



CITY OF SAN DIMAS

Retreat Meeting Agenda

**COUNCIL – STAFF RETREAT SESSION AGENDA
MONDAY OCTOBER 17, 2016 5:00 PM - 9:00 PM
CITY COUNCIL CHAMBER CONFERENCE ROOM
SAN DIMAS CITY HALL
245 EAST BONITA AVENUE**

1. Items for discussion/direction:

- a. Overview of Prop 64 Adult Use of Marijuana Act – summarize the provisions; explain the options cities have to restrict certain elements; provide direction to staff for the preparation of an Emergency Ordinance to be considered at the November 9, 2016 city council meeting.
- b. Staff report back on direction given from the city council at the August 23, 2016 Study Session regarding downtown encroachments and matters of interest.
- c. Discussion to work through the concept of having Public Wi-Fi in and outside of city hall and in the downtown area. Discussion regarding the purpose/objective/benefit; pending further interest, means to structure and finance such a program.
- d. Tobacco Retail License Ordinance discussion – explain the issues/program and if there is interest, provide direction to staff on how to proceed.
- e. Consequence of the drought – dead lawns/landscaping. Review the issue and staff's approach – council direction if there is a desire for a different approach.
- f. Discussion/consent regarding a recommendation to have split votes on second readings to be approved on the Consent Agenda.

2. Updates on the following items – verbal reports:

- a. Hotel project RFQ.
- b. Street Sweeping Contract process and schedule.
- c. Golden Hills Road update and schedule.
- d. City Council participation in the City's Emergency Exercise October 20th. Tour of the facility/operation and training regarding Public Information duties.
- e. City entrance elements/designs – also downtown sign design concepts for discussion and consensus. Bonita Avenue Banner and Flag program update.
- f. City Web site upgrade project.
- g. Status of Drone licensing and regulations
- h. Status of various development projects in the city.
- i. Accela implementation.
- j. Legislative Update – new Housing Laws just enacted by the State.

- k. Bike and Pedestrian open streets event in 2018.
- l. County Election Consolidation Matter – March 2017.

3. Council comments

4. **Oral Communications** – Members of the audience. Anyone wishing to address the City Council on an item not on the agenda. No action or discussion shall be undertaken on any item not appearing on the posted agenda. Speakers may be subject to a time limit as may be determined by the chair.

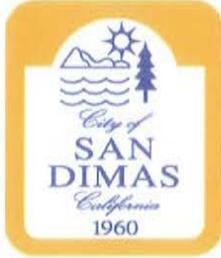
5. **Adjournment** – next meeting of the City Council Adjournment – next meeting of the City Council October 25, 2016, 5:30 pm study session; 7:00 pm regular meeting, City Hall.



Notice Regarding American with Disabilities Act: In compliance with the ADA, if you need assistance to participate in a city meeting, please contact the City Clerk's Office at (909) 394-6216. Early notification before the meeting you wish to attend will make it possible for the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

Copies of documents distributed for the meeting are available in alternative formats upon request. Any writings or documents provided to the City Council regarding any item on this agenda will be made available for public inspection at the Administration Counter at City Hall and at the San Dimas Library during normal business hours. In addition most documents are posted on the City's website at cityofsandimas.com.

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Agenda Item Staff Report

To: Honorable Mayor and Members of City Council
For the meeting of October 17, 2016

From: Blaine Michaelis, City Manager

Subject: **Overview of Prop 64 Adult Use of Marijuana Act – summarize the provisions; explain the options cities have to restrict certain elements; provide direction to staff for the preparation of an Emergency Ordinance to be considered at the November 9, 2016 city council meeting.**

SUMMARY

This matter is placed on the agenda to provide background information regarding Proposition 64 – and to receive direction from the city council if there is an interest in pursuing certain conditions/restrictions as provided for within the provisions of Proposition 64.

BACKGROUND

State Initiative - Proposition 64 on the General Election ballot November 8, 2016 and named the Control, Regulate, and Tax Adult use of Marijuana Act ("AUMA"), aims at legalizing non-medical, recreational use of marijuana by persons 21 years of age or older, allows for the personal cultivation of marijuana plants, and creates a state regulatory and licensing system governing the commercial cultivation, testing, and distribution of non-medical marijuana for adult use ("marijuana"). Further, AUMA proposes to legalize the commercial/retail sale, cultivation, manufacturing, distribution, transportation/delivery, and testing of marijuana throughout the State of California. In regards to the personal use of marijuana, AUMA would allow adults to possess up to one ounce (28.5 grams) of marijuana and/or 8 grams of marijuana in a concentrated form, but would prohibit the smoking of marijuana in any public place or facility, where smoking tobacco is prohibited, in any location within 1,000 feet of a school/day care center, and also while driving or riding in the passenger seat of any vehicle used for transportation.

While AUMA proposes to legalize marijuana throughout the State of California, thereby limiting local jurisdictional prohibition and regulation of marijuana, local jurisdictions are permitted to adopt their own local land use regulations expressly prohibiting various marijuana activities including, but not limited to, the following:

- A. Outright prohibition or ban commercial/retail marijuana activities, including marijuana dispensaries, delivery services, and cultivation.
- B. Outright prohibition of personal outdoor cultivation of marijuana.
- C. Outright prohibition of the smoking of marijuana in any public place.

Pursuant to AUMA, local jurisdictions will be able to maintain local control and authority to prohibit the above-mentioned marijuana activities; however, local jurisdictions are only able to reasonably regulate, and cannot completely ban or prohibit, personal indoor cultivation of marijuana. According to the proposed legislation, all local jurisdictions will be required to allow the indoor cultivation of up to six (6) living marijuana plants within an individual's personal private residence. Local jurisdictions will not be allowed to outright prohibit or reduce the allowable number of living marijuana plants permitted below the allowable six (6) living plants permitted under AUMA, but may adopt reasonable standards and requirements related to land use and public health and safety concerns surrounding indoor marijuana cultivation.

Regarding indoor cultivation – there are legitimate safety issues associated with growing marijuana. Extraordinary electrical loads for circuits that are designed for residential use – humidity and mold considerations, ventilation issues, conversion of parts of the house for cultivation such as the garage or bedroom which may affect compliance with zoning standards. If remodeling is done, it could require review/approval and a building permit. In addition, some marijuana processing practices use butane to produce marijuana oils. Structure fires can and do occur.

SUMMARY AND RECOMMENDATIONS OF STAFF

The purpose of our discussion of Prop 64 is to receive the direction as to the City Council's interest in incorporating/adopting the restrictive provisions of Prop 64 that are available to a City. Specifically, do you desire to pursue:

- A. The outright prohibition or ban commercial/retail marijuana activities, including marijuana dispensaries, delivery services, and cultivation.
- B. The outright prohibition of personal outdoor cultivation of marijuana.
- C. The outright prohibition of the smoking of marijuana in any public place.
- D. Explore reasonable regulatory requirements regarding the indoor cultivation of marijuana.

Assuming the City Council desires to pursue some or all of these actions, staff will prepare the appropriate City Council actions for consideration November 9th as an Urgency Ordinance assuming Proposition 64 is passed by the voters with the November 8th General Election.

Attachments:

Prop 64 Summary FAQs prepared by the League of California Cities

September 12, 2016



Frequently Asked Questions (FAQs)

Adult Use of Marijuana Act¹

Proposition 64

Question#1: If passed, when will the AUMA take effect?

Answer: The AUMA will take effect November 9, 2016, the day after the election. But note, the AUMA requires a state license to engage in commercial nonmedical marijuana activity. Licensing authorities are required to begin issuing licenses by January 1, 2018 and the League anticipates that the issuance of licenses will not occur much in advance of January 1, 2018. Thus, the AUMA provisions legalizing commercial nonmedical marijuana activity will not become operational until the state begins issuing licenses (likely in late-2017). The AUMA provisions legalizing personal use and cultivation of nonmedical marijuana take effect November 9, 2016.

Question #2: Assuming the AUMA passes, can private individuals cultivate nonmedical marijuana at home beginning November 9, 2016?

Answer: Yes, within a residence by a person 21 years and older for personal use. The AUMA provides that local governments can reasonably regulate, but cannot prohibit personal indoor cultivation of up to six marijuana plants. This includes cultivation in a greenhouse that is on the property of the residence but not physically part of the home, as long as it is fully enclosed, secure, and not visible from a public space. Because this activity is not subject to state licensing requirements, private individuals may cultivate up to six living marijuana plants indoors beginning November 9, 2016—unless a city enacts an ordinance imposing a reasonable regulatory scheme that would preclude them from doing so before complying with the city's regulatory requirements. Cities cannot adopt or enforce bans on private indoor cultivation of six living nonmedical marijuana plants on or after November 9, 2016.

Local governments may regulate or ban all outdoor personal cultivation. However, the AUMA includes language purporting to repeal any ordinance that bans personal outdoor

¹ Please consult your City Attorney before taking action to implement the AUMA. The answers to these FAQs may be different in your city based upon your municipal code, regulations, and policies. The answers do not constitute legal advice from the League of California Cities®.

cultivation upon the California Attorney General's determination that nonmedical use of marijuana is lawful under federal law.

Question #3: What does the AUMA say about possession, transporting, purchasing or giving away of non-medical marijuana?

Answer: A person 21 years of age or older may possess, process, transport, purchase or give away to persons 21 years of age or older not more than 28.5 grams of marijuana in the non-concentrated form and not more than 8 grams of marijuana in a concentrated form including marijuana products. If the AUMA passes, these activities will be lawful under state law and cannot be prohibited under local law.

Question #4: Do cities that ban or regulate medical marijuana businesses need to update their ordinances to include nonmedical marijuana?

Answer: Yes. The AUMA prohibits state licensing authorities from issuing a license to a commercial nonmedical marijuana business if operation of the business violates a local ordinance of the jurisdiction in which the business will operate. This means that a city wishing to adopt business or land use regulations prohibiting or regulating commercial nonmedical marijuana businesses must adopt an ordinance prior to the date the state begins issuing licenses, which the League anticipates will be in late 2017.²

Question #5: Can cities be confident that a permissive zoning code, by itself, provides sufficient protection against nonmedical marijuana businesses setting up shop without local approval?

Answer: No. It is unlikely that cities will succeed in arguing that nonmedical marijuana land uses are prohibited by permissive zoning codes under the AUMA, because the AUMA does not contain the same protective language as the MMRSA with respect to permissive zoning. Therefore, cities that wish to ban all or some nonmedical marijuana activities should adopt express prohibitions, even if they operate under a permissive zoning code.

Question #6: Are cities at risk of losing the opportunity to impose bans on personal outdoor cultivation if they don't act until after the November election?

Answer: No. A city may adopt an ordinance banning or regulating personal outdoor cultivation at any time. However, if a city does not adopt a ban or regulatory scheme before November 9, 2016, individuals will be able to cultivate marijuana outdoors for personal use until such time as the city enacts a ban or regulatory scheme. Because the logistics of enforcing a ban after an individual's outdoor cultivation operations have begun, the best practice may be to adopt an ordinance before November 9, 2016.

Question #7: Are cities at risk of losing the opportunity to impose bans on nonmedical marijuana businesses, if they don't act until after the November election?

² Please see Question #8 regarding the use of public roads for transportation and delivery.

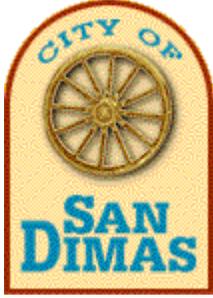
Answer: No. However, if a city does not adopt an ordinance expressly banning or regulating nonmedical marijuana businesses before the state begins issuing state licenses nonmedical businesses, a state-licensed nonmedical marijuana business will be able to operate within its jurisdiction without local permission or permitting. This is due to a provision in the AUMA that provides that state licenses cannot be issued where the activity would violate a local ordinance. If a jurisdiction has no ordinance regulating nonmedical marijuana businesses, then the local regulatory scheme is silent on that type of activity, and the state can unilaterally issue a license under terms fully compliant with the AUMA. Cities may adopt an ordinance expressly banning or regulating such operations after the state begins to issue licenses, but it will be difficult to terminate the state licensee's operations until the state license is up for renewal. Therefore, the best practice is to adopt an ordinance before the state begins issuing state licenses.

Question #8: Can cities ban deliveries under the AUMA?

Answer: Yes. Cities can ban deliveries within their territorial limits. However, cities cannot prevent the use of public roads for the delivery of marijuana. For example, if a licensed delivery company located in City A must travel on public roads through City B to make an authorized delivery in City C, City B cannot prohibit the licensed delivery company from travelling on public roads in City B to get to City C. In addition, cities may not prevent the use of public roads within its jurisdiction to transport nonmedical marijuana.

Question #9: What is the best way for cities to notify the state licensing agencies of their local ordinances that regulate and/or prohibit commercial non-medical marijuana activities within their jurisdictions?

Answer: Unless the state licensing agencies indicate otherwise, cities should mail copies of their local ordinances that regulate or prohibit commercial nonmedical marijuana activities within their jurisdictions to the Department of Consumer Affairs, the Department of Food and Agriculture, and the Department of Public Health. Cities should regularly check each Department's website to ensure that this practice complies with any regulations the Departments may pass regarding notice of local ordinances. In addition, Cities should ensure that any updates or amendments to local ordinances that regulate or prohibit commercial nonmedical marijuana activities are promptly submitted to each Department.



MEMORANDUM

DATE: October 17, 2016
TO: Mayor and City Council
FROM: Community Development Department
SUBJECT: Encroachment Permit Downtown for Outside Dining, Outside Displays, A-Frame Signs and Canopies/Awnings

On August 23, 2016 City Council reviewed a Draft of updated standards related to encroachment permits for various uses in the Downtown area. A number of revisions were recommended and Staff has updated the attachments to reflect those revisions.

Revisions generally include the following:

- Eliminate fees and deposits
- Consider language for outside displays to address concerns about clutter and tastefulness
- Address possibility of not requiring fencing for small seating and table areas
- Allow logos on umbrellas
- Allow outside dining areas to extend beyond the property frontages in limited circumstances

Each of these have been addressed in the attachments.

Attachment A – Outdoor Display
Attachment B – Outdoor Dining
Attachment C – Canopies
Attachment D – A Frame Signs

OUTDOOR DISPLAY – UPDATED POLICIES FOR BONITA CORRIDOR

[All changes to existing policies and/or standards are identified in red and italics. Items 1-18 represent the existing written policy.]

ADDITIONAL CHANGES SHOWN IN BLUE EXCEPT FOR DELETIONS SHOWN AS CROSS-OUTS

Outdoor display is considered to be a privilege, not a right, of any business. All businesses which engage in outdoor display of merchandise in the ~~Frontier Village~~ **Historic Downtown** shall comply with the following:

1. Outdoor display shall only include incidental outdoor display items, consisting of a small sample of merchandise or decorative items, placed outdoors *in areas as designated on the encroachment permit immediately* adjacent to the responsible business, which represent or complement the goods and services sold or provided by the responsible business. Vendors operating independently from indoor businesses shall not be permitted under this policy.
2. *Outdoor display area shall be limited to within a maximum of five feet (approximately) in depth measured from the front building wall.* The business owner shall at all times maintain a minimum 5 foot clearance for use of the sidewalk by the general public.
3. Display items shall not extend into the safe line-of-sight distances at intersections, as determined by the City engineer.
- ~~4. Display items shall not encroach into public landscape areas.~~
5. Display items shall only be located adjacent to the building of the responsible business, and shall not *extend beyond the limits of the business owner's building or property line* ~~exceed a total of 60 square feet of "floor area" per street frontage.~~
6. The display items shall not obstruct any display windows, entries, exits, permitted signs, mailboxes, utilities, public seating, or public safety measures.
7. Display items shall only be placed outdoors during the time the responsible business is open to the public and shall be removed prior to the close of business each day.
8. Display items shall not include additional signage or item[s] which constitute a sign per San Dimas Municipal Code Section 18.152.020.18.
9. Display items ~~shall not~~ **may** include clothes racks, display/storage racks with multiple items, folding or portable tables **[is there a standard of quality?]**, stacks of merchandise, or any neon or fluorescent materials. **[DO WE WANT TO INCLUDE SAMPLE PICTURES TO ILLUSTRATE A QUALITY STANDARD OR LEAVE IT OPEN TO MORE DISCRETION?]**
10. All display items shall at all times be maintained in a safe, sound, and visually attractive condition. The business owner shall be responsible for continuously supervising the safe, sound, and visually attractive condition as well as the appropriate placement of the display items. **[SEE #9 COMMENTS]**
11. Signs, banners, outdoor dining, and outdoor events shall be subject to separate application and permit procedures.
12. If outdoor display is to be located on private property, the business owner shall obtain prior authorization from the owner/management company in addition to the guidelines herein.
- ~~13. If outdoor display is to be located in the public right of way, the business owner shall submit an application for an encroachment permit to the Public Works Department, and provide a certificate of general liability insurance to the satisfaction of the City, naming the City as an additional insured. An encroachment permit shall be valid for one year, unless otherwise noted.~~
14. The business owner shall not trim, cut, or otherwise alter any landscaping or make any other modifications to improvements in the public right-of-way.

15. City Staff shall have authority to request that item(s) be removed from public or private property if it is felt the item(s) constitute a potentially hazardous distraction to vehicular or pedestrian traffic; constitute a potential health or safety hazard; are not consistent with the “Early California Village” theme; are not appropriately maintained or located; are excessive in size or quantity; or compromise the public peace, morals or welfare.
16. If City Staff request item(s) be removed, the business owner shall cause the item(s) to be removed immediately.
17. A business owner may file an appeal of a City Staff decision pursuant to San Dimas Municipal Code Chapter 18.212; however, during such time, the disputed nature of outdoor display shall not be reinstated until said appeal is resolved by the final decision -making body.
18. The City reserves the right to modify or rescind this interim policy for outdoor display of merchandise at any time and for any circumstances it deems appropriate.
19. *Outdoor display areas shall not be enclosed by fencing of any type.*

[NOTE: Numbers 20, 21 & 22 below will replace # 13 above.]

20. Permit Requirement:

- a. Encroachment permit required to allow use of public right of way and establish reasonable operating conditions.
- b. All permits to be Staff approvals and must comply with all adopted standards.
- c. *Multiple requests may be covered by a single application/application fee.*

21. Term of Permits:

- a. *All permits will run from January 1 to December 31 and are subject to annual renewal.*
- b. *Applications filed after October 15 will be valid until December 31 of the following year.*
- c. *Applications filed after January 31 for an additional encroachment where a permit already exists shall pay the initial application fee for the first year but can be merged with other encroachments for renewal purposes after the initial year.*

[NOTE: Changing permits to run on a calendar year basis allows easier administration and tracking. Permits previously were open ended and rarely reviewed for compliance and insurance after initial approval.]

22. Fees:

- a. ~~Application fee shall be \$102 (existing \$69 application fee + \$33 issuance fee).~~
- b. ~~*Annual renewal fee shall be \$102.*~~
- c. ~~If a permit is transferred mid-year a fee of \$102 shall be charged to process the change in ownership.~~

23. Insurance:

- a. Business owner shall provide general liability insurance naming the City of San Dimas as “additional insured” in the amount of \$1,000,000 and Workers Compensation insurance naming City as “Certificate Holder.”
- b. Insurance shall remain in full force and effect continuously and a permit shall be revoked upon lapsing.

OUTDOOR DINING – UPDATED POLICIES FOR BONITA CORRIDOR

[All changes to existing policies and/or standards are identified in red and italics.]

BLUE

1. Permit Requirement:
 - a. Encroachment permit required to allow use of public right of way and establish reasonable operating conditions.
 - b. All permits to be Staff approvals and must comply with all adopted standards.
 - c. *Multiple requests may be covered by a single application/application fee.*
2. Term of Permits:
 - a. *All permits will run from January 1 to December 31 and are subject to annual renewal.*
 - b. *Applications filed after October 15 will be valid until December 31 of the following year.*
 - c. *Applications filed after January 31 for an additional encroachment where a permit already exists shall pay the initial application fee for the first year but can be merged with other encroachments for renewal purposes after the initial year.*

[NOTE: Changing permits to run on a calendar year basis allows easier administration and tracking. Permits previously were open ended and rarely reviewed for compliance and insurance after initial approval.]

3. Fees **Deposit** :
 - a. ~~Application fee shall be \$102 (existing \$69 application fee + \$33 issuance fee). [NOTE: Fees is based on existing fee schedule.]~~
 - b. *Annual renewal fee shall be \$102.*
 - c. ~~If a permit is transferred mid-year a fee of \$102 shall be charged to process the change in ownership.~~
 - d. *A minimum maintenance deposit of \$500 shall be filed with the City. City may recover its incurred maintenance costs including but not limited to painting of fencing, repair of fencing, spillage clean up or other maintenance costs against said deposit and require additional funds to maintain the minimum deposit at \$500 once such expenditures are made.*
4. Insurance:
 - a. Business owner shall provide general liability insurance naming the City of San Dimas as “additional insured” in the amount of \$1,000,000 and Workers Compensation insurance naming City as “Certificate Holder.”
 - b. Insurance shall remain in full force and effect continuously and a permit shall be revoked upon lapsing.
5. Perimeter fencing:
 - a. *City shall install perimeter fencing in a manner consistent with the plans prepared for the Downtown Sidewalk project. [NOTE: Pozzetto’s and Roady’s will have perimeter fencing installed by the project at City expense since they previously had approved*

outside dining areas. They will be subject to all the standards, including fees and maintenance deposit.]

- b. *No other fencing types shall be allowed. ~~and~~ All outside dining areas shall be fenced, except as follows:*
 - i. Seating for non-food uses may be allowed without fencing provided the number of seat does not exceed four.
 - ii. Small seating areas may be established for food uses without fencing provided the business does not serve alcohol and provided the maximum number of seats does not exceed four and no more than two small tables are provided.
 - c. *Cost of installation shall be actual cost plus 15% for City Staff time. Costs are currently estimated at \$135/lineal foot. [NOTE: Unresolved discussion point about the City providing loans or other assistance for the fencing.]*
 - d. *Upon request and upon concurrence of a site layout, City shall secure an actual cost and applicant shall deposit 75% of said cost with the City prior to ordering materials. Any remaining funds are due upon completion and prior to establishing the use within the fenced area.*
 - e. *If the outside dining use is terminated, notice shall be provided to the City and the City shall remove the fencing and charge any costs from the \$500 maintenance deposit. If there are costs in excess of \$500 the City shall bill the business owner who shall be responsible for all costs of removal. Any remaining deposit after removal shall be returned to business owner.*
 - f. *Fenced areas shall generally be limited to the area immediately in front of the applying business. On a case-by-case basis extensions beyond that frontage may be considered with written authorization from both the property owner and business owner of the affected adjacent property.*
6. The following development and operational standards shall apply:
- a. *All outdoor dining areas shall be adjacent to the building, shall be fully enclosed by a compliant City fence and shall not extend in front of any other business or property.*
 - b. Outdoor dining areas shall be located to provide a continuous five foot ADA path of travel along the public right of way and into the business entry.
 - c. All chairs, tables and any related accoutrements shall be approved by the City and shall generally comply with the following examples: **[NOTE: The below standards have been used in practice but are being further clarified here.]**
 - i. All furniture and fixtures must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint. All furniture and fixtures must be maintained in a clean condition at all times.
 - ii. Tables and chairs may be colored or of a natural unpainted material i.e., wood, metal, etc. Tables and chairs are not permitted to be plastic.
 - iii. All furniture and fixtures must be durable and of sufficiently sturdy construction.
 - iv. All tables and chairs used within a particular establishment's outdoor seating area must match each other by being of visually similar design, construction and color.

- v. Tables, chairs, and other furniture should complement the building in design, material and color.
- vi. Business owner shall be responsible for maintaining all chairs, tables, fencing, paving, ground surfaces and other improvements in a safe, sound and visually attractive manner.



- vii. *While furniture may be left out overnight, any business owner choosing to do so shall accept full responsibility and liability for said property.*
- d. All umbrellas shall be approved by the City and shall generally comply with the following example: **[NOTE: The below standards have been used in practice but are being further clarified here.]**
 - i. If umbrellas are provided they must be of a material suitable for outdoor use and shall be a canvas type material.
 - ii. Plastic or plastic/vinyl fabrics or rigid materials are not allowed.
 - iii. ~~Umbrellas may not contain advertising in the form of words, logos, drawings or similar representations or characteristics.~~
 - iv. Umbrellas shall allow a seven foot minimum clearance and shall not extend outside of the designated outside



dining area.

- v. Umbrellas shall be supported in a stable manner and may not be attached to fencing.
- e. All heating devices shall be approved by the City and shall generally comply with the following example: **[NOTE: The below standards have been used in practice but are being further clarified here.]**



- f. All furniture other than tables, chairs, heaters, and umbrellas are prohibited. This includes but is not limited to, serving stations, bar counters, shelves, racks, sofas, televisions, and trash receptacles. **[NOTE: This clarifies existing practice.]**
- g. All lighting shall be approved by the City and shall generally comply with the following examples: **[NOTE: The below standards have been used in practice but are being further clarified here.]**
 - i. No lighting shall be installed unless approved by the City.
 - ii. Any lighting shall be soft and directed.
 - iii. Any conduit or cords shall only be allowed if in full compliance with the Building and Fire Codes.
 - iv. Exposed conduit is not permitted.
- h. Business owner shall ensure the outside dining area is continuously cleaned of debris, litter, spills, stains and food scraps.
- i. If smoking is permitted it shall be subject to all applicable State and local regulations. Ash trays shall be provided if smoking is allowed.
- j. No signs, banners, balloons, lighting or other manner of attention grabbing display shall be attached to City fencing.
- k. If alcoholic beverages are served in the outdoor dining area, service shall be restricted to service only in conjunction with service of a meal. Business owner shall secure all necessary approvals from ABC and provide verification of said ABC approval to the City.
- l. No person shall establish or maintain any outdoor dining area except pursuant to a written permit approved by the Development Services Department.
- m. The hours of operation for outdoor dining areas shall be limited to the hours of operation for the associated indoor dining, unless otherwise authorized in writing by the Development Services Department.
- n. The outdoor dining activity shall not impede travel on the public walkway or create a hazard to the safety or health of passers-by.
- o. Permits and outdoor dining areas shall conform with all other applicable City and other government requirements including, without limitation, zoning and design review, except as provided herein.

- p. The outdoor dining activity shall not unduly interfere with the use of the public walkway by neighboring property owners and tenants.
- q. The outdoor dining area shall be kept in a good state of repair and maintained in a clean, safe, and sanitary condition.
- r. Any Permittee desiring to change the permitted use i.e., by increasing the size of the outdoor dining area or by changing the use or arrangement or the occupancy, shall file a new application in accordance with the Outdoor Dining Regulations.
- s. A person desiring a permit for an outdoor dining area which has been the subject, in part or whole, of a prior permit which has expired, been revoked, or terminated shall file a new application.
- t. The outdoor dining activity shall not unlawfully alter the associated indoor dining use at the subject property.

CANOPIES, AWNINGS AND OTHER RIGHT OF WAY ENCROACHMENTS – POLICIES FOR DOWNTOWN

[All changes to existing policies and/or standards are identified in red and italics.]

In order to facilitate good design, recognize an existing built condition or other valid reasoning, it may occasionally be appropriate to allow other types of encroachments, sometimes of a permanent nature, in the public right of way. While such encroachments should be generally limited, it is important to adequately protect the interests of the public when they are allowed. While the previous Façade project and the current Sidewalk project have undertaken the elimination of a number of encroachments, a number of others remain and can be unavoidable when private buildings are located immediately adjacent to the public right of way as is common in many older Downtowns. In the Downtown there are the primary building related encroachments that need to be addressed include awnings and canopies (on multiple properties). [**NOTE: Other encroachments including porches (Flanders building at 233/235 West Bonita) and weigh scales adjacent to San Dimas Feed and Grain will be addressed separately.**].

1. Permit Requirement:
 - a. Encroachment permit required to allow use of public right of way and establish reasonable operating conditions.
 - b. All permits to be Staff approvals and must comply with all adopted standards.
 - c. *Multiple requests may be covered by a single application/application fee.*
2. Term of Permits:
 - a. *All permits will run from January 1 to December 31 and are subject to annual renewal.*
 - b. *Applications filed after October 15 will be valid until December 31 of the following year.*
 - c. *Applications filed after January 31 for an additional encroachment where a permit already exists shall pay the initial application fee for the first year but can be merged with other encroachments for renewal purposes after the initial year.*

[NOTE: Changing permits to run on a calendar year basis allows easier administration and tracking. Permits previously were open ended and rarely reviewed for compliance and insurance after initial approval.]

3. Fees:
 - a. Application fee shall be \$102 (existing \$69 application fee + \$33 issuance fee).
 - b. *Annual renewal fee shall be \$102.*
 - c. If a permit is transferred mid-year a fee of \$102 shall be charged to process the change in ownership.
4. Insurance:

- a. Business owner shall provide general liability insurance naming the City of San Dimas as “additional insured” in the amount of \$1,000,000 and Workers Compensation insurance naming City as “Certificate Holder.”
 - b. Insurance shall remain in full force and effect continuously and a permit shall be revoked upon lapsing.
5. Any canopies, awnings or other building encroachments shall comply with the following standards:
 - a. An awning, canopy, sign or other building attachment which extends over the public right of way shall be minimized to the extent feasible.
 - b. Any structure or building attachment shall maintain a minimum clearance of seven feet.
 - c. The canopy, awning or other building encroachment shall not impede travel on the public walkway or create a hazard to the safety or health of passers-by.
 - d. Permits shall conform with all other applicable City and other government requirements including, without limitation, zoning and design review, except as provided herein.
 - e. The encroachment shall not unduly interfere with the use of the public walkway by neighboring property owners and tenants.
 - f. The encroachment shall be kept in a good state of repair and maintained in a clean, safe, and sanitary condition.
 - g. The City may establish other conditions deemed necessary to facilitate safety and/or preservation of the public interest.
 - h. The City may revoke the permit and require the business or property owner to remove the encroachment at their expense where deemed necessary due to failure to comply with permit conditions, upon failure to adequately maintain the structure or where necessary to address safety or other public needs adversely affected by the encroachment.

A-FRAME SIGNS IN THE PUBLIC RIGHT OF WAY – POLICIES FOR DOWNTOWN

[All changes to existing policies and/or standards are identified in red and italics.]

In the 2012 update of the City Sign Code provisions were added City wide to allow portable or A-Frame signs subject to certain standards. These provisions also accommodated that opportunity for buildings located with zero setback as is common in the Downtown. While this opportunity has been available since the adoption of the Sign Code, no additional guidelines have been prepared previously.

Portable signs which comply with the provisions of Section 18.152.120(B)(11) for commercial buildings which have a zero setback from the public right-of-way, where the planning director approves the location of the sign and the city engineer issues an encroachment permit.

Section 18.152.120 B) (11) provides as follows:

11. *Portable Signs. A maximum of one portable sign, as defined in Section 18.152.020, shall be permitted, subject to the following standards:*

- a. *Maximum sign area of six square feet, including any changeable copy on whiteboards or chalkboards.*
- b. *Maximum height of four feet with a maximum width of three feet.*
- c. *Shall only be allowed during hours that the business is open and shall be stored away from public view when the business is not open.*
- d. *Shall be placed within ten feet of any customer entry-door of the business advertised but may not be placed within a parking or loading space, driveway or drive aisle, landscaped planter, or public right-of-way, except as may be allowed per Section 18.152.170.*
- e. *Shall not impede pedestrian access, including ADA access, when located on a sidewalk or pedestrian access or any views or sight distance for vehicular traffic.*
- f. *Shall not include any attachments, including but not limited to, balloons, pennants, flags, banners, illumination (including flashing, blinking and rotating lights) and similar attention-getting devices.*
- g. *Shall be made of durable, weather-resistant materials, have a professional looking appearance, and be continually maintained in good condition.*
- h. *Shall have written authorization from the property owner or management company or comply with standards set forth in a master sign program.*

1. Permit Requirement:

- a. Encroachment permit required to allow use of public right of way and establish reasonable operating conditions.
- b. All permits to be Staff approvals and must comply with all adopted standards.
- c. *Multiple requests may be covered by a single application/application fee.*

2. Term of Permits:

- a. *All permits will run from January 1 to December 31 and are subject to annual renewal.*
- b. *Applications filed after October 15 will be valid until December 31 of the following year.*
- c. *Applications filed after January 31 for an additional encroachment where a permit already exists shall pay the initial application fee for the first year but can be merged with other encroachments for renewal purposes after the initial year.*

[NOTE: Changing permits to run on a calendar year basis allows easier administration and tracking. Permits previously were open ended and rarely reviewed for compliance and insurance after initial approval.]

3. Fees:
 - a. Application fee shall be \$102 (existing \$69 application fee + \$33 issuance fee).
 - b. *Annual renewal fee shall be \$102.*
 - c. If a permit is transferred mid-year a fee of \$102 shall be charged to process the change in ownership.
 - d. *A minimum maintenance deposit of \$500 shall be filed with the City. City may defray maintenance costs including but not limited to painting of fencing, repair of fencing, spillage clean up or other maintenance costs against said deposit and request additional funds to maintain the minimum deposit at \$500 once such expenditures are made.*
4. Insurance:
 - a. Business owner shall provide general liability insurance naming the City of San Dimas as “additional insured” in the amount of \$1,000,000 and Workers Compensation insurance naming City as “Certificate Holder.”
 - b. Insurance shall remain in full force and effect continuously and a permit shall be revoked upon lapsing.
5. Any portable signs located in the public right of way shall comply with the following standards:
 - a. A maximum of one portable sign will be permitted per business. For multi-tenant buildings, any business owner shall first secure permission of the property owner and/or management company. The City may determine that multiple signs are inappropriate and limit the number of signs to comply with the intent of the Sign Code and minimize sign clutter and maximize public safety.
 - b. Sign shall not exceed 6 square feet in total sign area and shall not exceed 4 feet in height or 3 feet in width.
 - c. Sign shall only be allowed during hours that the business is open and shall be stored away from public view when the business is not open.
 - d. Sign shall be placed within ten feet of any customer entry-door of the business advertised but may not be placed within a parking or loading space, driveway or drive aisle, or landscaped planter. For the purposes of Downtown businesses this distance may be measured from the perimeter of any approved outside dining or display area as that is designated on the approved permit.
 - e. Sign shall not impede pedestrian access, including ADA access, when located on a sidewalk or pedestrian access or any views or sight distance for vehicular traffic.
 - f. Sign shall not include any attachments, including but not limited to, balloons, pennants, flags, banners, illumination (including flashing, blinking and rotating lights) and similar attention-getting devices.
 - g. Sign shall be made of durable, weather-resistant materials, have a professional looking appearance, and be continually maintained in good condition.
 - h. Sign shall only be located where shown on the site plan approved in conjunction with the encroachment permit.



Agenda Item Staff Report

To: Honorable Mayor and Members of City Council
October 17, 2016

From: Blaine Michaelis, City Manager

Initiated by: Ken Duran, Assistant City Manager

Subject: Report on Public Wi-Fi Opportunities on Downtown Bonita Ave., Senior Center and Civic Center

DOWNTOWN BONITA AVE PUBLIC WI-FI

At the July 26th City Council meeting staff presented some preliminary costs to install a public Wi-Fi network on Bonita Ave as a part of the downtown project. At that time due to the timing of construction and estimated cost of change orders to add the additional conduit and fiber, the majority of the Council did not authorize any changes to the construction project to make those changes. However, the Council expressed interest in understanding more about other potential options for providing public Wi-Fi in the downtown. Given that direction staff has continued to explore opportunities, options and preliminary costs associated with making available public Wi-Fi in the downtown.

Staff has worked with a Wi-Fi consultant and the electrical engineer for the downtown project and has come up with a proposal for a Wi-Fi system on Bonita Ave. utilizing existing conduit and new conduit that was installed as a part of the project. The system would include 12 antenna devices mounted on existing street lights on Bonita Ave. The controlling device would be housed in a cabinet in the alley which is already planned as a part of the project. Ten of the antennas would be hard-wired using existing conduit already installed for the project. Two antennas would be wireless.

The system will provide public Wi-Fi service along Bonita Ave. from Cataract to San Dimas Ave. Service would be available outdoors but not inside of the buildings. The service can be set-up a number of ways i.e. password protected or fully open, time

limited or unlimited, filters, etc. Restrictions can be set-up initially and modified at any time.

The cost of the initial installation is \$35,000 broken down as follows:

Public Wifi Downtown	
Cable wire pulling/install	\$17,670
Mounting equipment to light pole	\$2,500
Cost of equipment and 1st year maintenance	\$14,140.50
Networking equipment and configuration	\$600
Total implementation cost	34910.5
Projected cost \$35,000	

The on-going cost would be approximately \$100 per month for the internet service.

If the Council's desire is to move forward with the installation of the system there is timeliness to the decision. The contractor is scheduled to pull wires within the next 2 weeks and the cost estimate is based upon pulling the cable wire for the Wi-Fi at the same time. If the Wi-Fi wire is pulled at a later date the cost would be greater.

This option appears to be the most efficient and cost effective option available. Some cities have entered into agreements with specific service providers such as Time Warner to install public Wi-Fi systems. Staff contacted Time Warner and they provided some preliminary information on installing a system at their cost. However, they would require a separate system and installation and would only be available to their customers for free and available to non-customers for a limited amount of free coverage and would be fee based thereafter.

Staff seeks Council direction on going forward with the installation of a public Wi-Fi system in the downtown. If it is the Council's direction to go forward, Council action will be required to authorize a budget allocation of \$35,000 for the project.

CIVIC CENTER PUBLIC WI-FI

Questions have also been raised as to the installation of public Wi-Fi in the civic center. This past year a Wi-Fi system was installed in City Hall. As a way of some background, here is how we approached the deployment of the City Hall Wi-Fi. The initial need for Wi-Fi in City Hall came from the introduction of more wireless devices used by employees in City Hall, primarily from the upcoming new permitting software system. The design was based upon employee needs. The secondary consideration was for customers who are doing business in City Hall, primarily those who are participating in meetings or with interactions with staff. We set up an opportunity to allow them to access the system through a password provided to them by staff. The design was not really intended to be an open public system, though it is available to the general public. Since the network is only available within the City Hall building and City Hall is not an area of public congregation, it wasn't designed for general public access. The Wi-Fi access at City Hall is through the City's internal internet system used by City

employees. A high demand of public use could impede the speed for employee use. A separate public use could be set-up but that would be a different infrastructure, one not considered as part of the initial intent. Restrictions and password protections can always be modified.

Senior Center Public Wi-Fi

During budget discussion it was suggested we consider public Wi-Fi in the Senior Center. The adopted budget includes \$10,000 for its installation. Staff has received a quote from our consultant for the installation of a system in the Senior Center. The total cost is \$11,000. The cost is a little more than initially anticipated due to some challenges in running the cabling in the building.

<u>Public Wifi Downtown</u>	
Cable wire pulling/install and mounting	\$6,000
Cost of equipment and 1st year maintenance	\$3,741.00
Networking equipment and configuration	\$600
Total implementation cost	10341
Projected cost \$11,000	

The annual cost to maintain the system is projected at \$400 per year. Like City Hall, service would be provided through the City's existing internet system. Also like City Hall restrictions and password protections can be set up a number of ways and can be modified.

Community Building Public Wi-Fi

Public Wi-Fi could be installed in the Community Building, however, staff feels the type of usage of the Community Building is quite a bit different than the Senior Center and may not lend itself to the need for public Wi-Fi. Patrons of the Senior Center tend to use the center for longer periods of time for various activities and socializing. Activities in the Community Building are more limited to shorter classes and private party rentals. Though we did not receive a specific quote for the Community Building the cost would be about half of that for the Senior Center because it would require half the number of antennas, approximately \$5,500.

Civic Center Plaza and Parking Lot

Public Wi-Fi could also be installed in the Civic Center plaza and parking lot. We received a quote for this installation. The system would consist of four antennas and provide coverage of the plaza, parking lots between City Hall and Senior Center, most of First St. and the south portion of the park.

Public Wifi Downtown

Cable wire pulling/install and mounting civic center plaza	\$6,000
Cost of equipment and 1st year maintenance civic center plaza	\$2,271
Networking equipment and configuration civic center plaza	\$600
Cable wire pulling/install and mounting civic center parking lot	\$6,000
Cost of equipment and 1st year maintenance civic center parking lot	\$2,271
Networking equipment and configuration civic center parking lot	\$600
Total implementation cost	\$17,742

Projected cost \$18,000

The annual cost to maintain this system is also approximately \$400 per year. This system would also utilize the City's existing internet connection and restrictions and password protections could be set independent of the rest of the systems.

Civic Center Park

We also received a quote to expand the system to the balance of Civic Center Park.

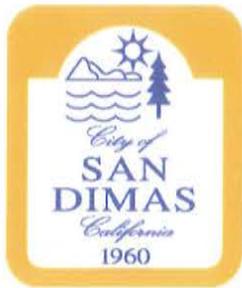
Public Wifi Downtown

Cable wire pulling/install and mounting civic center park	\$10,000
Cost of equipment and 1st year maintenance civic center park	\$2,271
Networking equipment and configuration civic center park	\$600
Total implementation cost	\$12,871

Projected cost \$13,000

This extension would add two more antenna's in the park. The cost is proportionally higher than the rest of the Civic Center due to the distance of the cabling.

Staff requests Council direction on whether or not there is a desire to consider additional public Wi-Fi systems for the Community Building, Civic Center or Civic Center Park and if so what restrictions on access may be appropriate.



Agenda Item Staff Report

To: Honorable Mayor and Members of City Council
October 17, 2016

From: Blaine Michaelis, City Manager

Initiated by: Ken Duran, Assistant City Manager

Subject: Establishment of San Dimas Tobacco Retailer Licensing Ordinance

A couple weeks back when staff from the County Health Department made their presentation to the City Council, Councilmember Templeman and I had a meeting with them regarding tobacco retail licensing ordinances. The County Health Department is encouraging cities within the County, who have not already done so, to adopt an ordinance requiring retailers within the City to be required to obtain a tobacco retail license from the City in order to sell tobacco products.

Tobacco use is the leading cause of preventable death in the United States. According to a 2013 survey conducted by the U.S. Centers for Disease Control and Prevention, 18.1% of 9th to 12th graders who smoke reported buying cigarettes from stores or gas stations. In order to reduce underage tobacco sales, many cities and counties in California have adopted tobacco retailer licensing ordinances. This is even more imperative since the minimum age to buy and use tobacco products was recently raised to 21. The purpose of the license is to enable cities to monitor and enforce responsible tobacco distribution through the use of compliance checks. Thus far, 41 cities in Los Angeles County have adopted a tobacco retailer licensing ordinance. The attached matrix lists most of the cities; additional cities have recently also adopted ordinances. Some of the commonly used requirements are as follows:

LICENSE

- Tobacco retailers must obtain an annual license in order to sell tobacco products.
- "Tobacco products" are defined to include all nicotine and nontraditional products (e-cigarettes, snus)

- License is nontransferable if business ownership is transferred
- A license fee is charged to cover administration and enforcement costs of the city, including compliance checks
- Any violation of any local, state, or federal tobacco law is considered a violation of the license

ENFORCEMENT

- The City would be responsible to conduct compliance checks, including but not limited to youth decoy operations.
- Compliance checks may be unannounced
- Each violation could result in fines or a suspension of the privilege to sell tobacco products.

The amount of the license fees for the cities in the County that currently have a license ordinance range from \$0 to \$442, with the average being \$215.

Staff is seeking direction from the City Council as to the interest in initiating a tobacco retail license ordinance. If the direction is to proceed with an ordinance staff will begin to prepare a draft ordinance to be brought back for Council consideration.

Matrix of Strong Local Tobacco Retailer Licensing Ordinances



Introduction

In order to reduce illegal sales of tobacco products to minors, many cities and counties in California have adopted strong local tobacco retailer licensing ordinances. This document highlights the 126 ordinances that are considered strong, as well as the fee and enforcement provisions. A strong local tobacco licensing law is defined as one that includes the following four components:

- Requirements that all retailers that sell tobacco products must obtain a license and renew it annually.
- A fee set high enough to sufficiently fund an effective program including administration of the program and enforcement efforts. An enforcement plan, that includes compliance checks, should be clearly stated.
- Coordination of tobacco regulations so that a violation of any existing local, state or federal tobacco regulation violates the license.
- A financial deterrent through fines and penalties including the suspension and revocation of the license. Fines and penalties should be outlined in the ordinance.

Below is a list of the 126 local ordinances in California that have met the requirements for a strong local tobacco retailer licensing ordinance along with basic information about the community population, license fee and designated

enforcement agencies. The jurisdictions are listed in alphabetical order under each county in order to make it easy to compare fee and enforcement details for similar jurisdictions.

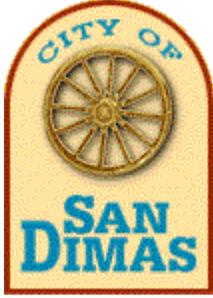
For the table below, the agencies that enforce these ordinances have been categorized in the following way:

- Law Enforcement: Includes Police Departments and Sheriff Departments
- Health Department: Includes Environmental Health Services, Departments of Public Health, Health Services Department, and Health and Human Services Divisions.
- City Officials: Includes City Manager, City Attorney, and any authorized city official
- Other: Includes Community Development Services, Department of Finance, code enforcement agencies/ services, Administrative Services, Neighborhood Preservation Division, neighborhood services inspectors, Business License Division, and District Attorneys

Other documents on tobacco retailer licensing, including a fact sheet on the effectiveness of these ordinances, are available at <http://Center4TobaccoPolicy.org/tobacco-policy/tobacco-retail-environment>

Community	Date Passed	Population	Fee	Designated Administration/Enforcement Agencies			
				Law Enforcement	Health Department	City Officials	Other
Alameda County							
Albany	February 2009	18,893	\$250	X			
Berkeley	December 2002	119,915	\$427*	X	X		
Hayward	July 2014	158,985	\$400				X
Oakland	April 2008	422,856	\$50**	X			
Union City	November 2010	72,952	\$665	X			
Butte County							
Oroville	March 2013	17,996	\$30			X	
Contra Costa County							
Concord	September 2006	129,707	\$160	X			
Contra Costa County	January 2003	171,122	\$287*		X		
El Cerrito	October 2015	24,378	\$485 (initial) \$439 (renew)	X			X
Richmond	June 2009	110,378	\$1,062**	X			
San Pablo	April 2004	30,829	\$170				X
Fresno County							
Firebaugh	August 2009	8,154	\$190	X			
Parlier	April 2012	15,395	\$200	X			
Imperial County							
Calxico	February 2004	40,211		X		X	
Kern County							
California City	February 2007	13,992	\$165		X		
Delano	June 2008	52,999	\$165	X			
Kern County	November 2006	309,425	\$165		X		
McFarland	May 2007	14,658	\$165		X		
Tehachapi	February 2007	12,217	\$165		X		
Wasco	March 2007	26,471	\$165		X		
Los Angeles County							
Baldwin Park	October 2008	74,738	\$342	X			X
Beverly Hills	August 2010	34,763	\$204	X			
Burbank	February 2007	105,110	\$300**	X			
Calabasas	June 2009	24,263	No Fee Planned*				X
Carson	November 2006	93,993	\$500	X			X

Community	Date Passed	Population	Fee	Designated Administration/Enforcement Agencies			
				Law Enforcement	Health Department	City Officials	Other
Cerritos	January 2008	49,412	\$50*	X			
Compton	July 2007	101,226	\$500	X			X
Culver City	July 2009	40,448	\$235	X			X
Duarte	May 2013	22,177	\$100	X			
El Monte	November 2011	113,885	\$300	X			X
El Segundo	June 2010	16,646	\$250	X			
Gardena	July 2008	60,785	\$120 **	X			X
Glendale	September 2007	201,668	\$255	X			
Hawaiian Gardens	July 2011	14,926	\$246				X
Hawthorne	July 2009	88,003	\$375	X			X
Huntington Park	November 2011	59,718					
Inglewood	October 2007	116,648	\$350	X			X
La Canada Flintridge	June 2009	20,556	\$50*	X		X	
Lancaster	June 2006	157,094	\$261	X			
Lawndale	October 2009	33,496	\$150				X
Lomita	May 2007	20,290	\$150	X			X
Long Beach	February 2008	484,958	\$442	X	X	X	
Los Angeles (City)	September 2005	4,030,904	\$300		X	X	X
Los Angeles County	December 2007	1,051,989	\$235	X	X		
Lynwood	October 2012	72,505	TBD			X	
Malibu	November 2011	12,706	No Fee Planned *				X
Montebello	September 2009	63,924	\$300	X			
Monterey Park	April 2010	61,346	\$40*	X			
Palmdale	January 2010	160,072	\$350			X	
Pasadena	February 2004	141,023	\$225	X	X		
San Fernando	October 2008	24,533	\$250				X
San Gabriel	March 2010	40,424	\$300	X			
Santa Monica	November 2008	93,640	\$135			X	
Sierra Madre	November 2006	11,013	\$30	X			
South Pasadena	February 2009	26,028	\$150				X
Temple City	December 2012	36,534	\$320 (initial) \$75 (renew)	X			



MEMORANDUM

DATE: October 17, 2016
TO: Mayor and City Council
FROM: Community Development Department
SUBJECT: Dead lawns and Landscaping – Enforcement Approach

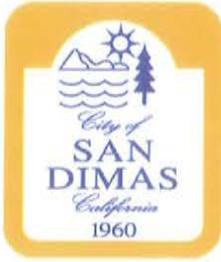
Staff has been receiving an increasing number of complaints regarding the condition of existing landscapes particularly where lawns have been neglected through lack of water associated with the drought.

In 2015 AB 1 was enacted prohibiting cities from imposing a fine under any ordinance "...for failing to water a lawn or having a brown lawn during a period ...of a state of emergency based on drought conditions." The legislation fails to provide any further explanation of what constitutes a brown lawn, what happens when unwatered lawns turn to weeds or dirt, or other circumstance (residential vs. non-residential).

Staff has taken a non-aggressive position on brown lawns and explained the limitations that were imposed on the City by the State. We have nevertheless taken a position that brown lawn areas cannot be full of weeds and cannot become bare dirt. At the meeting a slideshow will be presented to illustrate what is acceptable and what is unacceptable from Staff's perspective.

Many have responded to the water restrictions by simply reducing watering but maintaining some color. Others have opted to convert to drought tolerant re-landscaping projects (part of the slideshow will illustrate the newer landscapes). And still others have allowed their properties to become unsightly and unkempt. Many of these unacceptable landscapes occur in City parkways.

The State has also adopted regulations which "prohibit irrigation with potable water of ornamental turf on public street medians." The City has converted many medians to drought tolerant landscapes but some medians have turned to brown or dirt (but not weeds) due to the prohibition. In some circumstances these areas are in immediate proximity to private properties the Staff may be pursuing enforcement on.



Agenda Item Staff Report

To: Honorable Mayor and Members of City Council
For the meeting of October 17, 2016

From: Blaine Michaelis, City Manager

Subject: Discussion/consent regarding a recommendation to have split votes on second readings to be approved on the Consent Agenda.

BACKGROUND

The second reading of an Ordinance with a split vote can be placed on the Consent Agenda for approval. The City Council consent agenda vote for the second reading would maintain the same City Council vote for the first reading. This procedure allows for the timely processing of the second reading.

If there is any desire for a Council Member to offer a comment regarding the Ordinance at the second reading or if there is a change in any Council Member's vote either way; the second reading can be pulled from the Consent Agenda for separate discussion and vote.

STAFF RECOMMENDATION

Discuss this procedural change – explore any issues. Consider authorizing staff to place Ordinance second readings on the Consent Agenda.



Agenda Item Staff Report

To: Honorable Mayor and Members of City Council
October 17, 2016

From: Blaine Michaelis, City Manager

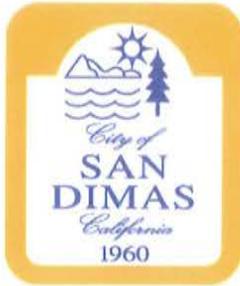
Initiated by: Ken Duran, Assistant City Manager

Subject: Emergency Exercise and City Council Emergency Management Training

As a part of the City's on-going emergency preparedness, staff routinely conducts emergency exercises to train our staff. In recent years we have conducted exercises that coincide with the statewide California Shakeout Drill in October. This year we are again planning an exercise which will take place on October 20th.

This year we are including the City Council in our training. This will be an opportunity for the Council to observe staff's training and activation of our Emergency Operations Center (EOC) and also be directly involved in training the Council's role in an emergency. The exercise will take place on October 20th from approximately 9:30 to 11:30. We anticipate the Council's involvement will be from 10:30 to 11:30.

At the retreat staff will provide a refresher presentation on the City Council's role and responsibilities in the event of an emergency and EOC activation



Agenda Item Staff Report

To: Honorable Mayor and Members of City Council
October 17, 2016

From: Blaine Michaelis, City Manager

Initiated by: Ken Duran, Assistant City Manager

Subject: Bonita Ave. Banner Program

During the budget discussions this year Mrs. Kranzer suggested the City consider a program for themed banners along Bonita Ave. Staff included \$5,000 in the budget as a place holder for a banner program. Staff met with Mrs. Kranzer and Mrs. Green to further explore their ideas for a banner program. Their basic concept is for banners to be hung on existing light poles that would depict various activities or amenities that San Dimas has to offer. The banners could be rotated on a regular basis.

Staff then conducted an inventory and analysis of the existing light poles.

POLE AVAILABILITY

- Walnut to Iglesia south side – 2 marbelite poles
- Walnut to Iglesia north side – 4 wooden poles
- Iglesia to San Dimas Ave. south side – 3 red poles
- Iglesia to San Dimas Ave. north side – 4 red poles
- San Dimas Ave. to Cataract – Approximately 17 black decorative poles each side
- San Dimas Ave to Arrow Hwy – Approximately 13 black decorative poles each side
- San Dimas Ave. to 1st St. – 3 red poles each side

POLE ANALYSIS

- Marbelite Poles – SCE poles typical for hanging street banners – HEROES, Fair, City Birthday. We have brackets for these poles. Banners hung 16” from bottom of pole.
- Red Poles – Approximate same height as marbelite poles. Fluted pole so existing brackets would not work. Have asked vendor for bracket that would work. Pretty sure that there is a bracket that could work.
- Wooden Poles – Approximately 14’ tall. Are not conducive to banners because of short height, wind load and obstruction by trees.
- Decorative Poles – Approximately 16’ tall, 14’ to cross bar. Not conducive to typical banners due to height and not designed for wind load. They are designed to accommodate flags and holiday decorations.
- Flag Brackets – Most of the existing poles are outfitted with flag brackets.
- Existing HEROES banners are 3’ x 6’, Fair banners are approximately 3’ x 5’.

Staff shared the above analysis with Mrs. Kranzer and Mrs. Green. It is the recommendation to begin with a pilot program of installing banners on the marbelite and red poles between Walnut and Bonita Ave. The design of the banners will be coordinated by staff and Mrs. Kranzer and Mrs. Green. The concept of themed flags of smaller banners can be carried out further along Bonita Ave and San Dimas Ave. after the completion of the downtown project if desired.



Agenda Item Staff Report

To: Honorable Mayor and Members of City Council
October 17, 2016

From: Blaine Michaelis, City Manager

Initiated by: Ken Duran, Assistant City Manager

Subject: Website Redesign Project Update

Staff has begun planning for a redesign of the City's website. This will be the first major redesign since 2008. Funds were allocated in the budget for this project. The objective is to update its appearance, content, and functionality. These improvements will also increase City staff productivity by allowing for faster updates while also providing timely information for residents.

One significant improvement will be the application of "Responsive Web Design", which will allow it to adjust to any device it is viewed on without adversely affecting the viewer's experience. Another new feature will provide the ability for the City to send notifications and alerts to individuals who subscribe to this feature, similar to the weekly e-dition but timelier.

Staff has a standing web-site committee, made up of representatives of each department who have been working on this project. Thus far, the majority of the committee's discussions have been focused on design elements. However, soon they will begin working on the site map to organize the layout of the website. Once the site map is complete, all existing website content will be reviewed and updated.

Staff has utilized the City newsletter and website to solicit public feedback on suggestions for improvements to the site. Staff would also welcome any feedback or suggestions from the City Council.

The goal is to launch the updated web site in the spring of next year.



Agenda Item Staff Report

To: Honorable Mayor and Members of City Council
October 17, 2016

From: Blaine Michaelis, City Manager

Initiated by: Ken Duran, Assistant City Manager

Subject: Los Angeles County Special Election in March 2017 and Request for City Election Consolidation

The Los Angeles County Board of Supervisors has asked the County Registrar Recorders Office to reserve the right to hold a Special Election in March 2017 for a potential ballot measure. This Special Election would be on March 7th, the date of the City's municipal election. There are 34 cities or districts that have their independent elections on that date. In order not to have two separate elections on that date the County is asking cities to consolidate their independent elections and allow the County to run both elections.

This issue has only surfaced in the past few weeks. The deadline for the City to adopt Resolutions calling for the election is approaching, by the end of this month. Staff will need to present Resolutions at the October 25th City Council meeting. The dynamics and consequences of a consolidated versus separate election are changing daily. Staff will present a verbal update at the retreat on potential options and implications to bring the Council up to date.