

**MINUTES  
REGULAR MEETING  
OF THE SAN MARINO CITY COUNCIL  
SEPTEMBER 14, 2016 - 6:00 P.M.**

**CALL TO ORDER** Mayor Allan Yung called the meeting to order at 6:06 p.m.

**PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENTS**

Lisa Yuratich, San Marino, commented in support of the 626 Golden Streets Event.

Wes Reutimann, San Marino, commented in support of the 626 Golden Streets Event, and proposed Sunday, March 5, 2017 as the new date.

Steve Domier, San Marino, commented in support of the 626 Golden Streets Event.

Luyi Khasi, San Marino, commented on cell towers and requested an update on the issue at the October City Council meeting.

Shirley Jagels, San Marino, commented on the Brown Act and the agenda posting location at City Hall. She also announced that San Marino Heritage has preservation posters available.

Michael Cacciotti, South Pasadena Council Member, commented in support of the 626 Golden Streets Event.

**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.

**PRESENTATIONS**

**1.    **RECOGNITION OF LIBRARIAN III REX MAYREIS ON HIS RETIREMENT****

City Librarian Irene McDermott presented Rex Mayreis with a City tile for his 25 years of dedicated service to the community.

**2. ANNOUNCEMENT OF POLICE AND FIRE OPEN HOUSE ON OCTOBER 8, 2016**

Police Chief John Incontro announced that the San Marino Police and Fire Departments would be hosting their annual open house on Saturday, October 8, 2016.

**CONSENT CALENDAR**

Vice Mayor Richard Sun moved to adopt the Consent Calendar consisting of Items 3, 4, 5, 6, 7, 9, 11, 12, 13, 15, 16, and 17; seconded by Councilman Steven Huang. Following a roll call, 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.

**3. JULY 2016 DISBURSEMENT REPORT**

Ratify and file the Disbursement Report for the period ending July 31, 2016.

**4. JULY 2016 TREASURER'S REPORT**

Accept and file the Treasurer's Report for the period ending July 31, 2016.

**5. AUGUST 2016 DISBURSEMENT REPORT**

Ratify and file the Disbursement Report for the period ending August 31, 2016.

**6. AUGUST 2016 TREASURER'S REPORT**

Accept and file the Treasurer's Report for the period ending August 31, 2016.

**7. APPROVAL OF MINUTES**

Approve the Minutes of the Adjourned Regular Meeting of June 24, 2016, the Regular Meeting of July 13, 2016, and the Adjourned Regular Meeting of July 29, 2016.

**9. BUDGET CARRYOVERS FROM FISCAL YEAR 2015-16 TO FISCAL YEAR 2016-17**

Amend the 2015-16 budget to include the carryovers on the attached schedule totaling \$4,875,254.

**11. EXTENSION OF SEWER MAINTENANCE AGREEMENT**

1) Authorize the Interim City Manager to extend the Agreement with Pipe Tec Inc. of Irwindale, California through October 31, 2017 for the Sewer System Cleaning & Maintenance Services, and 2) grant the requested CPI increase of four percent (4%) for a total contract amount of \$127,587.20.

**12. AWARD OF CONTRACT - STREET LIGHT CONVERSION PROJECT FOR VARIOUS CIRCUITS (PROJECT NO. 9000, NIB #N-16-07)**

Award the bid for the Street Light Conversion Project for Various Circuits (Project No. 9000, NIB #N-16-07) to Sturgeon Electric California LLC of Chino, California in the amount of \$550,579.00.

**13. AWARD OF CONTRACT FOR POLICE TOW SERVICES**

Authorize the Interim City Manager to enter a two year exclusive official police tow services agreement with Navarro's Towing with an option to extend one (1) additional year.

**15. RESOLUTION R-16-13 - DESIGN REVIEW NO. DRC13-83, (1155 OAK GROVE AVENUE)**

Approve Resolution No. R-16-13.

**16. RESOLUTION R-16-14 - AMENDMENT OF GENERAL PLAN LAND USE MAP (1270 BELHAVEN ROAD, 1265 SAN GABRIEL BLVD., 2000 HUNTINGTON DRIVE, 1620 CHELSEA ROAD, 1625 CHELSEA ROAD, AND 1635 CHELSEA ROAD)**

Approve Resolution No. R-16-14.

**17. SALE AT AUCTION OF SURPLUS PROPERTY**

Approve the sale at auction of the vehicles and equipment listed in the staff report.

**CONSENT CALENDAR ITEMS PULLED FOR DISCUSSION**

**8. AMENDMENTS TO FISCAL YEAR 2016-2017 BUDGET**

Contract Deputy Finance Director Ken Pun presented the staff report.

Councilman Talt had a question pertaining to the \$100,000 requested adjustment for the boom truck in Street Capitalized Equipment.

Parks and Public Works Director Dan Wall responded that the number was reported incorrectly when the budget was originally adopted and that the adjustment is requested to correct the amount.

Vice Mayor Richard Sun moved to appropriate \$153,711 from the unassigned General Fund balance and authorize staff to make the corresponding adjustments to the Fiscal Year 2016-17 Budget as outlined within the report; seconded by Councilman Richard Ward.

Councilman Steve Talt requested that the motion be amended to exclude the \$100,000 for the Street Capitalized Equipment and address that item at a later date.

Vice Mayor Richard Sun amended his motion to appropriate \$53,711 from the unassigned General Fund balance and authorize staff to make the corresponding adjustments to the Fiscal Year 2016-17 Budget as outlined within the report; seconded by Councilman Richard Ward. Following a roll call, 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.

**10. TRANSFER OF FUNDS TO CONTRACT SERVICES**

Councilman Steve Talt requested that the report be brought back at a future meeting and include the agreement.

Councilman Steve Talt moved to continue this item until the September 30, 2016 Council Meeting; seconded by Mayor Allan Yung. 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.

**14. CONSIDERATION OF LEAGUE OF CALIFORNIA CITIES  
RESOLUTION TO BE ADOPTED AT THE ANNUAL CONFERENCE  
OCTOBER 5-7, 2016**

Councilman Steve Talt stated that although, he is not opposed to the resolution, he suggested that the City abstain from voting on the resolution because it was too general and there was not sufficient information on the long term effects.

Councilman Steve Talt moved to direct San Marino's voting delegate to abstain from voting on the proposed resolution; seconded by Councilman Steven Huang. The motion carried 4-1 by the following vote: AYES: Councilman Steven Huang, Councilman Steve Talt, Councilman Richard Ward, and Vice Mayor Richard Sun. NOES: Mayor Allan Yung.

**NEW BUSINESS**

**18. STREET TREE POLICY**

Interim City Manager presented the staff report.

Parks and Public Works Director Dan Wall gave an overview of the Street Tree Policies and Procedures.

Councilman Steve Talt had a question pertaining to Section 5.2 Utility Clearance Pruning within the Policy and the liability of the City.

Parks and Public Works Director Dan Wall stated that he would work with the City Attorney to make sure that the language in Section 5.2 does not assume any unnecessary liability for the City.

The following person(s) spoke:  
Kelly Manning, San Marino

**19. CITYWIDE WATERING SCHEDULE**

Environmental Services Manager Ron Serven presented the staff report.

The following person(s) spoke:  
Kelly Manning, San Marino

Mayor Allan Yung moved to direct staff as to come back at the October 12, 2016 Council meeting with a code amendment to modify Chapter 14, Article 16 of the City Code to provide flexibility as it relates to statewide watering requirements based on current drought conditions; 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.

**PUBLIC HEARING**

**20. GENERAL PLAN AMENDMENT FOR THE PROPERTIES LOCATED AT 375, 415, 475, 825, 835, AND 2233 HUNTINGTON DRIVE**

Planning and Building Director Aldo Cervantes presented the staff report.

Mayor Allan Yung opened the hearing for public comment.

The following person(s) spoke in favor of changing the zone to commercial:  
Kristina Kropp, representing the 6 properties at 375, 415, 475, 825, 835, and 2233 Huntington Drive

Ronald Stein, owner of 375 Huntington Drive  
Frank Haltom, 1396 Waverly Road  
Tom Siciliano, representing the property at 375 Huntington Drive  
Kris McNamara, owner of 835 Huntington Drive  
Dennis Kneier, 1425 Hampton Road  
Nico Tao, owner of 825 Huntington Drive

The following person(s) spoke in opposition of changing the zone to commercial:  
Bill Payne, 1475 Avonrea Road (*also submitted written communication*)  
Shirley Jagels, 1404 Wilson Avenue  
Dave Lipps, 1555 Pasqualito Drive  
Michelle Lumley, 420 Pilgrim Place (*submitted documents*)  
Madison Lumley, 420 Pilgrim Place  
Steve Lumley, 420 Pilgrim Place  
Phelps Wood, 1433 St. Albans Road (*also submitted written communication*)  
Richard Horns, 1281 Mill Lane (*also submitted written communication*)

Andrea Pott, 460 Pilgrim Place  
Joyce Gatsoulis-Batnij, 2041 Lorain Road  
Hector Gutierrez, 2235 Ridgeway Road  
Linda Gutierrez, 2235 Ridgeway Road  
Frederick Morris, 1335 Pasqualito Drive  
Alyce Minsky, 2474 Sherwood Road  
Dale Pederson, 2140 Lorain Road (*also submitted written communication*)  
Paul Hittner, 2305 Los Robles Avenue (*also submitted written communication*)

Written communications were received from the following:

Eleanor Oakes, 2423 Sherwood Road  
Michele Lumley, 420 Pilgrim Place  
Luna & Glushon, attorneys representing property owners on Huntington Drive  
("subject properties")  
Thomas E. Rubbert, 543 Huntington Drive

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

Mayor Allan Yung moved to take no action on a General Plan amendment for the lots located at 2233 Huntington Drive, 375 Huntington Drive, 415 Huntington Drive, 475 Huntington Drive, 825 Huntington Drive, and 835 Huntington Drive and reaffirm the existing R-1 zoning and continue permitting the commercial properties to be used in compliance with their variances, and direct staff to clarify the land use designation map that the properties are being used commercially pursuant to an existing variance; seconded by Councilman Steven Huang. Following a roll call, the motion carried 3-2 by the following vote: AYES: Councilman Steven Huang, Councilman Steve Talt, and Mayor Allan Yung. NOES: Councilman Richard Ward and Vice Mayor Richard Sun.

Mayor Yung called for a recess at 8:55 p.m.

Mayor Yung reconvened the meeting at 9:00 p.m.

**21. APPEAL OF THE PLANNING COMMISSION DECISION FOR CASE No. DRC15-99 AND DRC16-23, 1470 VIRGINIA ROAD (CHAN/TYLER)**

Assistant Planner Eva Choi presented the staff report.

Mayor Allan Yung opened the hearing for public comment.

Appellant Shirley Jagels spoke in support of the appeal of the decision of the Planning Commission and urged the City Council to uphold the appeal (*submitted documents*).

Ms. Jagels also submitted a letter nominating the 1470 Virginia Road home for local historic landmark status.

Attorney Richard McDonald, representing the property owner, spoke in opposition to the appeal of the decision of the Planning Commission and urged the City Council to deny the appeal.

During the hearing, discrepancies between the submitted plans and the presentation provided by the architect were discovered pertaining to the basement floor plan layout.

Appellant Shirley Jagels provided a rebuttal to Mr. McDonald's comments.

Resident Joyce Gatsoulis-Batnij spoke in support of the appeal.

Resident Fran Benuska spoke in support of the appeal.

Resident Michele Lumley spoke in support of the appeal.

Written communications were received from the following:

Richard McDonald, representing the property owner of 1470 Virginia Road  
Sandra Morris, 2545 Raleigh Drive  
Elizabeth Slocum, 1290 Lorain Road  
Shirley Jagels, 1404 Wilson Avenue

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

Councilman Steve Talt moved to continue this item to the October 12, 2016 Council meeting, and to place an item on the October 12, 2016 agenda with respect to the letter nominating the 1470 Virginia Road home for local historic landmark status; seconded by Councilman Steven Huang. Following a roll call, the motion carried 3-1-1 by the following vote: AYES: Councilman Steven Huang, Councilman Steve Talt, and Vice Mayor Richard Sun. NOES: Councilman Richard Ward. ABSTAIN: Mayor Allan Yung.

**22. APPEAL OF PLANNING COMMISSION DECISION FOR CASE No.  
DRC15-107, 2630 LORAIN ROAD (TANG)**

Associate Planner Amanda Merlo presented the staff report.

Mayor Allan Yung opened the hearing for public comment.

Attorney Jimmy Gutierrez, representing the appellant/property owner, spoke in favor of the appeal of the decision of the Planning Commission and urged the City Council to uphold the appeal.

Resident Dale Pederson spoke in opposition to this appeal and requested Council to uphold the Planning Commission's decision. *(also submitted written communication)*

Resident Richard Haserot spoke in opposition of the appeal and asked the Council to deny the appeal. *(also submitted written communication)*

Resident Samuel Whitaker commented that the property owner can work with the Planning staff to resolve any issues and re-present the project.

Resident Strefan Fauble commented in favor of staff's recommendation to continue the project so the applicant can make further design modifications.

Resident John Ryan spoke in opposition of the appeal and asked the Council to deny the appeal.

Resident Gene Ruckh spoke in favor of allowing the applicant can make further design modifications.

Resident Alan Tsai spoke in favor of the appeal.

Resident Kevin Li spoke in favor of the appeal.

Resident Jennifer Giles stated that the submittal package is not complete and that there is a need for redesign of this project by a licensed architect.

Resident Shirley Jagels stated that the City needs to establish a policy to recognize historic resources in the community.

Attorney Jimmy Gutierrez provided a rebuttal to some of the previous comments.

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

Councilman Richard Ward moved to continue DRC15-107 to the meeting of October 12, 2016; seconded by Vice Mayor Richard Sun. Following a roll call, the motion failed 2-3 by the following vote: AYES: Councilman Richard Ward and Vice Mayor Richard Sun. NOES: Councilman Steven Huang, Councilman Steve Talt, and Mayor Allan Yung.

Councilman Steve Talt moved to deny the appeal and waive any new application fees and time limits if the applicant chooses to resubmit new plans to the Planning Department and ultimately to the Design Review Committee; seconded by Councilman Steven Huang. Following a roll call, the motion carried 3-2 by the following vote: AYES: Councilman Steven Huang, Councilman Steve Talt, and Mayor Allan Yung. NOES: Councilman Richard Ward and Vice Mayor Richard Sun.

**23. RENEWAL OF WATER FRANCHISE WITH CALIFORNIA AMERICAN WATER COMPANY - ORDINANCE NO. O-16-1307 (SECOND READING)**

Interim City Manager Cindy Collins presented the staff report.

Mayor Allan Yung opened the hearing for public comment.

Resident Gene Ruckh commented on whether there was an escape clause included in the agreement.

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

Councilman Richard Ward moved to adopt Ordinance No. O-16-1307 on second reading; seconded by Vice Mayor Richard Sun. 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.

### **WRITTEN COMMUNICATIONS**

There were no written communications at this time.

### **COUNCIL REPORTS**

Councilman Steve Talt reported attending the Stoneman meeting. Councilman Steve Huang reported attending the Huntington Drive Safe Streets Corridor meeting.

### **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:

Gene Ruckh, San Marino, commented on the following: foreign home buyers, pension bonds, the Huntington Library, and the Howard Jarvis Taxpayers Association (*submitted documents*).

### **ADJOURNMENT**

The San Marino City Council adjourned at 11:50 p.m. to an adjourned regular meeting to be held on **FRIDAY, SEPTEMBER 30, 2016, at 8:00 A.M.** in the City Hall Council Chamber, 2200 Huntington Drive, San Marino, California.

  
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VERONICA RUIZ, CMC  
CITY CLERK