, 40, 56c, 58 and 59.

Mr. Stevens stated that both the City Engineer and the County Fire Department support the need for a secondary emergency access, however, a final conclusion is pending that the existing roadway meets all standard requirements.

The Planning Commission recommended approval of Tentative Tract Map 70583; Staff recommended revisions associated with grading and the number of residential lots. Staff recommended approval of Resolution No. 2010-69 approving the Tentative Tract Map as modified.

In response to the City Council, Mr. Stevens explained the difference between surety and bond, and said conditions as presented reflect changes in the General Plan, changes in the Specific Plan, and changes in the environmental document approved by the City Council.

In response to Mayor Pro Tem Ebner, Mr. Stevens replied that staff is requiring that all trails be public, meet city standards, and be dedicated to the city upon completion, however, onsite trails may be replaced by adequate offsite trails, subject to review and approval of an alternate trail system by the Equestrian Commission and Planning Commission. Mr. Stevens added that most trails will be addressed in the Phasing Plan and be developed as part of Phase I of the Tentative Tract Map. He further replied that general lighting standards will be applied.

In response to the City Council, Mr. Stevens stated that the secondary emergency access is deemed as a condition of approval and Condition 12(a) allows the City Engineer to make revisions consistent with the intent and provide higher fire safety. He said the Fire Code allows a minimum of 20-feet wide for these types of roads, and the City Engineer will likely determine that 20-feet is appropriate under the special design circumstances. Mr. Stevens stated that staff wants the Fire Department to comment on the secondary emergency access and load capacity before the City Engineer makes the final decision and felt both could be done within 30 days.

- d. 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 270± 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 RE-INTRODUCTION**

City Attorney Brown reported that at their December 14, 2010 meeting, the City Council approved the Environmental Impact Report, the General Plan Amendment, the Specific Plan Amendment, and introduced Ordinance No. 1202 approving the Development Agreement for the Brasada Residential Project in the Northern Foothills of San Dimas. He stated that discussions with the developer and his attorney have resulted in agreement on several issues. However, there are three open issues that the developer wishes to address. These are: (i) the license agreement over the existing motorways; (ii) deferring conveyance of the approximately 84 acres open space parcel to the City until recordation of the first final map; and (iii) insertion of an attorneys fee clause in the agreement. He presented the amended Development Agreement and because there are substantive changes, it was his recommendation that the City Council re-approve the Agreement and re-introduce Ordinance No. 1202.

Councilmember Templeman expressed concern accepting liability if the lower property is conveyed early.

Mayor Morris replied that the State of California has the strongest immunity statute if a property owner permits recreational uses on his land.

Assistant City Manager Stevens added that a condition in the map may require minor adjustment of property lines so all fuel modification obligations are on private parcel owners' property and the City will not inherit fuel modification maintenance responsibility.

In response to Councilmember Badar, City Attorney Brown replied that it may not be necessary to convey the 84 acres to the city until development proceeds.

Councilmember Bertone stated that open space has value, even if it is not used for recreational use. Mayor Morris replied that until a project is approved by the the City Council, the land remains open space.

In response to Mayor Pro Tem Ebner, Mr. Stevens replied that a condition of approval assures that whatever action is taken on the Tentative Tract Map is not affected until all corresponding elements are approved.

City Attorney Brown stated that the Developer's Attorney Michael Houston may want to comment on a provision in the agreement for transfer to the City of funds to be used for the maintenance of the equestrian trails. The Developer would like those funds deposited to a special fund to be used at the direction of the Equestrian Commission. He said he has made a change in the draft agreement to provide that the money would come to the City and the City would decide how those funds would be spent and which trails would be maintained.

Mayor Morris opened the public hearing to consider the modified Tentative Tract Map No. 70583 and to consider approval of the Development Agreement. He invited the applicants to make their presentation.

Stan Stringfellow, representing NJD, 326 W. Arrow Highway, distributed a handout and said Consultant Scott Franklin contacted Claudia Soiza of the Los Angeles County Fire Department, who stated that the Fire Department will accept the proposed secondary emergency access provided that road profiles and load capacity calculations are submitted to the Fire Department for review and approval. He stated that Geotechnical Engineer Roger Shervington reviewed the map and conducted compaction studies and concluded that the secondary fire access roadway in Glendora will provide adequate all-weather support for up to 50,000 lbs in infrequent fire equipment and maintenance traffic. Mr. Stringfellow believes they have complied with everything necessary to demonstrate that the secondary emergency access is adequate and meets the Fire Department's minimum standards. Mr. Stringfellow added that after the recent rains Mr. Franklin inspected the roadway and found that it held up well.

Mr. Stringfellow addressed the use of the word "surety" versus "bond" and said it would place an unreasonable burden to ask the applicant to put up other types of surety. He requested the City Council allow him to post a bond with language acceptable to the City.

In response to Mayor Morris, Mr. Stringfellow stated there is no objection to requiring language that the bond must be issued by a bonding company with adequate bond rating.

Mr. Stringfellow said they are opposed to condition 56(c) which designates a proposed trail between a private street and behind lot 20. The applicant anticipates that area will be used for conservation and prohibits trails. He said the applicant would be willing to look at the opportunity for pedestrian trails in the project.

Development Agreement:

Mr. Stringfellow said if the City Council decides to take ownership of the 84 acres before the map is approved, the applicant requests that the city bear all costs associated with the transfer; that the property be fenced to avoid liability issues; that boundary changes be accommodated for fuel modification requirements; that if the project is not approved, the 84 acres would revert to the applicant; and if another project has to be designed on that site, the 84 acres would be included in the density calculations. He expressed the applicant's opposition to granting an east/west license and said NJD had offered to accommodate a north/south license for trails until the map is recorded or the city accepted the lower 40 acres. He added that if the applicant is required to provide the east/west license immediately, the offer to convey the lower 40 acres will be withdrawn.

Mayor Morris felt it was inappropriate to discuss the conveyance of property in any way that may compromise the value of the gift.

Kim Scott stated it was always his intent to gift the 40 acres and provide a license agreement for north/south trails. He said if the City Council decides they want to go east/west rather than north/south, they have no need of the McHenry parcel. He is opposed to granting licenses for both the north/south and east/west trails.

Mayor Morris said it was his understanding that the license was temporary and would grant the city the opportunity to permit access on the motorway.

In response to Councilmember Templeman, Assistant City Manager Stevens explained the distinction between the Tract Map and the map related condition and said the east/west trail system is a map related condition, subject to subsequent determination. He does not believe discussion was held with the Equestrian Commission as it relates to an interim license for the east/west trail system which is tied to the Development Agreement.

In response to Mayor Morris, Assistant City Manager Stevens recommended leaving the map condition the way it was written. He said Mr. Scott would prefer that the Council make a decision on the in-lieu portion, however, Mr. Stevens recommended deferring a decision until he can conduct further analysis and resolution of ownership. He added that staff may have the same development opportunity if Mr. DeFalco sells his property.

In response to Councilmember Bertone, Mr. Stevens stated that the Tract Map condition was written to give us access to the east/west trail, however, the City has a choice of exchanging the east/west for the north/south in the future. He said the Development Agreement asked for a license on both trails until development takes place and that is the issue of dispute.

Mr. Stevens explained the distinction between the temporary license under the Map conditions which must be recorded and the Development Agreement, which takes effect immediately.

In response to Mayor Pro Tem Ebner, Mr. Stevens stated that they had discussions about including a provision in the CC&Rs that allowed limited equestrian use for those parcels to go across using the roadway.

Mayor Morris invited members of the public to comment on the Tract Map and Development Agreement.

1) Sid Maksoudian felt the public should know the value of the property being gifted to the City, and inquired if accepting the gift would affect the City Council's decision on this development.

Mayor Morris replied that the subject 40 acres are not part of the proposed development and cannot be considered in approval of this project. He said that the owner of NJD offered to gift the south 40 acres to the city with deed restrictions that the property cannot be developed except for recreational uses. He added that there is no commitment for NJD to gift the property, however, if they choose to do so, they would be eligible for a tax deduction of fair market value.

Mayor Morris further explained that city staff is negotiating with the developer to provide a license to use trails and motorways, which the city would have to maintain until the project is built. One of the conditions of the Tract Map requires an east/west trail, and the Development Agreement allows that in lieu of that trail, alternatives can be provided, one of which is the north/south trail being considered.

RECESS

Mayor Morris recessed at 10:05 p.m. The meeting recommenced at 10:15 p.m.

2) In response to James McCants, City Attorney Brown replied that the developer has to commence the project within ten years for the first map, complete the public improvements for the backbone within twelve years, and the term of the Agreement is for 14 years.

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

Assistant City Manager Stevens said condition 6 will be modified to give flexibility in putting a two-story unit on either lot 61 or lot 45.

Mr. Stevens said the second issue is Condition 26 related to the use of the word "surety" versus "bond." The City Engineer is requesting a letter of credit, while the applicant wants to provide a bond.

Dominic Milano, City Engineer explained that if there is a developer default, he is concerned that the city will have to fund improvements, and attempt collection from the bonding company.

The City Council expressed concern that requiring a letter of credit might place an undue burden on the applicant and suggested staff accept a sufficiently rated bonding company.

Mr. Stevens said the applicant is asking that Condition 56(c) relating to Lot 20 Equestrian trail be deleted. Staff believes it is necessary to maintain flexibility until the in-lieu alternative analysis has been completed.

In response to Council, Mr. Stevens replied that the trail would be adjacent to the pad on a homeowner's property with an easement crossing their property. He said since he does not have a plan, he is trying to preserve the maximum number of opportunities to provide multi-use trails.

Mayor Morris asked if the Council had comments regarding the Tract Map.

Mayor Pro Tem Ebner said he cannot vote in favor of the Tract Map because the project is visible from various views; has excessive grading; and numerous trees are being removed.

Councilmember Bertone felt that the project should fit the General Plan and Specific Plan, however, to accommodate this project, 29 changes would be made to the General Plan and 18 changes would be made to the Specific Plan. He said that although the developer is entitled to develop his property, he cannot support the project as proposed.

Councilmember Badar pointed out that the recent fires changed the perception of the type of projects that should be considered in the northern foothills. He said the developer has a right to develop his property and he praised the developer for minimizing the impacts to surrounding areas.

After the title was read, it was moved by Councilmember Badar, seconded by Councilmember Templeman, to waive further reading and adopt **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)** including amended language in the conditions as outlined by Mr. Stevens.

The motion carried by the following vote:

AYES: Councilmembers Badar, Templeman, Morris

NOES: Councilmembers Bertone, Ebner

ABSTAIN: None

ABSENT: None

Mayor Morris asked if there were any pending issues on the Development Agreement.

City Attorney Brown mentioned that the applicants expressed concern with liability and property damage with the granting of the east/west license at the present time. The applicants also stated that they are prepared to grant the north/south license agreement upon close of escrow on the property, however, they object to conveying licenses to both the east/west and the north/south trails.

Councilmember Templeman felt that licensing the McHenry property makes better sense because it is associated with the City's equestrian trail system in Horsethief Canyon Park.

City Attorney Brown stated that the Development Agreement will not require the license condition at the present time over the property and the tentative tract map requirement will remain at the time the development will move forward unless there is an in-lieu alternative. However, there will be a license agreement on the north and conveyance of the easement on the south, and the City will bear all costs associated with the preparation of the license agreement and will maintain the licensed areas.

In response to Mayor Morris, City Attorney Brown said the City is not expected to pay the applicant's attorney fees to review the license agreement.

Kim Scott confirmed that the documents will be reviewed at his expense.

In response to Mayor Morris, City Attorney Brown explained that the applicant had a concern that the license agreement could be assigned to another party and since the trail runs adjacent to private property, there was additional concern that the property would not be maintained to the city's standards. Mr. Brown stated it is his preference to have standards of reasonableness.

Mr. Scott indicated that he wants the City to deal with the license directly during the time period the license is in effect.

Mayor Morris felt this was reasonable since the assignment would terminate if NJD was unable to complete the project. He had no objection to the no assignment clause in the agreement. However, Mr. Morris felt the city should be able to keep the license until such time as it conflicted with other development.

Mayor Morris was in agreement to Mr. Houston's statement that it should be made clear that the license cannot be used as a basis to not allow further development.

In response to City Attorney Brown, Councilmember Bertone replied he is voting against the development agreement.

City Attorney Brown said the next issue relates to the transfer of \$8,000 to the city for use at the sole discretion of the Equestrian Commission. Mr. Brown recommended that the funds be deposited in the City's trust fund with the city to decide where the money will be spent for trail maintenance.

Councilmember Templeman said for the record that this item was discussed at the January Equestrian Commission meeting and it was not the intention of the Equestrian Commissioners to manage those funds. He suggested the money be placed into a restricted account for trail use.

City Attorney Brown said the next issue is the time of conveyance of the open space parcel.

Mr. Scott said he would like the poison oak trail from Sycamore Canyon to Horsethief Canyon Park earmarked for improvements with input from the Equestrian Commission.

Assistant City Manager Stevens stated that the city has a grant for improvements to poison oak trail and staff just completed the plans. He said the Equestrian Commission can recommend budget related improvements, but the City Council will make the final decision for expenditure of funds as part of the budget process.

In response to Council, City Attorney Brown stated that as long as the city is not in default under the agreement, the applicant is obligated to transfer the 84 acres to the city.

Mr. Brown said Mr. Houston wishes to address the City Council on the issue of the attorney fee provision of the agreement.

Michael Houston felt that the attorney fee provision is the only remedy they would have under the agreement in the event the city were to default.

It was the consensus of the City Council to defer the matter to City Attorney Brown who opposed the provision.

Mr. Brown provided a copy of the revised ordinance and presented it for introduction.

There being no one else wishing to speak, Mayor Morris closed the public hearing.

After the title was read, it was moved by Councilmember Badar, seconded by Councilmember Templeman, to waive further reading and re-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, Ebiner
ABSTAIN: None
ABSENT: None

7. ORDINANCES

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

- (1) **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. **SECOND READING AND ADOPTION**

After the title was read, it was moved by Councilmember Templeman, seconded by Councilmember Badar, to waive further reading and adopt **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.

Mayor Pro Tem Ebiner said he voted to introduce the ordinance because he was in favor of clustering and horsekeeping standards, and he was willing to approve 61 lots, however, he expressed concern that the new revisions no longer protect the hillside topography and natural resources, and invites tall houses.

The motion carried by the following vote:

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

8. PLANNING/DEVELOPMENT SERVICES

a. Request for deferral of Park Land Dedication (Quimby) in-lieu fee for Loma Bonita Residences, (Tract 69609), an affordable housing project of 156 apartments to be located at the northwest corner of East Bonita Avenue and San Dimas Canyon Road.

City Manager Michaelis explained the Quimby process and said the Developer, VCH San Dimas Company, LLC is requesting to defer payment of their Quimby in-lieu fees until project occupancy. He said normally, the fees are paid at the time the project final map is submitted for recordation. In 2008, the City Council adopted provisions to defer Quimby in-lieu fees until any portion of the project was certified for occupancy. Grove Station requested and was granted a fee payment deferral allowing Quimby in-lieu fees to be paid at occupancy or within one year after a building permit was issued for the project. Staff recommended the City Council authorize staff to execute an Agreement with VCH to provide for the deferral of the \$618, 102 in-lieu fee payment until final occupancy of any building from the project, or within one year after the issuance of a building permit for the project, whichever comes first.

It was moved by Councilmember Bertone, seconded by Councilmember Badar, to accept the proposed Quimby in-lieu fee from VCH and authorize staff to execute an Agreement with VCH to provide for a deferral of the \$618,102 in-lieu fee payment until final occupancy of any building from the project or within one year after the issuance of a building permit for the project, whichever comes first. The motion carried unanimously.

Tom DeRegt, VCH San Dimas Company, LLC, reported that the Fresh & Easy is moving toward their targeted opening in February. He added that he is in communication with his financial partners about the project. He stated that he does not have the ability to sell without the City's approval and if he is unable to secure financing, he will come back to the City Council with someone that can finance the project to get it built.

9. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 11:20 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 11:23 p.m..

10. 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 Public Works is in the process of revising the code to deal with violations on the wooden sidewalks in the downtown.

- 2) Sid Maksoudian would like to hear from staff to grant him the ability to contact staff members at any time.

- b. City Manager

- 1) Update on City Hall, Civic Center, and Stanley Plummer expansion and renovation project.

- 1) Director of Development Services Coleman highlighted the progress at the city hall, Plummer building, and plaza.

- 2) City Manager Michaelis announced that the City Council and public are invited to meet Karen Gaffney, the new CEO/President of the Chamber of Commerce, at the Chamber office at 6:00 p.m. on January 25, 2011.

- 3) Mr. Michaelis announced a ribbon cutting ceremony at 3:00 p.m. on January 13, 2011 at Amelia/Gladstone for the opening of Amelia Street.

- c. City Attorney

There were no comments.

- d. Members of the City Council

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

Councilmember Badar reported that he attended the California Contract Cities annual Sacramento Legislative Orientation Tour on January 10-11, 2011 where legislators discussed the Governor's proposed

budget. He said most cities in California have redevelopment districts and are distressed with the Governor's proposal, and do not know which direction to go.

2) Individual Members' comments and updates.

1) Councilmember Templeman praised Public Works staff who were out repairing streets and controlling the release of dam water during the series of storms over the holidays.

2) Councilmember Badar said he was approached by citizens inquiring about the memorial monument and said a lot of organizations and individuals are dedicated to completing the project. He hopes the City Council will continue to work in support of the project as well.

3) Councilmember Bertone felt it was important for the San Dimas community to have the Gold Line extension. He encouraged attendance at the Metro Gold Line Foothill Extension Construction Authority's scoping meeting between 6:00-8:00 p.m. on Thursday, January 20, at Eckstrand Elementary School to discuss Phase II(b) of the project, which goes from Pasadena to Azusa.

4) Councilmember Bertone said a lot of people are concerned about the California high speed rail coming through San Dimas either via a tunnel under Via Verde or above the Metro Link track. He said Public Works Director Patel will be attending meetings and keeping us informed.

11. CLOSED SESSION

Mayor Morris recessed at 11:46 p.m. to a City/Redevelopment Agency closed session pursuant to Government Code Section 54957:

- a. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION.**
Title: City Manager
- b. Report on closed session items.

Pursuant to Section 54957.7(a), evaluation was completed.

12. ADJOURNMENT

Mayor Morris adjourned the meeting at 12:31 p.m. The next meeting is January 25, 2011, 7:00 p.m.

Respectfully submitted,

Ina Rios, CMC, City Clerk