

**MINUTES
REGULAR MEETING
OF THE SAN MARINO CITY COUNCIL
MAY 11, 2016 - 6:00 P.M.**

CALL TO ORDER Mayor Allan Yung called the meeting to order at 6:03 p.m.

PLEDGE OF ALLEGIANCE

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

PRESENTATIONS

1. **PRESENTATION OF CERTIFICATE TO STUDENT MAYOR FOR THE DAY – CHELSEA CHIU**

Mayor Allan Yung presented a certificate of recognition to Mayor for the Day Chelsea Chiu.

PUBLIC COMMENTS

The following person(s) spoke on cell towers located on San Marino Unified School District property:

Luyi Khasi, San Marino
Valerie Jinnette, San Marino

City Manager John Schaefer provided an update of the City's efforts to relocate the cell towers.

MOTION TO WAIVE FURTHER READINGS

Vice Mayor Richard Sun moved to waive the reading of the entire text of ordinances and resolutions; seconded by Councilman Richard Ward. The motion carried unanimously by the following vote: AYES: Councilman Steven Huang, Councilman Steve Talt, Councilman Richard Ward, Vice Mayor Richard Sun, and Mayor Allan Yung. NOES: None.

OATH OF OFFICE

2. **INTRODUCTION AND OATH OF OFFICE FOR NEW POLICE OFFICERS - OLEG ZHIVAGA AND KEVYN YAMADA**

Police Chief John Incontro introduced new Police Officers Oleg Zhivaga and Kevyn Yamada and new Police Dispatcher Therisa Haddix, who were administered their oaths of office by the City Clerk.

The following study session item was pulled by staff and it was the consensus of the council that this item be continued to the September 14th meeting.

3. DISCUSSION REGARDING CITY OF SAN MARINO'S WATER WISE CENTER MEDIAN PROJECT

Recommendation: "A motion to direct staff on how to proceed with the City of San Marino's Water Wise Center Median Project."

STUDY SESSION

4. FISCAL YEAR 2016-2017 BUDGET REVIEW

City Manager John Schaefer presented the proposed fiscal year 2016-17 budget requests for City Council and The Old Mill, as well as the proposed fiscal year 2016-17 Fund Balance Sheet, Revenues Summary, Expenditures Summary, and Capitalized Equipment. City manager John Schaefer also distributed a second draft of the proposed fiscal year 2016-17 budget.

Councilman Steven Huang distributed a letter to the City Council entitled "Issue 2B, Eliminate Three Firefighter/Paramedic Positions." Council discussion followed.

No action was taken at this time.

Councilman Huang left the meeting at 8:20 p.m.

CONSENT CALENDAR

Councilman Richard Ward moved to adopt the Consent Calendar consisting of Items 5, 6, 8, 9, and 10; seconded by Councilman Steve Talt. Following a roll call, the motion carried unanimously by the following vote: AYES: Councilman Steve Talt, Councilman Richard Ward, Vice Mayor Richard Sun, and Mayor Allan Yung. NOES: None. ABSENT: Councilman Steven Huang.

5. APRIL 2016 DISBURSEMENT REPORTS

Ratify and file the Disbursement Reports for the period ending April 30, 2016.

6. APPROVAL OF MINUTES

Approve the City Council Minutes of the Adjourned Regular Meeting of March 25, 2016, the Special Meeting of April 13, 2016, and the Regular Meeting of April 13, 2016.

8. CONTRACT EXTENSION WITH RSCC ENGINEERING FOR CIVIL ENGINEERING SERVICES

Authorize the City Manager to extend the Agreement with RSCC Engineering of Irwindale, California on a month-to-month term through June 30, 2017 for Civil Engineering Services.

9. CONTRACT EXTENSION WITH INTERWEST CONSULTING GROUP FOR TRAFFIC ENGINEERING SERVICES

Authorize the City Manager to extend the Agreement with Interwest Consulting Group of Huntington Beach, California through June 30, 2017 for Traffic Engineering Services.

10. AWARD OF BID - TRANSPORTATION SERVICES TO STUDENT TRANSPORTATION OF AMERICA

Authorizing the City Manager to execute a one (1) year agreement with Student Transportation of America for scheduled transportation services in an amount of \$102,050 utilizing Proposition A funds.

CONSENT CALENDAR ITEMS PULLED FOR DISCUSSION

7. APPROVAL OF REIMBURSEMENT AGREEMENT BETWEEN CALIFORNIA-AMERICAN WATER COMPANY AND CITY OF SAN MARINO FOR WATER PURCHASED FROM METROPOLITAN WATER DISTRICT

City Manager John Schaefer presented the staff report.

The following person(s) spoke:

Laurie Barlow, San Marino

Vice Mayor Richard Sun moved to authorize the City Manager to sign the attached Reimbursement Agreement Between California-American Water Company and the City of San Marino for Water Purchased from the Metropolitan Water District; seconded by Councilman Richard Ward. The motion carried unanimously by the following vote: AYES: Councilman Steve Talt, Councilman Richard Ward, Vice Mayor Richard Sun, and Mayor Allan Yung. NOES: None. ABSENT: Councilman Steven Huang.

NEW BUSINESS

11. HUNTINGTON DRIVE SAFE STREETS AND SAFE ROUTES TO SCHOOL CORRIDOR IMPROVEMENT PLAN - AD HOC ADVISORY GROUP

Interim Public Works Director Chris Vogt presented the staff report.

Councilman Huang returned to the meeting at 8:31 p.m.

Councilman Talt left the meeting at 8:31 p.m., and returned at 8:33 p.m.

Mayor Yung left the meeting at 8:41 p.m., and returned at 8:44 p.m.

Councilman Richard Ward moved to proceed with the SCAG grant and direct staff to assemble the Ad Hoc Advisory Group for the Huntington Drive Safe Streets and Safe Routes to School Corridor Improvement Plan; seconded by Vice Mayor Richard Sun. Following a roll call, the motion carried 3-2 by the following vote: AYES: Councilman Steven Huang, Councilman Richard Ward, and Vice Mayor Richard Sun. NOES: Councilman Steve Talt and Mayor Allan Yung.

PUBLIC COMMENTS

The following person(s) spoke:

Shirley Jagels, San Marino, commented on National Historic Preservation Month.

At 8:53 p.m., Vice Mayor Richard Sun recused himself from the public hearing item and left the meeting.

City Attorney Steve Dorsey stated that Vice Mayor Richard Sun lives within 500 feet of the subject property and is not allowed to participate in the discussion.

Councilman Steve Talt stated that a request was made by the property owner that he recuse himself from the public hearing item because he spoke on this issue during the August 2015 Planning Commission Meeting. However, research by the City Attorney indicated that Councilman Talt made general comments at that meeting and was not elected to office at that time and therefore, would be allowed to participate in the discussion.

City Attorney Steve Dorsey confirmed that there is no legal basis to prevent Councilman Talt from participating in the public hearing discussion.

PUBLIC HEARING

12. APPEAL FOR THE REQUEST TO EXTEND THE EXPIRATION DATE OF BUILDING PERMITS AND PROJECT COMPLETION DATE FOR 1001 ROSALIND ROAD, (ZHONG)

Planning and Building Director Aldo Cervantes presented the staff report and outlined the City Council's options pertaining to this appeal.

Mayor Allan Yung opened the hearing for public comment.

Attorney Christopher Norgaard, representing appellants the Jones and Lam families whose properties adjoin 1001 Rosalind Road, stated he had previously submitted written communications to the City Council. Mr. Norgaard spoke in support of the appeal of the decision of the Planning Commission and urged the City Council to uphold the appeal.

Peter Zhong, representing Peter and Carrie Zhong, spoke on behalf of his family in support of the project and requested that the Council deny the appeal.

Property owner Carrie Zhong commented in support of the project.

The Project Manager for the 1001 Rosalind Road project commented in support of the project.

Kate Harvey, Landscape Architect for the 1001 Rosalind Road project, commented on the landscape plan.

Jonathan Flarnoy, Assistant Arborist for the 1001 Rosalind Road project, commented on the tree plan.

Appellant Jeff Jones commented in opposition to the project and asked the City Council to uphold the appeal.

Appellant Tiffany Lam commented in opposition to the project and requested the City Council to uphold the appeal.

Resident Kevin Brogan spoke in support of the appeal of the decision of the Planning Commission and urged the City Council to uphold the appeal.

Resident Ronny Lam spoke in support of the appeal.

Appellant Louise Jones spoke in support of the appeal.

Resident Wendy Doo commented on the tree removals and the landscape plan for this property.

Environmental Services Manager/City Arborist Ron Serven spoke on the background of the trees on the subject property.

Attorney Christopher Norgaard provided a rebuttal to the public comments.

Property owner Raymond Zhong requested that the Council deny the appeal.

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

Following discussion by Council, Councilman Steve Talt moved to uphold the appeal of the decision of the Planning Commission; seconded by Councilman Steven Huang. Following a roll call, the motion failed 2-2 by the following vote: AYES: Councilman Steven Huang, Councilman Steve Talt. NOES: Councilman Richard Ward and Mayor Allan Yung. ABENT: Vice Mayor Richard Sun.

Councilman Steve Talt moved to continue this item to the May 27, 2016 Council Meeting and directed staff to develop more stringent conditions of approval, and directed the applicant and the landscape architect to submit a 3-D model of the site showing new and existing landscaping on the property; seconded by Councilman Richard Ward. Following a roll call, the motion passed 4-0 by the following vote: AYES: Councilman Steven Huang, Councilman Steve Talt, Councilman Richard Ward, and Mayor Allan Yung. NOES: None. ABENT: Vice Mayor Richard Sun.

At 11:50 p.m., Vice Mayor Richard Sun returned to the meeting.

WRITTEN COMMUNICATIONS

There were no written communications at this time.

COUNCIL REPORTS

Councilman Steve Talt reported attending the 626 Golden Streets planning meeting for the upcoming Golden Streets event.

CITY MANAGER'S REPORT

The City Manager had nothing to report at this time.

PUBLIC WRITINGS DISTRIBUTED

There were no public writings at this time.

PUBLIC COMMENTS

The following person(s) spoke:

Sam Benites, San Marino Fire Fighter/Paramedic, commented on staffing in the Fire Department and the proposal to eliminate three fire fighter positions.

Councilman Steven Huang stated that he would withdraw his proposal to eliminate three fire fighter positions.

Gene Ruckh, San Marino, commented on fines and forfeitures, zero-based budgeting, and overtime (*submitted documents*).

CLOSED SESSION

The City Council recessed to Closed Session at 12:08 a.m. to:

13. CONFERENCE WITH LABOR NEGOTIATOR—PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

Agency Negotiator: Attorney, Steve Filarsky
City Manager, John Schaefer

Employee Organization: San Marino Fire Fighters' Association

14. CONFERENCE WITH LABOR NEGOTIATOR—PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

Agency Negotiator: Attorney, Steve Filarsky
City Manager, John Schaefer

Employee Organization: San Marino Police Officers' Association

15. CONFERENCE WITH LABOR NEGOTIATOR – PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

Agency Negotiator: Attorney, Steve Filarsky
City Manager, John Schaefer

Employee Organization: San Marino City Employees' Association
representing General Employees

16. CONFERENCE WITH LEGAL COUNCIL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9: (2 CASES)

- 1) Natural Resources Defense Council, Inc., et al. v. State Water Resources Control Board, et al., Case No. BS156962;
- 2) City of Gardena v. Regional Water Quality Control Board, et al., Case No. 30-2016-00833722-CU-WM-CJC.

RECONVENE TO OPEN SESSION

Council reconvened to open session at 12:55 a.m.

CLOSED SESSION REPORT

There was no reportable action.

ADJOURNMENT

The San Marino City Council adjourned at 12:56 a.m. to an adjourned regular meeting to be held on **FRIDAY, MAY 27, 2016, at 8:00 A.M.** in the City Hall Council Chamber, 2200 Huntington Drive, San Marino, California.



VERONICA RUIZ, CMC
CITY CLERK