REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY NOVEMBER 9th, 2016 7:00 P. M.
SAN DIMAS COUNCIL CHAMBERS
245 E. BONITA AVENUE

CITY COUNCIL:
Mayor Curtis W. Morris
Mayor Pro Tem Emmett Badar
Councilmember Denis Bertone
Councilmember John Ebiner arrived at 7:13 p.m.
Councilmember Jeff Templeman (Absent)

STAFF:
City Manager Blaine Michaelis
City Attorney Mark Steres
Assistant City Manager of Development Services Larry Stevens
Director of Parks and Recreation Theresa Bruns
Director of Public Works Krishna Patel
Assistant City Clerk Debra Black

CALL TO ORDER
Mayor Morris called the meeting to order at 7:05 p.m. and led the flag salute.

PRESENTATIONS/RECOGNITIONS

- Recognition of Doctor Robert "Bob" Severtson for receiving the Honor Flight for Veterans

Mayor Morris read the material provided for the presentation, after which he invited Mr. Severtson, his family members, Commissioner James Shirley and Councilmember Denis Bertone to the podium for the presentation.

3. ORAL COMMUNICATIONS (Members of the audience are invited to address the City Council on any item not on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from taking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. If you desire to address the City Council on an item on this agenda, other than a scheduled public hearing item you may do so at this time or asked to be heard when that agenda item is considered. Comments on public hearing items will be considered when that item is scheduled for discussion. The Public Comment period is limited to 30 minutes. Each speaker shall be limited to three (3) minutes.)

Members of the Audience

Leon Raya Parks and Recreation Services Manager made announcements of upcoming Parks and Recreation events.

James Shirley Senior Citizens Commissioner thanked the council for recognizing Mr. Severtson and announced that he will also be recognized at the Veteran's Day event at Freedom Park.

Jamielin Moreto Executive Board President at San Dimas High School announcement of events and activities at the high school.

Caryol Smith Friends of the Dog Park announcement of a program from Volunteers of the First Battalion Fifth Vietnam Veterans collecting items for care packages to be presented to canines and their handlers in Iraq and Afghanistan.

John Brahs resident thanked Council for recognizing Mr. Severtson.

Tim Rowe resident and business owner announcement of a program "Suits for Soldiers" to benefit soldiers transitioning to civilian life.

Ryan Vienna resident announcement of grand opening of "Vienna Psychology Group."

CONSENT CALENDAR

(All items on the Consent Calendar are considered to be routine and will be enacted by one motion unless a member of the City Council requests separate discussion.)

a. Resolutions read by title, further reading waived, passage and adoption recommended as follows:

   1) **RESOLUTION 2016-56**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTHS OF OCTOBER AND NOVEMBER, 2016.

   2) **RESOLUTION 2016-51A,** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, APPROVING CERTAIN DEMANDS FOR THE MONTH OF OCTOBER 2016.

b. Approval of minutes for Special City Council/Staff Retreat of October 17, 2016, Regular City Council Meeting and Special City Council Meeting of October 25th, 2016.

c. Deny Claim Garcia vs. City of San Dimas

d. Deny Claim Mercury Insurance vs. City of San Dimas

e. Foothill Boulevard Bridge Widening Project
   CC 2014-01, BHLS-5367-013, EA 07-9338

   - Construction Contract Management Services – Approval of Change Order 3 for Southstar Engineering and Consulting Inc. in the amount not to exceed $40,000.00 for additional services
   - Final Closure of the Project

f. **ORDINANCE 1248, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES AMENDING CHAPTER 13 OF THE SAN DIMAS MUNICIPAL CODE BY AMENDING SECTION 13.16.190 TO AMEND PARK HOURS** (SECOND READING AND ADOPTION)

END OF CONSENT CALENDAR

Councilmember Ebiner asked that the dates on the minutes of October 17, 2016, pages one and four be corrected. Page one should reflect November 8, 2016 for the election and page four ~~January~~ October 20, 2016 for the emergency exercise.

MOTION: Motion/second by Councilmember Ebiner/Badar to approve the consent calendar with the noted corrections. The motion passed by unanimous vote. (4-0)

YES:	Badar, Bertone, Ebiner, Morris
NOES:	None
ABSENT:	Templeman
ABSTAIN:	None

OTHER BUSINESS

a. Consideration of an urgency ordinance to ban all commercial marijuana activities, to ban personal outdoor cultivation of marijuana, to prohibit smoking and consumption of marijuana in public places and establishes regulations regarding the personal indoor cultivation of marijuana.

ORDINANCE 1249, AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, PROHIBITING MANUFACTURING, PROCESSING, OUTDOOR CULTIVATION, AND WHOLESALE AND RETAIL DISTRIBUTION OF MARIJUANA AND ESTABLISHING REASONABLE REGULATIONS REGARDING INDOOR CULTIVATION AND DECLARING SAME TO BE AN URGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

Larry Stevens Assistant City Manager of CommunityDevelopment presented staff's report on this item.

RECOMMENDATION: Read by title and adopt Urgency Ordinance 1249, prohibiting manufacturing, processing, outdoor cultivation, and wholesale and retail distribution of marijuana and establishing reasonable regulations regarding indoor cultivation and declaring same to be an urgency measure to take effect immediately and direct staff to monitor the implementation of AUMA and report back on future amendments in the early part of 2017.

Councilmember Bertone asked if cultivation in the den of a home was okay.

Mr. Stevens responded it could be grown in a den but not in a way that prevents a bedroom, bathroom or kitchen from being used as their intended purpose. He also added that it cannot be cultivated in a garage in a way that reduces the required off street parking.

Councilmember Ebiner asked if there are any nuisance ordinances that could be applied.

Mr. Stevens answered the nuisance standard being applied only applies to cultivation, if someone is smoking on their own property it is permissible as long as it is within the quantities and limitations contained in the Adult Use of Marijuana Act. He indicated that it is permissible in apartments unless the owner of the building through the lease imposes restriction such as those on smoking. He added that approximately six months ago staff brought a concept proposed by the American Cancer Society that a number of cities enacted that severly restricts smoking in multifamily properties. Staff would explore that option which could give the city the ability to extend the smoking portion of marijuana use to multifamily properties if council has the desire to do so.

MOTION: Motion/second by Councilmember Badar/Ebiner to waive further reading and adopt Urgency Ordinance 1249, An Urgency Ordinance of the City Council of the City of San Dimas, County of Los Angeles, prohibiting manufacturing, processing, outdoor cultivation, and wholesale and retail distribution of marijuana and establishing reasonable regulations regarding indoor cultivation and declaring same to be an urgency measure to take effect immediately.

The motion passed by unanimous vote. Four to zero **(4-0)**

YES:	Badar, Bertone, Ebiner, Morris
NOES:	None
ABSENT:	Templeman
ABSTAIN:	None

ORAL COMMUNICATIONS

a. Members of the Audience *(Speakers are limited to five (5) minutes or as may be determined by the Chair.)*

No one came forward.

b. City Manager

Mayor's call in show Thursday, 7:00 p.m.

c. City Attorney

Nothing to report.

d. Members of the City Council

1) Councilmembers' report on meetings attended at the expense of the local agency.

Nothing to report.

2) Individual Members' comments and updates.

Nothing reported.

ADJOURNMENT

The meeting adjourned at 7:45 p.m. The next meeting will be a Joint Study Session with the Planning Commission on Tuesday, November 22nd, 2016 at 5:00 p.m.

Debra Black, Assistant City Clerk

Curtis W. Morris, Mayor