

MINUTES
SAN MARINO CITY COUNCIL
REGULAR MEETING
SEPTEMBER 13, 2017 – 6:00 PM

CALL TO ORDER Mayor Richard Sun called the meeting to order at 6:10 p.m. in the City Hall Council Chamber, 2200 Huntington Drive, San Marino, CA 91108.

ROLL CALL **PRESENT:** Council Member Huang, Council Member Talt, Council Member Yung, Vice Mayor Ward, and Mayor Sun

PLEDGE OF ALLEGIANCE Mayor Sun led the Pledge of Allegiance.

MOTION TO WAIVE FURTHER READINGS Council Member Yung moved to waive further readings; seconded by Council Member Talt. The motion unanimously carried (5-0).

PUBLIC COMMENTS There were no public comments at this time.

PRESENTATIONS

1. PRESENTATION OF EAGLE SCOUTS CERTIFICATES

Mayor Sun congratulated the four young men who received their Eagle Scout Award and presented proclamations to Tyler Hand, Jonathan Tsai, Aruneshwar Venkat, and Timothy Wong. Baxton Chen was unable to attend the Council meeting.

2. PRESENTATION OF 30-YEAR LONGEVITY PIN TO JOHN MORRIS – METRO WATER

Mayor Sun presented a longevity pin to John Morris for serving as the City's representative on the Metropolitan Water Board for 30 years.

3. INTRODUCTION OF NEW POLICE OFFICERS

Commander Richard Ward introduced new police officer, Frank Calistro. He introduced two new recruits, Jeanette Alvarez and Cody Sturges, who will be attending the Golden West Police Academy. Commander Ward gave a brief background on Officer Calistro and recruits Alvarez and Sturges. Officer Calistro's fiancé Melissa pinned his badge.

4. INTRODUCTION OF NEW FIREFIGHTER/PARAMEDICS

Fire Chief Mario Rueda introduced two new Firefighter/Paramedics Kirk Batterson and Eric Gashi to the City Council. Chief Rueda summarized the personal backgrounds and experience of Mr. Batterson and Mr. Gashi. Firefighter/Paramedic Batterson's father, Michael Batterson, retired Firefighter from Pasadena pinned his badge; and Eric Gashi's wife, Laura, pinned his badge.

5. INTRODUCTION OF NEW HUMAN RESOURCES MANAGER

Interim City Manager Cindy Collins introduced David Serrano, the City's new Human Resources Manager and provided a brief history of Mr. Serrano's background and experience. Ms. Collins also introduced Josh Betta, Interim Administrative Services Director and Michael Throne, Interim Parks and Public Works Director.

CONSENT CALENDAR

Items 7, 14, 16, and 17 were pulled from the Consent Calendar for discussion.

Vice Mayor Ward moved to approve the Consent Calendar consisting of Items 6, 8, 9, 10, 11, 12, 13, and 15. Seconded 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.

6. CONSIDERATION OF APPROVAL OF MINUTES

Approve the Minutes as presented.

8. CONSIDERATION OF DISBURSEMENT REPORT FOR THE MONTH OF AUGUST 2017

Ratify and file the Disbursement Reports for the periods ending July and August 2017.

9. CONSIDERATION OF TREASURER'S REPORT FOR THE MONTH OF JUNE 2017

Accept and file the Treasurer's Report for the period ending June 2017.

10. CONSIDERATION OF TREASURER'S REPORT FOR THE MONTH OF JULY 2017

Accept and file the Treasurer's Report for the period ending July 2017.

11. ACCEPTANCE AND AUTHORIZATION TO FILE THE NOTICE OF COMPLETION FOR THE HUNTINGTON DRIVE STREET REHABILITATION PROJECT

Accept the Notice of Completion for the Huntington Drive Street Rehabilitation Project and authorize the City Clerk to file the notice.

12. ACCEPTANCE AND AUTHORIZATION TO FILE THE NOTICE OF COMPLETION FOR THE CITYWIDE SIDEWALK SAWCUTTING TRIP HAZARD REMOVAL PROJECT

Accept the Notice of Completion for the Citywide Sidewalk Sawcutting and Trip Hazard Removal project and authorize the City Clerk to file the notice.

13. ACCEPTANCE AND AUTHORIZATION TO FILE THE NOTICE OF COMPLETION FOR THE FY-16-17 SLURRY SEAL AND STRIPING PROJECT

Accept the Notice of Completion for the FY 16-17 Slurry Seal and Striping project and authorize the City Clerk to file the Notice.

15. RESOLUTION NO. R-17-17 IN SUPPORT OF CALIFORNIA WATERFIX AND CALIFORNIA Ecorestore

Adopt Resolution No. 17-17 in Support of California WaterFix.

ITEMS PULLED FROM CONSENT

7. CONSIDERATION OF DISBURSEMENT REPORT FOR THE MONTH OF JULY 2017

Interim City Manager responded to a question posed by Council Member Huang regarding the cost of membership to the San Gabriel Valley COG, advising the benefits of being a member of the COG, the assistance the City has received from the COG on various issues, and the calculation of the membership fee.

Council Member Huang moved to approve Item 7; seconded by Vice Mayor Ward. The motion unanimously carried by the following roll call vote: AYES: COUNCIL MEMBERS HUANG, TALT, YUNG, VICE MAYOR WARD AND MAYOR SUN.

14. ISSUANCE OF REPORT PURSUANT TO GOVERNMENT CODE SECTION 65858 – EXTENSION OF URGENCY ORDINANCE NO. O-16-1324-U EXTENDING INTERIM ORDINANCE NO. O-16-1310-U PROHIBITING ALL COMMERCIAL NON-MEDICAL MARIJUANA ACTIVITY IN THE CITY, PROHIBITING OUTDOOR MARIJUANA CULTIVATION ON PRIVATE RESIDENCES AND DECLARING THE URGENCY THEREOF.

Planning and Building Director Aldo Cervantes responded to Mayor Sun's question regarding this issue and Proposition 64. He stated that the purpose of the report is to justify the extensions of the urgency ordinance which prohibits commercial cultivation of cannabis; and Proposition 64 which legalized personal use of marijuana with certain exceptions.

Vice Mayor Ward moved to approve and issue the report pursuant to Government Code Section 65858; seconded 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.

16. ADOPTION OF ORDINANCE NO. 0-17-1327 (SECOND READING) REPEALING SECTION 14.07.05 OF THE SAN MARINO CITY CODE RESTRICTING THE RESIDENCES OF REGISTERED SEX OFFENDERS

After expressing concerns with some of the language in the ordinance, Council Member Talt moved to table Item No. 16 until legal counsel has had an opportunity to amend the findings; seconded by Vice Mayor Ward. The motion unanimously carried 5-0.

17. APPROVAL OF PURCHASE ORDER TO PIERCE MANUFACTURING, INC. IN THE NOT-TO-EXCEED AMOUNT OF \$698,657.78 FOR PURCHASE OF ONE (1) PIERCE ARROW XT 1500 GPM TRIPLE COMBINATION PUMPER

Fire Captain Dominic Petta presented the report on Item 17, advising the City Council of the Department's reasons for selecting the fire apparatus being recommended.

A discussion initiated by Council Member Talt ensued regarding the amount of sales tax the City had to pay on the purchase. Staff was directed to find out if the City had to pay the County's portion of sales tax.

The following person(s) spoke:

Gene Ruckh
Susan Jakubowski

Council Member Talt moved to waive the bidding requirement pursuant to Section 2.06.05.B.2.b of the City Code because it is in the best interest of the City that the new equipment match existing Pierce Fire Suppression Equipment currently in operation; and approve a purchase order in the amount of \$698,657.78 for the all-cash purchase of one (1) Pierce Arrow XT 1500 GPM Triple Combination Pumper currently assigned to the San Marino Fire Department Emergency Response Services Division, with the understanding that they will review the sales tax issue; seconded by Vice Mayor Ward. The motion unanimously carried by the following roll call vote: AYES: COUNCIL MEMBERS HUANG, TALT, YUNG, VICE MAYOR WARD, AND MAYOR SUN.

NEW BUSINESS

18. APPOINTMENTS TO TRAFFIC ADVISORY COMMISSION – COUNCIL LIAISONS: MAYOR SUN AND COUNCIL MEMBER HUANG

Council Member Huang moved to appoint Calvin Lo and Hal Suetsugu as regular members and Scott Braxton as the alternate to the Traffic Advisory Commission; seconded by Vice Mayor Ward. The motion unanimously carried by the following roll call vote: AYES: COUNCIL MEMBERS HUANG, TALT, YUNG, VICE MAYOR WARD AND MAYOR SUN.

19. APPOINTMENT TO RECREATION COMMISSION – COUNCIL LIAISONS: VICE MAYOR WARD AND COUNCIL MEMBER YUNG

Vice Mayor Ward moved to appoint Melissa Boozell to the Recreation Commission; seconded 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.

20. INTRODUCTION OF ORDINANCE NO. O-17-1328 INCREASING RECREATION COMMISSION MEETINGS TO SIX TIMES PER YEAR AND ESTABLISHING MEETING DATES AT THE END OF EACH FISCAL YEAR

Recreation Manager Rosa Pinuelas provided a brief report.

Council Member Yung moved to introduce on first reading, waive further reading and read by title only Ordinance No. O-17-1328 Amending Section 2.13.07 of Article 13, Chapter 2 of the City Code regarding the Recreation Commission. The motion unanimously carried by the following roll call vote: AYES: COUNCIL MEMBERS HUANG, TALT, YUNG, VICE MAYOR WARD AND MAYOR SUN.

21. INTRODUCTION OF ORDINANCE NO. O-17-1329 ESTABLISHING AN EXPEDITED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS AND FINDING THAT THE ORDINANCE IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Planning and Building Director Cervantes provided brief staff report advising Council that in 2015, the State adopted Assembly Bill 1236 requiring local counties and cities with a population fewer than 20,000 residents to adopt an ordinance that streamlines the permitting process for electrical charging stations. Under the Bill, charging stations are to be approved through the issuance of a non-discretionary permit process and can only consider public health and safety issues when addressing concerns. Thereafter Mr. Cervantes responded to questions from the City Council and noted the recommended changes to be made to the checklist and an informational guide that includes set back requirements.

Council Member Talt moved to table until staff determines whether the City can add set back requirements. The motion died for lack of a second.

City Attorney Flower advised this ordinance must be adopted by September 30, 2017, confirming that the ordinance can always be amended later.

Vice Mayor Ward moved to introduce by title only and waive further reading of Ordinance No. O-17-1329 enacting expedited permitting procedures for processing applications for electric vehicle charging stations and finding that the ordinance is categorically exempt from the California Environmental Quality Act; seconded by Council Member Huang.

City Attorney Flower read the title of Ordinance No. O-17-1329 into the record.

The motion carried by the following roll call vote: AYES: COUNCIL MEMBERS HUANG, YUNG, VICE MAYOR WARD, AND MAYOR SUN. ABSTAIN: COUNCIL MEMBER TALT.

22. BUDGET MODIFICATION TO FY 2017-2018A STREET REHABILITATION PROJECT

Interim Parks and Public Works Director Michael Throne provided a report to the City Council requesting budget modification for the Street Rehabilitation project providing the City Council with the reason for this request. Thereafter followed a lengthy conversation between Council and staff.

The following person(s) spoke:
Gretchen Shepherd Romey
Gene Ruckh

Council Member Yung moved to go forward with the project and direct staff to reduce the scope of work, and finish the work in a second phase. The motion died for lack of second.

Council Member Talt moved to approve Change Order No. 1 with the contingency; and report any change orders affecting the contingency to the City Council; seconded by Council Member Huang. The motion carried by the following roll call vote: AYES: COUNCIL MEMBERS TALT, HUANG, VICE MAYOR WARD, AND MAYOR SUN. ABSTAIN: COUNCIL MEMBER YUNG.

23. PROPOSED SUPPORT OF THE PUBLIC SAFETY LEGISLATIVE ADVOCACY EFFORTS

Commander Richard Ward advised the City Council that the City of Whittier has presented a Resolution to the League of California Cities to initiate further discussions with the Governor, state legislature, and other key public safety stakeholders regarding the recent changes that have been made to California's criminal justice system. In addition, staff has been in discussions with the City of Monrovia regarding the development of the "Taking Back Our Community" Coalition advocating the Senate engage in further discussion to identify solutions for addressing the unintended consequences of the changes made through the enactment of AB 109, Propositions 47 and 57.

The following person(s) spoke:
Eugene Sun
Miriam Nakamura-Quan

Council Member Talt moved to direct the City's League of California Cities' representative to vote yes on the City of Whittier's Resolution and to approve the agreement with the City of Monrovia to join the Taking Back Our Community Coalition; seconded 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.

24. REQUEST FOR ENCROACHMENT PERMIT – 1175 SAN GABRIEL BLVD. (ST. EDMUND'S EPISCOPAL CHURCH)

Planning and Building Director Cervantes gave the staff report providing details on the encroachment permit request.

Vice Mayor Ward moved to authorize the City Manager to enter into an agreement on behalf of the City to allow for an encroachment permit to build four (4) pilasters with 18-inch light fixtures within the City easement with the condition that the brightest of the lamps be no brighter than the ones that are already on the monument previously approved by the City; seconded 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 commented for the record, that since this is near the corner of a very busy intersection in a very difficult turn area, that this is the type of special conditions that should not be looked at as a precedent to anybody else.

CONTINUED BUSINESS

25. UPDATE REPORT FOR THE CELL TOWER RELOCATION

Planning and Building Director Cervantes updated the City Council regarding the status of talks with Verizon for the location of a cell site and with the School District to determine options on how the City can assist the School District in facilitating the relocation of the cell site at the middle school.

The following person(s) spoke:
Raymond Kwan

The City Council received and filed the report.

PUBLIC HEARINGS

26. ORDINANCE NO. O-17-1330 TO AMEND CHAPTER 23 ZONING CODE TO PROHIBIT ALL COMMERCIAL CANNABIS ACTIVITY AND OUTDOOR CULTIVATION, AND TO REGULATE INDOOR CANNABIS CONSISTENT WITH STATE LAW

Planning and Building Director Cervantes presented the report explaining the restrictions Ordinance No. O-17-1330 will place on commercial cannabis activities, both medical and non-medical, and indoor cannabis cultivation. Council Member Talt suggested the ordinance refer to California Health and Safety Code Section 11352.7(d) to define "primary care giver."

Mayor Sun opened the public hearing at 9:10 a.m. There being no public comments, the Mayor closed the public hearing.

Council Member Talt moved to table the ordinance until the City determines if the urgency ordinance currently in place is working; seconded by Vice Mayor Ward. The motion unanimously carried by the following roll call vote: AYES: COUNCIL MEMBERS HUANG, TALT, YUNG, VICE MAYOR WARD, AND MAYOR SUN.

WRITTEN COMMUNICATIONS None.

COUNCIL REPORTS None.

CITY MANAGER'S REPORT Interim City Manager Collins reminded the City Council that tomorrow evening from 5:30 p.m. to 7:30 p.m. the Chamber Mixer will be held at City Hall in the court yard.

CITY COUNCIL CALENDAR Ms. Collins reminded the City Council that the Friday Adjourned Regular Meeting has been moved to Friday, September 22, 2017.

PUBLIC WRITINGS DISTRIBUTED None.

PUBLIC COMMENTS

Gene Ruckh addressed the City Council regarding the Public Employees Retirement System and his request for an Environmental Impact Fee on the Huntington Library.

Eugene Sun addressed the City Council regarding the future of Stoneman School and the relocation of the Recreation Department to the San Marino Center. He also addressed the Ad Hoc Committee's recommendations and measuring the efficiencies of the recommended changes that were made.

RECESS TO CLOSED SESSION

The City Council recessed to closed session at 9:28 p.m. to discuss the following:

1. **PUBLIC EMPLOYEE APPOINTMENT – pursuant to Government Code Section 54957**
Title: City Manager

2. CONFERENCE WITH LABOR NEGOTIATOR – pursuant to Government Code Section 54957.6

City Representative: Frank Rojas

Unrepresented Employee: Prospective City Manager

RECONVENE TO OPEN SESSION

The City Council reconvened to open session at 10:00 p.m. at which time the city Attorney announced there was no reportable action.

ADJOURNMENT

There being no further business to come before the City Council, the Meeting was adjourned at 10:00 p.m. to the adjourned regular meeting to be held on **FRIDAY, September 22, 2017 at 8:00 A.M.**



VERONICA RUIZ, CMC
CITY CLERK