

**MINUTES
SAN MARINO CITY COUNCIL
ADJOURNED REGULAR MEETING
JUNE 30, 2017 – 8:00 A.M.**

CALL TO ORDER Mayor Richard Sun called the meeting to order at 8:00 a.m.

PLEDGE OF ALLEGIANCE Mayor Sun led the pledge of allegiance.

MEMBERS PRESENT: Council Member Huang, Council Member Talt, Council Member Yung, Vice Mayor Ward, and Mayor Sun.

PUBLIC COMMENTS

There were none.

MOTION TO WAIVE FURTHER READINGS Vice Mayor Ward moved to waive further readings second by Council Member Talt. The motion unanimously carried with a 5-0 vote.

APPOINTMENTS

1. APPOINTMENTS TO THE DESIGN REVIEW COMMITTEE

Recommendation: “A motion to appoint Judy Johnson-Brody and Chris Huang as Regular Members to serve on the DRC for terms ending June 30, 2019.”

Council Member Talt advised that the City received two applications for two vacated positions on the Design Review Committee, He and Vice Mayor Ward. the Council Liaisons, interviewed the two alternates who applied, Judy Johnson-Brody and Chris Huang. Council Member Talt recommended they be appointed to the Commission and recruit to fill the two alternate positions that will be vacant. Council Member Talt Moved to appoint Judy Johnson-Brody and Chris Huang to the Design Review Committee, second by Council Member Huang. The motion unanimously carried by the following roll call vote: AYES: COUNCIL MEMBER HUANG, COUNCIL MEMBER TALT, COUNCIL MEMBER YUNG, VICE MAYOR WARD, AND MAYOR SUN.

2. APPOINTMENTS TO THE LIBRARY BOARD OF TRUSTEES

Recommendation: “A motion to 1) reappoint Mary Hsu as a Regular member of the Board of Trustees for a term ending May 31, 2020; and 2) appoint Lois Derry as an Alternate member of the Board of Trustees for a term ending May 31, 2020.”

Vice Mayor Ward advised that he and Council Member Talt, the Council Liaisons to the Library Board of Trustees, interviewed two applicants for the vacancies of a regular member and alternate on the board of Trustees, Mary Hsu, who is a current member and

Lois Derry. The liaisons are recommending the reappointment of Mary Hsu as the regular member and Lois Derry as the Alternate. Vice Mayor Ward moved, and Council Member Talt seconded, to appoint Mary Hsu and Lois Derry to The Library Board of Trustees. The motion carried by the following roll call vote. AYES: COUNCIL MEMBER HUANG, COUNCIL MEMBER TALT, COUNCIL MEMBER YUNG, VICE MAYOR WARD, AND MAYOR SUN.

CONSENT CALENDAR

Item 4 was removed from the Consent Calendar at the request of City Attorney Flower for a brief update and separate consideration due to a slight change to the motion.

3. ADOPTION OF ORDINANCE NO. O-17-1324 REDUCING THE NUMBER OF AT LARGE RECREATION COMMISSIONERS FROM EIGHT TO SEVEN (SECOND READING)

Recommendation: That the City Council adopt Ordinance No. O-17-1324 Amending Section 2.13.02 of Article 13, Chapter 2 of the City Code Regarding the Recreation Commission.

5. INDEMNIFICATION AGREEMENT WITH CENTURY WINNER, INC. REGARDING *SAN MARINO HERITAGE, RESIDENTS TO SUPPORT HISTORIC RESOURCES IN SAN MARINO ET AL. V. CITY OF SAN MARINO.*

Recommendation: That the City Council approve the Indemnification Agreement.

Council Member Talt moved to approve Consent Calendar Items 3 and 5; second by Council Member Huang. The motion unanimously carried by the following roll call vote: AYES: COUNCIL MEMBER HUANG, COUNCIL MEMBER TALT, COUNCIL MEMBER YUNG, VICE MAYOR WARD AND MAYOR SUN.

ITEM PULLED FROM CONSENT

4. LEASE FOR THE INSTALLATION AND USE OF WIRELESS TELECOMMUNICATIONS FACILITY AND SUPPORT EQUIPMENT LOCATED AT 2200 HUNTINGTON DRIVE

Recommendation: That the City Council approve the Lease Agreement with Los Angeles SMSA (dba Verizon Wireless) and authorize the City Manager to execute the agreement.

City Attorney Flower provided a brief staff report to the Council noting there has been ongoing negotiations with Verizon for the installation of a new wireless facility at City Hall in order to facilitate the removal of the wireless facility on school property. He explained there were some late changes that were made yesterday and forwarded to

Council with hard Copies of the changes available to the public. The changes have to do with a temporary site at the City site so that the City can facilitate the removal at the school site as soon as possible. Other than that, the basic terms are unchanged. He recommended Council's motion be to approve the Lease Agreement with Los Angeles SMSA dba Verizon Wireless for use and installation of a wireless telecommunication facility at 2200 Huntington Drive in substantially the form presented and consistent with the proposed plans and authorize the City Manager to execute the Agreement.

Crystal (no surname provided) said that pursuant to the Code, residents are supposed to be noticed within 72 hours before the meeting. She provided the City Attorney with a copy of the notice they received the prior night. She spoke against the cell tower being located at City Hall.

Kim Chu also addressed Council about the notice only being received the day before the meeting. Ms. Kim expressed her opposition to the cell tower site at City Hall.

City Attorney Steve Flower addressed the notice received by the neighbors and indicated that the notice is not a requirement but was distributed as a courtesy.

Council Member Talt expressed his concern with the neighbors not being notified even though it is not required by law. The residents should have an opportunity to express their objections. Council and staff discussed the issue and concurred to hold a special meeting on July 5, 2017, at 8:00 am. The item was tabled until July 5, 2017.

Andrew Ko addressed City Council confirming there is no requirement to notify the neighboring residents about the cell tower. He expressed his opposition to the cell tower installation at City Hall.

City Attorney Flower responded to a question from the audience that the School did not notify the public when they allowed the cell phone tower on the school site, and that would have been the School District's responsibility.

In response to a question posed by Susan Jakubowski, the City Attorney explained the City began discussing the use of City property for a cell site, when it was realized that if the cell tower was removed from the School site, there would be a gap in Verizon coverage. Thereafter, a lengthy discussion ensued regarding coverage area, all of the locations that were looked at, and why City Hall was selected.

Michelle Lumley addressed the City Council regarding her understanding that because the FCC determined cell towers are not dangerous, the City cannot deny a tower based on dangerous emissions.

City Attorney Flower expanded on the FCC's regulations on radio frequency emissions. Further discussion continued on this matter and the lack of regulation over the cell site at the school.

Dr. Quong addressed the City Council indicating the school site could not get certification and Verizon is therefore in violation of the agreement, noting there is definitely a safety issue with the building of the cell tower at the school site.

6. FISCAL YEAR 2017-18 BUDGET

Recommendation: “A motion to approve Resolution No. R-17-16 establishing the Municipal Services Program Budget for Fiscal Year 2017-18.”

Or

“A motion to approve Resolution No. R-17-17 approving a Continuing Appropriation and Municipal Services Program Budget for Fiscal Year 2017-18.”

Interim City Manager Collins provided a staff report indicating the proposed budget was presented on May 12th at a Special Budget Meeting Workshop, a follow up Review meeting was conducted at the May 28th Study Session, and again at the June 14th City Council meeting. Ms. Collins gave a brief synopsis of the budget process, the concern about the unfunded liability, and the aging infrastructure. She addressed the actuarial study and special meeting in February where the consultant presented its findings. She also addressed the aging infrastructure and staff's recommendations to meet the financing needs of the infrastructure, which is included in a separate section of the budget and was added to the Making San Marino Better list. As a result of these two financial concerns, the City Council has established a long-range Financial Strategic Planning Ad Hoc Committee. The Committee's purpose is to develop a plan to move the City financially through the next 10 to 15 years to address the unfunded liability Issue and the gaining infrastructure. She discussed the development of the service and supplies budget, advising the City Council of the changes made to the current level of services and supplies as well as the restructuring of Administration and the change in hours of operation for City Hall. She reviewed the total amount of the budget, and the City's reserves.

Misty Cheng, the contract Finance Director provided a PowerPoint overview of the 2017-2018 Fiscal Year Budget explaining the expenditures and revenues by fund.

Julio Donayre, Administrative Analyst for the Park and Public Works Department, reviewed the CIP program for the City Council. Thereafter, the City Council asked clarifying questions.

Council Member Yung moved to approve the Capital Improvement Project budget as submitted; second by Council Member Huang. The motion unanimously carried by the following roll call vote: AYES: COUNCIL MEMBERS: HUANG, TALT, YUNG, VICE MAYOR WARD, AND MAYOR SUN

Interim City Manager Collins presented the budget for Administration and City Council addressing the personnel changes, the status of the recruitments for the new positions, the extended hours of operation, and the advertisement for the Long-Term Strategic Financial Planning Ad Hoc Committee. Thereafter, the City Council asked clarifying questions.

Council Member Yung moved to approve the Administrative Services Department and City Council's budget; second by Council Member Talt. The motion unanimously carried by the following roll call vote: AYES: COUNCIL MEMBERS: HUANG, TALT, YUNG, VICE MAYOR WARD, AND MAYOR SUN

Aldo Cervantes, the Planning and Building Department Director presented the Planning and Building Department Budget and reviewed the Department's mission statement, accomplishments, changes in personnel, service to the public, and goals for the Fiscal Year 2017-2018. Thereafter, the City Council asked clarifying questions.

Council Member Talt moved to approve the Planning and Building Department Budget as presented; second by Council Member Ward. The motion carried unanimously by the following roll call vote: AYES: COUNCIL MEMBERS: HUANG, TALT, YUNG, VICE MAYOR WARD, AND MAYOR SUN

Police Chief Incontro presented the 2017-18 proposed budget for the Police Department. He reviewed the department's accomplishments and objectives for the upcoming fiscal year. He also explained the increase in expenditures. Thereafter, the City Council asked clarifying questions about the use of cameras and Neighborhood Watch programs.

Susan Jakubowski asked for an explanation of the offset for Police Department uniforms. Chief Incontro explained that when an officer is hired, they are given their uniforms which includes their guns and the equipment that goes with it. Officers are then given, as part of their MOU, a uniform allowance for care and future uniforms. There are other safety equipment and uniforms, based on an assignment, that is budgeted for and the City provides.

Gretchen Shepherd Romey asked for clarification about the power of the cameras and their locations. Chief Incontro said the cameras will be installed based upon the crime that is occurring, high traffic areas, and at special events. The cameras will go on Edison polls and will be clearly marked as San Marino Police. Information will be provided to the media and to the community through the City's website about the cameras location.

Chief Incontro responded to a question by Gene Ruckh regarding the use of motorcycle officers advising that he does not have the personnel; but once the City does have the personnel, the motorcycles will be put back into use.

Council Member Talt moved to approve the Police Department Budget as presented; second by Council Member Ward. The motion unanimously carried by the following roll call vote: AYES: COUNCIL MEMBERS: HUANG, TALT, VICE MAYOR WARD, AND MAYOR SUN; ABSENT: COUNCIL MEMBER YUNG.

Fire Chief Mario Rueda presented an overview of the Fire Department's 2017-18 proposed budget. Chief Rueda highlighted the department's accomplishments and reviewed the goals for next year. Thereafter, the City Council asked clarifying questions regarding the purchase of the new fire engine and reimbursement for responding to calls in the County.

Gene Ruckh addressed the City Council requesting an explanation of the billing for using 911 services, when the residents of San Marino pay a public safety tax. Fire Chief Rueda responded that it was his understanding that whatever a resident's insurance doesn't cover for emergency services is forgiven for San Marino residents. After a lengthy discussion on some specific incidents, City Manager Collins was directed to look at the City's policy and advise Council accordingly.

Susan Jakubowski asked if the City has a line item account of what it is expecting to receive on the sale of the 20-year old fire engine. Chef Rueda explained that there is not much of a market for a 20-year old fire engine. Most municipalities send them to auction or give them away.

Ms. Jakubowski requested that the disposition be documented somewhere because there has been some controversy about where an engine went, in the past.

Chief Rueda provided an Overview of the Emergency Management Program's accomplishments over the past year and the goals for Fiscal Year 2017-2018. He explained what the budgeted funds would be used for.

Calvin Lo spoke in favor of the CERT program.

Council Member Yung moved to approve the Fire Department and Emergency Management Program budgets as presented; second by Council Member Huang. The motion unanimously carried by the following roll call vote: AYES: COUNCIL MEMBERS: HUANG, TALT, YUNG, VICE MAYOR WARD, AND MAYOR SUN

Julio Donayre presented the Park and Public Works Department budget for 2017-18 informing the City Council of projects completed in 2016-17, the objectives for 2017-18 and the changes made in this budget. Thereafter, the City Council asked clarifying questions.

Council Member Huang moved to approve the Park and Public Works Department budget as presented; second by Council Member Ward. The motion unanimously carried by the following roll call vote: AYES: COUNCIL MEMBERS: HUANG, TALT, YUNG, VICE MAYOR WARD, AND MAYOR SUN

Recreation Manager Rosa Pinuelas presented the 2017-2018 budget for the Recreation Department reviewing the department programs and the department's objectives for 2017-2018. Thereafter, the City Council asked clarifying questions regarding cost recovery, the aquatics program, and the elimination of the Snow Day event. A lengthy discussion regarding changing the cost recovery percentage policy and restructuring recreation took place.

Gene Ruckh addressed the City Council about the Women's Club and the amount of revenue it used to bring in. When the City first bought it, the building was leased for

events which generated revenue and now it just sits, when the building is a source of revenue.

Council Member Ward moved to approve the Park and Public Works Department budget as presented; second by Council Member Yung. The motion carried by the following roll call vote: AYES: COUNCIL MEMBERS: TALT, YUNG, VICE MAYOR WARD, AND MAYOR SUN; NOES: COUNCIL MEMBER HUANG

City Librarian, Irene McDermott presented the Library's budget to the City Council. She stated the Library's goals and objectives for 2017-2018 and the accomplishments for 2016-2017, noting the Library was rated among the top 6.5 libraries in the nation of all the libraries in their class according to the Library General. Last year the Library grossed over \$190,000 in passport acceptance fees. In addition to recovering costs, the passport program generates revenues for the City's General Fund. She informed Council that as a result of the Friends of the Library donation, next year the Library intends to install an RFID (Radio Frequency Information Inventory Tracking System), which allows patrons to check books out themselves. Finally, with the help of the Friends of the Library, they plan to celebrate the Library's ten year anniversary in January. She reviewed the changes in revenues and expenditures with the City Council. Thereafter, the City Council asked clarifying questions.

Council Member Ward moved to approve the Library budget as presented; second by Council Member Yung. The motion unanimously carried by the following roll call vote: AYES: COUNCIL MEMBERS: HUANG, TALT, YUNG, VICE MAYOR WARD, AND MAYOR SUN

Council Member Talt moved to adopt Resolution No. R-17-16 Adopting the Operating and Capital Budget for Fiscal Year 2017-2018; second by Council Member Yung. The motion unanimously carried by the following roll call vote: AYES: COUNCIL MEMBERS: HUANG, TALT, YUNG, VICE MAYOR WARD, AND MAYOR SUN

7. REVIEW AND DISCUSSION OF MAKING SAN MARINO BETTER

Interim City Manager Collings reviewed the Making San Marino Better list highlighting some of the pending projects for Council. Council Member Yung asked for a status on Stoneman School. Interim City Manager Collins responded that an RFP has been prepared and is pending. An RFP for an assessment of lead and asbestos issue has been circulated. Staff will try to bring the information back at the July 12th meeting, if possible.

Susan Jakubowski addressed Council stating that several residents did not receive the vacancy letter and she wondered if there would be an alternate method of notifying people. Ms. Jakubowski, complemented Interim City Manager Collins for the outstanding job she has done in implementing many of the pieces of the Ad Hoc Committee Report; however, not having an Employee Handbook ready for 15 months after the report was submitted and after about 18 months of the City becoming aware of the deficiency, leaves the City with a number of liability issues, a lack of clarity and the

handbook should state in writing the progressive discipline procedures. She also stated managers should be well-trained in how to handle those.

Interim City Manager Collins confirmed that the City does have a policy, and the Personnel Rules have been revised and sent to the Attorney for review. Before the revised rules can be adopted the City will have to meet with the Associations for negotiations. The handbook has been updated and we have to meet with the Associations to review those policies.

PUBLIC COMMENTS

Albert (surname not provided) addressed the meetings scheduled for discussion on the proposed Cell Tower at City Hall. He asked that the July 5th meeting be rescheduled to a date and time when he and his neighbors can attend.

Gene Ruckh addressed the issue of establishing an Environmental Impact Fee on the Huntington Library.

CLOSED SESSION

The City Council recessed to Closed Session at 11:33 am to:

**CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
PURSUANT TO GOVERNMENT CODE § 54956.9(d)(2): (Two cases) and**

**PUBLIC EMPLOYEE APPOINTMENT—PURSUANT TO GOVERNMENT
CODE SECTION 54957: Title City Manager**

The City Council reconvened to open session wherein the City Attorney announced that there was no reportable action.

ADJOURNMENT

There being no further action to come before the City Council the Mayor adjourned the meeting to the regular meeting to be held on Wednesday, July 12, 2017 at 6:00 P.M.



VERONICA RUIZ, CMC
CITY CLERK