

**MINUTES  
REGULAR MEETING  
OF THE SAN MARINO CITY COUNCIL  
MAY 13, 2015 - 6:00 P.M.**

**CALL TO ORDER** Mayor Eugene Sun called the meeting to order at 6:10 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**       **PRESENT:** Councilman Kneier, Councilman Richard Sun,  
Councilman Ward, Vice Mayor Yung, and Mayor Eugene Sun

Vice Mayor Yung arrived at 6:11 p.m.

Councilman Richard Sun arrived at 6:12 p.m.

**PUBLIC COMMENTS**

There were no public comments at this time.

**MOTION TO WAIVE FURTHER READINGS**

Councilman Dennis Kneier moved to waive the reading of the entire text of ordinances and resolutions; seconded by Councilman Richard Ward. There being no objections, the motion carried and it was so ordered by the Mayor.

**PRESENTATIONS**

**1.     **RECOGNITION OF JOELLE AND BEN GROSSI FOR THE  
RESTORATION OF THEIR 1928 SPANISH HOME****

Mayor Eugene Sun presented a certificate of recognition to Joelle and Ben Grossi for the restoration of their 1928 home.

**STUDY SESSION**

**2.     **CONSIDERATION OF FISCAL YEAR 2015-2016 BUDGET****

Finance Director Bailey presented an overview of the proposed budget.

Following discussion, it was the consensus of the Council to direct staff to come back at the next meeting with a budget overview for each department, and include cost estimates for the landscape redesign of the center medians and the expected cost of water as a result of the State's water mandate.

The Council also requested that staff provide an explanation of the percentage change in actual wage costs for employees.

The following person(s) spoke:  
Hal Harigian, San Marino  
Gene Ruckh, San Marino

**NEW BUSINESS**

**3. INTRODUCTION OF ORDINANCE NO. O-15-1290 AMENDING ARTICLE 12 OF CHAPTER 14 OF THE SAN MARINO MUNICIPAL CODE (STORMWATER MANAGEMENT AND DISCHARGE CONTROL), TO INCLUDE LOW IMPACT DEVELOPMENT REQUIREMENTS AND ADDITIONAL REVISIONS (FIRST READING)**

Environmental Services Manager Ron Serven presented the staff report. Mr. Serven then introduced Kevin Sales of KJ Services, who provides NPDES consulting services to the City.

Environmental Services Consultant Kevin Sales explained the new requirements that Cities must comply with, including the on-site retention and treatment requirements for development projects.

The following person(s) spoke:  
Laurie Barlow, San Marino  
Gene Ruckh, San Marino

Councilman Dennis Kneier moved to approve the first reading of Ordinance No. O-15-1290 amending Article 12 of Chapter 14 of the San Marino Municipal Code (Stormwater Management and Discharge Control), to include Low Impact Development requirements and additional revisions pursuant to the National Pollutant Discharge Elimination System Permit requirements for the Municipal Separate Storm Sewer System; seconded by Councilman Richard Sun. Following the reading of the title of the Ordinance into the record by the City Clerk and a roll call, the motion carried unanimously by the following vote: AYES: Councilman Dennis Kneier, Councilman Richard Sun, Councilman Richard Ward, Vice Mayor Allan Yung, and Mayor Eugene Sun. NOES: None.

Mayor Eugene Sun left the meeting at 7:32 p.m., and returned at 7:35 p.m.

**4. RESOLUTION NO. R-15-17 ADOPTING THE CITY'S GREEN POLICY FOR STORMWATER MANAGEMENT COMPLIANCE**

Environmental Services Manager Ron Serven presented the staff report.

Councilman Richard Sun moved to adopt Resolution No. R-15-17 approving the City's Green Streets Policy; seconded by Councilman Dennis Kneier. Following a roll call, the motion carried unanimously by the following vote: AYES: Councilman Dennis Kneier,

Councilman Richard Sun, Councilman Richard Ward, Vice Mayor Allan Yung, and Mayor Eugene Sun. NOES: None.

**5. AN INTERIM ORDINANCE O-15-1291-U OF THE CITY OF SAN MARINO PROHIBITING THE COMMENCEMENT OF OPERATION OF ANY NEW MASSAGE ESTABLISHMENT, INCLUDING ISSUANCE OF BUILDING PERMITS AND OTHER LAND ENTITLEMENTS TO CONSTRUCT AND/OR OPERATE ANY NEW MASSAGE ESTABLISHMENT**

Assistant Planner Eva Choi presented the staff report.

The following person(s) spoke:

Gene Ruckh, San Marino, spoke on behalf of resident Shirley Jagels.

Councilman Dennis Kneier moved to adopt Interim Urgency Ordinance O-15-1291-U of the City of San Marino, California, prohibiting the commencement of operation of any new massage establishment, including the issuance of building permits and other land use entitlements to construct and/or operate any new massage establishment, and declaring the urgency thereof; seconded by Vice Mayor Allan Yung. Following the reading of the title of the Ordinance into the record by the City Clerk and a roll call, the motion carried unanimously by the following vote: AYES: Councilman Dennis Kneier, Councilman Richard Sun, Councilman Richard Ward, Vice Mayor Allan Yung, and Mayor Eugene Sun. NOES: None.

**6. APPROPRIATION OF FUNDS TO HIRE A PART-TIME CONSULTANT TO ASSIST WITH RESPONDING TO PUBLIC RECORDS ACT DEMANDS**

City Attorney Dorsey stated for the record that, although Vice Mayor Yung has a financial interest in the San Marino Tribune, he does not have a conflict of interest on this matter as presented in the report and may participate in the discussion.

City Manager John Schaefer presented the staff report.

Vice Mayor Yung left the meeting at 7:59 p.m.

Thereafter followed Council discussion on the Tribune's status as the City's adjudicated paper.

The following person(s) spoke:

Steve Talt, San Marino

Susan Jakubowski, San Marino

Vice Mayor Yung returned at 8:08 p.m.

Councilman Dennis Kneier moved to authorize the City Manager to execute a Professional Services Agreement with Carol Cowley in the amount not to exceed \$7,500 and appropriate \$7,500 to account #101-07-4150-0000; seconded by Councilman Richard Sun. Following a roll call, the motion carried unanimously by the following vote: AYES: Councilman Dennis Kneier, Councilman Richard Sun, Councilman Richard Ward, Vice Mayor Allan Yung, and Mayor Eugene Sun. NOES: None.

### **CONSENT CALENDAR**

Councilman Dennis Kneier moved to adopt the Consent Calendar consisting of Items 7, 8, 9, 10 and 11; seconded by Councilman Richard Sun. Vice Mayor Yung stated for the record that he would approve the consent calendar items with the exception of the payments to the San Marino Tribune that are listed on the disbursements report. Vice Mayor Yung stated that, because he has an ownership interest in the Tribune, he would abstain from voting on those disbursements. Following a roll call, the motion carried unanimously by the following vote: AYES: Councilman Dennis Kneier, Councilman Richard Sun, Councilman Richard Ward, Vice Mayor Allan Yung, and Mayor Eugene Sun. NOES: None.

7. **APRIL 2015 DISBURSEMENT REPORT**  
Ratify and file the Disbursement Report for the period ending April 30, 2015.
8. **APPROVAL OF MINUTES**  
Approve the Minutes of the Adjourned Regular Meeting of March 27, 2015, and the Regular Meeting of April 8, 2015.
9. **ORDINANCE NO. O-15-1286 REDUCING THE RECREATION COMMISSION FROM 10 VOTING MEMBERS TO 8 VOTING MEMBERS (SECOND READING)**  
Adopt Ordinance No. O-15-1286.
10. **CONTRACT EXTENSION WITH RSCC ENGINEERING FOR CIVIL ENGINEERING SERVICES**  
Authorize the City Manager to extend the Agreement with RSCC Engineering of Irwindale, California through June 30, 2016 for Civil Engineering Services.
11. **AWARD OF PROPOSAL – TRANSPORTATION SERVICES**  
Authorize the City Manager to execute a one (1) year agreement with Student Transportation of America for scheduled transportation services in an amount of \$87,036 utilizing Proposition A funds.

### **PUBLIC HEARINGS**

**12. AN URGENCY ORDINANCE OF THE CITY OF SAN MARINO EXTENDING INTERIM ORDINANCE NO. O-15-1288-U ESTABLISHING A MORATORIOUM ON THE ISSUANCE OF BUILDING PERMITS FOR DESIGN REVIEW APPLICATIONS THAT WILL RESULT IN ISSUANCE OF A DEMOLITION PERMIT, INVOLVE AN ADDITION OF A SECOND STORY TO AN EXISTING ONE STORY RESIDENCE OR IN CONNECTION WITH WHICH SPECIFIED NOTICE WAS NOT PROVIDED AND WHICH WAS NOT REVIEWED BY THE PLANNING COMMISSION FOR A PERIOD OF TEN (10) MONTHS AND FIFTEEN (15) DAYS**

Interim Planning and Building Director Aldo Cervantes presented the staff report.

Councilman Richard Sun presented a diagram of proposed side yard setbacks for the second floor adjacent to a one-story home.

Mayor Eugene Sun opened the hearing for public comment.

The following person(s) spoke:

Steve Talt, San Marino, commented in support of the moratorium extension.

Richard Haserot, San Marino, commented that if the Council fixes the basic problem which was discussed in the earlier joint meeting a moratorium would not be necessary.

Hearing no further public comment, the Mayor closed the public hearing.

It was the consensus of the Council to direct staff to explore the following items:

1. Improve the design review process
2. A reduction of the appeal fees
3. Amend the notification requirements for projects requiring design review
4. Require a conditional use permit for new or replaced residential structure
5. Define remodel
6. Research the possibility of amending the development standards to include a greater setback for a second story addition
7. Limit Design Review continuances
8. Increase the penalty fee for design review projects where the construction is inconsistent to the approved plans
9. Research the ability to include a DRC mentor

Councilman Richard Sun moved to submit the Government Code Section 65858(d) report and adopt Ordinance No O-15-1289-U which shall expire on August 8, 2015; seconded by Councilman Richard Ward. Following the reading of the title of the Ordinance into the record by the City Clerk and a roll call, the motion carried 4-1 by the following vote: AYES: Councilman Richard Sun, Councilman Richard Ward, Vice Mayor Allan Yung, and Mayor Eugene Sun. NOES: Councilman Dennis Kneier.

**13. ORDINANCE O-15-1287 AN ORDINANCE OF THE CITY OF SAN MARINO AMENDING THE SAN MARINO MUNICIPAL CODE ADOPTING SETBACK STANDARDS FOR EMERGENCY SHELTER DEVELOPMENTS (FIRST READING)**

Associate Planner Amanda Merlo presented the staff report.

Mayor Eugene Sun opened the hearing for public comment.

The following person(s) spoke:

Laurie Barlow, San Marino commented that State law prevents the City from setting any limitation on emergency shelters and suggested the City look at La Cañada-Flintridge's ordinance.

Hearing no further public comment, the Mayor closed the public hearing.

Councilman Dennis Kneier move to read by title only and introduce Ordinance No. O-15-1287 on first reading and endorse approval of the negative declaration; seconded by Councilman Richard Sun. Following the reading of the title of the Ordinance into the record by the City Clerk and a roll call, the motion carried 4-1 by the following vote: AYES: Councilman Dennis Kneier, Councilman Richard Sun, Councilman Richard Ward, and Vice Mayor Allan Yung. NOES: Mayor Eugene Sun.

**WRITTEN COMMUNICATIONS**

There were no written communications at this time.

**COUNCIL REPORTS**

Vice Mayor Allan Yung reported attending the Southern California Association of Governments' annual meeting last week.

Councilman Richard Sun left the meeting at 9:20 p.m., and returned at 9:22 p.m.

Councilman Richard Ward left the meeting at 9:21 p.m., and returned at 9:25 p.m.

Mayor Eugene Sun reported attending the League of California Cities' division meeting.

Councilman Richard Ward reported on an article pertaining to Mesa, AZ changing its ambulance staffing to one EMT and one licensed nurse which has lowered personnel costs. He requested that staff provide a report on advanced life support units compared to basic life support units.

**CITY MANAGER'S REPORT**

City Manager John Schaefer reported on an upcoming CalAm town hall meeting to discuss water restrictions and proposed state water regulations.

**PUBLIC WRITINGS DISTRIBUTED**

There were no public writings at this time.

**PUBLIC COMMENTS**

There were no public comments at this time.

**CLOSED SESSION**

The City Council recessed to Closed Session at 9:45 p.m. to:

**14. CONFERENCE WITH LEGAL COUNCIL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 – (1 Case)

**15. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

City Manager

**RECONVENE TO OPEN SESSION**

Council reconvened to open session at 10:40 p.m.

**CLOSED SESSION REPORT**

Regarding Item 14, the City Attorney announced that the City Council had received a report on the potential litigation matter for the property 1049 Oak Grove Place and that no action was taken.

Regarding Item 15, the City Attorney reported that there was no reportable action.

**ADJOURNMENT**

The San Marino City Council adjourned at 10:41 p.m. to the next adjourned regular meeting to be held on **FRIDAY, MAY 29, 2015, at 8:00 A.M.** in the City Hall Council Chamber, 2200 Huntington Drive, San Marino, California.

  
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VERONICA RUIZ, CMC  
CITY CLERK