

**SPECIAL CITY COUNCIL – STAFF RETREAT  
MINUTES  
MONDAY, OCTOBER 17, 2016, 5:00 P. M.  
COUNCIL CHAMBERS CONFERENCE ROOM  
245 E. BONITA AVE.**

---

**CITY COUNCIL:**

Mayor Curtis W. Morris  
Mayor Pro Tem Emmett Badar  
Councilmember Denis Bertone  
Councilmember John Ebner  
Councilmember Jeff Templeman

**STAFF:**

City Manager Blaine Michaelis  
City Attorney Mark Steres  
Assistant City Manager Ken Duran  
Assistant City Manager Community Development Larry Stevens  
Director of Parks and Recreation Theresa Bruns  
Director of Public Works Krishna Patel

**CALL TO ORDER**

Mayor Morris called the Special City Council Meeting to order at 5:00 p.m.

**1. a. OVERVIEW OF PROPOSITION 64 ADULT USE OF MARIJUANA ACT**

City Manager Michaelis reviewed his summary report on Proposition 64, the Control, Regulate, and Tax Adult use of Marijuana Act (“AUMA”) on the November ballot. He explained that there are a few land use provisions that local jurisdictions may adopt that may expressly prohibit or restrict some marijuana related matters including; outright prohibition on commercial/retail activities, prohibition of personal outdoor cultivation of marijuana and prohibition of the smoking of marijuana in any public place. He added that a city may also place restrictions on but not prohibit the indoor cultivation in private residences.

Mr. Michaelis outlined options of actions the Council could take if they wanted to adopt restrictive provisions of Proposition 64. The consensus of the Council was to be as restrictive on sale, cultivation and use of marijuana in public places as possible. Mr. Michaelis responded that staff will present an ordinance at the October 9<sup>th</sup> meeting that would prohibit commercial or retail sales activities, prohibit personal outdoor cultivation of marijuana and place restrictions on indoor personal cultivation and prohibit use of marijuana in public places. He added that it will be presented as an urgency ordinance to become effective immediately, in the event the Proposition passes on October November 8<sup>th</sup> and a regular ordinance will then be brought back under the normal process. Mr. Steres confirmed that there is no issue with adopting an urgency ordinance on this matter.

There were some questions as to the City’s ability to regulate marijuana use on private business such as outdoor eating areas of restaurants. Mr. Stevens responded that it is still unclear if a city

can regulate use on private businesses. Mr. Steres suggested that regulation on private businesses needs to be reviewed more before the city should consider taking action.

**1. b. STAFF REPORT BACK ON DIRECTION GIVEN BY THE CITY COUNCIL  
REGRADING DOWNTOWN ENCHROACHMENTS**

Mr. Stevens recapped the previous directions given by Council on guidelines and permits for outside display and dining areas in the downtown. He reviewed some of the changes based upon Council direction. He added that the guidelines include the ability to have a small eating space, defined as 2 tables or 4 chairs, without a fence. He also reviewed the description of "standard of quality" to address concern of clutter or inappropriate merchandise. He added that the applicant would submit a diagram and general description of the display and staff will use discretion to approve or deny the displays. He added that if there is a dispute in staff's approval the matter can be reviewed by DPRB. There was discussion on the need and practicality for a diagram and description given that merchandise and displays will change regularly. The consensus of the Council was not to require diagrams but only a general description.

Mr. Stevens commented that there is still one issue that is unresolved and that is whether or not the City would provide financing for businesses that may want to add outdoor dining fencing in the future. The consensus of the Council was to wait and deal with the issue if it arises.

**1. c. DISCUSSION ON THE CONCEPT OF HAVING PUBLIC WI-FI IN AND  
OUTSIDE OF CITY HALL AND IN THE DOWNTOWN AREA**

Mr. Duran reported that since the last discussion with the Council on public Wi-Fi in the downtown area, staff has reviewed with consultants and engineers and have come up with a viable option if the desire is to make public Wi-Fi available. He explained the system that would utilize existing and already planned conduit and existing light poles on Bonita Ave. He added that the system would allow for public Wi-Fi to be available from Cataract to San Dimas Ave. in outdoor areas. He added the cost of the installation and equipment would be \$35,000 with an on-going monthly expense of \$100 per month.

Councilmember Bertone commented that it seems that if we are going to install it, now is the time to do it. Councilmember Ebiner commented that he has had discussions on having Wi-Fi in the downtown with a number of people and they shared with him ways they would use the service. Mayor Morris commented that he can't envision many places where people would be sitting around using it. Councilmember Templeman suggested installing the cable now and see how the overall project pencils out before deciding on the rest of the installation. Councilmember Badar commented that he came in opposed to spending the money but now seems like now is the best time to install it.

Councilmember Badar made a motion to install the described Wi-Fi system in the downtown at the expense of \$35,000. The motion was seconded by Councilmember Bertone and passed on a vote of 4 – 1 with Mayor Morris voting no.

Mr. Duran also reviewed his staff report which presents options for public Wi-Fi in the civic center and civic center park. The consensus of the Council was to wait to see how it goes with the downtown Wi-Fi before exploring anything in the civic center.

### **1. d TOBACCO RETAIL LICENSE ORDINANCE – EXPLANATION AND DIRECTION ON PROCEEDING**

Mr. Duran reviewed his staff report on the explanation of establishing a city tobacco retail license requirement. Councilmember Templeman commented that he and Mr. Duran met with representatives with the County Health Department and that they are strongly encouraging cities to adopt a retail license requirement so cities can monitor retailers on compliance with not selling to minors. Mr. Duran provided a survey of other cities that have license requirements and the amount they charge for the license. He added that the amount collected would be used to fund compliance checks on retailers. There was discussion on concerns over the amount of the license fee. Mr. Duran suggested that if it is the desire of the Council to proceed with a license requirement that staff can do more research on the actual costs of enforcement and administering the license and recommend a fee that would collect only the amount needed to cover those costs. It was the consensus of the Council for staff to bring back an ordinance establishing a tobacco retail license and recommendations for fees.

### **1. e. CONSEQUENCES OF THE DROUGHT – DEAD LAWNS/LANDSCAPING ISSUES AND CONCERNS**

Mr. Stevens reported that staff is receiving an increasing number of complaints about brown and dead lawns and landscaping. Mr. Stevens explained that due to statewide drought regulations cities are not allowed to enforce brown lawn ordinances, however, we are finding that some property owners are going beyond just allowing lawns to brown, but many are dying off and turning to dirt and weeds. He showed a number of photos demonstrating acceptable brown lawns vs. dead lawns.

Mr. Stevens also explained the new statewide water standards for landscaping and how they would severely restrict planting of new lawns. He showed photo examples of acceptable and unacceptable drought tolerant landscape plantings. He explained that staff will begin to communicate with brown lawn owners to encourage them to salvage their lawns. He added that staff will also begin enforcement on some properties that have allowed the landscaping to completely die off and turn to weeds or dirt.

### **1. f RECOMMENDATION TO HAVE SPLIT VOTES ON SECOND READINGS TO BE APPROVED ON THE CONSENT CALENDAR**

Mr. Michaelis explained that the second reading of an Ordinance with a split vote can be placed on the Consent Calendar for final approval as long as the agenda report explains the exact vote of the initial reading. He added that for efficiency staff is recommending that the City Council adopt this practice. The consensus of the Council was to adopt the practice of placing second readings of Ordinances on the Consent Council even if it was not a unanimous vote.

### **2. a UPDATE ON THE HOTEL PROJECT RFQ**

Councilmember Ebner and Public Works Director Patel recused themselves from this discussion and left the room since they conflicts of interest on this project.

Mr. Michaelis reported that the Successor Agency has retained an appraisal consultant to provide an appraisal on the subject property and the appraisal is expected within the next few weeks.

## **2. b STREET SWEEPING CONTRACT PROCESS AND SCHEDULE**

Mr. Patel reported that staff is finalizing the specifications for the street sweeping contract and plans to be out for bid in January and start contract sweeping of a portion of the streets in July. In response to a question he mentioned that the reason we decided to contract out street sweeping services is that we are at the point where we need to replace existing sweepers and that the new requirement is that new sweepers must be alternative fuel which is much more expensive for the sweepers and fueling facility.

## **2. c. UPDATE ON GOLDEN HILLS ROAD**

Mr. Patel reported that the plans are taking an extremely long with the County for plan review. He added that the intent is to start the project in mid-January or February.

Councilmember Ebner commented that he would like to consider keeping the existing road as asphalt to be used as a bike route. Mr. Patel responded that the road is subject to landslides and would not be safe and subject to liability on the City's part if it was allowed for future bike use. Mr. Steres commented that he would be concerned if it were to remain as asphalt and not continued to be maintained by the City.

## **2. d. CITY COUNCIL PARTICIPATION IN THE CITY'S EMERGENCY EXERCISE ON JANUARY ~~October~~ 20<sup>th</sup>**

Mr. Duran explained the planned emergency exercise on ~~January~~ October 20<sup>th</sup> and invited the Council to observe and participate in the exercise. He provided a brief refresher on the City Council's role in an emergency, their interaction with the EOC and on interviews and press conferences.

## **2. e. DOWNTOWN SIGN DESIGN CONCEPTS AND BONITA AVE. BANNER PROGRAM**

Mr. Stevens reported that staff has retained a consultant who is working on 6 to 8 concepts for business signs for the downtown. He added that once staff has narrowed the preliminary designs they will hold a business owner meeting. He also added that staff has received a dozen requests for additional businesses who have asked about being added to the signs.

Mr. Duran reviewed his report on the idea of adding banners on Bonita Ave. He suggested that we will begin now with banners on the existing poles between Walnut and San Dimas Ave. and look at flags for the poles west of San Dimas Ave. once the downtown project is complete.

## **2. f. REPORT ON WEB SITE UPGRADE PROJECT**

Mr. Duran reported that staff is in the process of preparing an upgrade of the City's website and is seeking public input. He offered that the Council provide input if they have suggestions. Councilmember Ebner commented that he sees that some sites are designed to adapt to phone formats which sometimes makes it less user friendly for desktop users.

Mr. Michaelis commented that staff will also be exploring the City's future participation in social media platforms.

**2. g. REPORT ON DRONE REGULATIONS**

Mr. Duran reviewed his staff report on drone regulations. He summarized that drone regulations are an ever evolving area involving multiple jurisdictions. He added that most of San Dimas is within 5 miles of Brackett Field airport, which makes the area a no-fly zone for drones. He recommended that there is no need for the City to adopt any City restrictions at this time and that staff will continue to monitor the drone regulation landscape.

**2. h. STATUS OF VARIOUS DEVELOPMENT PROJECTS IN THE CITY**

Mr. Stevens provided an update on various development projects in the City.

**2. i. UPDATE ON THE ACCELA SOFTWARE PROJECT**

Mr. Duran reported that the project to update permit and planning project management software is behind schedule due to the vendor and is now scheduled to launch after the first of the year.

**2. j. UPDATE ON NEW HOUSING LAWS ENACTED BY THE STATE**

Mr. Stevens provided an overview of new state legislation impacting cities regulations on housing, in particular second units.

**2. k. UPDATE ON BIKE AND PEDESTRIAN OPEN STREETS EVENT IN 2018**

Mr. Stevens reported that City, along with 3 other cities, was awarded a grant to conduct an open streets event in spring of 2018.

**2. l. UPDATE ON COUNTY ELECTION CONSOLIDATION REQUEST FOR MARCH 2017 ELECTION**

Mr. Duran reviewed his staff report on the County's consideration to place a County Tax Measure on the March 2017 ballot and the potential impacts that may have on a consolidated municipal election.

Ms. Bruns reported that staff is testing a new type of light at Pioneer Park and asked for Council feedback, that Via Verde Park playground improvements are out to bid, that Marchant Park improvements bid plans are nearing completion and the median island projects have been completed.

**3. COUNCIL COMMENTS**

None.

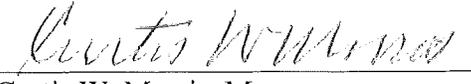
**4. ORAL COMMUNICATIONS**

None.

**ADJOURNMENT**

The meeting adjourned at 8:55 p.m.

  
Ken Duran, City Clerk

  
Curtis W. Morris, Mayor