



AGENDA
REGULAR CITY COUNCIL /
REDEVELOPMENT AGENCY MEETING
TUESDAY, JULY 26, 2011, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

CITY COUNCIL:

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

1. CALL TO ORDER AND FLAG SALUTE

2. ANNOUNCEMENTS

- Pui-Ching Ho, Librarian, San Dimas Library
- Mitchell Crawford, Chairman, Chamber of Commerce, Powerpoint presentation about 2011 San Dimas Birthday Barbecue

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 or asked 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

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 or audience requests separate discussion.)

- a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:
- (1) **RESOLUTION NO. 2011-35, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF JULY 2011.**

- b. Approval of minutes for the regular City Council meeting of July 12, 2011.

END OF CONSENT CALENDAR

5. PLANNING/DEVELOPMENT SERVICES

- a. Appeal of public nuisance determination regarding 405 W. Gladstone (Code Enforcement Case No. 10-1488).
 - 1) **RESOLUTION 2011-36, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING A PUBLIC NUISANCE DETERMINATION AND ORDER OF ABATEMENT REGARDING PROPERTY LOCATED AT 405 WEST GLADSTONE (APN: 8392-015-029)**

6. OTHER MATTERS

- a. Consideration of Budget Authorization to Prepare Conceptual Plan for Downtown Sidewalk Revisions and of Review Process Public for Said Revisions.

7. 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 July 12, 2011 meeting.
- c. Executive Director
 - 1) Update on Redevelopment Agency matters.
- d. Members of the Agency

8. ORAL COMMUNICATIONS

- a. Members of the Audience (*Speakers are limited to five minutes or as may be determined by the Chair.*)
- b. City Manager
 - 1) Verbal report on actions taken regarding Raging Waters parking impacts in adjacent residential areas. Traffic Safety Committee's actions.
- c. City Attorney
- d. Members of the City Council
 - 1) Action to stay the enforcement of the 5% window coverage restriction in the city's sign ordinance until the hearings and action are complete regarding potential changes to the sign ordinance.
 - 2) Councilmembers' report on meetings attended at the expense of the local agency.
 - 3) Individual Members' comments and updates.

9. CLOSED SESSION

Recess to a City Council closed session pursuant to Government Code Section 54956.9 (b) (1):

- a. Approval and authorization to execute a Tolling Agreement with NJD, LTD to extend the time for filing any claim which NJD may have against the City or the City may have against NJD arising under the Settlement Agreement or Reimbursement Agreement.
- b. Report on closed session items

10. ADJOURNMENT

The next meeting is on August 3, 2011, 8:00 a.m. to meet with Supervisor Michael Antonovich.

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 245 EAST BONITA AVENUE DURING NORMAL BUSINESS HOURS. [PRIVILEGED AND CONFIDENTIAL DOCUMENTS EXEMPTED]

POSTING STATEMENT: ON JULY 22, 2011, A TRUE AND CORRECT COPY OF THIS AGENDA WAS POSTED ON THE BULLETIN BOARDS AT 245 EAST BONITA AVENUE (SAN DIMAS CITY HALL); 145 NORTH WALNUT AVENUE (LOS ANGELES COUNTY PUBLIC LIBRARY, SAN DIMAS BRANCH); 300 EAST BONITA AVENUE (UNITED STATES POST OFFICE); AT THE VONS SHOPPING CENTER (PUENTE/VIA VERDE) AND THE CITY'S WEBSITE AT WWW.CITYOFSANDIMAS.COM/MINUTES.CFM.

RESOLUTION NO. 2011-35

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN DIMAS, CALIFORNIA, APPROVING
CERTAIN DEMANDS FOR THE MONTH OF
JULY 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 Warrant Register: 07/29/2011; 136579 through 136841; in the amount of
\$1,269,413.62.

PASSED, APPROVED AND ADOPTED THIS 26th DAY OF JULY 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 July 26, 2011, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ina Rios, CMC, City Clerk

4.a.1



***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.



MINUTES
REGULAR CITY COUNCIL
TUESDAY, JULY 12, 2011, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

PRESENT:

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

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
Recreation Services Manager Leon Raya

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. RECOGNITION

- Proclaim July as Parks and Recreation Month

Parks and Recreation Director Bruns said the Department is represented by Facilities Manager Karon DeLeon, Recreation Services Manager Leon Raya, and Recreation Coordinator Tanya Orr. She noted that Mr. Raya has a presentation and participants will share their comments.

Recreation Services Manager Raya presented the various ways the Parks make life better not only in San Dimas but throughout the state. Mr. Raya cited statistics from a survey conducted by the California Parks and Recreation Society and concluded that 98% of people regularly attend a park or recreation services. He said to help proclaim July as Parks and Recreation Month, he invited a few customers to share their comments on their parks and recreation experience.

1) Sandra Boutros spoke highly of all the classes offered at the Parks and Recreation and said she and her children participate in various activities including choir, karate, soccer, cooking, gymnastics, and swimming.

2) Delia Garcia Lee said her favorite Parks and Recreation place is the Senior Center, where she has made friends and participates as a volunteer, joined the morning walkers, exercise program, canasta club, and served as first Vice President of the Senior Club. She thanked the Council for all the senior programs and senior trips.

3) Amy Robertson appreciates the activities and is grateful she can put her kids in so many reasonably priced programs, to give them a head start to Kindergarten.

4) Shannon and Douglas Tubbs, represented San Dimas Softball, a nonprofit organization in San Dimas, with enrollment of approximately 150 girls, ages 5-14, said they enjoy working with the City Council, Parks and Recreation Department, and School District to keep the girls active and involved.

4.8

5) Douglas Tubbs thanked the City Council for coming out to their opening and closing ceremonies to represent the girls' endeavors. He thanked Mr. Raya for his dedication and protecting the girls.

6) Karina and Miranda Reese, San Dimas High School, enjoy being a part of the Teen Action Committee, an organization comprised of volunteers who help at various events.

7) Dawn Jackson thanked the Council for the Kids Fun Club which provides a safe, secure place for children to see their classmates, go on excursions, and participate in swimming, skating, baseball games, movies, and other activities.

Manager Raya thanked the guests who came tonight for Parks and Recreation month and said he is proud of what they do. He concluded that Parks make life better, provide a place for everyone in the community for friends, family, and fun; a place for quiet introspection and appreciation of nature; a place for girls to learn to play softball, and a place for teens to feel safe and appreciated; a place parents know their children will be well supervised and have fun; a place for families to get together to learn, grow, stay fit, and enjoy a healthy lifestyle; a place for older adults to meet friends, continue learning, and enjoy experiences. He thanked the City Council for proclaiming July as Parks and Recreation month.

Mayor Morris congratulated and praised Parks and Recreation Director Bruns and her staff for the outstanding job they do and presented to Recreation Services Manager Raya a Proclamation designating July as Parks and Recreation Month.

3. PRESENTATIONS

➤ Pui-Ching Ho, Librarian, San Dimas Library

Pui-Ching Ho, Library Manager, said the Summer Reading Program just began and will continue through July 30. She invited the community to enjoy a variety of science experiments; animal program; puppet show; board games; music and magic; and a survival workshop. She encouraged adults to join their book party and check out a book. For detailed information, contact the Library at 909/599-6738.

➤ Update from HEROES Committee

Janie Graef, HEROES Committee, outlined the requirements for getting Veterans' names on the monument and reminded the community that names must be submitted by August 1, 2011 to meet the November 11, 2011 dedication. She said approximately 350 names have been added to the monument to date. Ms. Graef highlighted fundraisers including the purchase of pavers; Golf Tournament on September 12, 2011 and said representatives are at the Farmers Market each Wednesday and will be at the Sheriff's Boosters Car Show and City Barbecue.

Gary Enderle provided an update on the plan check process and said calculations will be submitted with the resubmitted plans. He said the Committee is looking at the possibility of using pavers instead of decomposed granite for the walkways and next week will submit information on the pole lights. He invited the City Council to join members at their booth at the Farmers Market on Wednesday night. He noted that names submitted by August 1, 2011 for the monument will be engraved at no charge. He distributed the application forms to the City Council Veterans and thanked them for their financial support to the program.

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 or asked 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) Dennis Phillips reported that the box car is being used solely for recreation and not habitable space.
- 2) Ginny Phillips asked the City Attorney to respond to her letter on the determination of her three-sided property.
- 3) Michael Pope, Tiburon Condominiums, asked the City Council to consider posting signage on Tanglewood and Puddingstone Drive to avoid abuse of parking by patrons of Raging Waters. He stated that residents are forced to endure the overflow of parking from visitors who litter their neighborhood and play loud music late into the night. He was especially concerned that cigarette butts might cause a fire in the dry brush.
- 4) Mabelle Pou, Tiburon complex, reported that kids throw rocks at parked cars and picnickers litter the Complex grounds, play loud music, and scream late into the night. She said she contacted the Sheriff's Station and they suggested she address the City Council.
- 5) Sue Carpio, Tiburon Townhouse Association, said in addition to the liquor bottles, evidence of drugs, and filthy language, she witnessed a woman removing her clothing.

Mayor Morris directed Public Works Director Patel to take a look at this situation to find a solution and report back to the City Council.

Mayor Pro Tem Templeman suggested the Sheriff Captain be included and inform the City Council if tools are needed to remedy the situation.

6) Susie Crawford, representing the Branch Hands, displayed the new brochure *Tree Trek*, which shows a map starting at Rhodes Park, and highlights the various trees in the historic downtown area. She said the map was funded by a grant from the U. S. Forestry and is available in the Parks and Recreation Department.

7) Rick, Ranch Town Market & Deli, asked the City Council to consider amending the sign code to allow small businesses to advertise using banners, portable signs, and more than 5% window display.

8) Niam Younan, owner/operator of San Dimas Liquor, said small businesses cannot afford to lose any customers and depend on window signs and banners to advertise their stores. He asked the City Council to work with them to find a solution to this problem.

9) Nick Diab, Clete's Liquor, said they need to advertise and Health Department signage takes up the 5% space.

In response to Mayor Morris, Assistant City Manager of Community Development Stevens replied that window signs and banners are on the list of items that staff is evaluating for potential revisions to the Sign Code, based on a forum held in March by the Planning Commission. He stated that in the interim when a

complaint is received, staff is still required to enforce existing regulations. Staff is still conducting comparisons with surrounding cities on each of the areas identified at the forum and he anticipates that the public hearing will be scheduled soon.

Mayor Morris encouraged the three men to submit their comments to Mr. Stevens for consideration in the Planning Commission and City Council public hearing process.

10) Mitch Crawford, Chairman, San Dimas Chamber of Commerce, invited the community to the San Dimas Birthday party on Saturday, August 6, 2011 to celebrate 51 years of incorporation. He said dinner will be served from 5:30-7:30 p.m. and tickets are available at the City Hall, Chamber of Commerce, Golden State Water Company, and Senior Citizen/Community Center.

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 Templeman, seconded by Councilmember Ebiner, and carried unanimously 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. 2011-34, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTHS OF JUNE AND JULY 2011.**

b. Approval of minutes for regular City Council meeting of June 28, 2011.

c. Award of Cash Contract 2011-04, concrete maintenance project at various citywide locations, to Grigolla & Sons Concrete, in the amount of \$65,000.00.

d. Award of Cash Contract 2011-05, asphalt maintenance project at various citywide locations, to PAVECO, Inc., in the amount of \$100,000.

END OF CONSENT CALENDAR

6. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 7:57 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular meeting reconvened at 8:34 p.m..

7. ORAL COMMUNICATIONS

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

1) Ginny Phillips said staff explained what yards are and she was informed that staff has complete authority to rezone existing properties. She said staff could have said that a three-sided property is unique and has the potential to go to the Development Plan Review Board to negotiate terms with the City Council.

Councilmember Ebiner left at 8:33 p.m. and returned at 8:36 p.m.

b. City Manager

There were no comments.

c. City Attorney

There were no comments.

d. Members of the City Council

1) Reappointments to the Public Safety Commission.

Terms expired for Public Safety Commissioners Ortiz and Wiles. Both are eligible for reappointment and have expressed a willingness to continue to serve.

It was moved by Councilmember Bertone, seconded by Councilmember Ebner, to reappoint Frederick Ortiz and Norman Wiles to the Public Safety Commission for another term to expire February 10, 2013. The motion carried unanimously.

2) Reappointment to the Equestrian Commission.

Equestrian Commissioner Pike's term will expire at the end of July, 2011. She is eligible for another term and has expressed a desire to be reappointed.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember Bertone, to reappoint Rebecca Pike to the Equestrian Commission for another term to expire July 31, 2013. The motion carried unanimously.

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

There were no comments.

4) Individual Members' comments and updates.

a) Mayor Pro Tem Templeman thought it would be beneficial to get a report at a future meeting from Public Works Director Patel on the schedule and scale of the Gladstone Street rehabilitation project.

b) Councilmember Ebner expressed his disappointment with the impasse over the debt ceiling and other related issues, and the lack of negotiation in Washington with respect to the State Budget. He mentioned that former Presidents Carter and Ford became good friends even though they were on opposing parties.

c) Councilmember Bertone encouraged reading "*What Happened: Inside the Bush White House and Washington's Culture of Deception*", written by Scott McClellan, who served as White House Press Secretary under former President George W. Bush.

d) In response to Councilmember Badar, Assistant City Manager Stevens said the sign forums were open meetings and staff presented to the Planning Commission a report and recommendation about potential areas for change; and then addressed the City Council to ensure there were no other areas to consider. Mr. Stevens said staff was directed to research each area of potential change and bring back a draft ordinance with alternatives for hearing by the Planning Commission. Staff is in the process of conducting that activity and will schedule a date for hearing in the early Fall. He added that complaints received on violations will be processed consistent with the existing regulations.

e) Councilmember Bertone requested a written status report on the purchase of the gas station at the intersection of Bonita Avenue and San Dimas Avenue.

f) Councilmember Badar encouraged the Chamber of Commerce to continue the Installation breakfast as a way to get people to attend. He congratulated Mitch Crawford and his new Board of Directors and congratulated Past Chair Margie Green on a great job. He commended retired CEO Ted Powl and Secretary Sandra Neas and said new staff is up and running.

g) Mayor Morris congratulated Past Chair Margie Green and incoming Chair Mitch Crawford.

8. ADJOURNMENT

There being no further business, Mayor Morris adjourned the meeting at 8:50 p.m. in memory of Dal Lee, an important contributing member of the community for a long time. The next meeting is on July 26, 2011, 7:00 p.m..

Respectfully submitted,

Ina Rios, CMC, City Clerk



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of July 26, 2011

FROM: Blaine Michaelis, City Manager

INITIATED BY: Dan Coleman, Director of Development Services

SUBJECT: **Appeal of public nuisance determination regarding 405 W Gladstone (Code Enforcement Case No. 10-1488).**

SUMMARY

This property has been in code enforcement for various violations for several years which resulted in the issuance of 10 administrative citations. Most of the violations were abated; however, the fill dirt and debris were not. In 2011, the City began nuisance abatement proceedings and a nuisance abatement hearing was conducted on May 11, 2011. On May 12, the hearing officer mailed the property owner a public nuisance determination and order of abatement requiring the fill dirt and debris to be removed by May 26, 2011.

Staff recommends that the Council adopt a public nuisance determination and order of abatement requiring removal of dirt within one year or development of property, whichever comes first.

BACKGROUND

In 2006, without the required grading permit, fill dirt was stockpiled on the property in anticipation of a proposed subdivision to create four lots. During the Planning Commission public hearing, a neighbor asked if a permit had been issued for the grading that had already been done. The subdivision applicant, Mr. Stan Stringfellow, responded that "they will take immediate steps to correct things with the City" (see Exhibit C). Unfortunately, neither the property owner nor Mr. Stringfellow ever applied for a grading permit. Essentially, the City has been in code enforcement ever since regarding the illegal grading and other violations.

ENFORCEMENT CASE HISTORY

Following is a summary of the code enforcement case, CE10-1488, which is the subject of the appeal request:

Date	Action
October 7, 2010	Complaint received
November 11, 2011	City Prosecutor sent compliance letter
February 7, 2011	Final Notice of Violation sent by code officer
February 23, 2011	1 st Administrative Citation #000174 issued (\$100 fine)
March 3, 2011	2 nd Administrative Citation #000203 issued (\$200 fine)
March 11, 2011	3 rd Administrative Citation #000211 issued (\$500 fine)
May 11, 2011	Nuisance Abatement Hearing
May 12, 2011	Public Nuisance Determination/Order of Abatement mailed
May 13, 2011	1 st attempt by Post Office to deliver PND/OOA*. Notice left.
May 20, 2011	2 nd attempt by Post Office to deliver PND/OOA. Notice left.
May 22, 2011	Appeal period (10-day) closed
May 25, 2011	Certified Mail picked up at Post Office
May 26, 2011	Stan Stringfellow attempted to appeal
June 28, 2011	City Council authorized late appeal

*Public Nuisance Determination/Order of Abatement

APPEAL PROCESS

The property owner or any interested party may appeal the decisions of the public nuisance hearing officer by filing a written appeal with the city clerk within 10 days from the date of the mailing of the order of abatement pursuant to San Dimas Municipal Code §8.16.090. By agreeing to hear the appeal, the City Council serves as the board of appeals to "consider all relevant evidence, including the report of the hearing officer [see Exhibit D - Public Nuisance Determination/Order of Abatement], and testimony written or oral relative to the existence of the alleged public nuisance and the manner proposed for abatement." Upon conclusion of the public hearing, the City Council must determine whether there is a public nuisance on the property as defined by San Dimas Municipal Code Section 8.16.020 (see Exhibit E). If the council finds that a public nuisance exists, it shall, by resolution, order the same abated in a reasonable time to be set forth in the resolution. The determination of the Council is final unless challenged through the civil courts.

FACTS

- The property was purchased by Mark Hollander on July 26, 2005, which was transferred by quitclaim to Hollander Financial Holding Inc. on December 30, 2009.
- Sometime in 2006, fill dirt was imported onto the property, without a grading permit, in anticipation of a proposed Tentative Parcel Map No. 06-02 (65790)

application. Mr. Stringfellow testified that the fill dirt came from the Grove Station project.

- A grading permit is required to import fill dirt, and the fill dirt must be certified by a licensed engineer before final sign-off by the Building & Safety Division pursuant to the Building Code as adopted with amendments by the San Dimas Municipal Code.
- The City of San Dimas received a complaint from a neighbor regarding the imported fill dirt at the December 20, 2006 Planning Commission public hearing regarding Tentative Parcel Map No. 06-02 (65790).
- A large pile of wood containing junk, debris and cast-off items had been stored on property in public view, but subsequently abated.
- The City of San Dimas Prosecuting Attorney issued a compliance letter to the property owner on November 11, 2010 with an abatement deadline to correct by November 21.
- The City of San Dimas issued three administrative citations to the property owner on February 23, March 3, 2011, and March 11, 2011.
- The fill dirt is still present on the subject property.

PUBLIC NUISANCE DETERMINATION

On May 11, 2011, a duly noticed public nuisance hearing was held to determine whether the property constitutes a public nuisance. The hearing was conducted by Ronald Compton, acting as the designated hearing officer. Based upon evidence presented by staff, property owner, and Mr. Stringfellow, the hearing officer found that a) fill dirt had been brought onto property without the required grading permit, b) grading of that fill dirt occurred without the required grading permit, c) a large pile of wood containing junk, debris, and cast-off items had been stored on the property in public view, and d) that the fill dirt violation had not been abated.

The hearing officer issued his Public Nuisance Determination/Order of Abatement on May 12, 2011 declaring the property as a public nuisance (see Exhibit D). In this determination, the hearing officer noted that the property owners request that abatement of the fill dirt be delayed must be appealed to the city council, and could not "be reasonably considered by the hearing officer as the current plans to develop the property are in the very preliminary stage and offer no guidance as to a time frame to implement."

ORDER OF ABATEMENT

The hearing officer's Order of Abatement (see Exhibit D) issued the following orders:

That all corrections and/or work ordered are to be completed within 14 days of the May 12 mailing date of Order:

1. Remove the large wood pile and all miscellaneous junk, debris and cast-off items from the property.

2. Remove the un-permitted fill dirt deposited on the property to city specifications.

ANALYSIS

The property owner and Mr. Stringfellow desire to keep the imported dirt in anticipation of needing the dirt to build homes on the property in the future (see Exhibit A). In short, their reason for not wanting to remove the dirt is the cost: they do not want to pay for removal, then pay to import dirt later when they are ready to develop. The grading plan for the tentative parcel map indicated the need for 20,285 cubic yards of imported fill soil. On July 18, 2011, Mr. Stringfellow submitted plans and application to amend to the approved tentative parcel map. He has also indicated that he will shortly submit a development plan review application for the design of the homes.

The attached July 19, 2011 letter, signed by the property owner and Mr. Stringfellow, requests amending the order of abatement to delay the removal of the dirt for one year, with an option for an additional six months, provided that substantial progress be made toward developing the property, to wit: diligently pursue and obtain Council approval of the parcel map amendments, submit grading plans for plan check and obtain a grading permit within one year, submit a DPRB application for the homes, regularly disc the weeds, secure the site, and prevent further dumping on site.

CONCLUSION

Staff believes that the non-permitted fill dirt is a public nuisance based upon the following findings per San Dimas Municipal Code Section 8.16.020:

D. Maintenance of property in violation of Chapter 8.14 of this code. Staff Comment: No evidence has been submitted by the property owner or Mr. Stringfellow that this is not a violation. Indeed, Mr. Stringfellow testified at the June 28, 2011 City Council meeting that "this is a violation that occurred five years ago."

K. Maintenance of premises so as to permit the same to become so defective, unsightly, dangerous or in a condition of determination or disrepair so that the same will, or may cause harm to persons, or which will materially impair the value of or otherwise be materially detrimental to properties or improvements located in the vicinity of such premises. Staff Comment: The unsightly dirt piles are visible from several of the neighboring homes and may impair their property values.

RECOMMENDATION

Staff recommends that the Council adopt the attached Resolution making a determination that a public nuisance exists and ordering the same to be abated within 12 months, by either removal of the dirt or commencing grading, if certain criteria are met.

Respectfully Submitted,



Dan Coleman
Director of Development Services

Attachments: Exhibit A – Appeal Letter from Stan Stringfellow
Exhibit B – List of Administrative Citations
Exhibit C – Minutes of December 20, 2006 Planning Commission
Exhibit D – Public Nuisance Determination/Order of Abatement
Exhibit E – Public Nuisance Definition SDMC 8.12.020
Exhibit F – Photographs of Neighborhood
Exhibit G – Photographs of 405 W Gladstone
Exhibit H – Letter from Property Owner and Stan Stringfellow
Resolution Order of Abatement

REAL ESTATE CONSULTING SERVICES

June 24, 2011

Honorable Curtis Morris
Members of the San Dimas City Council
245 W. Bonita Ave
San Dimas, Ca. 91773

Subject: Declaration of Public Nuisance and Order to Abate
Subject Location: 405 W. Gladstone Street, San Dimas, Ca. APN:8392-015-029
Case No.: CE10-1488

Dear Mr. Mayor and Councilmen;

The willingness of the Council to consider whether or not to hear an appeal of the above reference determination is appreciated by Hollander Financial Holdings, Inc., and by me.

On May 11, 2011 there was a Public Nuisance Hearing held to determine whether the above referenced property constituted a Public Nuisance. The Hearing Officer found that the property was in violation of the following code sections:

15.04.016 A2 SDMC Fill, grade, excavate without a permit
8.14.020 G SDMC Trash, dirt, debris visible from the public right of way

In my letter of June 6, 2011, I had previously stated that the hearing officer told us that we would have 10 days from the date the determination letter was sent to appeal any adverse decision to the City Council. Following are the facts as I understand them:

- The Determination letter was sent by certified mail on May 12, 2011.
- The appeal period ended on May 21, 2011.
- The letter was not received by the property owner (Hollander Financial Holdings, Inc; John Hollander or Mark Hollander) until May 25, 2011, four days after the appeal period ended.
- I appeared at City Hall on the morning of May 26, 2011 to request an appeal.

The attached declarations serve to establish that we did not know the date the determination letter would be sent but anticipated it and the need to file an appeal.

Since the determination letter was not received by the property owner until (4) days after the appeal period ended, I hope, in the interest of fairness, that the Council would agree to hear the appeal of the property owner.

Therefore, we respectfully request a hearing before the City Council concerning the finding of the hearing officer that the 15.04.016 A2 SDMC constitutes a public nuisance.

REAL ESTATE CONSULTING SERVICES

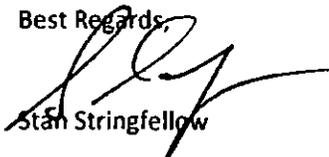
The pile of firewood that was the focus of the 8.14.020 G SDMC has been removed from the site.

In the June 6, 2011, letter to the Council I state that to the best of my knowledge the citations issued for the violations had been paid. Dan Coleman provided me with \$1600 in citations that had not been paid. A check has been sent to satisfy the unpaid citations. My records now show there has been a total of \$2401.37 in fines paid.

Marco Espinoza called me on Thursday evening, June 23, 2011 to give me staffs comments regarding the proposed revisions to the Tentative Parcel Map. Staff comments will be reviewed and if appropriate incorporated into the submittal for processing. I had hoped to have this completed before the end of the month but that self- imposed deadline will have be extended two more weeks.

If you have any questions, don't hesitate to call.

Best Regards,



Stan Stringfellow



Hollander Financial

Declaration of Jennifer Marks

I am the person in charge of sorting and collecting the mail for Hollander Financial Holdings, Inc., and their affiliate companies.

On May 25th there were several certified letter notices from the post office in the stack of mail that was delivered that day. I took the notices to John Hollander for pick up at the post office.

Dated this 23rd day of June, 2011

Jennifer Marks



Hollander Financial

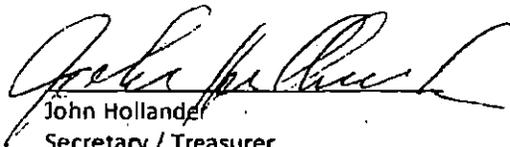
Declaration of John Hollander

On the afternoon of May 25, 2011, Jennifer Marks brought me several certified mail notices. I took them to the Post Office and collected the certified letters; one was from the City of San Dimas and contained the decision concerning the abatement hearing that was held on May 11, 2011.

Stan Stringfellow phoned me a number of times after the hearing to see if I had received the hearing officer's decisions so that we could file an appeal. So when I received the decision on the afternoon of May 25th, I immediately forwarded the information to Stan Stringfellow, who, I believe, tried to file an appeal on the morning of May 26, 2011.

At the conclusion of the abatement hearing we were given instructions by the hearing officer that we would be notified about the decision and have 10 days to appeal to the City Council. I was surprised when it stated in the letter that it was 10 days from the date the letter was placed in the mail.

Dated this 23rd day of June, 2011



John Hollander
Secretary / Treasurer
Hollander Financial Holding, Inc

Real Estate Consulting Services

Declaration of Stan Stringfellow

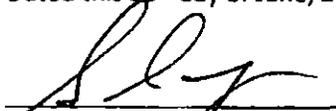
I attended the Public Nuisance Hearing on May 25, 2011 together with John Hollander and Tony Pastran who lives on Cody Avenue. At the conclusion of the hearing, Ronald Compton, the Administrative Hearing Officer, instructed us that he would be sending out the decision and that we would have 10 days to file an appeal to the City Council. He did not indicate, to the best of my recollection, when the determination letter would be sent but I remember being told that the 10-day period for filing the appeal began on the date the determination was mailed. For this reason I made a significant effort to contact Mr. Hollander to see if he had received the determination letter.

I called Mr. Hollander no less than three times during the week of May 16th to May 20th to find out if he had received the determination letter. Each time I was told that he had not received it. The last call I made to find out if Mr. Hollander had received the determination letter was on May 24th, 2011. He said he had not received it. He called me in the late afternoon of May 25th to tell me that he had received the letter. The letter was scanned and e-mailed to me.

On the morning of May 26, 2011, the very next day after receiving the determination letter from Mr. Hollander, I appeared before the Assistant City Clerk at San Dimas City Hall to request an appeal before the City Council.

In the previous submittal to the Council, I had indicated that to the best of my knowledge all the citations that had been issued were paid. Dan Coleman provided me some additional citations that had not been paid and I have now paid them. I have attached a copy of the check to this affidavit.

Dated this 23th day of June, 2011


Stan Stringfellow

STANLEY G STRINGFELLOW II
820 VIA AMADEO 909-394-4692
SAN DIMAS, CA 91773 3932

2013

16-379/1220
176

6-23-2011 Date

Pay to the Order of City of San Dimas - Administrative \$ 1600.00
One Thousand Six Hundred ⁰⁰/₁₀₀ Dollars



CALIFORNIA BANK & TRUST

SAN DIMAS OFFICE
420 WEST BOWTIE AVE. SAN DIMAS, CALIFORNIA 91773
EST. 1906 1-800-880-8800 www.cbtrust.com

For Citations 174, 198, 203, 211, 20, 74

⑆ 1 2 2003 3 9 6 ⑆ 20 1 3 ⑆ 0 1 9 3 0 0 2 3 5 7 ⑆

Payment of Unpaid Citations

REAL ESTATE CONSULTING SERVICES

June 8, 2011

Honorable Curtis Morris
Members of the San Dimas City Council
245 W. Bonita Ave
San Dimas, Ca. 91773



Subject: Declaration of Public Nuisance and Order to Abate
Subject Location: 405 W. Gladstone Street, San Dimas, Ca. APN: 8392-015-029
Case No.: CE10-1488

Dear Mr. Mayor and Councilmen:

On May 11, 2011 there was a Public Nuisance Hearing held to determine whether the above referenced property constituted a public nuisance. I attended that meeting, along with John Hollander of Hollander Financial Holdings, Inc. (Property Owner). The Hearing Officer found that the property was in violation of the following code sections:

- | | |
|-------------------|--|
| 15.04.016 A2 SDMC | Fill, grade, excavate without a permit |
| 8.14.020 G SDMC | Trash, dirt, debris visible from the public right of way |

The Hearing Officer told us at the hearing that we would have 10 days from the date the Determination Letter was sent to appeal any adverse decision to the City Council. The Determination Letter was sent by Certified Mail on May 12, 2011. The property owner, however, did not receive the Letter until May 25, 2011, four days *after* the appeal period ended. I subsequently and immediately requested the appeal on the morning of May 26, 2011. The letter, dated May 12, 2011, and the receipt, dated May 25, 2011, from the United States Postal Service indicating when the letter was received by the property owner are attached for your review.

Since we filed our request to appeal the public nuisance finding within one day of receiving the Determination Letter, we submit that our appeal is timely, but since the appeal request exceeded the statutory period only the City Council can determine whether to allow an appeal.

Therefore, pursuant to recommendations from the City staff, the property owner or his representative plans to appear at the City Council Meeting on June 14, 2011. During the Oral Communication portion of the meeting, they will request the Council consider, at a future City Council meeting, whether the Council will agree to hear their appeal. If the Council agrees to consider whether it will hear the request for appeal, the Council would direct the Staff to place the request on the agenda of a future meeting for consideration by the Council. If the council agrees to hear the appeal, the actual hearing of the appeal would heard by the Council in a subsequent City Council Meeting.

REAL ESTATE CONSULTING SERVICES

Here are just a few facts to refresh your memories regarding this site.

On February 13, 2007, the City Council approved Tentative Parcel Map 69750, dividing this 4-acre site into four lots. The dirt had been dumped on the site prior to your approval of the parcel map. The City Council was aware of this fact because questions were asked at the time of the approval specifically about the dirt that had been dumped there. .

Previous to the property owners' acquisition of the property and the City Council's approval of the Tentative Parcel Map, the site had been used for years by a firewood business and tree trimming service. There were old cars and vagrants on the site, as well as a substantial amount of trash. In the last 18 months, however, we have spent approximately \$40,000 to remove the trash and debris from the site. What remains is the dirt that was dumped and a pile of firewood that was separated from the trash.

The City did not take any action over the dirt until the last eight months. During this time the property owner has been issued a number of citations amounting to thousands of dollar in fines and to the best of my knowledge they have all been paid. The site has been regularly disked for weed abatement and fire protection. Furthermore, there are no runoff or drainage problems affecting neighboring properties as a result of the soil being stockpiled on the site.

We have submitted a request to the City I Staff for comments concerning proposed amendments to the approved parcel map. I have informed the Staff that we plan to make a submittal to build two homes for consideration by the DPRB before the end of June and, barring any further serious decline in property values or the economy, the plan is to be under construction before the end of the year.

If you grant the request to hear the appeal, it would likely be scheduled within 30 days of the June 14, 2011 Council Meeting.

Members of the City Staff recommended that we submit a brief letter together with the above referenced exhibits so that when the property owner or his representative appears before the Council to make the request to consider hearing the appeal, the members of the Council would already have the background information.

Thank you for your consideration of this request to determine if you will hear an appeal. If you have any questions, don't hesitate to call.

Best Regards,



Stan Stringfellow

Cite	Cite Date	Violation 1	Violation 1 Description	Violation 1 Amount	Location	Cite Balance
174	02/22/2011	8.14.020G	BOXES/LUMBER,/TRASH,/DIRT/DEBRIS >72 HRS	\$100.00	405 W GLADSTONE ST	\$0.00
198	03/30/2011	18.156.100A3	UNPAVED PARKING IN FRONT OF HOUSE	\$100.00	405 W GLADSTONE ST	\$0.00
203	03/03/2011	8.14.020	PROPERTY MAINTENANCE - 2ND OFFENSE	\$200.00	405 W GLADSTONE ST	\$0.00
211	03/11/2011	8.14.020G	BOXES/LUMBER,/TRASH,/DIRT/DEBRIS >72 HRS	\$500.00	405 W GLADSTONE ST	\$0.00
58	08/11/2010	18.156.100A1	COMMERCIAL VEHICLE >10,000LBS IN SF ZONE	\$100.00	405 W GLADSTONE ST	\$0.00
61	08/25/2010	18.156.100A1	COMMERCIAL VEHICLE >10,000LBS IN SF ZONE	\$100.00	405 W GLADSTONE ST	\$0.00
64	09/02/2010	8.14.020	PROPERTY MAINTENANCE	\$100.00	405 W GLADSTONE ST	\$0.00
65	09/02/2010	18.156.100A1	COMMERCIAL VEHICLE >10,000LBS IN SF ZONE	\$500.00	405 W GLADSTONE ST	\$0.00
74	10/08/2010	8.14.020	PROPERTY MAINTENANCE - 3RD OFFENSE	\$500.00	405 W GLADSTONE ST	\$0.00
70	09/21/2010	8.14.020	PROPERTY MAINTENANCE - 2ND OFFENSE	\$200.00	405 W. GLADSTONE ST	\$0.00

7-18-11

EXHIBIT B

Commissioner Ensberg asked if the crib walls would be visible from Gladstone, and would crib walls be needed whether the project is three or four lots.

Stan Stringfellow, applicant, stated they won't be visible from Gladstone but will be to the properties to the west. He felt they would need the crib walls no matter the size of the development in order to create a safe access. He stated they proposed crib walls because they thought it would have less impact than a retaining wall.

Mark Rief, 404 Mustang Court, stated he has lived in the area for 26 years and asked if there was anything that would prevent this property from being subdivided again in the future, and if the utilities will be run underground.

Manager Hensley stated that under the current standards the property cannot be subdivided again. He added the utilities will be placed underground from the pole to the units.

Mark Rief stated he has seen a lot of grading being done near his property and that 30-40 truckloads of dirt have been brought to the property. He asked if there was a permit issued for this since he thought the discussion tonight was to determine that.

Stan Stringfellow, Applicant, thought his office had obtained permits to stockpile the dirt and they have a soils report on all of the loads, so they will take immediate steps to correct things with the City.

Naz Nageer, 412 Mustang Court, asked if the neighbors that have septic systems will be able to access the sewer with the construction of these new lots.

Manager Hensley stated he could speak with the developer and Public Works to see if an arrangement can be made.

There being no further comments, the public hearing was closed.

Commissioner Ensberg felt the concerns raised by staff have been addressed. The landlocked parcel is consistent with other properties around the site and the purchaser's will be notified of the access easement at the time of sale. He felt there wasn't a specific code that regulates creation of landlocked parcels and an inference has to be drawn. It appears the applicant is sensitive to the tree issue and they will be replaced more appropriately, and equestrian access has been addressed.

Commissioner Bratt concurred. He did not like the idea of landlocked parcels and that it sets the stage for future problems, but it already exists in this area and hasn't been an issue.

Commissioner Rahi concurred and asked if they would be making a decision based on the plans presented tonight.

Manager Hensley said if the Commission feels the plan is acceptable, staff will return with a resolution containing conditions which would establish the maintenance agreement, equestrian access, etc.

Commissioner Schoonover felt it was good to have four instead of three equestrian lots.

EXHIBIT C

Received 5-25-2011

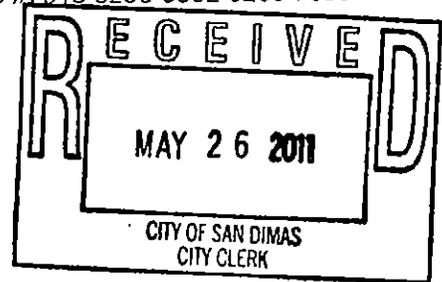
Requested appeal to Assistant City Clerk on
5-26-2011

City of San Dimas
Public Nuisance Determination

May 12, 2011

SENT CERTIFIED #7010 0290 0002 6209 7005

Hollander Financial Holding, Inc.
Mark Hollander
1291 N. Indian Hill Blvd
Claremont, CA 91711-3860



Subject: Declaration of Public Nuisance and Order to Abate
Subject Property: 405 W. Gladstone Street, San Dimas, CA APN:8392-015-029

Case No. CE10-1488

Mr. Hollander:

On May 11, 2011, at the hour of 9am a duly noticed Public Nuisance Hearing was held to determine whether the property located at 405 W. Gladstone Street constitutes a Public Nuisance as described in section 8.16.020 of the San Dimas Municipal Code.

Description of Violations:

1. 15.04.016 A2 SDMC Fill, grade, excavate without required permit
2. 8.14.020 G SDMC Trash, dirt, debris visible from public right-of-way

Present for the Hearing:

Ronald Compton- Administrative Hearing Officer
Dan Coleman- Director of Development Services
David Shono- **Code Enforcement Officer**
John Hollander- Secretary/ Treasurer Hollander Financial Holding, Inc
Stan Stringfellow- Co-Investor of Subject Property
Anthony Pastran- Neighborhood Resident

EXHIBIT D

Summary:

The matters to be determined by the hearing officer at the hearing were:

1. Was fill dirt brought onto the property without the required permit.
2. Did grading occur of that fill dirt without the required permit.
3. Does there exist on the property a large pile of wood containing junk, debris and cast-off items being stored on the property in the public view.
4. Do the unabated conditions represent a public nuisance per the Municipal Code.

The evidence shows that about four years ago a large amount of fill dirt was deposited upon the property and that grading of that fill dirt subsequently occurred without the required city permits. Further, that for an extended period of time a large pile of wood debris that contains junk, debris and cast-off items has been stored on the property in public view. Also, that the property owner failed to abate the violations despite formal warnings by city officials.

Hollander Financial Holdings request that abatement of the fill dirt be delayed so that a pending plan to obtain permits and begin building on the property must be argued on appeal to the city council as the conditions on the property represent a violation of the municipal code and an extension of time to enforce the order to abate cannot be reasonably considered by the hearing officer as the current plans to improve the property are in the very preliminary stage and offer no guidance as to a time frame to implement.

Determination:

The property is declared a public nuisance as defined in San Dimas Municipal Code 8.16.020 and the following order of abatement is issued:

That all corrections and/or work ordered are to be completed within 14 (fourteen) days of the mailing date of this determination letter. All work ordered is to be accomplished in a "workman-like" manner.

1. **Remove the large wood pile and all miscellaneous junk, debris and cast-off items from the property.**
2. **Remove the un-permitted fill dirt deposited on the property to city specifications.**

Public Nuisance Determination
405 W. Gladstone Street
San Dimas, CA
Case No. CE10-1488

That should the property owner fail to comply with the Order to Abate or its stated time frames the City of San Dimas may seek legal remedy to cause compliance, including:

- A. Criminal (misdemeanor) or civil prosecution, including the City petitioning the Court for the appointment of a receiver pursuant to the State Housing Law.
- B. Civil remedy by causing the work to be done and charging the costs against the property owners.
- C. Civil Fines
- D. Abatement

That a notice of "Substandard Property" be recorded with the Los Angeles County Recorder's Office should the property owners fail to comply with the stated time frames.

That any and all costs incurred by the City shall be charged to the property owner pursuant to San Dimas Municipal Code Sections 8.16.130 and 8.16.140 or 8.16.180.

Appeals:

Pursuant to Section 8.16.090 San Dimas Municipal Code you have the right to appeal this determination (decision) by filing an appeal with the City Clerk within 10 (ten) days of the mailing date of this determination. Such appeal shall state the grounds for the appeal. Upon receipt of the appeal the City Clerk will set the matter before the City Council no more than 30 (thirty) days from the filing of the appeal. Failure to appeal within the stated time frames will render this determination final.

Submitted,



Ronald Compton
Administrative Hearing Officer

EXHIBIT E

SDMC 8.16.020 Nuisances designated—Definition.

It is declared a public nuisance for any person owning, leasing, occupying or having charge of any premises to maintain such premises in such a manner that any of the following conditions are found to exist thereon:

- A. Maintenance of a dangerous building as defined in Section 302 of the Uniform Code for the Abatement of Dangerous Buildings;
- B. Maintenance of a substandard building as defined in Section 1001 of the Uniform Housing Code;
- C. Maintenance of an abandoned vehicle in violation of Chapter 10.40 of this code;
- D. Maintenance of property in violation of Chapter 8.14 of this code;
- E. Land, topography, geology or configuration of which, whether in natural state or as a result of grading operations, excavation or fill, causes erosion, subsidence or surface water drainage problems of such magnitude to be injurious or potentially injurious to the public health, safety and welfare or to adjacent properties;
- F. Any sign or billboard that is unsafe, unused, obsolete or illegal;
- G. Any use of property which creates a noxious smell or creates conditions dangerous to public safety, health or welfare, adjoining properties, property owners or property values;
- H. Any use, building, structure or maintenance of property which fails to comply with the conditions of approval of an approved conditional use permit, parcel map or tract map;
- I. Any use, building, structure or maintenance of property which fails to comply with the conditions of approval of development plan review and/or grading, building or demolition permits;
- J. Maintenance of premises in a condition which is adverse to the public peace, health, safety or general welfare;
- K. Maintenance of premises so as to permit the same to become so defective, unsightly, dangerous or in a condition of deterioration or disrepair so that the same will, or may cause harm to persons, or which will materially impair the value of or otherwise be materially detrimental to properties or improvements located in the vicinity of such premises;
- L. Any operation, activity, sign, or lighting fixture that creates illumination which exceeds five footcandles on any adjacent property, whether the illumination is direct or indirect light from the source. Glare levels shall be measured with a photoelectric photometer.

"Premises" as used in this chapter, means and includes real property, vegetation, landscaping, plantings, trees, bushes, fences, walls, buildings, structures, improvements, fixtures and the exterior storage of personal property, vehicles, equipment or supplies. (Ord. 1170 § 5, 2007; Ord. 1012 § 1 (part), 1994)

EXHIBIT F

PHOTOGRAPHS OF NEIGHBORHOOD



EXHIBIT F



**Exhibit G – Photographs of 405 W Gladstone
Date of Photos: July 18, 2011**



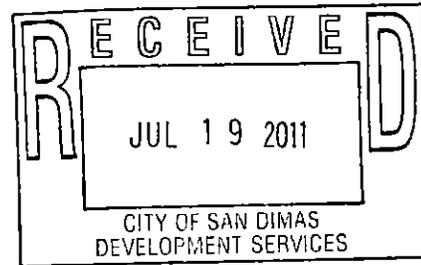




Real Estate Consulting Services

July 19, 2011

Dan Coleman
Director of Community Development
City of San Dimas
245 E. Bonita Ave.
San Dimas, Ca. 91773



Subject: Order of Abatement Proceedings
Subject Location: 405 Gladstone Street, San Dimas, Ca., APN 8392-015-029
Case No. CE10-1488

Dear Mr. Coleman,

Thank you for meeting with me yesterday and inspecting the above referenced property. As communicated in that meeting, all abatement has been completed, with the exception of the removal of the dirt that was found by the hearing officer to have been dumped on the site without a permit.

As you are aware, yesterday I submitted an application requesting revisions to the previous Tentative Parcel Map 69750 approval. The original approval required the import of more than 20,000 cubic yards of fill. The revised map would reduce the grading by approximately 50% but will still require about 12,000 cubic yards of fill. The dirt that has been dumped on the site is estimated to be 1500-2000 cubic yards and can be used in the development of the lots.

As the result of our conversation, we request that the owner, Hollander Financial Holdings, Inc. (Hollander), together with the City of San Dimas and myself (Stringfellow), enter into a standstill agreement with respect to the abatement of the dirt for a period of one (1) year with the option for an additional six (6) months if certain criteria are met with respect to the development of the property.

Hollander and Stringfellow will diligently pursue the map revisions and upon decision of the Council prepare and submit for plan check construction drawing for the purpose of complying with all requirements necessary for the City of San Dimas to issue a grading permit during the one year standstill period. On a parallel track we will also submit a DPRB application to build two homes on the northerly lots. The six month extension can be requested by Hollander and Stringfellow and granted by the City of San Dimas as long as there is steady progress being made to the issuance of the grading permit. At such time as the grading permit is issued and the work commences the nuisance will be considered abated.

During the standstill period the weeds shall be regularly disked as needed and the site shall be kept secure and no additional dumping shall occur without proper permitting by the City of San Dimas.

Real Estate Consulting Services

Please forward a copy of the Staff report and final recommendation as soon as they are available. We appreciate your willingness to work together to resolve this matter.

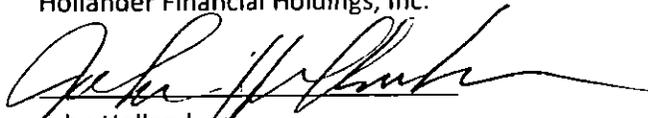
Sincerely;

Real Estate Consulting Services



Stan Stringfellow

Hollander Financial Holdings, Inc.



John Hollander

Secretary / Treasurer

RESOLUTION 11-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS ADOPTING A PUBLIC NUISANCE DETERMINATION AND ORDER OF ABATEMENT REGARDING PROPERTY LOCATED AT 405 WEST GLADSTONE (APN: 8392-015-029)

WHEREAS, on May 11, 2011, a duly noticed Nuisance Abatement Hearing was held at the Sheriff's Station, located at 270 South Walnut, San Dimas, California, 91773, to ascertain whether certain premises situated in the City of San Dimas, State of California, located at 405 West Gladstone, in said City, constitute a public nuisance subject to abatement as described in section 8.16.020 of the San Dimas Municipal Code. To wit, the following violations were described on the property:

1. SDMC 15.04.016.A.2 – Fill, grade, excavate without required permit
2. SDMC 8.14.020.G – Trash, dirt, debris visible from public right-of-way

WHEREAS, following the conclusion of said hearing, the hearing officer issued a public nuisance determination and order of abatement dated May 12, 2011; and

WHEREAS, an appeal was filed by the property owner, Hollander Financial Holding Inc.; and

WHEREAS, notice was duly given of the appeal hearing on the matter and that hearing was held by City Council on July 26, 2011 at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

NOW, THEREFORE, in consideration of the evidence received at the hearing, and having reviewed the applicable codes, laws, testimony and relevant evidence made available at the hearing concerning this matter, the City Council now determines as follows:

PUBLIC NUISANCE DETERMINATION

The property is declared a public nuisance as defined in San Dimas Municipal Code Section 8.16.020.

ORDER OF ABATEMENT

The property owner is hereby ordered to abate such nuisance by removing the previously imported fill dirt within 30 days; however, said removal may be extended for up to 12 months contingent upon substantial progress toward development of homes on the property, and satisfying the conditions as set forth below:

1. **Within 30 days submittal of an application for development plan review of the homes.**

2. **Within 6 months obtain City Council approval of an amended tentative parcel map, and related development plan review application for the homes.**
3. **Within 12 months commence grading by first obtaining the required grading permit by submitting the plans and information required, successfully completing plan check, and paying the required fee to the Building & Safety Division. The time period herein may be extended for up to six (6) months by the Director of Development Services based upon substantial progress. Time extension request shall be submitted to the Director at least 14 days prior to expiration.**
4. **During the 12 months, and any extension granted thereto, the weeds shall be regularly disced as needed, the site shall be kept secure, and no additional fill dirt dumping shall occur.**
5. **If such nuisance is not completely abated by the owner, as directed, within the time set forth in the resolution, or grading construction has not commenced, then the hearing officer shall cause the same to be abated by city forces or private contract, and entry upon the premises is expressly authorized for such purposes. Further, the City shall have the right to recover their costs of abatement, including attorney's fees, by placing a special assessment lien against the property, civil action or other means per San Dimas Municipal Code Chapter 8.16.**

A copy of this Resolution shall be mailed to the appellant.

PASSED, APPROVED AND ADOPTED THIS 26th DAY OF JULY, 2011.

Curt Morris, Mayor of the City of San Dimas

Ina Rios, City Clerk

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Resolution 11-36 was passed at the regular meeting of the City Council held on July 26, 2011 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:



MEMORANDUM

DATE: July 26, 2011

TO: Mayor and City Council

FROM: Larry Stevens, Assistant City Manager for Community Development

SUBJECT: Consideration of Budget Authorization to Prepare Conceptual Plan for Downtown Sidewalk Revisions and of Public Review Process for Said Revisions.

On April 18, 2011 at the Spring Retreat the City Council provided the following directions regarding the Downtown Streetscape:

It was the consensus of the City Council to remove and replace the Liquid Amber trees. The City Council offered their criteria for replacement trees and directed staff to come back with a plan.

It was the consensus of the City Council to eliminate the "frontier" theme and adopt an "historic" theme for the downtown corridor; replace the boardwalk with full -width concrete sidewalk with trees and additional landscaping to be determined when staff brings back plans.

It was also agreed that there would be a public review process before these determinations were finalized.

It was anticipated that redevelopment funds would be utilized but the FY 2011-12 did not specifically include this item in the budget and subsequent State budget enactments prevent any new expenditures of redevelopment funds at the present time.

To date Staff has contracted for a survey of existing improvements and secured a proposal for conceptual design services. Staff is seeking some revisions to the proposal. It is anticipated that these conceptual design services can be secured for less than \$15,000. The conceptual plans will include the following:

- Two or three alternate conceptual designs for a prototypical block with the designs illustrating all appropriate design components needed for the entire Downtown.
- Materials alternatives for potential replacement of the wooden sidewalks and other existing hardscape.
- Design options including revised landscaping addressing bow-outs, revised tree locations, raised seat walls and/or at grade planters.
- Tree and planting palettes.
- Street furniture.

6.6

- Potential areas and designs for outside display and/or dining.
- Estimates of potential costs for alternatives presented.

Preparation of these conceptual plans can be accomplished in 4-6 weeks.

Specific direction was not provided regarding the public review process. It is desirable to confirm the preferred process to facilitate its inclusion in the revised proposal. The following alternatives are suggested for consideration:

ALTERNATE 1	ALTERNATE 2	ALTERNATE 3	ALTERNATE 4
<ol style="list-style-type: none"> 1. Prepare conceptual plans 2. City Council to conduct public meeting as part of regular agenda and provide direction. 	<ol style="list-style-type: none"> 1. Prepare conceptual plans 2. Staff and Consultant conduct community meeting(s) to secure public input. 3. Present report to City Council on public input (still open to public discussion as agenda item) with final direction by City Council. 	<ol style="list-style-type: none"> 1. Prepare conceptual plans 2. Staff and Consultant present plans to City Council for further comment and direction. 3. City Council determines any necessary further public review process needed and/or limits its scope. 4. If determined necessary, Staff and Consultant conduct community meeting and report results to City Council. 5. City Council to provide final direction. 	<ol style="list-style-type: none"> 1. Staff and Consultant conduct community meeting(s) to secure public input. 2. Prepare conceptual plans 3. Staff and Consultant conduct further community meeting(s) on conceptual plans to secure public input. 4. Present report to City Council on public input (still open to public discussion as agenda item) with final direction by City Council.

Actions Required:

1. Authorize a budget adjustment of \$15,000 in the General Fund for this work and authorize Staff to enter into a contract not to exceed \$15,000 for conceptual design.
2. Provide direction on public review.



MINUTES
SAN DIMAS REDEVELOPMENT AGENCY MEETING
TUESDAY, July 12, 2011
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

PRESENT:

Chairman Curtis W. Morris
Vice Chairman Jeffrey W. Templeman
Mr. Emmett G. Badar
Mr. Denis Bertone
Mr. John Ebner
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 of the San Dimas Redevelopment Agency to order at 7:57 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.)

There were no comments.

APPROVAL OF MINUTES

It was moved by Mr. Bertone, seconded by Mr. Ebner, to approve the minutes of the June 28, 2011 meeting. The motion carried unanimously.

EXECUTIVE DIRECTOR

- 1) Report on State Legislation AB1X 26 & 27 – Legislation affecting California Redevelopment Agencies.

Executive Director Michaelis stated he and Assistant City Manager Duran will present an oral report on the recent action by the State.

Assistant City Manager Duran provided a chronology of how the State Budget was adopted and ultimately how legislators approved and the Governor signed two bills that impact the Redevelopment Agency. Mr. Duran explained AB1x 26 that abolishes all Redevelopment Agencies effective October 1, 2011 and AB1x 27 that allows for the continuation of Redevelopment Agencies if the Agency agrees to voluntarily pay the proportionate share of \$1.7 billion statewide. He said the City of San Dimas' proportionate share is \$1.8 million for the primary year and \$400,000 annually thereafter. He said there is a provision in the law that would allow a one-time use of set aside funds contingent upon the Agency making a finding that there is no other source of revenue to make that payment. The estimated 20% set aside contributions would be approximately \$1.4 million. The balance of \$400,000 would come from City or Redevelopment funds. The \$1.8 million would be paid to the State in two installments –the first 50% installment is due January 15, 2012 and the second installation is due on May 15, 2012.

In response to Mr. Bertone, Mr. Duran replied that if the Agency decided to make the payment, AB1x27 keeps the Agency in existence with the ability to continue to operate with all current redevelopment laws intact. He emphasized that from this point until August 1, 2011, the Agency cannot commit to or enter into any new agreements or contracts.

In response to Chairman Morris, Mr. Duran said the total tax increment is just under \$7 million and for the current fiscal year, including debt obligations, pass-through obligations, and administrative costs, the estimated ending fund balance would be \$400,000.

In response to Vice-Chairman Templeman, Mr. Duran said the two new restaurants that participated with Costco in the overall project, were informed that there would not be Agency participation available.

In response to Vice-Chairman Templeman, Executive Director Michaelis provided a history of the State pattern of taking billions of Redevelopment funds since the mid-1990's and said a legal case was filed in 2009 challenging the constitutionality of taking the \$2.7 billion statewide. A decision on that case may be rendered by December. He said in response to recent legislation passed and signed by the Governor, there is another legal challenge being prepared which will be filed shortly. The main purpose is first to seek a stay to prevent the implementation of the legislation and second, part of the lawsuit challenges the constitutionality of taking Redevelopment Agency funds for other purposes, based on the 1956 enabling law, as well as Proposition 22 passed in 2010. He said the court's reaction is unknown on the stay request until mid-August or it might be argued sometime in the Fall, with a decision in December, and depending on the outcome, there may be a subsequent appeal.

In response to Mr. Bertone, Mr. Michaelis stated that if the Redevelopment Agency is dissolved on October 1, 2011 the housing set aside money goes back into distribution to all the other taxing entities and there will be no resources available for the affordable housing program.

Chairman Morris stated that if \$1.4 million is paid to the State, funds will not be available next year because \$1.4 million will go to the housing fund and the remaining \$400,000 will go to the State. He added that if the Agency is dissolved, the State will take over and dispose of all agency owned property.

Vice-Chairman Templeman said that Costco, Lowe's, Target, Albertson's and other projects were energy to the economic conditions of the State. He added that taking away that opportunity, the Agency could lose two restaurants that are looking at the Costco site and are trying to get into plan check; and the Agency can also lose the Grove Station and housing at San Dimas Canyon Road.

In response to Vice-Chairman Templeman, Mr. Duran stated that when Costco was built, the pass-through tax increment to the School District, County and Fire District increased tremendously. Mr. Michaelis added that property taxes tripled after the Costco project was built.

Mr. Badar stated that the Agency has a fairly substantial debt commitment to the General Fund and if the Agency paid the \$1.4 million, does that give the ability to continue reimbursing or making payments to the General Fund.

In response, Mr. Duran stated that if the payment is made, the Agency would be retained under its current configuration. He said it is unclear if the Agency is eliminated whether the State would consider prior loans for purposes of paying back debt of approximately \$10 million. He said a Statement of Indebtedness is submitted to the State each year that identifies all of the Agency's outstanding debt.

In response to Mayor Morris, Mr. Duran stated that he conversed with City Attorney Brown who concluded that there may be some protection for the Mobile Home Park and the Monte Vista Apartments above the Hardware Store which are under the Housing Authority, a separate entity. However, if the Agency is dissolved, Agency owned property on Bonita Avenue and Cataract would be a liquidated asset and funds would go to the State.

In response to Councilmembers Badar and Templeman, Mr. Duran said there is an existing agreement to purchase and sell the Grove Station units. He said it is uncertain whether or not the City would acquire the revenue from the sale of those units.

Agency Attorney Brown stated that the California Redevelopment Agency Special Counsel is preparing a lawsuit, which will be filed shortly, that identifies several areas where the adopted legislation violates provisions of the State Constitution, primarily the violation of Proposition 22, an initiative that protected redevelopment funds. He said one key point in the lawsuit is a request to stay implementation of the legislation. If the stay is not granted, the Agency has until November 1, 2011 to adopt the ordinance to keep the Redevelopment Agency in business.

MEMBERS OF THE AGENCY

1) Mr. Bertone desires that Mr. Stevens work on the purchase of the gas station at the intersection of Bonita Avenue and San Dimas Avenue.

Assistant City Manager Stevens stated that all projects are essentially on hold until a decision is made about continuing the Agency.

2) In response to Mr. Badar, Mr. Michaelis replied that there is an existing contract with VCH for a housing assistance program that can still be honored, although VCH needs to transfer the contract to a new entity to move forward with the construction of the project.

ADJOURNMENT

There being no further business, Chairman Morris adjourned the meeting at 8:34 p.m.

Respectfully submitted,

Ina Rios, Secretary



Agenda Item Staff Report

REDEVELOPMENT AGENCY

TO: Honorable Chair and Members of the Board
For the Meeting of July 28, 2011

FROM: Blaine Michaelis, Executive Director *BM*

SUBJECT: Update Redevelopment Agency Matters

Our desire is to keep you up to date with Redevelopment matters. To be as current as possible, we will be providing a verbal report at the meeting.

7. C. 1



MEMORANDUM

DATE: July 26, 2011

TO: Mayor and City Council

FROM: Larry Stevens, Assistant City Manager for Community Development

SUBJECT: Consideration to stay the enforcement of the 5% window coverage restriction until the hearings and action are complete regarding potential changes to the Sign Code.

At the July 12, 2011 City Council meeting three business owners appeared under public comments and expressed concerns regarding letters recently received from Code Enforcement requiring them to correct certain window sign violations and bring them into compliance with the existing standards limiting temporary window signs to a maximum of 5% of the window area. City Council is considering a stay of such enforcement actions until a revised Sign Code can be considered. The following information is provided to assist in any such consideration.

Detailed information on code enforcement cases is generally treated as confidential. There are approximately 15 recent cases related to window sign violations that were reported to the City. Of these 5 have already voluntarily complied, 7 have scheduled re-inspections working cooperatively to comply and 2 are scheduled to receive a 2nd Notice for not taking sufficient action to comply. One case has other issues to address besides window signs but is not in compliance at this time. It appears that all but 2 or 3 of the cases will be in compliance by July 26 due to the cooperative responses of those business owners. Areas of concern associated with the existing Sign Code were identified in a Community Sign Forum hosted by the Planning Commission on March 16, 2011. The Planning Commission (on May 4, 2011) and the City Council (May 24, 2011) considered a report on the Sign Forum and targeted 18-20 issue areas to consider for possible amendments. Standards for window signs are only one of the identified issue areas. Staff has completed a comparability survey of surrounding cities on all of the identified issue areas and is organizing that information and preparing its recommendation for an upcoming public hearing before the Planning Commission in September or early October.

A number of these businesses are substantially in excess of the current 5% standard and any likely revision to that standard (see attached pictures). Survey information gathered indicates most cities in the area allow window signs in the 20-25% size although some limit the number of days for certain temporary window signs.

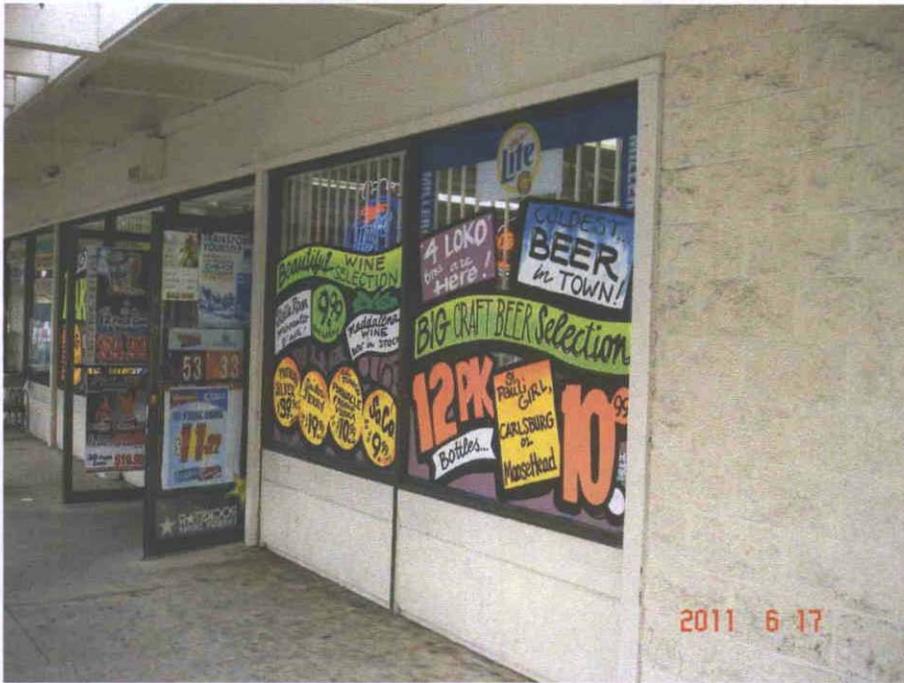
Potential concerns with an enforcement stay include:

- Effect of stay on businesses who have recently complied – Can they reestablish removed signs?
- Effect of stay on all other businesses that may or may not comply at present

g.d.l

- Effect of stay on new window signs – is there an interim standard or no standard? Note that window signs can change with some regularity.

If there is a stay, consideration could be given to requiring a commitment from any benefitting businesses to comply with any new standard within a reasonable time once adopted.





San Dimas Chamber of Commerce

A CALIFORNIA NON PROFIT COPORATION

July 19, 2011

Executive Committee

Chairman
Mitchell Crawford
Individual Member

Chairman-Elect
Elaine Regus
ERPR

Secretary
Michael Kelly
San Dimas High School

Treasurer
Joe Fransen
Awards By Champion

Past Chairman
Margie Green
Rock-Kats by Margie

Board Members At Large

Carolyn Anderson
Waste Management

Denis Bertone
Individual Member

Dave Bratt
Individual Member

Casey Cox
Our Community Network

Bob Cruz
The Gas Co.

Laura Gallardo
Fairplex

Tim Hughes
Hometown Rentals

John Standi
Golden State Water Company

Chamber Personnel

Karen Gaffney
President/CEO

Catalina Kim
Member Services Coordinator

Mayor Curtis Morris
Mayor Pro-Tem Jeff Templeman
Councilmember Denis Bertone
Councilmember John Ebner
Councilmember Emmett Badar
City Manager Blaine Michaelis
City of San Dimas, California
245 East Bonita Avenue
San Dimas, California 91773

Dear Gentlemen,

The San Dimas Chamber of Commerce would like to submit an amicus curiae request to the City regarding the recent citations of San Dimas businesses receiving City Code violations concerning the percentage coverage of window space.

We understand that the City sign ordinance is currently being reviewed by City Staff. During the review process the Chamber requests that the City postpone any enforcement of the sign code violations until the City Staff report is complete and reviewed by Council for their consideration and vote. This request was approved by the San Dimas Chamber of Commerce Board of Directors with both City Councilman Denis Bertone and Planning Commission Member Dave Bratt abstaining from the vote.

There is precedence for this requested Chamber action: in 2009 when Staff was reviewing the recreational vehicle parking policy Council directed Staff to put a moratorium on enforcement of the then current RV parking policy, including citations already issued.

Although we have not taken a position on any specific elements of the sign ordinance we will continue to take an active role in the process and make recommendations on behalf of the business community. We will also continue to encourage businesses to participate in this due process that allows their opinions to be heard.

Thank you for your time, attention, and consideration of the Chamber's request.

Cordially,

Mitchell L. Crawford
Chairperson

Copy: Karen Gaffney, San Dimas Chamber of Commerce
MLC / bli

As the San Dimas Resource Center we are committed to
Creating a Strong Local Economy — Providing Networking Opportunities — Promoting the Community
Representing the Interests of Business with Government — Providing Marketing Opportunities and Business Tools for Success

San Dimas Chamber of Commerce • 246 E. Bonita Ave., San Dimas, CA 91773 • 909-592-3818 www.sandimaschamber.com