



AGENDA
REGULAR CITY COUNCIL /
REDEVELOPMENT AGENCY MEETING
TUESDAY, JANUARY 10, 2012, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVE.

CITY COUNCIL:

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

1. CALL TO ORDER AND FLAG SALUTE

2. RECOGNITIONS

- Present Proclamation to Randy Dominguez, San Dimas Postmaster, retiring after 40 years of service

3. ANNOUNCEMENTS/PRESENTATIONS

- a. Pui-Ching Ho, Manager, San Dimas Library
- b. Update on San Dimas HEROES and recognition
- c. Update and reminder on sales process for four city-owned condominiums at Grove Station.

4. ORAL COMMUNICATIONS (Members of the audience are invited to address the City Council on any item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time and ask to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

- a. Members of the Audience

5. CONSENT CALENDAR

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

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

(1) **RESOLUTION NO. 2012-01, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF DECEMBER 2011 AND JANUARY, 2012.**

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

- (1) Ordinance No. 1210 amending various provisions of the San Dimas Municipal Code Title 1 and Title 8 regarding enforcement.

ORDINANCE NO. 1210, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING THE SAN DIMAS MUNICIPAL CODE TITLE 1 AND TITLE 8 REGARDING ENFORCEMENT PROCEDURES. SECOND READING AND ADOPTION

- (2) **ORDINANCE NO. 1211, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS REPEALING CHAPTER 15.40 OF THE SAN DIMAS MUNICIPAL CODE. SECOND READING AND ADOPTION**

- c. Approval of minutes for the regular City Council meeting of December 13, 2011.

END OF CONSENT CALENDAR

6. OTHER MATTERS

- a. Request for the appropriation of \$45,000 from Fund 12, Infrastructure Fund, for ADA inspection of all City facilities, and improvements at the Senior Citizen/Community Center and the San Dimas Avenue Park and Ride Parking Lot.
- b. City Council approval of Agreement with Bank to substitute cash transfer to City in place of Letter of Credit for Grove Station.
- c. Review of decorative lights for the Walker House.

7. JOINT CITY COUNCIL/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 San Dimas Redevelopment Agency minutes for meeting of December 13, 2011.
- c. Report on AB1x26 Implications – Dissolution of San Dimas Redevelopment Agency

- (1) **RESOLUTION NO. 2012-02, A RESOLUTION OF THE CITY OF SAN DIMAS DETERMINING THAT THE CITY OF SAN DIMAS ELECTS TO, AND SHALL, SERVE AS THE SUCCESSOR AGENCY TO THE DISSOLVED SAN DIMAS REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34173.**

- (2) **RESOLUTION NO. 2012-03, A RESOLUTION OF THE CITY OF SAN DIMAS MAKING A DECLARATION UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 33354.8 THAT, DURING THE PERIOD FROM JANUARY 1, 2010 TO DECEMBER 31, 2011, THE CITY HAS NOT FORGIVEN THE REPAYMENT, WHOLLY OR PARTIALLY, OF ANY LOAN, ADVANCE, OR INDEBTEDNESS OWED TO THE CITY BY THE SAN DIMAS REDEVELOPMENT AGENCY.**

(2ii) **RESOLUTION NO. 193**, A RESOLUTION OF THE SAN DIMAS REDEVELOPMENT AGENCY MAKING A DECLARATION UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 33354.8 THAT, DURING THE PERIOD FROM JANUARY 1, 2010 TO DECEMBER 31, 2011, THE AGENCY HAS NOT FORGIVEN THE REPAYMENT, WHOLLY OR PARTIALLY, OF ANY LOAN, ADVANCE, OR INDEBTEDNESS OWED TO THE AGENCY BY A PUBLIC BODY.

(3) Adoption of Amended Agency Enforceable Obligation Payment Schedule.

d. Executive Director

e. Members of the Agency

8. ORAL COMMUNICATIONS

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

b. City Manager

c. City Attorney

d. Members of the City Council

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

2) Individual Members' comments and updates.

9. ADJOURNMENT

The next meeting is January 24, 2012, 7:00 p.m.

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

<http://www.cityofsandimas.com/minutes.cfm>.

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

POSTING STATEMENT: ON JANUARY 6, 2012, 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); AND 300 EAST BONITA AVENUE (UNITED STATES POST OFFICE); VONS SHOPPING CENTER (Puente/Via Verde) AND THE CITY'S WEBSITE AT www.cityofsandimas.com/minutes.cfm.

RESOLUTION NO. 2012-01

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF SAN DIMAS, CALIFORNIA, APPROVING
CERTAIN DEMANDS FOR THE MONTHS OF
DECEMBER 2011 AND JANUARY 2012**

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: 12/30/2011; 138586 through 138706; in the amount of
\$754,306.46. Prepaid Warrant Register: 12/31/2011; 22488 through 22558; in the amount of
\$3,824,995.51 (includes Void Check No. 138621); Warrant Register: 01/17/2012; 138707
through 138765; in the amount of \$122,089.90.

PASSED, APPROVED AND ADOPTED THIS 10th DAY OF JANUARY 2012.

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 January 10, 2012, by the following
vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ina Rios, CMC, City Clerk

S.A. 1



THE WARRANT DISBURSEMENT
JOURNAL IS NOT AVAILABLE TO
VIEW THROUGH LASERFICHE

A PAPER COPY IS AVAILABLE
IN THE FINANCE DIVISION



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of January 10, 2012

From: Blaine Michaelis, City Manager

Initiated by: Dan Coleman, Director of Development Services 

Subject: **ORDINANCE NO. 1210, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA AMENDING THE SAN DIMAS MUNICIPAL CODE TITLE 1 AND TITLE 8 REGARDING ENFORCEMENT PROCEDURES**

SUMMARY

Ordinance No. 1210 amends Title 1 and Title 8 of the San Dimas Municipal Code as it relates to code enforcement procedures.

The City Council introduced Ordinance No. 1210 at their December 13, 2011 meeting.

RECOMMENDATION

Adopt Ordinance No. 1210.

ORDINANCE NO. 1210

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA AMENDING THE SAN DIMAS MUNICIPAL CODE TITLE 1 AND TITLE 8 REGARDING ENFORCEMENT PROCEDURES

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

SECTION 1. Title 1 of the San Dimas Municipal Code is hereby amended to add a new chapter to read as follows:

Chapter 1.14

ADMINISTRATIVE ENFORCEMENT PROCEDURES

1.14.010 Purpose and Intent.

A. The City Council has determined that the enforcement of the Municipal Code and applicable state codes throughout the city is an important public service and is vital to the protection of the public's health, safety and quality of life. The Council also finds that there is a need to establish procedures for administrative enforcement of Municipal Code violations to afford due process of law to any person who is directly affected by an administrative action. These procedures are also intended to establish a method to efficiently, expeditiously and fairly resolve issues raised in any administrative enforcement action.

B. The procedures in this chapter shall be in addition to criminal, civil or any other legal remedies established by law that may be pursued to address violations of this code and applicable state codes. By adopting this section, the City does not intend to limit its discretion to utilize any other remedy, whether independently or concurrent, civil or criminal actions for such violations that the City may select in a particular case.

1.14.020 Administrative enforcement authority.

The director of development services or the city manager's designee, designated code enforcement officers, other city directors and/or their designated agents shall have the authority and powers necessary to determine whether a violation of the code exists and the authority to take appropriate action to gain compliance with the provisions of the San Dimas Municipal Code and the applicable state codes. These powers include the power to issue notices of violation, administrative citations, infractions, notices and orders, and civil penalties, the power to inspect public and private property and use the remedies available under the San Dimas Municipal Code, California Building Standards Codes or other applicable codes.

1.14.030 Additional enforcement authority.

The director of development services or the city manager's designee also may enter into code compliance agreements with the affected persons to resolve abatement matters expeditiously and fairly. Said agreements, voluntarily entered into by the parties, may

include provisions which address the nature and extent of abatement activities, a time schedule for completion of abatement procedures, assessment of fines and costs, the consequences of failing to comply with the terms and conditions thereof, and any other provision which expeditiously and reasonably resolves the abatement dispute between the city and affected persons. Said agreements shall be executed, acknowledged and recorded in the official records of the county of Los Angeles clerk/recorder. Said agreements shall run with the land and be binding on the heirs, successors and assigns of the affected persons who entered into said agreements with city

1.14.040 Interference with enforcement procedures prohibited.

It is unlawful for any person to:

- A. Either orally or in writing, give information to an enforcement official which the person knows to be false; or
- B. Remove or violate a notice or order posted as required by any provision of the San Dimas Municipal Code for the purpose of interfering with or preventing the enforcement thereof; or
- C. Obstruct, impede, or interfere with the lawful activities of any city enforcement official, including inspections, examinations, or surveys. Such interference with enforcement procedures shall constitute a misdemeanor.

1.12.050 Notice of violation procedures.

Whenever it is determined that a violation of this code or applicable state codes exists, the director of development services or code enforcement officer may issue a written notice of violation to the responsible person(s). The notice of violation shall include the following information:

- A. The name of the responsible party;
- B. The name of the owner, if different from the responsible person;
- C. Street address;
- D. The code sections in violation;
- E. A description of the conditions which violate the applicable codes;
- F. A list of necessary corrections to bring the property into compliance;
- G. A deadline or specific date to correct the violations listed in the notice of violations;
- H. A list of the potential consequences for failure to comply with the notice including, but not limited to criminal prosecution, civil injunction, administrative

abatement, administrative citations, civil penalties, revocation of permits, recordation of the notice of violation and withholding of future municipal permits.

SECTION 2. Title 1 of the San Dimas Municipal Code, Chapter 1.06 Administrative Penalties, is hereby amended to add new sections to read as follows:

1.06.150 Recordation of notices of violation purpose.

A. The city council finds that there is a need to give notice of pending enforcement actions to persons who may subsequently acquire the property as a means by which to ensure the violations will be corrected. An appropriate method to accomplish this is through the issuance and recordation of notices of violation.

B. The procedures established in this division shall be in addition to criminal, civil, or any other remedy established by law which may be pursued to address violations of this code or applicable state codes.

1.06.160 Procedures for recordation.

A. Once the city has issued an administrative citation to a responsible person and the property remains in violation after the deadline established in the citation, the director of development services or the city manager's designee may record the notice of violation with the Los Angeles County Recorder's Office.

B. The recorded notice of violation shall include the name of the property owner, the assessor's parcel number, the street address, the parcel's legal description, and a copy of the latest notice of violation.

C. The City shall cause copies of the recorded notices of violation to be served on all persons having an ownership interest in the subject real property as shown in the last equalized assessment roll of the Los Angeles County Assessor's Office. Service thereof shall be by first class mail. Failure to receive such notices shall not invalidate any action or proceedings conducted hereunder.

D. Any costs associated with recording and removal may be assessed against the property as provided for herein.

1.06.170 Cancellation of recorded notice of violation.

A. When the violations list on the administrative citation have been corrected, the responsible person or property owner may file with the director of development services a written request for a notice of compliance.

B. The city shall reinspect the property to determine whether the violations have been corrected, whether all necessary permits have been issued and final inspections have been performed, and whether all administrative penalties have been paid. If so, then the director of development services or the city manager's designee shall record a notice of compliance with the county of Los Angeles

recorder's office and provide a copy to the responsible person and property owner. If not, then the director of development services or the city manager's designee shall serve notice to the responsible person and property owner with a written explanation in accordance with the methods of service listed in this chapter.

- C. The director of development services or the city manager's designee decision denying a request to issue a notice of compliance constitutes the final decision in the matter and is not appealable.

1.06.180 Prohibition against issuance of permits.

For properties where a notice of violation has been recorded, the city may withhold building permits for repair, construction and/or alteration on the affected property, and may withhold zoning permits or other development entitlements, until a notice of compliance has been issued by the city pursuant as provided in this chapter. The city may not withhold permits which are necessary to abate the violation or to correct serious health and safety violations as determined by the director of development services or building official.

SECTION 3. Title 1 of the San Dimas Municipal Code, Chapter 1.06 Administrative Penalties, Sections 1.06.050 and 1.06.060, are hereby amended to read as follows (added text shown in underline; deleted text shown in ~~strikethrough~~):

1.06.050 Content of violation notice.

All violation notices imposing an administrative penalty shall contain the relevant Municipal Code sections for which an administrative penalty is being imposed along with a brief description of the violation, the amount of the administrative penalty, the location of the violation, the date the violation was first observed, the name and address of the property owner of record as determined by the latest Los Angeles County Tax Assessor Roll data (if the violation pertains to any real property), and/or the name and address of any other person(s) determined by the enforcing officer to be responsible for any violation of the Municipal Code. The notice shall also contain the final date by which an appeal may be filed, where the appeal may be filed, and the cost of the administrative hearing should the appeal be ultimately denied.

The notice referred to in this section shall be in substantially the following format:

**NOTICE OF ADMINISTRATIVE PENALTY FOR VIOLATION
OF THE SAN DIMAS MUNICIPAL CODE**

This notice is to inform you that on _____, 20_____, at _____ [location] you violated section _____ of the San Dimas Municipal Code by _____ [description of violation]. The Municipal Code provides that the penalty for this violation is \$_____. ~~[However, because this violation pertains to building, plumbing, electrical, or other similar structural or zoning violation, you may avoid paying the penalty if you correct the violation, and present proof of the correction to the City Clerk within _____ days.]~~

You must pay the penalty for this violation within 21 days from the date of this notice. If you fail to timely pay the penalty, the City will initiate collection procedures against you in any manner permitted by law.

If you contest this penalty, you may request a hearing by providing a written explanation to the City Clerk as to why the violation is being contested. The City will thereafter review your explanation and either schedule an administrative hearing under section 1.06.080 of the San Dimas Municipal Code, or withdraw the penalty.

Failure of responsible persons to abate the violation as specified in this notice could result in the commencement of further administrative, civil, and/or criminal enforcement actions against all responsible persons. Furthermore, the City may record a Notice of Violation with the Los Angeles County Recorder's Office against the premises if the violation is not fully abated or corrected (with all required approvals, permits and inspections), as determined by the City, in the manner and time set forth in this notice of administrative penalty and provided that a timely appeal therefrom has not been made.

Dated this _____ day of _____, 20_____.

_____(Title)
Authority: San Dimas Municipal Code Chapter 1.06 et. seq.

1.06.060 Service of notices.

Service of notices required under this chapter shall be made by the following means:

A. By personal service on the violator(s) in the same manner as a summons in a civil action; or,

B. By registered certified United States mail. Service shall be complete at the time of deposit into the United States mail.

C. Failure to receive any notice specified in this chapter does not affect the validity of proceedings conducted hereunder.

SECTION 4. Title 8 of the San Dimas Municipal Code, Chapter 8.16 Nuisance Abatement, subsection 8.16.040 Form and notice of hearing, is hereby amended to read as follows (added text shown in underline; deleted text shown in ~~strikethrough~~):

8.16.040 Form and notice of hearing.

Whenever the building official or community development director finds that any premises is being maintained contrary to the provisions of Section 8.16.020, then he shall cause notice to be given in the manner provided in this chapter for the holding of a public hearing to ascertain whether the same does in fact constitute such a public nuisance. Notice of the time and place of hearing before the hearing officer as designated by the city manager shall be titled "notice of hearing" and shall be substantially in the following form:

"NOTICE OF HEARING TO ABATE NUISANCE

NOTICE IS HEREBY GIVEN that on the _____ day of _____, at the hour of _____ of said day, the (Building Official, Community Development Director, or other title of Hearing Officer designated by the city manager) of the City of San Dimas will hold a public hearing in the Council Chambers of the San Dimas City Hall, located at 245 E. Bonita Avenue, San Dimas, California, 91773, to ascertain whether certain premises situated in the City of San Dimas, State of California, known and designated as _____, in said City, and

more particularly described as _____, constitute a public nuisance subject to abatement by the rehabilitation, repair, demolition or removal of _____ situated thereon.

If said premises, in whole or in part, are found to constitute a nuisance, and if not promptly abated by the owner, the same will be abated by the City, in which case, the cost of such abatement will be assessed upon and against the land on which the nuisance is located and that the cost thereof will constitute a lien upon such land until paid, and will be a personal obligation of the owner of the property.

Said alleged violations consist of the following:

_____.

Said methods of abatement available include:

_____.

All persons having any objection to, or interest in said matters are hereby notified to attend said hearing, when ~~the~~ their testimony and evidence will be heard and given due consideration.

Following the hearing, if the hearing officer determines that the violations constitute a public nuisance, then the City may record a Notice of Violation with the Los Angeles County Recorder's Office against the premises if the violation is not fully abated or corrected (with all required approvals, permits and inspections), as determined by the City, in the manner and time set forth in the hearing officer's written order of abatement and provided that a timely appeal therefrom has not been made.

DATED:

This _____ day of _____.

_____.

San Dimas Hearing Officer"

SECTION 5. Title 8 of the San Dimas Municipal Code, Chapter 8.16 Nuisance Abatement, is hereby amended to add new sections to read as follows:

8.16.270 Recordation of notices of violation purpose.

A. The city council finds that there is a need to give notice of pending enforcement actions to persons who may subsequently acquire the property as a means by which to ensure the violations will be corrected. An appropriate method to accomplish this is through the issuance and recordation of notices of violation.

B. The procedures established in this division shall be in addition to criminal, civil, or any other remedy established by law which may be pursued to address violations of this code or applicable state codes.

8.16.280 Procedures for recordation.

Once the hearing officer's order of abatement has been served upon the owner of the property, then the director of development services or the city manager's designee may record a notice of violation with the county of Los Angeles recorder's office as provided in Chapter 1.06 of this code.

8.16.290 Cancellation of recorded notice of violation.

When the violations listed on the hearing officer's order of abatement have been corrected, the responsible person or property owner may file with the director of development services a written request for a notice of compliance as provided in Chapter 1.06 of this code.

8.16.300 Prohibition against issuance of permits.

For properties where a notice of violation has been recorded, the city may withhold building permits for repair, construction and/or alteration on the affected property, and may withhold zoning permits or other development entitlements, until a notice of compliance has been issued by the city pursuant as provided in Chapter 1.06 of this code. The city may not withhold permits which are necessary to abate the violation or to correct serious health and safety violations as determined by the director of development services or building official.

SECTION 6. Compliance with California Environmental Quality Act. The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 7. Severability. If any section, subsection, subdivision, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 8. This Ordinance shall take effect 30 days after its final passage, and within 15 days after its passage the City Clerk shall cause it to be published in the San Gabriel Valley Tribune, a newspaper of general circulation in the City of San Dimas hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED THIS 10TH DAY OF JANUARY, 2012.

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

ATTEST:

Ina Rios, CMC, City Clerk

I, INA RIOS, CITY CLERK of the City of San Dimas, do hereby certify that Ordinance No. 1210 was regularly introduced at the regular meeting of the City Council on December 13, 2011 and was thereafter adopted and passed at the regular meeting of the City Council held on January 10, 2012 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

I DO FURTHER CERTIFY that within 15 days of the date of its passage, I caused a copy of Ordinance No. 1210 to be published in the Inland Valley Daily Bulletin.

Ina Rios, CMC, City Clerk



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of January 10, 2012

From: Blaine Michaelis, City Manager

Initiated by: Dan Coleman, Director of Development Services 

Subject: **ORDINANCE NO. 1211, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS REPEALING CHAPTER 15.40 OF THE SAN DIMAS MUNICIPAL CODE**

SUMMARY

Ordinance No. 1211 repeals provisions of Chapter 15.40 of the San Dimas Municipal Code, which have been superseded by adoption of Ordinance 1200, incorporated as Chapter 15.51 of the City's Municipal Code.

The City Council introduced Ordinance No. 1211 at their December 13, 2011 meeting.

RECOMMENDATION

Adopt Ordinance No. 1211.

5.6.2

ORDINANCE NO. 1211

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SAN DIMAS REPEALING CHAPTER 15.40 OF THE SAN
DIMAS MUNICIPAL CODE**

The City Council of the City of San Dimas does hereby ordain as follows:

Section 1. Title 15, Chapter 15.40 of the San Dimas Municipal Code is hereby repealed.

Section 2. The provisions of Chapter 15.40 have been superseded by the City's adoption of Ordinance 1200 which is now incorporated as Chapter 15.51 of the San Dimas Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 10th DAY OF JANUARY 2012.

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

ATTEST:

Ina Rios, CMC, City Clerk



MINUTES
REGULAR CITY COUNCIL
TUESDAY, DECEMBER 13, 2011, 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVE.

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 for 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
Associate Planner Marco Espinoza
Associate Planner Kristi Grabow

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. ANNOUNCEMENTS

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

1) Pui-Ching Ho, Library Manager, said Preschool Story Time is held every Friday morning at 10:30 a.m. with great stories, children's songs and activities. She said special guest Ken Frawley will be at the Library on December 16th to present the Wonderful World of Stories and Songs. She invited innovative, energetic teens, grades 6-12, to come to the Teen Advisory Board meeting on Saturday, December 17th, 1:00 p.m., to help promote the Library programs to other teens. She encouraged families and children of all ages to tell a story using musical instruments at the Library on Wednesday, December 21, 6:30 p.m.. The Book Party Group will meet at 10:30 a.m. on Wednesday, January 4, 2012, to discuss *Memoirs of a Geisha* by Arthur Golden. She extended wishes for Happy Holidays.

2) Mayor Morris announced that the applicants have requested postponement of item 5.a under Planning/Development Services, a request for a zone change related to a service station located at Arrow Hwy. and San Dimas Avenue. He notified anyone present for that item that it will not be heard tonight.

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.)

5.C

a. Members of the Audience

1) Grant Bristow, 1438 Windsor Drive, invited the City Council and the community to participate in the 4th annual Jackie Bristow Memorial 5k Run, on January 7, 2012, in the civic center, in honor of his daughter, Jackie, who passed away from an eating disorder. He said their goal is to raise funds to promote awareness of the mental disease that claims the lives of a large number of people in the United States. He thanked everyone and wished all a Merry Christmas.

2) Jamelle Nicosaco, ASB, San Dimas High School, highlighted their winter activities including a canned food drive, toy drive competition, winter sports rally and winter formal dance. She said the Music Department earned the sweepstakes trophy at Camarillo Christmas Parade and carolers will be performing at Faith Lutheran Church. She added that seniors are busy working on their senior projects and MSAC will be on campus to help students apply to the community college. She thanked the City Council for their continued support of San Dimas High School.

4. CONSENT CALENDAR

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

It was moved by Councilmember Ebner, seconded by Mayor Pro Tem Templeman, and carried to accept, approve and act upon the consent calendar, as follows:

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

(1) Approving Warrant Register for November and December 2011.

RESOLUTION NO. 2011-56, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF NOVEMBER AND DECEMBER, 2011.

b. Approval of minutes for the regular City Council meeting of November 22, 2011 and special meeting of November 8, 2011.

END OF CONSENT CALENDAR

5. PLANNING/DEVELOPMENT SERVICES

a. Consideration of request to initiate Municipal Code Text Amendment (MCTA 10-06). A request to modify portions of Code Section 18.140.090(C)(4)(a)(iv) within the Creative Growth Zone to allow for a street facing gas station design and not the reverse/turn around design required by Code.

Mayor Morris announced that at the applicants' request, this item will be continued to a date uncertain. He stated that the item will be re-noticed and scheduled for consideration once a date is decided.

b. Appeal decision of Development Plan Review Board on DPRB Case No. 11-46: a request to allow a professional office use to be located on the ground floor within the Frontier Village area at 100 North San Dimas Avenue (APN: 8387-009-038).

1) **RESOLUTION NO. 2011-57, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS UPHOLDING THE APPEAL OF DPRB CASE NO. 11-46, A REQUEST TO ALLOW A PROFESSIONAL OFFICE USE TO BE LOCATED ON THE GROUND FLOOR WITHIN THE FRONTIER VILLAGE AREA AT 100 NORTH SAN DIMAS AVENUE (APN 8387-009-038).**

Associate Planner Grabow summarized Development Plan Review Board Case No. 11-46 to allow a professional office use on the ground floor within the Frontier Village area at 100 North San Dimas Avenue. She said the request was reviewed on November 22, 2011 by the Development Plan Review Board and the motion to approve failed by a vote of 3.3.0.1. Planner Grabow presented six findings for Council's consideration that would allow ground office use at the location and said the architectural design of the structure does not appear to be like a retail center and the size of the tenant space would significantly limit the amount of retail opportunity. Staff recommended that the City Council uphold the appeal by the applicant and approve office use on the ground floor at 100 North San Dimas Avenue. Planner Grabow pointed out that the applicant and property owner are present to answer questions.

Mayor Morris pointed out that he received emails from two individuals who expressed their preference to keep the property retail.

Councilmember Badar announced that he attended the Development Plan Review Board meeting and although he participated in discussion, he abstained from voting.

Mayor Morris invited the applicant to come forward to present her position on this matter.

Angie Jakum, Applicant, said she currently has an office in Long Beach, and would like to open a second tax office in San Dimas, which she felt would provide a vital service to the community. She pointed out that the site is located at the outskirts of Frontier Village and felt an exception should be made to permit her tax office business. Ms. Jakum added that the parking lot is primarily used for Top Thai and a tax office would create less of a parking impact as opposed to a retail business, since her clients are by appointment only.

In response to Councilmember Ebner, Ms. Jakum replied that appointments are scheduled one-half hour apart starting at 8:00 a.m. with an open closing time during tax season. She added that she will be splitting her hours of operation between the Long Beach office and San Dimas office.

Mayor Morris invited members of the audience to speak in favor of the appeal.

1) Georgia Valaskanly, said she and her husband are the property owners. She said she has had to write off losses for previous unsuccessful retail businesses at the subject location, and the responses to fill the vacancy consists mainly of office use, with the exception of an oriental massage parlor and a liquor store. She said it is preferable to have the space leased in this economy and she would appreciate it if the City Council would reconsider approving office use on the ground floor.

2) Mitchell Crawford, San Dimas Chamber of Commerce, read a statement from the Executive Committee of the Chamber of Commerce expressing their excitement and pleasure to see business interest in San Dimas and ask that consideration be extended on a case-by-case basis for business locations like this one that may not be conducive to a full retail type of business. Mr. Crawford added his comments that the Chamber of Commerce understands the need and desire to have retail establishments on the ground floor in the Bonita corridor and in that area, however, this particular site is not conducive to a retail establishment with very little parking or window display space for a retail environment. He said the Chamber would like see a business in that building and does not oppose service use. He also believes that the local merchants would not oppose office use at the site.

Mayor Morris invited members of the audience to speak in opposition of the appeal. There were no speakers.

In response to Councilmember Bertone, Director of Development Services Coleman replied that San Dimas downtown is quite small compared with surrounding communities and the ordinance was created to protect the uniqueness of the downtown and preserve the capability of having retail uses on the ground floor. He said he voted against this item because it would eliminate the opportunity of retail at this

location and there are vacant second floor spaces available for office uses in the downtown. He added that the building also could be remodeled to be more appropriate for retail.

Councilmember Ebner observed that the building would be more inviting if it had a larger window.

Mayor Pro Tem Templeman stated that retail has a higher demand for parking. He believes the finding can be made that the location is not suitable for retail and that a service business is more appropriate. He supports the appeal. He mentioned the need for service business especially because 50% of retail is now online.

In response to Councilmember Badar, City Manager Michaelis replied that when he voted in favor of the office use, he had considered the size and shape of the diminutive building and thought the professional use would be a benefit to the community.

Councilmember Ebner noted that among the findings in supporting the appeal is that the use would not have an impact on traffic or parking, however, it is desirable to impact traffic and parking. He felt exceptions should not be continuously made on these types of appeals and suggested amending the existing appeal policy.

Mayor Morris stated that when the zoning ordinance was created, the Development Plan Review Board was given the discretion to make decisions on ground floor uses.

Assistant City Manager Stevens said due to concerns that evolved over several past reviews, existing policy for Board review of first floor office use is not arbitrary. He said the Board considers size and previous use of a building to fit current policy. He asked the City Council if the Board should be flexible in commercial zones relative to non-retail uses. He pointed out that existing standards apply to several shopping centers to accommodate a percentage of offices to ensure there is a substantial component of retail continuing in shopping centers.

Mayor Morris said the Board's approach is logical and based on past decisions.

Mayor Pro Tem Templeman moved to support staff's recommendation that the City Council uphold the appeal and approve the request to allow a professional office use to be located on the ground floor within the Frontier Village area at 100 North San Dimas Avenue. The motion was seconded by Councilmember Badar.

In response to Councilmember Ebner, Assistant City Manager Stevens replied that once office use is approved, future replacement office use would be permitted and not be subject to first floor office review. However, if there is concern about the economy, approval for this use on the ground floor can be subject to first floor procedure.

Mayor Pro Tem Templeman felt that there is no advantage to putting retail in that location. He said it is easy to make the findings for this particular building that is a miniscule 600 square feet and located in an area that is poorly designed for parking.

Planner Grabow mentioned that condition number five (5) stipulates that change of office use from the current business operator to a new or different operator may be subject to review.

Mayor Morris agreed that the building was poorly designed with a lack of parking for retail.

The motion carried by the following vote:

AYES: Councilmembers Badar, Templeman, Morris

NOES: Councilmembers Bertone, Ebner

After the title was read, it was moved by Mayor Pro Tem Templeman, seconded by Councilmember Badar, to waive further reading and adopt **RESOLUTION NO. 2011-57, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS UPHOLDING THE APPEAL OF DPRB CASE NO. 11-46, A REQUEST TO ALLOW A PROFESSIONAL OFFICE USE TO BE LOCATED ON THE GROUND FLOOR WITHIN THE FRONTIER VILLAGE AREA AT 100 NORTH SAN DIMAS AVENUE (APN 8387-009-038)**. The motion carried by the following vote:

AYES: Councilmembers Badar, Templeman, Morris
NOES: Councilmembers Bertone, Ebner

6. OTHER BUSINESS

- a. Renew contract with University of La Verne for the management of the City's Government/Education Access Channel.

Assistant City Manager Duran provided brief background on the Agreement with the University of La Verne to manage the City's government access channel, KWST, which was renewed in 2010 and extended twice through December 31, 2011 to allow ULV to work on technical issues and negotiate an additional extension. Staff and ULV have negotiated a one-year extension of the Agreement in the amount of \$70,000 to expire December 31, 2012. Staff feels that ULV staff has made improvements to the overall quality of the channel and the renewal rate is reasonable. He recommends a one-year extension of the existing agreement with ULV in the amount of \$70,000. Mr. Duran said Station Manager Don Pollack is present to answer questions.

Mayor Morris invited Mr. Pollack to comment on this item.

Don Pollack, Station Manager, University of La Verne, said there have been challenges with Time Warner's cable box, however, the University has made some significant technological advances with the play-out system to provide a greater variety of programming that allows them to change the schedule to meet the City's concerns. He said they are currently under a three-month contract and requested renewal of the contract.

Councilmember Bertone said there has been much improvement over the past year and moved to approve a one-year extension of the existing Agreement with University of La Verne, in the amount of \$70,000, to manage the City's government access channel KWST. The motion was seconded by Mayor Pro Tem Templeman and carried unanimously.

- b. Introduction of Ordinance No. 1210 amending various provisions of the San Dimas Municipal Code Title 1 and Title 8 regarding enforcement.

- 1) **ORDINANCE NO. 1210, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING THE SAN DIMAS MUNICIPAL CODE TITLE 1 AND TITLE 8 REGARDING ENFORCEMENT PROCEDURES.**

Director of Development Services Coleman reported that at the November 8, 2011 City Council Study Session, he had recommended adoption of a code amendment to allow recordation of a Notice of Violation after issuance of an Administrative Citation or Public Nuisance Determination. Director Coleman recommended introduction of Ordinance No. 1210 to amend Title 1 and Title 8 of the San Dimas Municipal Code as it relates to enforcement.

Mayor Morris said the recordation of a Notice of Violation is a valuable tool that must be used with care. He asked if the City had the ability to foreclose a lien for nuisance abatement.

Director Coleman replied that one disadvantage of tax liens is that cities are typically last on the list to collect monies from a tax lien.

Mayor Pro Tem Templeman was not supportive of foreclosure procedures and hoped this tool would only be used for egregious violations for safety reasons.

City Attorney Brown stated that staff's direction in the administration of code provisions is to use this tool as a last resort to get people to compliance.

To make the City Council more comfortable, Mayor Morris suggested adding a provision to proceed with the notice of violation upon City Council's approval on a case-by-case basis.

Director Coleman noted that a revision to page seven (7) of the Ordinance, titled *Cancellation of recorded notice of violation* was distributed to the City Council.

After the title was read, it was moved by Councilmember Ebner, seconded by Councilmember Bertone, to waive further reading and introduce **ORDINANCE NO. 1210**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING THE SAN DIMAS MUNICIPAL CODE TITLE 1 AND TITLE 8 REGARDING ENFORCEMENT PROCEDURES. The motion carried unanimously.

c. Consideration to repeal Chapter 15.40 of the San Dimas Municipal Code.

1) **ORDINANCE NO. 1211**, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS REPEALING CHAPTER 15.40 OF THE SAN DIMAS MUNICIPAL CODE

Director of Development Services Coleman said the proposed municipal code amendment repeals an outdated chapter which was replaced by the 2010 California Fire Code adopted by Ordinance No. 1200. Staff recommended introduction of Ordinance No. 1211.

After the title was read, it was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to waive further reading and introduce **ORDINANCE NO. 1211**, AN ORDINANCE OF THE SAN DIMAS CITY COUNCIL REPEALING CHAPTER 15.40 OF THE SAN DIMAS MUNICIPAL CODE. The motion carried unanimously.

d. Approval of 2011-12 State COPS grant budget and expenditures.

Assistant City Manager Duran reported that the City's adopted FY 2011-12 budget did not include the COPS grant funding from the state. He said it has been confirmed that the City will be receiving a \$100,000 grant to provide partial funding for the School Resource Officer and contract Probation Officer positions. He said \$15,000 will be allocated for equipment to allow the Sheriff's Station to purchase trauma kits and \$11,000 in additional equipment funds for discretionary equipment needs. Staff recommended that the City Council approve the recommended budget for the expenditure of the 2011-12 COPS grant funds.

It was moved by Mayor Pro Tem Templeman, seconded by Councilmember Ebner, to approve the 2011-12 State COPS Grant budget as recommended by staff. The motion carried unanimously.

7. SAN DIMAS REDEVELOPMENT AGENCY

Mayor Morris recessed the regular meeting at 8:02 p.m. to convene a meeting of the San Dimas Redevelopment Agency Board of Directors. The regular City Council meeting reconvened at 8:09 p.m..

8. MEETING OF SAN DIMAS PUBLIC FACILITIES FINANCING CORPORATION

Mayor Morris recessed the regular meeting at 8:09 p.m. to convene a meeting of the San Dimas Public Facilities Financing Corporation Board of Directors. The regular City Council meeting reconvened at 8:14 p.m..

9. MEETING OF SAN DIMAS HOUSING AUTHORITY CORPORATION

Mayor Morris recessed the regular meeting at 8:14 p.m. to convene a meeting of the San Dimas Housing Authority Corporation Board of Directors. The regular City Council meeting reconvened at 8:15 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) Mitchell Crawford, 1233 Paseo Teresa, remarked that while the City Council discussed renewal of the contract with the University of La Verne, he received two text messages informing him that the broadcast went down twice.

- b. City Manager

1) City Manager Michaelis said this is the last meeting of the year and he expressed gratitude to all volunteer groups for the past year's accomplishments. He expressed staff's wishes for a happy holiday season.

2) City Manager Michaelis encouraged calls to the *Ask the Mayor* live broadcast on Thursday, December 15, 2011, at 7:00 p.m.

- 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.

No one attended meetings at the expense of the City.

2) Individual members' comments and updates.

a) Mayor Pro Tem Templeman thanked city staff, particularly the Street crew who cleared debris after a heavy wind storm. He appreciates the great job keeping up with a difficult problem.

b) Mayor Pro Tem Templeman reported that the San Dimas Library obtained two estimates to replace the roof and is looking at alternatives. He encouraged them to contact City staff for suggestions on a different type of roofing material.

c) Mayor Pro Tem Templeman thanked all the City's supporters and expressed his wishes to the citizens for a merry Christmas.

d) Councilmember Ebner praised Public Works staff and Parks crew who aided in the cleanup of debris on Wednesday evening continuing through Sunday.

e) Councilmember Ebner said the cold weather is upon us once more and a list of shelters is posted on the City's website. If members of the public know anyone who needs assistance, they can access the list on the website or call city hall for pick-up service to be taken to the shelters. He expressed happy holidays and merry Christmas to everybody.

f) Councilmember Badar said he, Mayor Morris, and Mayor Pro Tem Templeman accompanied staff to Lakewood where city staff and the City of San Dimas received an award for the civic center project. Director of Public Works Patel accepted the award on behalf of the City. Mr. Badar wished everyone a safe Christmas holiday and anticipate what the new year brings the City of San Dimas. Merry Christmas to everyone.

g) Councilmember Bertone wished everyone happy holidays and good health to all people of the world.

h) Mayor Morris noted that the City's crew members did a tremendous job in the middle of a cold winter night and they continue to perform in that outstanding manner. He wished everyone happy holidays and a merry Christmas.

11. CLOSED SESSION

Mayor Morris recessed at 8:25 p.m. to a City of San Dimas/Redevelopment Agency closed session:

a. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Pursuant to G.C. Section 54956.8)

Property:	121 North San Dimas Avenue
Negotiating Parties:	
For City:	Blaine Michaelis, City Manager; Ken Duran, Assistant City Manager; Ken Brown, City Attorney
For Concessionaire:	Arlene Anaya, Marsteller Investments LLC
Under Negotiation:	Discuss terms for Food Service Concessionaire Agreement

b. There was no reportable action.

12. ADJOURNMENT

Mayor Morris adjourned the meeting at 8:55 p.m. The City Council will conduct their next meeting on January 10, 2012, 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 January 10, 2012

FROM: Blaine Michaelis, City Manager

INITIATED BY: Karon De Leon, Facilities Manager

SUBJECT: Request for funding for ADA "Safe Harbor" compliance

SUMMARY

A request for the City Council to approve an appropriation of funds from Fund 12, Infrastructure Fund, for the completion of ADA compliance projects and the purchase of necessary survey tools.

BACKGROUND

The Americans with Disabilities Act (ADA) that governs accessibility standards for facilities has undergone revisions that will become effective in the first quarter of 2012. The newer code has allowed for a "safe harbor" window of opportunity for facilities that had not yet met the 1991 standards to become compliant under those previous standards.

The Senior Citizen/Community Center (SC/CC) was identified by staff as a potential facility for the safe harbor. An evaluation of the SC/CC was completed, a list of potential improvements was compiled, and with minor modifications the facility can be brought into accessibility compliance under the 1991 standards.

Staff also determined that with minor upgrading the two existing ADA parking stalls located on the east side of the Park and Ride lot at San Dimas Avenue could be brought into compliance and would provide the necessary accessible parking for the Heroes' Memorial visitors.

G. B.

ANALYSIS

With items such as sign modifications, door handle replacements and handrail modifications, the SC/CC facility can become a more accessible facility and meet the 1991 ADA code requirements. After a review of the items needed to be accomplished, costs estimates were obtained for work to be completed either by staff or contractors. The total estimate of funds needed to complete the projects at the SC/CC is \$25,000.

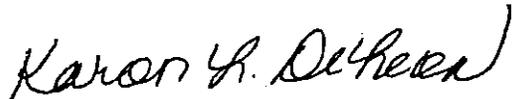
Staff estimates that \$16,000 will be required to fund the ADA parking stall improvements and installation of required truncated domes at the San Dimas Avenue Park and Ride lot.

City staff will continue to survey other City facilities and properties in an effort to create a complete evaluation and ADA compliance plan. To complete these surveys, some inspection supplies will need to be purchased at an estimated cost of \$2300.

RECOMMENDATION

Staff recommends that the City Council approve an appropriation of \$45,000 from Fund 12, Infrastructure Fund, to complete the projects identified at the Senior Citizen/Community Center, the San Dimas Avenue Park and Ride parking stall modifications and to purchase the necessary inspection tools to complete the survey of the remaining City facilities.

Respectfully Submitted,

A handwritten signature in black ink that reads "Karon De Leon". The signature is written in a cursive style with a large initial "K".

Karon De Leon
Facilities Manager

**McKenna Long
& Aldridge**
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MEMORANDUM

TO: The Honorable Mayor and Members of the San Dimas City Council
FROM: J. Kenneth Brown, City Attorney
DATE: January 10, 2012
RE: Grove Station – Substitution for Letter of Credit

On March 21, 2008 a Subdivision Agreement was entered into between the City and the Developer of the Grove Station project and in conjunction therewith Surety Bonds in the amount of \$802,038 were posted. The Subdivision Agreement related to the on and off-site public improvements the Developer was responsible for constructing and the Surety Bonds insured completion.

As the development proceeded issues arose which resulted in the appointment of a Receiver to complete construction of the project. The City has been dealing with the Receiver, and with court approval, to bring the project to the present state of completion i.e., Certificates of Occupancy have been issued for a number of the units and at least six of those market rate units have closed escrow. In addition the remaining four agency-owned units have been completed and await transfer to the City.

A LETTER OF CREDIT AND SEGREGATION OF FUNDS AGREEMENT (the "LOC Agreement") was executed between the City and the Receiver in July 2010 under the terms of which, a Letter of Credit in the amount of \$80,203.80 was established with the Bank. This amount was to be available to cover problems that might arise during the warranty period, i.e., one year after completion and acceptance of the public

6. b

improvements. The public improvements have been accepted by the City and the warranty period has just begun.

At this time and as a result of ongoing discussions with the Bank, the Receiver, the City Engineer and Public Works Director, the Bank has proposed that, rather than continue with the Letter of Credit for an additional year with the ongoing involvement of the Receiver, the Court and the parties, etc. the Bank will now transfer the sum of \$80,000 to the City. In turn, the City would release the Bank from any further obligation under the LOC Agreement and the Subdivision Agreement. This proposal has been reviewed by the City Engineer, the Public Works Director and Larry Stevens and it is their recommendation that it be accepted. I am in discussion with the Bank's attorney regarding the form of agreement.

At this time we are requesting that the City Council approve the recommendation of the City Engineer and Public Works Director and authorize execution of an agreement consistent with the provisions set forth above and on terms acceptable to the City Engineer, the City Public Works Director and City Attorney.

RECOMMENDATION: CITY COUNCIL APPROVE AND AUTHORIZE AN AGREEMENT CONSISTENT WITH THE PROVISIONS SET FORTH ABOVE.



Agenda Item Staff Report

TO: Mayor and City Council
For the Meeting of January 10, 2012

FROM: Blaine Michaelis, City Manager

INITIATED BY: Ken Duran, Assistant City Manager

SUBJECT: Review of decorative lights for the Walker House

The City was scheduled to take down the decorative holiday lights on the Walker House this week. Some Councilmembers have suggested that maybe the City should keep the lights up year round. We have postponed the light removal to allow for the City Council to have discuss and provide direction on leaving the lights up.

The City purchased the lights two years ago. They are holiday grade lights. The contractor who installs them says that they are rated to last about three holiday seasons. They can be left up year round but there is no guarantee how long they will last. The City does not have the equipment to install, remove or repair the lights. We contract for that service.

The decision to keep the lights up is the pleasure of the Council. There is no additional cost to leave them up other than the wear and tear on the lights. The cost for the contractor to take them down now or in the future would be the same.

6.C



**MINUTES
SAN DIMAS REDEVELOPMENT AGENCY MEETING
TUESDAY, DECEMBER 13, 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 Ebiner
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 8:02 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 speakers.

APPROVAL OF THE MINUTES

It was moved by Mr. Bertone, seconded by Chairman Morris, to approve the minutes of the November 22, 2011 meeting. The motion carried unanimously.

EXECUTIVE DIRECTOR

- 1) Adoption of Maintenance and Operating budget for Agency owned Grove Station housing units.

Deputy Executive Director Duran said escrow is anticipated to close soon on the four housing units purchased by the Agency as part of the Grove Station project. During the marketing process and selection of potential buyers, the Agency will incur expenses for closing costs, homeowners insurance, monthly HOA dues and utilities. Staff recommended the Agency adopt a six-month budget through June 2012, in the amount of \$11,200, for the maintenance and operation of the four units until the units are sold.

It was moved by Mr. Templeman, seconded by Mr. Ebiner, to amend the Agency budget to add a line item for Maintenance and Operation Expenses for Grove Station units in the amount of \$11,200. The motion carried unanimously.

M.B.

Executive Director Michaelis welcomed interested parties to view pre-qualification information on the City's website at www.cityofsandimas.com or to contact staff at the Housing Division for more specific information on a particular case.

Agency Attorney Brown said he and Assistant City Manager Stevens have had numerous conversations regarding the close of escrow on the Grove Station housing units and what remains to be done on the property. He provided a brief update on the status of the housing units and said by end of the week, it is anticipated that six escrows will close, four of which are for Agency-owned units, and another four that are in the process of negotiation. He stated that Mr. Stevens had positive discussions as it relates to the balance of the property.

In response to Chairman Morris, Assistant City Manager Stevens replied that staff met today with the potential buyer of the rear portion of the undeveloped property and anticipates they will be submitting a development application after the first of the year with intentions of beginning construction in early April. Mr. Stevens believes they can get through the entire building permit process in a timely manner.

MEMBERS OF THE AGENCY

There were no comments.

ADJOURNMENT

Chairman Morris adjourned the meeting of the San Dimas Redevelopment Agency at 8:09 p.m.

Respectfully submitted,

Ina Rios, Secretary



Agenda Item Staff Report

TO: Chair and Members of the Redevelopment Agency
For the Meeting of January 10, 2012

FROM: Blaine Michaelis, Executive Director

INITIATED BY: Ken Duran, Deputy Executive Director

SUBJECT: Report on the Implications of AB1X 26 – Dissolution of San Dimas Redevelopment Agency

On December 29, 2011 the California Supreme Court issued its ruling in the lawsuit challenging AB1X 26 and AB1X 27 relating to Redevelopment Agencies in California. The court upheld AB1X 26, eliminating redevelopment agencies, and found AB1X 27, the bill to allow for the continued existence of redevelopment agencies with a voluntary payment, to be unconstitutional. The result being that the provisions of AB1X 26 remain law and thus dissolve the San Dimas Redevelopment Agency.

Within the provisions of AB1X 26 include a specific process for the dissolution of redevelopment agencies including a specific time line of events. The delay in implementation of the provisions because of the lawsuit resulted in most of those time lines expiring. Within the court's ruling they established new time lines for the sequence of events. For the most part they delayed the implementation by four months, the amount of time that was delayed due to the ruling on the lawsuit. Therefore, the effective date for the dissolution of agencies is February 1, 2012. There are a number of actions and steps that an Agency and City must take prior to and after the February 1, 2012 date. There are also many questions that are left unanswered or are subject to interpretation as to the dissolution process and its implications on Agencies and Cities. Each day staff is learning more about these issues. Staff intends to provide the Agency Board a report at the meeting outlining the most current information on the dissolution process and its implications.

7.C



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council
For the Meeting of January 10, 2012

FROM: Blaine Michaelis, City Manager

INITIATED BY: Ken Duran, Assistant City Manager

SUBJECT: DETERMINATION THAT THE CITY OF SAN DIMAS ELECTS TO AND SHALL SERVE AS THE SUCCESSOR AGENCY TO THE DISSOLVED SAN DIMAS REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34173

BACKGROUND

On December 29, 2011, the California Supreme Court issued its opinion in *CRA v. Matosantos* and upheld the validity of AB1x26, the bill that dissolves all the redevelopment agencies in the State, and invalidated AB1x27, the bill that would have allowed redevelopment agencies to remain in operation by making a payment to assist the state budget. As a result of the Court's ruling, the dissolution of redevelopment agencies will be effective as of February 1, 2012.

In light of the dissolution of redevelopment agencies, the City is required to formally determine if it will serve as the Successor Agency to the San Dimas Redevelopment Agency ("Agency"). The Successor Agency will overtake the responsibility of completing the San Dimas Redevelopment Agency's affairs and obligations, preparing various payment schedules, and implementing associated administrative tasks required.

ANALYSIS

The City of San Dimas City Council is required to determine if the City of San Dimas will serve as the Successor Agency no later than January 13, 2012. Should the City Council decline to serve as the Successor Agency, the City would not be in a position to control the preparation and contents of the Agency's Recognized Obligation Payment Schedule. The Agency's Recognized Obligation Payment Schedule lists the Agency's financial obligations to be paid from former tax increment monies that were previously earmarked. In addition, the City would be excluded from all interactions with the State of California's Oversight Board established by AB1X26, which is responsible for the review and approval of actions of the Successor Agency in the RDA dissolution process. Any measure of control over post-Agency activities throughout the dissolution process by the City would be significantly lessened, if not completely eliminated.

According to the ruling, each public agency that serves as the Successor Agency is entitled to receive up to five percent (5%) of its former tax increment for Fiscal Year 2011-2012, and up to three (3%) each year following, but not less than \$250,000 each year, to meet the administrative expenses of serving as the Successor Agency. Should the City elect not to serve as the Successor Agency, the City is likely to incur

7.C.1

administrative costs throughout the dissolution process, with no means of obtaining funds by the State to pay for said costs.

The Successor Agency's liability for serving in this capacity is explicitly limited by AB1x26 to the property tax increment that the Successor Agency receives to pay enforceable obligations and the value of any Agency assets transferred to the Successor Agency. Therefore, should the City elect to serve as the Successor Agency to the dissolved Redevelopment Agency, the City's general fund or other monies are not at risk.

CONCLUSION

Staff is recommending that the San Dimas City Council adopt a resolution which elects the City of San Dimas to serve as the Successor Agency to the dissolved San Dimas Redevelopment Agency pursuant to California Health and Safety Code Section 34173. This will allow the San Dimas City Council to oversee the responsibility of completing the Agency's affairs and obligations, prepare various payment schedules, and to implement administrative tasks associated with the dissolution of the San Dimas Redevelopment Agency.

RECOMMENDATION

It is recommended that the San Dimas City Council:

1. Review and discuss the information provided;
2. Determine that the City of San Dimas elects to serve as the successor agency to the dissolved San Dimas Redevelopment Agency; and
3. Waives reading of and adopts a resolution entitled:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS
DETERMINING THAT THE CITY OF SAN DIMAS ELECTS TO, AND SHALL,
SERVE AS THE SUCCESSOR AGENCY TO THE DISSOLVED SAN DIMAS
REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND
SAFETY CODE SECTION 34173**

RESOLUTION NO. 2012-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS DETERMINING THAT THE CITY OF SAN DIMAS ELECTS TO, AND SHALL, SERVE AS THE SUCCESSOR AGENCY TO THE DISSOLVED SAN DIMAS REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34173

WHEREAS, the San Dimas Redevelopment Agency ("Redevelopment Agency") is a public body, corporate and politic, organized and existing under the California Community Redevelopment Law (Health & Safety Code Section 33000 *et seq.*); and

WHEREAS, the City of San Dimas is a municipal corporation organized and existing under the Constitution of the State of California ("City"); and

WHEREAS, on December 29, 2011, the California Supreme Court issued its opinion in the case *California Redevelopment Association, et al. v. Ana Matosantos, etc., et al.*, Case No. S196861, and upheld the validity of Assembly Bill 1x26 ("AB1x26") and invalidated Assembly Bill 1x27; and

WHEREAS, the Court's decision results in the implementation of AB1x26 which dissolves all the redevelopment agencies in the State of California as of February 1, 2012; and

WHEREAS, pursuant to a provision of AB1x26, codified as Health and Safety Code Section 34173(d)(1), the city, in the case of a redevelopment agency of a city, automatically becomes the "Successor Agency" to its dissolved redevelopment agency and is charged with the responsibility of winding up the affairs of the dissolved redevelopment agency pursuant to AB1x26, *unless* the city council adopts a resolution electing to *not* serve as the Successor Agency and thereafter files a copy of such resolution with the county auditor-controller; and

WHEREAS, the California Supreme Court, in Footnote 25 of its opinion, extended to January 13, 2012 the deadline for a city to make its decision on whether to decline to be the Successor Agency to its dissolved redevelopment agency; and

WHEREAS, the City Council, having considered the matter, has determined, in its legislative discretion, that it is in the best interests of the City for the City to serve as the Successor Agency to the dissolved Redevelopment Agency; and

WHEREAS, although pursuant to Health & Safety Code Section 34173(d)(1), the City would automatically become the Successor Agency unless it affirmatively elects to not serve as the Successor Agency by Resolution, the City nonetheless wishes to express its intention and decision to serve as the Successor Agency to the dissolved Redevelopment Agency.

NOW, THEREFORE, the City Council of the City of San Dimas resolves as follows:

SECTION 1. The foregoing Recitals are true and correct and are incorporated herein.

SECTION 2. The City Council of the City of San Dimas hereby affirmatively determines that the City of San Dimas elects to, and shall, serve as the Successor Agency to the dissolved San Dimas Redevelopment Agency.

SECTION 3. The City Manager and his authorized designees are authorized and directed to take such other and further actions, and to sign such other and further documents and instruments, as may be necessary to implement and effect this Resolution on behalf of the City.

SECTION 4. That the City Clerk shall certify to the adoption of this Resolution and shall file a copy of this Resolution with the Los Angeles County Auditor-Controller no later than 5:00 p.m. on January 13, 2012.

PASSED, APPROVED, AND ADOPTED this 10th day of January, 2012.

Curtis Morris, Mayor
City of San Dimas

ATTEST:

Ina Rios, City Clerk
City of San Dimas



Agenda Item Staff Report

TO: Honorable Mayor and Members of City Council/Chair and Members of the Redevelopment Agency
For the Meeting of January 10, 2012

FROM: Blaine Michaelis, City Manager/Executive Director

INITIATED BY: Ken Duran, Assistant City Manager

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS MAKING A DECLARATION UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 33354.8 THAT, DURING THE PERIOD FROM JANUARY 1, 2010 TO DECEMBER 31, 2011, THE CITY HAS NOT FORGIVEN THE REPAYMENT, WHOLLY OR PARTIALLY, OF ANY LOAN, ADVANCE, OR INDEBTEDNESS OWED TO THE CITY BY THE SAN DIMAS REDEVELOPMENT AGENCY

A RESOLUTION OF THE SAN DIMAS REDEVELOPMENT AGENCY MAKING A DECLARATION UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 33354.8 THAT, DURING THE PERIOD FROM JANUARY 1, 2010, TO DECEMBER 31, 2011, THE AGENCY HAS NOT FORGIVEN THE REPAYMENT, WHOLLY OR PARTIALLY, OF ANY LOAN, ADVANCE, OR INDEBTEDNESS OWED TO THE AGENCY BY A PUBLIC BODY

BACKGROUND

On September 6, 2011, Governor Jerry Brown signed Assembly Bill 936 ("AB 936"), a measure requiring public disclosure of any Redevelopment Agency ("Agency") loans to or from public entities that said Agency or public entity forgave between January 1, 2010, and December 31, 2011. Implementation of AB 936 began on January 1, 2012, and requires that Cities and Agencies adopt resolutions providing the required disclosure by January 31, 2012.

ANALYSIS

Pursuant to California Health & Safety Code Section 33354.8, the City of San Dimas is required to adopt a resolution after January 1, 2012 and prior to February 1, 2012, declaring whether or not it has forgiven, during the period of time commencing January 1, 2010, and ending December 31, 2011, the repayment, wholly or partially, of a loan, advance, or indebtedness that has been owed to the City by the Agency. Additionally, California Health & Safety Code Section 33354.8 requires that the Agency adopt a resolution after January 1, 2012 and prior to February 1, 2012, declaring whether or not

7.C.2i-2ii

it has forgiven, during the period of time commencing January 1, 2010, and ending December 31, 2011, the repayment, wholly or partially, of a loan, advance, or indebtedness that has been owed to the Agency by a public body (see Attachment, Assembly Bill No. 936).

CONCLUSION

The City of San Dimas has not forgiven the repayment, wholly or partially, of a loan, advance, or indebtedness that has been owed to the City by the Agency between January 1, 2010, and December 31, 2011. Additionally, the Agency has not forgiven the repayment, wholly or partially, of a loan, advance, or indebtedness that has been owed to the Agency by a public body between January 1, 2010, and December 31, 2011.

RECOMMENDATION

Therefore the following is recommended to the City Council/Redevelopment Agency:

1. Waive reading of and adopt a Resolution of the City Council of the City of San Dimas captioned as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS MAKING A DECLARATION UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 33354.8 THAT, DURING THE PERIOD FROM JANUARY 1, 2010, TO DECEMBER 31, 2011, THE CITY HAS NOT FORGIVEN THE REPAYMENT, WHOLLY OR PARTIALLY, OF ANY LOAN, ADVANCE, OR INDEBTEDNESS OWED TO THE CITY BY THE SAN DIMAS REDEVELOPMENT AGENCY

2. Waive reading of and adopt a Resolution of the San Dimas Redevelopment Agency captioned as follows:

A RESOLUTION OF THE SAN DIMAS REDEVELOPMENT AGENCY MAKING A DECLARATION UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 33354.8 THAT, DURING THE PERIOD FROM JANUARY 1, 2010, TO DECEMBER 31, 2011, THE AGENCY HAS NOT FORGIVEN THE REPAYMENT, WHOLLY OR PARTIALLY, OF ANY LOAN, ADVANCE, OR INDEBTEDNESS OWED TO THE AGENCY BY A PUBLIC BODY

3. Direct the City Clerk to transmit copies of the above referenced Resolutions to the California State Controller no later than ten (10) days after the adoption of said resolutions.

RESOLUTION NO. 2012-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS MAKING A DECLARATION UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 33354.8 THAT, DURING THE PERIOD FROM JANUARY 1, 2010, TO DECEMBER 31, 2011, THE CITY HAS NOT FORGIVEN THE REPAYMENT, WHOLLY OR PARTIALLY, OF ANY LOAN, ADVANCE, OR INDEBTEDNESS OWED TO THE CITY BY THE SAN DIMAS REDEVELOPMENT AGENCY

WHEREAS, the City of San Dimas ("City") is a municipal corporation organized and existing under the Constitution of the State of California; and

WHEREAS, the San Dimas Redevelopment Agency, a public body, corporate and politic ("Agency"), is the redevelopment agency performing redevelopment functions within the territorial limits of the City pursuant to the California Community Redevelopment Law (Health & Safety Code § 33000, *et seq.*); and

WHEREAS, the California Community Redevelopment Law, pursuant to Section 33354.8 of the California Health and Safety Code, requires that the City (a public body) adopt a resolution after January 1, 2012 and prior to February 1, 2012, declaring whether or not it has forgiven, during the period of time commencing January 1, 2010, and ending December 31, 2011, the repayment, wholly or partially, of a loan, advance, or indebtedness that has been owed to the City by the Agency; and

WHEREAS, Section 33354.8 of the California Health and Safety Code also requires that within ten (10) days after the adoption of the resolution, the City transmit a copy of the resolution to the California State Controller.

NOW, THEREFORE, the City Council of the City of San Dimas resolves as follows:

SECTION 1. Based upon the best knowledge of City staff and the City Council, during the period between January 1, 2010, and December 31, 2011, the City has not forgiven the repayment, wholly or partially, of a loan, advance, or indebtedness that has been owed to the City by the Agency.

SECTION 2. That the City Clerk shall certify to the adoption of this Resolution and shall forward a copy of the Resolution no later than ten (10) days after the adoption of this Resolution to the California State Controller.

PASSED, APPROVED, and ADOPTED this 10th day of January, 2012.

Curtis Morris, Mayor
City of San Dimas

ATTEST:

Ina Rios City Clerk
City of San Dimas

RESOLUTION NO. 193

A RESOLUTION OF THE SAN DIMAS REDEVELOPMENT AGENCY MAKING A DECLARATION UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 33354.8 THAT, DURING THE PERIOD FROM JANUARY 1, 2010, TO DECEMBER 31, 2011, THE AGENCY HAS NOT FORGIVEN THE REPAYMENT, WHOLLY OR PARTIALLY, OF ANY LOAN, ADVANCE, OR INDEBTEDNESS OWED TO THE AGENCY BY A PUBLIC BODY

WHEREAS, the San Dimas Redevelopment Agency, a public body, corporate and politic ("Agency"), is the redevelopment agency performing redevelopment functions within the territorial limits of the City of San Dimas pursuant to the California Community Redevelopment Law (Health & Safety Code § 33000, *et seq.*); and

WHEREAS, the City of San Dimas ("City") is a municipal corporation organized and existing under the Constitution of the State of California; and

WHEREAS, the California Community Redevelopment Law, pursuant to Section 33354.8 of the California Health and Safety Code, requires that the Agency adopt a resolution after January 1, 2012 and prior to February 1, 2012, declaring whether or not it has forgiven, during the period of time commencing January 1, 2010, and ending December 31, 2011, the repayment, wholly or partially, of a loan, advance, or indebtedness that has been owed to the Agency by a public body; and

WHEREAS, Section 33354.8 of the California Health and Safety Code also requires that within ten (10) days after the adoption of the resolution, the Agency transmit a copy of the resolution to the legislative body and the California State Controller.

NOW, THEREFORE, the San Dimas Redevelopment Agency resolves as follows:

SECTION 1. Based upon the best knowledge of Agency staff and the Agency Board of Directors, during the period between January 1, 2010, and December 31, 2011, the Agency has not forgiven the repayment, wholly or partially, of a loan, advance, or indebtedness that has been owed to the Agency by a public body.

SECTION 2. That the City Clerk shall certify to the adoption of this Resolution and shall forward a copy of the Resolution no later than ten (10) days after the adoption of this Resolution to the California State Controller.

PASSED, APPROVED, and ADOPTED this 10th day of January, 2012.

Curtis Morris, Mayor/Chair
City of San Dimas

ATTEST:

Blaine Michaelis, Agency Secretary
San Dimas Redevelopment Agency

Ina Rios City Clerk
City of San Dimas



Agenda Item Staff Report

DATE: January 10, 2012
TO: Chairman and Board members
FROM: Blaine Michaelis, Executive Director
INITIATED: Ken Duran, Deputy Executive Director
SUBJECT: Adoption of Amended Agency Enforceable Obligation Payment Schedule

SUMMARY

AB 26 requires that all Redevelopment Agencies adopt a schedule of Enforceable Obligation Payment Schedule (EOPS). The Agency adopted an EOP in August 2011. Staff recommends the Agency adopt an amended EOPS.

Background

One of the requirements of AB 26, the legislation that dissolves Redevelopment Agencies, is for each Agency to adopt an "Enforceable Obligation Payment Schedule" (EOPS). This schedule lists all of the payment obligations of the Agency based upon commitments prior to the legislation being adopted. Examples of obligations include bond debt, loan debt, payments required in development agreements, existing contracts for work or services, payroll and rent under agreement and pass thru obligations. Under AB 26 the Agency is not allowed to make any payment unless it is identified on the EOPS. On August 23, 2011 the Agency adopted its initial EOPS.

The attached EOPS represents all of the expense obligations of the Agency for FY 2011-12, through December 2011. The report requirements include identifying each obligation, who the payee is for each obligation, a description of what it is for and a month by month payment amount for each expense through December 2011. The chart shows a couple of additional

7.C.3

columns of information, the total outstanding debt for each expense and total due for the fiscal year for each expense to provide further clarification.

An Agencies EOPS may be amended by the Agency as needed. As the Agency begins to make preparations for the potential dissolution under AB 26, staff felt it would be prudent to review the previously adopted EOPS. Since the original adoption, staff has more information about the EOPS and also has updated numbers. Therefore, the EOPS has been updated and staff recommends that the Agency Board adopt the updated EOPS.

Recommendation

Staff recommends that the Agency Board adopt the amended Enforceable Obligation Payment Schedule.

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Aug**	Sept	Oct	Nov	Dec	Total
1) 1991 Taxable Bond Issue Creative Growth	US Bank	Bond issue to fund non-housing projects	425,939.00	71,938.00		61,813.00				\$ 61,813.00
2) 1998 Taxable Bond Issue Creative Growth Refinance Portion	US Bank	Bond issue to fund non-housing projects	3,552,250.00	664,188.00	588,563.00		3,163.00			\$ 591,726.00
3) 1996 Housing Set Aside Bond Issue	US Bank	Bond issue to fund housing projects	200,509.00	200,509.00		200,509.00				\$ 200,509.00
4) 1998 Charter Oak Mobile Home Park	US Bank	Bond issue to fund housing projects	10,138,221.00	571,950.00						\$ -
5) Loan to CRA	City of San Dimas	Loan for non-housing projects	12,947,756.00	647,338.00		647,338.00				\$ 647,338.00
6) Loan CRA Walker House fund 30	City of San Dimas	Loan for rehabilitation project	9,273,999.00	546,178.00		546,178.00				\$ 546,178.00
7) Loan to Rancho San Dimas	City of San Dimas	Loan for non-housing projects	1,506,021.00	64,015.00		64,015.00				\$ 64,015.00
8) Loan to CRA Walker House 30	Walker House Master Tenant	Loan for rehabilitation projects	2,249,678.00	132,470.00		132,470.00				\$ 132,470.00
9) SERAF loan	Housing Set Aside	Repayment to housing fund	1,668,441.00	417,110.00						\$ -
10) Growth Fund 30	City of San Dimas	Payroll and rent costs	1,409,222.00	217,862.00		217,862.00				\$ 217,862.00
Administrative Agreement-										
11) Housing Fund 34	City of San Dimas	Payroll and rent costs	2,072,485.00	414,497.00		414,497.00				\$ 414,497.00
12) San Dimas Fund 35	City of San Dimas	Payroll and rent costs	204,263.00	31,578.00		31,578.00				\$ 31,578.00
13) Agency Attorney	McKenna Long & Aldridge	Legal Services	42,000.00	42,000.00		9,396.00	5,699.00	1,384.00		\$ 17,579.00
14) Audit	Lance, Solt & Lunghard LLP	Audit Services	16,250.00	16,250.00		12,329.00			2,007.00	\$ 14,336.00
15) Trustee Fees	US Bank	Trustee to administrator bond	7,400.00	7,400.00	3,025.00		345.00			\$ 3,370.00
16) Boardmember Meeting Stipends	Agency Boardmembers	Stipend to attend meetings	ongoing	3,900.00	300.00	300.00	450.00	300.00		\$ 1,500.00
17) Housing	VCH	Housing assistance per development agreement	2,684,000.00	2,684,000.00						\$ -
18) Facade Assistance	Sorcinelli Architects	Downtown Facade designs	14,505.00	14,505.00	3,150.00	2,375.00	2,339.00		14,505.00	\$ 20,030.00
19) Property /Sales Tax Analysis	HDL	Analyze taxes	30,000.00	30,000.00	1,308.00	3,375.00	2,339.00	1,285.00	3,375.00	\$ 11,692.00
20) Parking Assessment Puddingstone Center	Puddingstone Parking District	Parking lot maintenance operations	9,814.00	1,402.00		1,402.00				\$ 1,402.00
21) Lowes Business Assistance	Lowes	Commitment per development agreement	50,000.00	50,000.00						\$ -
22) Parking Lot Lease	Costco Wholesale Corp.	Lease to ensure adequate public parking	7,000,000.00	400,000.00	86,560.00			99,222.00		\$ 185,782.00
Grove Station Street		Street improvements per development agreement		45,000.00						\$ 45,000.00
23) Improvements	Ruiz Engineering	Fee to administer tax increment	ongoing	115,000.00		25,938.00			99,630.00	\$ 99,630.00
24) County Admin Fee	County of Los Angeles	Property insurance	ongoing	7,370.00						\$ -
25) Monte Vista Insurance	C.J.P/A	Maintenance and Operating Expenses for apartments.	ongoing	55,619.00		3,613.00	5,493.00		6,462.00	\$ 15,568.00
26) Monte Vista Expenses	Bessire & Casenhiser Inc.	Housing legal services	100,000.00	12,317.00		16,648.00	9,261.00	11,082.00	51,307.00	\$ 102,615.00
27) Housing Legal Fees	McKenna Long & Aldridge	Property insurance	ongoing	7,052.00						\$ -
28) Charter Oak Insurance	C.J.P/A	Low-Mod Analysis	\$2,500.00	210.00						\$ 210.00
29) Housing Consultants	Keyser Marston	Car Allowance	\$3,820.00	400.00		400.00				\$ 400.00
30) Membership Dues	CRA	Housing assistance per development agreement	\$4,800.00	4,300,000.00						\$ 4,300,000.00
31) Housing Administration	Diana Kasayama									\$ -
32) Grove Station LowMod Housing	Olson Co		4,300,000.00	4,300,000.00						\$ 4,300,000.00
Totals - This Page			\$ 59,858,873.00	\$ 11,870,251.00	\$ 695,833.00	\$ 2,394,036.00	\$ 27,150.00	\$ 113,673.00	\$ 176,936.00	\$ 3,409,626.00
Totals - Page 2			\$ 343,174.64	\$ 343,174.64	\$ -	\$ -	\$ -	\$ 343,174.64	\$ -	\$ 343,174.64
Totals - Page 3			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Page 4			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Other Obligations			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Grand total - All Pages			\$ 60,202,047.64	\$ 12,213,425.64	\$ 695,833.00	\$ 2,394,036.00	\$ 27,150.00	\$ 456,847.64	\$ 178,936.00	\$ 3,752,802.64

* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.)
 If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.

Name of Redevelopment Agency: San Dimas Redevelopment Agency
 Project Area(s) Creative Growth and Rancho San Dimas

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					Total
					Aug**	Sept	Oct	Nov	Dec	
1) Pass Thru Obligations	Los Angeles County Library	Payments per CRL 33607.5 and 7	16,757.51	16,757.51				16,757.51		\$ 16,757.51
2) Pass Thru Obligations	Consolidated Fire Protection District	Payments per CRL 33607.5 and 7	81,572.83	81,572.83				81,572.83		\$ 81,572.83
3) Pass Thru Obligations	LA County Flood Control Imp. District Maint.	Payments per CRL 33607.5 and 7	1,408.81	1,408.81				1,408.81		\$ 1,408.81
4) Pass Thru Obligations	LA County Flood Control Maint.	Payments per CRL 33607.5 and 7	7,973.70	7,973.70				7,973.70		\$ 7,973.70
5) Pass Thru Obligations	County Sanitation District No 22 Operating	Payments per CRL 33607.5 and 7	9,801.56	9,801.56				9,801.56		\$ 9,801.56
6) Pass Thru Obligations	Three Valley MWD - 111	Payments per CRL 33607.5 and 7	2,670.63	2,670.63				2,670.63		\$ 2,670.63
7) Pass Thru Obligations	Three Valley MWD Original Area	Payments per CRL 33607.5 and 7	3,206.98	3,206.98				3,206.98		\$ 3,206.98
8) Pass Thru Obligations	County School Services Children's Institutional	Payments per CRL 33607.5 and 7	903.14	903.14				903.14		\$ 903.14
9) Pass Thru Obligations	Tuition Fund	Payments per CRL 33607.5 and 7	1,792.24	1,792.24				1,792.24		\$ 1,792.24
10) Pass Thru Obligations	Citrus Community College District	Payments per CRL 33607.5 and 7	280.10	280.10				280.10		\$ 280.10
11) Pass Thru Obligations	Children's Center Fund	Payments per CRL 33607.5 and 7	7.31	7.31				7.31		\$ 7.31
12) Pass Thru Obligations	Citrus Community College	Payments per CRL 33607.5 and 7	19,001.71	19,001.71				19,001.71		\$ 19,001.71
13) Pass Thru Obligations	MI San Antonio	Payments per CRL 33607.5 and 7	183.37	183.37				183.37		\$ 183.37
14) Pass Thru Obligations	MI San Antonio Childrens Center Fund	Payments per CRL 33607.5 and 7	108,182.04	108,182.04				108,182.04		\$ 108,182.04
15) Pass Thru Obligations	Bonita Unified School District	Payments per CRL 33607.5 and 7	4,497.61	4,497.61				4,497.61		\$ 4,497.61
16) Pass Thru Obligations	County School Services Fund - Bonita	Payments per CRL 33607.5 and 7	500.43	500.43				500.43		\$ 500.43
17) Pass Thru Obligations	Dev Center HDCPD Minor - Bonita	Payments per CRL 33607.5 and 7	2,307.05	2,307.05				2,307.05		\$ 2,307.05
18) Pass Thru Obligations	Glendora Unified School District	Payments per CRL 33607.5 and 7	98.07	98.07				98.07		\$ 98.07
19) Pass Thru Obligations	Fund - Glendora	Payments per CRL 33607.5 and 7	10.87	10.87				10.87		\$ 10.87
20) Pass Thru Obligations	- Glendora	Payments per CRL 33607.5 and 7	59,706.33	59,706.33				59,706.33		\$ 59,706.33
21) Pass Thru Obligations	San Dimas Creative Growth	Payments per CRL 33607.5 and 7	146.08	146.08				146.08		\$ 146.08
22) Pass Thru Obligations	San Dimas Vehicle PD#1	Payments per CRL 33607.5 and 7	22,166.27	22,166.27				22,166.27		\$ 22,166.27
23) Pass Thru Obligations	San Dimas LI District Zone	Payments per CRL 33607.5 and 7								
38)										
39)										
40)										
Totals - This Page			\$ 343,174.64	\$ 343,174.64	\$ -	\$ -	\$ -	\$ 343,174.64	\$ -	\$ 343,174.64

* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.)
 ** Include only payments to be made after the adoption of the EOPS.