

**MINUTES
SAN MARINO CITY COUNCIL
ADJOURNED REGULAR MEETING
FRIDAY, OCTOBER 27, 2017 – 8:00 A.M.**

CALL TO ORDER Mayor Richard Sun called the meeting to order at 8:02 a.m. in the City Hall Council Chamber, 2200 Huntington Drive, San Marino, CA 91108.

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

PLEDGE OF ALLEGIANCE Mayor Sun led the pledge of allegiance.

PUBLIC COMMENTS

Cordelia Donnelly addressed the City Council regarding traffic hazards on Monterey Road and the need for mitigation. Mayor Sun suggested she bring her concerns to the Traffic Commission for discussion.

MOTION TO WAIVE FURTHER READINGS Vice Mayor Ward moved to waive further readings; 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.**

CONSENT CALENDAR

Item 3 was pulled from the Consent Calendar for discussion.

Council Member Talt moved to approve Consent Calendar Items 1 and 2; 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.**

1. **ADOPTION OF ORDINANCE NO. O-17-1327, ON SECOND READING, TO REPEAL RESIDENCY RESTRICTIONS FOR REGISTERED SEX OFFENDERS**

Adopt on second reading, Ordinance No. O-17-1327, An Ordinance of the City of San Marino Repealing Section 14.07.05 of the San Marino City Code Restricting the Residences of Registered Sex Offenders.

2. **RESOLUTION NO. R-17-21, AUTHORIZING INVESTMENT OF MONIES IN THE STATE TREASURER'S LOCAL AGENCY INVESTMENT FUND (LAIF)**

Adopt Resolution No. R-17-21 and Authorize City Manager Marcella Marlowe and Interim Administrative Services Director Josh Betta to execute all documents necessary and advisable to effectuate the purpose of the Resolution and the transactions contemplated therein.

ITEMS PULLED FROM CONSENT CALENDAR

3. ACCEPTANCE AND AUTHORIZATION TO FILE THE NOTICE OF COMPLETION FOR THE FY 2016/17 STREET LIGHTING CONVERSION PROJECT (No. 9000)

In response to Council Member Yung's questions regarding the difference in the brightness and dimness of some of the lights, Park and Public Works Director Throne advised that the department will be doing a systematic replacement of all the yellow globes. The department will also be experimenting with different color lights.

The following person(s) spoke:

Susan Jakubowski
Gene Ruckh

Council Member Yung moved to accept the Notice of Completion for the Street Lighting Conversion Project No. 9000 and authorize the City Clerk to record the notice; 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.

PUBLIC HEARINGS

4. INTRODUCTION OF ORDINANCE NO. 17-1330, TO AMEND CHAPTER 23 OF THE 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 provided some background on the State's Medical Cannabis Regulation and Safety Act that established a state licensing process for commercial medical cannabis use and business license requirements for permits to operate. He explained that Ordinance No. 17-1330 will amend the Zoning Code by adding to the list of permitted uses in residential zones indoor cannabis cultivation that is conducted in strict compliance with Section 23.06.16.e of the City Code.

Mayor Sun opened the public hearing at 8:27 a.m., there being no one wishing to speak, the Mayor closed the public hearing.

Vice Mayor Ward moved to introduce Ordinance No. O-17-1330 on first reading; second by Council Member Yung. City Attorney Flower read the title of the ordinance into the Record: "An Ordinance of the City of San Marino, California, amending Article 6, Requirements and Restrictions Generally of Chapter 23 Zoning and Development Advertising Signs, Fences and Walls, of the San Marino Municipal Code to Prohibit All Commercial Cannabis Activity both Medicinal and Adult use in All Zones in the City to Regulate Indoor Cannabis Cultivation Consistent with State Law and Making a Finding

of Exemption from CEQA, Under Section 5061(B)(3) of the CEQA Guideline.” The motion unanimously carried by the following roll call vote: AYES: COUNCIL MEMBERS HUANG, TALT, YUNG, VICE MAYOR WARD AND MAYOR SUN.

5. PUBLIC HEARING AND INTRODUCTION OF ORDINANCE NO. 17-1331, OF THE CITY OF SAN MARINO ADOPTING REGULATIONS REGARDING ACCESORY DWELLING UNITS AND AMENDING THE SAN MARINO CODE REGARDING THE SAME

Planning and Building Director Cervantes gave a brief report regarding the enactment of AB 2299 and SB 69 which amended the Government Code to encourage accessory dwelling units also known as ADUs by broadly allowing them except where cities have adopted local ordinances to comply with limitations and provisions. In anticipation of these bills the City adopted an interim ordinance which established interim regulations prohibiting ADUs except in compliance with the provisions listed in the City’s ordinance. He listed the restriction provisions in the ordinance and changes that were added at the October 11, 2017 Council meeting.

City Attorney Flower advised the City Council the research his office did regarding owner-occupancy, and indicated that the legislative intent was to limit “owner-occupancy” to an actual owner. The City Council discussed owner occupancy and deed restrictions. In response to language read by Mayor Sun, Mr. Flower confirmed that pursuant to state law and the City’s ordinance, ADUs may be developed on every lot in the City.

Mayor Sun opened the public hearing at 8:37 a.m.

The following person(s) spoke:

Dennis Kneier
Cordelia Donnelly
Gene Ruckh
Dale Pederson
Saul Roe

There being no one further wishing to speak, the Mayor closed the public hearing at 9:16 a.m.

City Attorney Flower responded to the remarks of the speakers regarding owner-occupancy issues, state law references, and deed restrictions.

Council Member Huang moved to waive full reading and introduce for first reading by title only Ordinance No. O-17-1331 “An Ordinance of the City of San Marino Adopting Regulations Regarding Accessory Dwelling Units and Amending the San Marino Code Regarding the Same;” 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.

NEW BUSINESS

6. APPOINTMENT OF ANNIE HAN AS THE CITY TREASURER

Vice Mayor Ward recommended the appointment of Annie Han to the position of City Treasurer for a term of four years.

The following person(s) spoke:
Al Boegh

Vice Mayor Ward moved to appoint Annie Han as City Treasurer for a term of four years beginning November 1, 2017 and ending October 31, 2021; 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.

7. AWARD OF CONSTRUCTION CONTRACT FOR IMPROVEMENTS TO THE LACY PARK RESTROOMS

Park and Public Works Director Michael Throne presented a PowerPoint depicting the design of the renovated interior, the types of materials to be used, the fixtures and the dimensions of the building. He explained the challenges of renovating an existing structure and the limited supply of water to the structure that may result in problems with the sanitary waste collection in the sewer system and a possibility that the water service may need to be improved.

The City Council discussed this matter at length. Mr. Throne responded to several questions regarding the cost effectiveness of renovating the structure or starting from the beginning and saving costs on the fixtures and materials being recommended. After discussion regarding renovating or coming back with a fresh idea, Mr. Throne responded that he could come back at the next Council meeting with a plan if that is the direction the Council wants to go. He explained that the Council would have to reject the bids, modify the specifications and re-bid the project.

The following person(s) spoke:
Gene Ruckh
Gretchen Shepherd Romey
Cordelia Donnelly
Joyce Bettenidge

Council Member Talt moved to remove this item and return with suggested alternatives at the next meeting; 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

8. TRAFFIC SAFETY IMPROVEMENTS AT ROBLES AVENUE AND SIERRA MADRE BOULEVARD—CAPITAL PROJECTS BUDGET AMENDMENT AND TRANSFER OF EXISTING APPROPRIATIONS

Police Chief Incontro presented the report advising that after community meetings and several discussions at the Traffic Advisory Commission meetings, staff is proposing safety improvements at Sierra Madre and Robles due to 15 traffic collisions at this intersection in the last five years. He introduced Ruth Smith, the City's Traffic Engineer, who presented a PowerPoint of the proposed safety improvements. She noted staff studied previous traffic studies at that intersection, surveyed the intersection and performed traffic counts. She discussed the proposed improvement scenarios with Council.

Ms. Smith advised Council that the Traffic Advisory Commission recommended to modify the median opening to pivot the east and left-hand turn and through movements at the intersection of Sierra Madre and Robles Avenue at a cost of \$6,000; and to paint edge line striping on Sierra Madre Boulevard from San Marino Boulevard to California Boulevard at a cost of \$53,000.

City Council discussed the issues, including the cost of improvements, the edge line striping, and the installation of a traffic light. Staff explained why a traffic light was not warranted and responded to numerous questions posed by the City Council.

The following person(s) spoke:

Gene Ruckh
Calvin Lo
Christa Lakon
Gretchen Shepherd Romey
Hal Suetsugu

Council Member Yung moved to approve the improvements at the intersection of Robles Drive and Sierra Madre Boulevard as recommended by the Traffic Advisory Commission, establish the "Sierra Madre Boulevard and Robles Avenue Striping Project" account and transfer \$53,000 from unused Capital Projects Fund Account No. 394-48-4600-9271, establish the "Robles Intersection Improvement Project" account and transfer \$6,000 from unused Capital Projects Fund Account No. 394-48-4600-9271, and authorize the Finance Department to create new projects and transfer funding as specified; seconded by Vice Mayor Ward. The motion carried by the following roll call vote: AYES: COUNCIL MEMBER YUNG, VICE MAYOR WARD AND MAYOR SUN. NOES: COUNCIL MEMBER HUANG AND TALT.

CONTINUED BUSINESS

9. REVIEW AND DISCUSSION OF MAKING SAN MARINO BETTER

City Manager Marlowe advised the City Council that she had no tangible updates to provide but that she was working on the list and there will be more discussions about the list in the future.

Council Member Talt recommended adding a study to the Making San Marino Better List for no overnight parking in commercial areas of the City.

Mayor Sun recommended adding a study to determine how to beautify the median. He noted that since the drought the grass is no longer green. Council Member Talt directed staff to make sure the study includes whether the Governor has removed the water restrictions.

Council Member Yung recommended adding improving the sound system in the Council Chamber and at the Library.

PUBLIC COMMENTS

Gene Ruckh provided the City Council with a campaign mailer that mentioned employee salaries, benefit costs, and pension deficit that was distributed to the residents. He then discussed those issues.

Gretchen Shepherd Romey addressed the City Council regarding the campaign mailer stating the mailer was distributed by an independent group of residents and there was inaccuracies in some of the material.

Cordelia Donnelly addressed Council regarding all of the verbatim minutes that she submitted into the public record and to the City Council concerning all of the ADU discussions by the City to date.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Sun adjourned the meeting at 11:24 a.m. to the **REGULAR** meeting to be held on **WEDNESDAY, NOVEMBER 8, 2017, at 6:00 P.M.**



VERONICA RUIZ, CMC
CITY CLERK