

**MINUTES  
SAN MARINO CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 8, 2017 – 6:00 PM**

**CALL TO ORDER** Mayor Richard Sun called the meeting to order at 6:00 p.m. in the City Hall Council Chamber, 2200 Huntington Drive, San Marino, CA 91108.

**PLEDGE OF ALLEGIANCE** Mayor Sun led the Pledge of Allegiance.

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

**PUBLIC COMMENTS**

Cordelia Donnelly addressed the City Council regarding the definition of owner-occupied resident as cited in state law concerning ADU regulations.

Sue Boegh addressed Item 16 regarding the appointment and removal of department heads and City Engineer, opposing the recommended change to the City Code as proposed by Staff. She also addressed the distance of the interim City Engineer's residence to the City of San Marino and the potential difficulty for him to get to the City in the event of a catastrophe.

Dennis Kneier addressed the City Council congratulating the seven candidates who ran for office and the three individuals who won the election. He also thanked the incumbent City Council members whose terms will expire on December 13, 2017.

**MOTION TO WAIVE FURTHER READINGS**

Vice Mayor Ward moved to waive further readings; seconded by Council Member Talt. The motion unanimously carried by the following roll call vote: AYES: HUANG, TALT, YUNG, VICE MAYOR WARD, AND MAYOR SUN

**PRESENTATIONS**

**1. PROCLAMATIONS TO EAGLE SCOUTS JASON ERIKSEN, CHARLIE AGAJANION, AND ANDREW CHOU**

Mayor Sun and the City Council presented proclamations to Jason Eriksen, Charlie Agajanion and to the father of Andrew Chou for achieving their Eagle Scout badge, the highest award of the Boy Scouts of America.

**CONSENT CALENDAR**

Items 3, 4, and 10 were pulled from the Consent Calendar for discussion and separate action.

Council Member Talt moved to approve Consent Calendar Items 2 through 11, excluding items 3, 4, and 10; 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.

2. **DISBURSEMENTS REPORT FOR OCTOBER 2017**  
Receive and file the Disbursements Report for the month of October 2017.
5. **APPROVAL OF MINUTES**  
Approve the Minutes for the Special Meeting of June 14, 2017, the Regular Meeting of June 14, 2017; the Adjourned Regular Meeting of June 30, 2017; and the Special Meeting of August 30, 2017.
6. **ADOPTION OF ORDINANCE NO. 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 (SECOND READING)**  
Adopt Ordinance No. O-17-1330 on second reading.
7. **ADOPTION OF ORDINANCE NO. 17-1331 OF THE CITY OF SAN MARINO ADOPTING REGULATIONS REGARDING ACCESSORY DWELLING UNITS AND AMENDING THE SAN MARINO CODE REGARDING THE SAME (SECOND READING)**  
Adopt Ordinance No. 17-1331 on second Reading.
8. **REQUEST TO CLOSE LIBRARY JANUARY 15<sup>th</sup> AND APRIL 1<sup>st</sup>, 2018**  
Authorize the closure of the Crowell Public Library on January 15<sup>th</sup> and April 1<sup>st</sup>, 2018.
9. **ADOPTION OF RESOLUTION NO. 17-23, AMENDING THE PART TIME RATE SCHEDULE FOR FY 17-18**  
Adopt Resolution No. R-17-23 amending the Part Time Rate Schedule for Fiscal Year 2017-18 effective January 1, 2018.
11. **SOLE SOURCE PURCHASE OF ONE (1) ZOLL MEDICAL CORPORATION "X SERIES" CARDIAC MONITOR/DEFIBRILLATOR PER SMMC 02.06.05, IN AN AMOUNT NOT TO EXCEED \$38,500**  
(1) Waive the bidding requirement pursuant to Section 2.06.05.B2.b of the City Code because it is in the best interest of the City that the Fire Department's new equipment purchase match existing equipment that is currently in use; and (2) approve purchase order in the amount of \$38,500 for the purchase of one (1) Zoll "X-Series" Cardiac defibrillator/monitor from the Zoll Medical Corporation.

**ITEMS PULLED FROM CONSENT****3. CASH AND INVESTMENT REPORT FOR THE MONTH OF SEPTEMBER 2017**

In response to questions asked by Mayor Sun regarding the City's investments, Interim Administrative Services Director Betta explained to Council the investment objective through the City's policy to buy and hold to maturity. The reporting requirement having to do with market value becomes only a marker and not an indication of where the investment ends up in terms of value. The City will receive full value for it because it is holding it to maturity. Further discussion continued regarding the types of investments through LAIF.

It was the consensus of the City Council to receive and file the Cash and Investment Report for the month of September 2017.

**4. MONTHLY FINANCIAL REPORT FOR THE MONTH ENDED SEPTEMBER 30, 2017**

Council Member Talt asked about the percentage of recovery of property taxes received by the City. Interim Administrative Services Director Betta advised that Proposition 13, set the retention rate and further confirmed that the retention rate could not theoretically be lowered by the State.

Thereafter, a lengthy discussion ensued regarding the financial report, debt service, general liability, online banking, checks and balances, capital equipment, and unrestricted funds. Mayor Sun directed staff to prepare a policy for internal control.

Council Member Talt moved to receive and file the Monthly Financial Report for the Month Ended September 30, 2017; seconded by Council Member Yung. The motion unanimously carried by the following roll call vote: AYES: COUNCILMEMBERS HUANG, TALT, YUNG, VICE MAYOR WARD, AND MAYOR SUN

**10. STATE LIBRARY ANNUAL REPORT**

Mayor Sun commented on the reduction of the number of children using the library based on the statistical data presented to the City Council.

Mayor Sun moved to ratify the 2016/17 Annual Public Library Survey that the City Librarian has filed with the State Library; 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****12. APPOINTMENT AND INTRODUCTION OF THE STRATEGIC FINANCIAL PLANNING COMMITTEE**

Administrative Analyst Amanda Merlo presented a report regarding the formation of the Strategic Financial Planning Committee to create a plan that will recommend the best course of action to the City's more pressing financial issues. She informed the Council of the members on the Committee and the recruitment process.

Mayor Sun introduced each of the members of the Committee providing a brief background: Jay Goldstone, Committee Facilitator, John Chou, James Coupe, Dick Durant, Mark Holdsworth, Maurice Saldebar, and Ken Ude, Advisors.

Council Member Talt moved to confirm the appointments of Jay Goldstone as the Committee Facilitator, and John Chou, James Coupe, Dick Durant, Mark Holdsworth, Maurice Saldebar, and Ken Ude as the advisors to the Strategic Financial Planning Ad Hoc Committee; 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.

### **13. PROCUREMENT OF GOVERNMENT CRIME INSURANCE POLICY**

Human Resources Manager David Serrano presented the report regarding the procurement of one master crime insurance policy in lieu of individual bonds for the City Clerk, City Treasurer, and City Manager, each of which comes with different terms and conditions that must be managed and monitored. By purchasing one master policy, the terms and conditions are easier to manage and monitor. The bond is for \$5 million with a \$2,500 deductible.

Council Member Yung moved to adopt Resolution No. R-17-24 approving the procurement of a government crime insurance policy with a coverage limit of \$5,000,000 per occurrence and a deductible of \$2,500; 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. RESOLUTION ADOPTING CITYWIDE FINANCIAL POLICIES**

Interim Administrative Services Director Josh Betta advised the City Council that the current policies can be found in the annual audit, and the Municipal Code pertaining to the treasury functions and City Treasurer. The remaining are governmental best practices. By adopting Resolution No. R-17-25 staff will put all the financial policies in one document. The Strategic Financial Planning Committee will develop a policy on the General Fund Reserves and bring back a recommendation to amend the resolution by the end of the fiscal year.

Thereafter Council and staff discussed the varying reserve philosophies of cities and the need of San Marino to determine a reserve policy for the City based on the long-term capital improvement projects.

The following person(s) spoke:

Gene Ruckh

Council Member Yung moved to defer a decision until the Financial Committee has had time to study this and a determination can be made by the new City Council. The motion died for lack of a second.

Council Member Talt moved to adopt Resolution No. R-17-25 Establishing Citywide Financial Policies; seconded by Vice Mayor Ward. The motion carried by the following roll call vote: AYES: COUNCIL MEMBERS HUANG, TALT, VICE MAYOR WARD, AND MAYOR SUN. NOES: COUNCIL MEMBER YUNG.

**15. REAUTHORIZATION READOPTION OF THE CITY'S PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ("PEG") PROGRAMMING ACCESS SUPPORT FEE**

City Attorney Flower reported that the City is authorized under state law to impose by ordinance a fee known as Public Educational Government (PEG) Access fees on state video service providers, which the City did. The law also provides that the fee and the ordinance that adopts it may be reauthorized upon the expiration of the state franchise. It is time for the City to consider reauthorizing its PEG fee for Time Warner Cable whose state franchise is coming due for expiration and renewal soon, so. The City Council can do this through adoption of the proposed ordinance No. O-17-1332.

Vice Mayor Ward moved to adopt Ordinance No. O-17-1332, an Ordinance of the City of San Marino Reauthorizing and Readopting the City's Public, Educational, and Government Access Support Fee; 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.

The City Council recessed at 7:38 p.m. and reconvened at 7:53 p.m.

**16. RATIFICATION OF THE APPOINTMENT AND REMOVAL OF CITY DEPARTMENT HEADS AND ENGINEERS; INTRODUCTION OF AN ORDINANCE REGARDING THE APPOINTMENT AND REMOVAL OF CITY DEPARTMENT HEADS AND ENGINEERS**

City Manager Marcella Marlowe advised the City Council that it was brought to her attention that perhaps the hiring of one of the recent department head did not follow the procedure in the Municipal Code, which was confirmed. She advised that the Code states that "the City Manager has the authority to appoint and remove department heads with the concurrence of the City Council." She explained that procedure was not followed and after researching further, it was discovered that that section of the Municipal Code has never been followed.

Ms. Marlowe advised that staff is recommending City Council concurrence so the City is in compliance with the Municipal Code on all of the current department heads; that Council ratify previous appointments and removals that have happened historically for

protection from legal liability; and introduce an ordinance to amend the process in the Municipal Code to remove the mandate of City Council concurrence.

City Attorney Flower reported that the City Council did meet in closed session pursuant to Government Code Section 54957 to consider the appointment of all current city department heads: the Chief of Police, City Engineer, Fire Chief, Park & Public Works Director, and Planning and Building Director. He noted for the public that the agenda for the closed session included the City Librarian; however, that position is not a department head and was removed from the agenda. During the closed session Council Member Talt moved to concur with the following appointments pursuant to Section 02.03.04 of the City Code, Police Chief John Incontro, Fire Chief Mario Rueda, Park & Public Works Director Michael Throne, and Planning and Building Director Aldo Cervantes; and for the Council to ratify the appointment and compensation for Michael Throne to serve without additional compensation as the City Engineer concurrently with his appointment as Park & Public Works Director. Vice Mayor Ward seconded the motion which was approved by unanimous vote of the Council.

City Manager Marlowe advised that Resolution No. R-17-27 would ratify all previous appointments and removals of City Department Heads and City Engineers.

Vice Mayor Ward moved to adopt Resolution No. R-17-27; 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.

City Manager Marlowe advised the City Council that when it was discovered that the procedure in the Municipal Code had never been followed, she and the City Attorney were concerned that the existing language in the Code was unclear by not defining "concurrence." She provided a lengthy explanation of other concerns staff had with the code as it was written and the timing of bringing this item to the City Council.

The following person(s) spoke in opposition to Ordinance No. O-17-1333:

Susan Jakubowski  
Gretchen Shepherd Romey  
Ken Ude

Council Member Talt moved to table a vote on Ordinance No. O-17-1333 to December 13, 2017, and direct staff to come up with other options in language to define "concurrence;" seconded by Council Member Yung. The motion carried by the following roll call vote: AYES: COUNCIL MEMBERS HUANG, TALT, AND YUNG. NOES: VICE MAYOR WARD AND MAYOR SUN.

### **CONTINUED BUSINESS**

#### **17. POTENTIAL MODEL FOR THE CITY'S PROPOSED ORDINANCE AIMED AT PROTECTING THE PUBLIC FROM LEAD-BASED PAINT**

## **HAZARDS ASSOCIATED WITH RENOVATION, REPAIR, AND PAINTING ACTIVITIES**

Planning and Building Director Aldo Cervantes informed the City Council that in April, staff presented Council with a draft ordinance that was intended to remedy lead hazards in residential properties. There was a consensus of the Council at that meeting to further study the matter and return with a draft that strengthens the ordinance by including enforcement mechanisms as well as penalties. Mr. Cervantes reported that in studying many existing ordinances in the area, staff found that the best model was the City of San Diego's ordinance. He noted that if Council directs staff to move forward with the ordinance, staff will include an additional provision to add certification requirements to the sales of homes built prior to 1979 that lead be removed or that lead is not existent on the property.

The following Person(s) spoke:

Miriam Nakamura-Quan  
Gene Ruckh

The City Council directed staff to bring back an ordinance for the City Council's review.

### **18. DESIGNATION OF LOCAL HISTORICAL LANDMARK – 708 WINSTON AVENUE (JONES)**

Planning and Building Director Aldo Cervantes advised the City Council that the applicants Miriam and Winston Jones requested that their property located at 708 Winston Avenue be declared as a local historic landmark. To justify the request the owners commissioned Juliet Arroyo of Arroyo & Associates to provide the historic assessment of the property. He advised the historic assessment concludes the property is eligible for local designation under the grounds that the property was developed in harmony with the goals and intent of the City of San Marino.

The following person(s) spoke:

Juliet Arroyo  
Nelson Jones  
Miriam Jones  
Gene Ruckh  
Gretchen Shepherd Romey

Council Member Yung moved to adopt Resolution No. R-17-26 designating 708 Winston Avenue as a Local Historical Landmark and direct the City Clerk's office to submit a certified copy of the Resolution to the State Historical Society, the City Historical Society, and the property owners; 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.

### **19. POLICE CRIME UPDATE REPORT**

Police Chief Incontro provided an in-depth report advising the City Council that residential burglaries are down because of some of the programs the Police Department introduced. He provided the crime statistics and made comparisons to other local cities. Chief Incontro contributed some of the reduction to increased phone calls received from citizens. He advised Council of some other steps that have been taken which has helped in the crime reduction. Thereafter, Chief Incontro responded to questions posed by City Council.

The following person(s) spoke:

Susan Jakubowski  
Miriam Nakamura-Quan  
John Chow

Council Member Talt moved to receive and file the July Crime Reduction Plan Quarterly Report for Fiscal Year 2016-2017; seconded by Vice Mayor Ward. The motion unanimously carried 5-0.

## **20. OPTIONS FOR THE RENOVATION OR REPLACEMENT OF LACY PARK RESTROOMS**

Park & Public Works Director Michael Throne provided the staff report presenting three options for moving the project forward. The first option would be to award the contract and make some changes to the specifications and go forward with building it. The second option would be to reject the bids and go to "essential items only" project which would target keeping the project in its \$300,000 budget. The final option is to reject the bids and direct staff to design a new restroom that would not be hampered by using the existing structure and could be completed by the fall of 2018. Mr. Throne stated that staff is recommending the City Council approve option 3 and reject the bids, select an architect, go through the process with the Design Review Committee and bring back a final design concept to the City Council. Mr. Throne also advised that the City Council must accept the bid tonight, or the bids expire.

The following person(s) spoke:

Gretchen Shepherd Romey  
Gene Ruckh

Council Member Talt moved to reject all bids received on September 27, 2017 for the Lacy Park Restroom Renovation Project No. 7027; and direct the Park and Public Works Department to prepare a Request for Proposals for the design of a replacement restroom at Lacy Park, and submit for City Council consideration, a final design concept that provides the best value for the plain function of a public restroom and accessibility while matching as much as practicable the architecture of the park; 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.

**WRITTEN COMMUNICATIONS** None.



**COUNCIL REPORTS**

Mayor Sun thanked interim City Clerk Cowley for filling in for the City Clerk this past year and for the times she assisted the City in the past.

**CITY MANAGER'S REPORT**

City Manager Marlowe reminded the City Council that on September 22<sup>nd</sup>, the Council heard a presentation on the Deployment Study for the Fire Department which included eight recommendations and direction to return within 45 days with some implementation recommendations. Staff will be bringing the implementation recommendations back in February.

**CITY COUNCIL CALENDAR** the City Council reviewed the calendar.

**PUBLIC WRITINGS DISTRIBUTED** None.

**PUBLIC COMMENTS**

Gene Ruckh commented on the environmental impact fee for the Huntington Library.

**ADJOURNMENT**

There being no further business to come before the City Council, the Meeting was adjourned at 9:52 p.m. to the regular meeting to be held on **WEDNESDAY, December 13, 2017 at 6:00 p.m.**

  
\_\_\_\_\_  
VERONICA RUIZ, CMC  
CITY CLERK