



MINUTES
REGULAR CITY COUNCIL /
SUCCESSOR AGENCY MEETING
TUESDAY, MARCH 27, 2012, 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 Ken 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
Recreation Coordinator Erica Rodriguez

1. CALL TO ORDER AND FLAG SALUTE

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

2. RECOGNITIONS

- Proclaim April 2012 as Fair Housing month.

On behalf of the City Council, Mayor Morris read and presented a Proclamation to Outreach Coordinator Maria T. Benitez of the Fair Housing Foundation declaring April as Fair Housing Month.

On behalf of the Fair Housing Foundation, Maria T. Benitez, Outreach Coordinator, thanked the City Council for the recognition. She said Fair Housing's mission is dedicated to eliminating discrimination in housing and promoting equal access to housing for everyone. She invited the community to a free Tenant Rights Workshop on April 10, 2012, from 3:00-4:30 p.m. in the Community Building.

3. ANNOUNCEMENTS

- a. Announce 22nd Annual Family Festival and Egg Hunt event to be held on March 31, 2012.

Recreation Coordinator Rodriguez invited the City Council and community to join them on Saturday, March 31, 2012, from 10:00 a.m. to 3:00 p.m. at the annual Family Festival in the Civic Center Park. She reminded everyone to be on time for the Spring Egg Hunts at 10:00 a.m. sharp at both Civic Center Park and Via Verde Park. Coordinator Rodriguez announced two new programs: 1) the new Stay Fit San Dimas Fitness Rally will be conducted at 2:00 p.m.; 2) Celebrating the final discovery of the actual location of the original Tongva village of Kwenangna Paringa, with displays of native artifacts from 10:00 a.m. to 3:00 p.m. and storytelling at 1:00 p.m. and 3:00 p.m.

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

Pui-Ching Ho, Library Manager, announced the Book Party Group Discussion group meets Wednesday April 4, at 10:30 a.m. in the Senior Center and the book for discussion in April is *Dinosaur in a Haystack*. She invited the community to join the Family Drum Circle on April 18, 6:30 p.m. for fun exploring a variety of musical instruments to tell stories. On April 21, at 3:00 p.m., Richard Woloski will provide Legos to teach children how to use their imagination to build a variety of creations.

c. Announce the opening of the San Dimas Farmer's Market on Wednesday, April 4, 2012.

Maurice Cuellar, Advocates for Healthy Living, announced the Farmer's Market will startup on Wednesday, April 4th from 4:00 p.m. to 8:30 p.m. He said he and the vendors are looking forward to the upcoming Farmers Market and are working to reduce the cost to provide inflatables for the children. He said a slide was purchased to subsidize the cost.

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

a. Members of the Audience

1) Yvette Picconi, representing the Equestrian Commission, 1136 Iglesia Street, invited the City Council and the community to their annual trail cleanup event on Saturday, April 14, from 9:00 a.m. to 12:00 noon, at which time a delicious barbecue lunch will be provided to all volunteers. Everyone will meet at Horstchief Canyon Park at 9:00 a.m. to remove debris off the trails used by hikers and equestrians. Interested parties can RSVP to Ken Duran at city hall, 909.394.6214. She mentioned that this is a great opportunity for scouts to earn their community service hours and looks forward to seeing everyone there.

2) Jake Barbosa, 425 South San Oaks Drive, Austin Hill, 123 East 2nd Street, Mike Jersey, 1016 West Via Vaquero, on behalf of the San Dimas High School Football Team, announced their upcoming 2012 San Dimas Football Golf Tournament at 1:00 p.m. on Saturday, April 21, at San Dimas Canyon Golf Course, to raise funds to replace helmets and upgrade equipment. Registration starts at 11:30 a.m. or register at www.sandimasfootball.com. They hope to see everyone there. They reported that the Varsity Team played second in League and advanced to the CIF Semi-Finals and are excited to play in the new stadium.

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.)

MOTION: It was moved by Councilmember Ebner, seconded by Councilmember Badar, and carried to accept, approve, and act upon the consent calendar, as follows:

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

(1) **RESOLUTION NO. 2012-16**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS APPROVING CERTAIN DEMANDS FOR THE MONTH OF MARCH, 2012.

- b. Approval of minutes for special meeting of February 28, 2012 and regular meeting of March 13, 2012.

END OF CONSENT CALENDAR

6. OTHER MATTERS

- a. Grove Station-Assignment to and Assumption of obligations by Olson Urban Housing LLC. (Successor Agency).

(1) **RESOLUTION NO. 2012-17**, RESOLUTION OF THE CITY OF SAN DIMAS AS SUCCESSOR TO THE SAN DIMAS REDEVELOPMENT AGENCY APPROVING THE ASSIGNMENT TO AND ASSUMPTION BY OLSON URBAN HOUSING LLC OF THE INTEREST OF GROVE STATION, LLC IN CERTAIN AGREEMENTS.

City Attorney Brown provided a brief background on the Owner Participation and Disposition and Development Agreement (OPDDA) entered into on February 16, 2006, between the San Dimas Redevelopment Agency and The Fox Company/Grove Station, LLC, for the construction of 107 condominium units on San Dimas Avenue, four of which are owned by the San Dimas Housing Authority. He said the Housing Authority staff is moving forward to sell those four units to qualifying persons of moderate income and he said additional information is available on the City's website at www.cityofsandimas.com.

City Attorney Brown reported that development of the remainder of the property did not occur and the receiver, the successor to Grove Station, is in escrow to sell the remainder of the property to Olson Urban Housing, LLC (Olson). Olson proposes to take an assignment of Grove Station's interest under the OPDDA, and assume its development obligations with a modified development consisting of 67 condominium units. He said both the Planning Commission and the Development Plan Review Board approved the Olson proposal. City Attorney Brown stated that the Olson proposal is subject to the requirement in the OPDDA that a percentage of the units in the entire development be affordable to persons of moderate income and funds were set aside for that purpose.

City Attorney Brown said that prior to its dissolution in January 31, 2012, the Agency had set aside funds to provide for the construction of the additional six affordable units, and those funds are identified on the Enforceable Obligation Payment Schedule and the Recognized Obligation Payment Schedule adopted by the City Council earlier this year. Mr. Brown added that the City paid the first month's dues to the Homeowners Association, and it is the City's intention that when the remainder of the units are constructed, that they be under one Homeowners Association. City Attorney Brown recommended that the City Council adopt Resolution 2012-17.

In response to Mayor Pro Tem Templeman, Assistant City Manager Duran replied that there is approximately \$7 million in set aside housing funds, and \$2.7 million is committed for the Grove Station project and another \$2.68 million is committed to the Bonita Gateway project. He further replied that if the Oversight Committee disallows the use of housing set aside monies, or the pending legislation is not adopted, the Olson Company is under no obligation to build affordable units.

In response to Mayor Pro Tem Templeman, City Attorney Brown said by completing the project, the City is trying to provide affordable housing and save the \$2.7 million in housing set aside funds if legislation is adopted.

In response to Councilmember Ebner, Assistant City Manager Stevens explained the difference between a private road from a public road and said the City would maintain the public portion of the street to the end of the decorative paving component. He added that the road is designed to private standards as part of the original design, that there are some private parking spaces, and that a gate is not anticipated in this development.

In response to Councilmember Badar, Assistant City Manager Stevens replied that as Successor Agency, the City is responsible for maintaining the frontage and public roads, landscaping, and a small component of the entrance. He said the remainder of the property is subject to maintenance and operation to satisfactory standards by the Homeowners Association as set forth in the Declaration of Covenants, Conditions and Restrictions (CC&Rs).

City Attorney Brown stated that the City has enforcement rights under the existing CC&Rs. He stated that the Olson Company is in agreement with what the City wants, and is focusing on implementing one set of CC&Rs for the entire complex.

In response to Mayor Pro Tem Templeman, City Attorney Brown replied that a provision in the existing CC&Rs allows the City, as Successor Agency, to enforce parking and traffic regulations on those properties.

MOTION: After the title was read, it was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to waive further reading and adopt **RESOLUTION NO. 2012-17, RESOLUTION OF THE CITY OF SAN DIMAS AS SUCCESSOR TO THE SAN DIMAS REDEVELOPMENT AGENCY APPROVING THE ASSIGNMENT TO AND ASSUMPTION BY OLSON URBAN HOUSING LLC OF THE INTEREST OF GROVE STATION, LLC IN CERTAIN AGREEMENTS.** The motion carried unanimously.

In response to Mayor Morris, City Attorney Brown replied that the Resolution includes a provision that authorizes the City Manager to execute an agreement to address the details of the CC&Rs for a single Homeowners Association. He stated that this is being done to accommodate escrow closing on Friday.

City Attorney Brown requested for the public record, that representatives of the Olson Company concur that they are in agreement with statements he made and that their intentions are to end up with a single Homeowners Association.

1) John Reekstin, Senior Vice President, The Olson Company, said they are driven by the receiver to close escrow on the property by Friday, and he expressed his appreciation for staff's hard work, diligence and willingness to work with him. He said FHA loans are predominant for the project and it is important to meet FHA requirements and get their approval. He indicated that pending the deadline with the Bank, the Receiver will finalize negotiations on the terms of the Homeowners Association. He looks forward to producing an outstanding product and fully concurs with Mr. Brown's recommendations.

- c. Lot Line Adjustment 11-03, The subject lots are within the Grove Station Development located on the east side of San Dimas Avenue just south of the rail road tracks (APN: 8390-018-077, 082, 083, 084, 085, 086 and 087). The lot line adjustment request is in order to accommodate the development of 43 residential units.

- e. Lot Line Adjustment 12-01, The subject lots are within the Grove Station Development located on the east side of San Dimas Avenue just south of the rail road tracks (APN: 8390-018-077, 085, 106, 107, 113, 114, 116, 126, 129, 153, 155, 154, 156, 159, 160, 162 and 163). The lot line adjustment request is in order to accommodate the development of 12 residential units.

Assistant City Manager for Community Development Stevens reported that two lot line adjustments are being proposed to accommodate the revised site plan. He said the previous proposal consisted of underground parking and podium units on two rear pads and the current proposal calls for stack flat condominiums on the rear pads and configuration of parcels and common areas to access the changes.

Staff recommends approval of Lot Line adjustment 11-03 in order to accommodate the development of the 43 residential units and approval of Lot Line adjustment 12-01 in order to accommodate the development of 12 residential units.

MOTION: It was moved by Councilmember Bertone, seconded by Councilmember Ebner, to approve Lot Line Adjustment 11-03, Lots 8 and 9 within the Grove Station Development located on the east side of San Dimas Avenue, south of the railroad tracks (APN: 8390-018-077, 082, 083, 084, 085, 086 and 087). The motion carried unanimously.

MOTION: It was moved by Councilmember Bertone, seconded by Councilmember Ebner, to approve Lot Line Adjustment 12-01, Lots 5 and 6 within the Grove Station Development located on the east side of San Dimas Avenue, south of the railroad tracks (APN: 8390-018-077, 085, 106, 107, 113, 114, 116, 126, 129, 153, 155, 154, 156, 159, 160, 162 and 163). The motion carried unanimously.

- b. Successor Agency activities update – Authorize Successor Agency staff to make amendments to the Recognized Obligation Payment Schedule (ROPS) as necessary.

Assistant City Manager Duran reported that AB 1x 26 dissolving Redevelopment Agencies, has varying interpretations on various issues and many unanswered questions. He said the California Redevelopment Association hosted educational workshops on the process and procedures of dissolution, responsibilities of the various parties involved, recognized obligation payment schedule, property and asset distribution, accounting and auditing requirements, housing responsibilities and bond compliance issues, however, there are still differing opinions on issues. Mr. Duran provided the City's status report for a timeline of key deadlines. He stated that the Recognized Obligation Payment Schedule was approved by the City Council on February 28th to meet the March 1st deadline, however, new information was received that necessitates amendments to the ROPS. Staff recommended that the City Council authorize staff to make future amendments to the ROPS as deemed necessary.

In response to Mayor Morris, Assistant City Manager Duran replied that the City has not accepted the Board of Supervisor's offer to provide administrative support services for the Oversight Committee; staff feels the City would be better served if all Board Members receive the same orientation training, rather than having each appointing Agency provide training.

MOTION: It was moved by Councilmember Bertone, seconded by Mayor Pro Tem Templeman, to authorize staff to make future amendments to the Recognized Obligation Payment Schedule as needed.

In response to Councilmember Ebner, Assistant City Manager Duran replied that staff is in the process of compiling supporting documentation to accompany the Recognized Obligation Payment Schedule.

The motion carried unanimously.

- c. Authorize the Mayor to sign a letter in support of AB 1585 (John A. Perez) Redevelopment.

City Manager Michaelis reported that Assembly Bill 1585 was introduced by Speaker of Assembly John Perez as an urgency measure to amend and clarify certain elements of the Redevelopment dissolution process. He said critical elements of AB1585 are provisions and conditions to consider payment of city loans made to redevelopment agencies and allowing a Successor Agency to keep set-aside housing funds on deposit as of February 1, 2012. AB1585 passed the Assembly by a 58-7 vote on Monday, March 26, 2012, and now goes before the Senate as an urgency measure. Mr. Michaelis recommended that the City Council authorize the Mayor to sign a letter in support of AB 1585.

MOTION: It was moved by Mayor Pro Tem Templeman, seconded by Councilmember Badar, to authorize the Mayor to sign a letter in support of AB 1585 (Perez) regarding amendments to the Redevelopment dissolution process. The motion carried unanimously.

7. ORAL COMMUNICATIONS

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

1) David Harbin, 242 E. 4th Street, stated that his Mother-in-law received notices from the Humane Society to cut down brush and trees on her undeveloped property at the end of Way Hill, to address a coyote problem. Mr. Harbin felt it was out of the Humane Society's jurisdiction to require abatement and he asked staff to explain to them that this is contrary to City ordinance.

- b. City Manager

City Manager Michaelis said he and Mayor Morris promoted the *Call the Mayor* show to air on Thursday, March 29th, at 7:00 p.m. He encouraged citizens to tune in and call.

Mayor Morris said they can be contacted in several ways – by email during and prior to the show, calling in advance or during the show, or by writing letters.

- 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.

There were no comments.

- 2) Individual Members' comments and updates.

1) Mayor Pro Tem Templeman asked that a letter be sent thanking the contractor for completing the roof at the Library.

2) Mayor Pro Tem Templeman said he will be out of town and is unable to attend the Festival of Arts Exhibition and Sale show.

3) Mayor Pro Tem Templeman asked that the meeting be adjourned in memory of community volunteer Don Story, whose celebration of life will be held on Friday afternoon.

4) Councilmember Badar announced that the annual San Dimas Sheriff's Boosters Volunteers dinner will also be conducted on Friday night, at Via Verde Country Club. President Laura Alvarado can be contacted for reservations.

5) Councilmember Bertone encouraged everyone to mark their calendar to attend the Meet the Candidates Legislative Forum hosted by the Chamber of Commerce on May 25th in the Stanley Plummer Building. He said this is a great opportunity for people to meet candidates from the 32nd Congressional District; 25th Senatorial District and 41st Assembly District. He said the Primary Election is scheduled for June 5th and the two top candidates will run in the General Election in November.

8. CLOSED SESSION

Mayor Morris recessed the regular City Council meeting at 8:15 p.m. to convene a City Council closed session pursuant to Government Code Section 54956.9:

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

Name of Case: Robert Mathis II v. Curt Morris, Mayor of San Dimas; Curt Morris an individual; City of San Dimas; and Does 1 through 50, inclusive. Case No. KC063259

b. Report on closed session items.

There was no reportable action.

9. ADJOURNMENT

Mayor Morris adjourned the meeting at 8:35 p.m. in memory of community volunteer Don Story. The next meeting will be at 7:00 p.m. on Tuesday, April 10, 2012.

Respectfully submitted,

Ina Rios, CMC, City Clerk