

**AGENDA
CITY COUNCIL MEETING**

Tuesday, July 09, 2019

6:30 PM

**City Hall Council Chambers
232 W. Sierra Madre Boulevard
Sierra Madre, California 91024**

*John Harabedian, Mayor
John Capoccia, Mayor Pro Tem
Rachelle Arizmendi, Council Member
Denise Delmar, Council Member
Gene Goss, Council Member*

*Sue Spears, City Clerk
Michael Amerio, City Treasurer*



CALL TO ORDER/ROLL CALL MEMBERS OF THE CITY COUNCIL:

Mayor Harabedian, Mayor Pro Tem Capoccia, Council Member Arizmendi, Council Member Delmar, and Council Member Goss.

PLEDGE OF ALLEGIANCE AND INSPIRATION:

Council Member Goss.

APPROVAL OF MEETING AGENDA:

Vote of the Council to proceed with City business.

APPROVAL OF CITY COUNCIL MEETING MINUTES:

Approval of the City Council meeting minutes from June 25, 2019 Council meeting.

MAYOR AND CITY COUNCIL REPORTS:

Reporting of Council Member activities related to City business.

PUBLIC COMMENT:

The Council will listen to the public on any item on the agenda. Early in the meeting, the Council will also devote time for public comment on items not on the agenda.

Under the Brown Act, the Council is prohibited from taking action on items not on the agenda, but the matter may be referred to staff or to a subsequent meeting. Each speaker will be limited to three continuous minutes, which may not be delegated. These rules will be enforced but may be changed by appropriate City Council action.

ACTION ITEMS

CONSENT

1. CONSIDERATION OF RESOLUTION 19-32 APPROVING CERTAIN DEMANDS

It is recommended that the City Council approve Resolution 19-32 for approval of payment of City warrants in an aggregate amount of \$327,684.56; Library warrants in an aggregate amount of \$7,703.05; and payroll transfer in the aggregate amount of \$399,325.45 for the fiscal year ending June 30, 2019 and June 30, 2020.

PUBLIC HEARINGS

2. PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION CONFIRMING THE BALLOT RESULTS TO DETERMINE WHETHER A MAJORITY PROTEST EXISTS IN THE PROCEEDINGS TO FORM THE DOWNTOWN LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT; AND ADOPTION OF A RESOLUTION CONFIRMING THE BALLOT RESULTS AND PROVIDING THAT NO MAJORITY PROTEST EXISTS IN THE PROCEEDINGS TO FORM THE DOWNTOWN LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT

Recommendation that the City Council adopt open a public hearing to receive testimony and direct the Assistant City Clerk to confirm the ballot results to determine whether a majority protest exists in the Proposition 218 proceedings to form the Downtown Landscaping and Lighting Maintenance District ("District"); and adopt a resolution confirming the ballot results and providing that no majority protest exists in the proceedings to form the District.

DISCUSSION

3. PROJECTS ELIGIBLE FOR PUBLIC FACILITY FEES EXPENDITURES

Recommendation that the City Council authorize expenditures from the applicable Public Facilities Fees and accept reimbursement from Los Angeles County's Maintenance and Servicing Funds to increase the Fiscal Year 2019-2020 budget by an amount corresponding to the total cost of the project list.

4. CONSIDERATION OF RESOLUTION 19-33, CALLING AND GIVING NOTICE OF THE HOLDING OF A CONSOLIDATED SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2019 FOR THE SUBMISSION TO THE VOTERS OF AN INITIATIVE IMPOSING A GENERAL TRANSACTIONS AND USE TAX UPON APPROVAL BY VOTERS, TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION

CONSIDERATION OF RESOLUTION 19-34, AUTHORIZING CERTAIN COUNCIL MEMBERS TO SUBMIT ARGUMENTS REGARDING CITIZEN INITIATIVE "MEASURE S" TO IMPOSE A 0.75% GENERAL TRANSACTIONS AND USE TAX IN THE CITY OF SIERRA MADRE

CONSIDERATION OF RESOLUTION 19-35, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS

CONSIDERATION OF RESOLUTION 19-36, A RESOLUTION OF THE CITY COUNCIL REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2019 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

Recommendation that the City Council approve Resolutions 19-33, 19-34, 19-35, and 19-36.

ACTION ITEMS

Regardless of staff recommendation on any agenda item, the City Council will consider such matters, including action to approve, conditionally approve, reject, or continue such item.

AVAILABILITY OF AGENDA MATERIALS

Materials related to items on this agenda are available for public inspection on the City's website at www.cityofsierramadre.com, and during normal business hours at City Hall, 232 W. Sierra Madre Blvd. and at the Sierra Madre Public Library, 440 W. Sierra Madre Blvd.

LIVE BROADCASTS

Regular City Council meetings are broadcasted live on Cable Channel 3 and rebroadcast on Wednesday and Saturday at 5:30 p.m.

MEETING ASSISTANCE

If you require special assistance to participate in this meeting, please call the City Manager's office at (626) 355-7135 at least 48 hours prior to the meeting.

ADJOURNMENT

The City Council will adjourn to a Public Hearing at this same place on July 23, 2019.



CITY OF SIERRA MADRE
CITY COUNCIL REGULAR MEETING MINUTES

SIERRA MADRE CITY COUNCIL
SUCCESSOR AGENCY AND
PUBLIC FINANCE AUTHORITY

Tuesday, June 25, 2019 - 6:30 pm

Sierra Madre City Hall Council Chambers
232 W. Sierra Madre Blvd., Sierra Madre, CA 91024

CALL TO ORDER/ROLL CALL MEMBERS OF THE CITY COUNCIL

Mayor John Harabedian called the meeting to order at 6:30 p.m. City Clerk Sue Spears called the roll.

Present: Mayor John Harabedian, Mayor Pro Tem John Capoccia, and Council Members Rachele Arizmendi, Denise Delmar, and Gene Goss

Absent: None

Also Present: Gabe Engeland, City Manager
Teresa Highsmith, City Attorney
Laura Aguilar, Assistant City Clerk
James Carlson, Management Analyst
Chris Cimino, Director of Public Works
Vincent Gonzalez, Planning & Community Preservation Director
Miguel Hernandez, Human Resources Manager
Colby Konisek, Finance Director
Jose Reynoso, Utility Services Director
Rebecca Silva-Barrón, Community Services Manager
Sue Spears, City Clerk

PLEDGE OF ALLEGIANCE AND INSPIRATION:

Council Member Delmar led the Pledge of Allegiance, reminded people of the importance of being an organ donor, and asked for a moment of silence in memory of someone who donated their organs to save another.

APPROVAL OF AGENDA AS PRESENTED:

Mayor Harabedian asked for a motion to approve the agenda as presented.

Mayor Pro Tem Capoccia moved to approve the agenda as presented.

Council Member Arizmendi seconded the motion to approve.

Ayes: Mayor John Harabedian, Mayor Pro Tem John Capoccia, and Council Members Rachele Arizmendi, Denise Delmar, and Gene Goss

Noes: None

Absent: none

The motion to approve the agenda as presented was passed by a unanimous vote.

APPROVAL OF MINUTES:

Mayor Harabedian asked for the approval of the Minutes of the Regular Council Meeting of June 11, 2019.

Council Member Arizmendi moved to approve the Minutes of the Regular City Council Meeting of June 11, 2019 as presented.

Council Member Delmar seconded the motion to approve the minutes.

Ayes: Mayor John Harabedian, Mayor Pro Tem John Capoccia, and Council Members Rachelle Arizmendi and Denise Delmar

Noes: None

Absent: None

Abstain: Gene Goss

The motion to approve the Minutes of the Regular City Council Meeting of June 11, 2019 as presented was passed by a vote of four (4) yes votes and one (1) abstain.

MAYOR AND CITY COUNCIL REPORTS:

- A. Mayor John Harabedian encouraged people to participate in the Sierra Madre July 3rd festival, which will include *dunk tank* participants Mayor Harabedian, Council Member Arizmendi, and City Manager Engeland.
- B. Mayor Pro Tem John Capoccia reported that he (1) attended an excellent presentation by author Jeff Lapidés at the SM Library titled “The Mojave Road in 1863” and (2) testified in Sacramento before the CA Senate Environmental Quality Committee (on behalf of the San Gabriel Valley COG) about AB1093, the vote was 6 yes to 1 no, it passed the CA House unanimously, but still needs to be voted upon by the full CA Senate.
- C. Council Member Rachelle Arizmendi did not make a report.
- D. Council Member Denise Delmar apologized that she is unable to attend the Sierra Madre 4h of July Parade this year, as she is the “executive on call” for the trauma center on July 4th and July 5th.
- E. Council Member Gene Goss reported that (1) the *Village Vine* folks will be doing a live Sierra Madre 4th of Parade webcast, beginning at 10:00 am at the start of the parade, (2) a tape will be available on YouTube immediately after the parade, and (3) the tape will be posted on the *Village Vine* website, villagevine@weebly.com, which also has footage and interviews from the 2019 Mt. Wilson Trail Race last month.

PUBLIC COMMENT ON NON-AGENDA ITEMS:

Mayor Harabedian opened the meeting for Public Comment on items not on the agenda.

- Bob Spears, Sierra Madre, spoke about the June 28th anniversary of the 1991 Sierra Madre Earthquake as follows: (1) it occurred at 7:43 am, with a Richter scale magnitude of 5.6 and a

maximum Mercalli intensity of VII (very strong), (2) the damage total in Sierra Madre was \$12.5M, with 18 personal injuries, 403 damaged structures, including four apartment buildings and nine homes that were immediately tagged as uninhabitable, two businesses tagged as uninhabitable, 22 homes condemned, (3) associated damage in Sierra Madre included 36 toppled chimneys, two damaged church bell towers, 17 natural gas leaks, six major water leaks, and four hazardous materials spills, (4) there were two 4.0 aftershocks on June 28 and July 6 that triggered additional damage and requests for City resources, and (5) at that time the SM Fire Department had 40 members, who were kept very busy responding to calls for assistance, and a few members of the SM Police Department and Public Works Department lived in town, all resulting in additional City resources immediately available to respond to the emergency. He cautioned that the City has changed since 1991 and that the same earthquake today would quickly exhaust the City's current limited resources, as fewer personnel would be available to respond to catastrophic events. Mr. Spears suggested that the Council focus on mitigating the threat of earthquake damage to the residents and encouraging ways to supplement the City's reduced response capability as follows: (1) inspect and secure all unreinforced masonry buildings, (2) eliminate by code unreinforced soft first story buildings, (3) encourage homeowners to bolt their houses to the foundation, (4) promote resident earthquake preparedness at events like the "National Night Out", (5) require that every City employee and every City Department participate in the October "ShakeOut Drill", (6) develop and practice with an Emergency Operations Plan that reflects the City's current capabilities, (7) work with the Sierra Madre CERT volunteers to find ways that they can supplement City Staff in key areas, and (8) make sure that MOU's are in place to provide services that are not covered by City Staff.

- Michael Kuroda, Sierra Madre, asked about the status of agendizing the "Net Zero", as he would like to build on his vacant lot in Sierra Madre.
- Ann Chesterman, Sierra Madre, expressed concerns about the recent water main breaks in the Lower Canyon.
- David Gordon, Sierra Madre Playhouse, (1) promoted the Sierra Madre Playhouse's current musical production, "*Dames at Sea*," (2) announced that, beginning June 26, the SM Playhouse will be showing movies on four consecutive Wednesday nights, and (3) encouraged people to purchase tickets online.
- Julia Fanara, Alverno Heights Academy, requested a second water meter for Alverno Heights Academy, which currently only has one water meter for the entire campus.
- John Hiller, Sierra Madre, requested a City proclamation recognizing the 200th birthday of one of the Bahai Faith founders.

Mayor Harabedian requested that City Manager Engeland respond to the following issues raised during Public Comment:

- The "Net Zero" has not yet been agendized for a future City Council Meeting.
- This has recently been an exceptionally bad 2-3-week period of water main breaks, with 25 leaks this past week alone.
- The City is still on pace to replace the 28% of water mains approved by the City Council last year.

Mayor Harabedian asked if anyone else would like to come forward to speak on items not on the agenda. Seeing no one come forward, Mayor Harabedian closed Public Comment.

AGENDA ACTION ITEMS

1. CONSENT CALENDAR

City Clerk Spears gave the following reports under the Consent Calendar:

- a) ADOPTION OF RESOLUTION 19-31 OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE APPROVING CERTAIN DEMANDS - Recommendation that the City Council adopt Resolution 19-31 for approval of payment of City warrants in an aggregate amount of \$262,505.63; Sierra Madre Library warrants in an aggregate amount of \$3,719.23; and payroll transfer in the aggregate amount of \$327,899.49 for the fiscal year ending June 30, 2019.
- b) NOTICE OF COMPLETION, FY 18-19 STREET IMPROVEMENT PROJECT - Recommendation that the City Council accept the completed work on behalf of the City and direct staff to file a Notice of Completion with the County Clerk/Recorder.
- c) CONSIDERATION OF AGREEMENT FOR AREA D JOINT POWERS AGREEMENT TO PROVIDE INTER-AGENCY COOPERATION IN A MAJOR NATURAL OR MAN-MADE DISASTER - Recommendation that the City Council authorize the City to enter into an agreement with Los Angeles County for coordination of disaster management, planning, and preparedness efforts between all Area D cities through cooperative planning, training and related activities under the direction of a Disaster Management Area D Board and authorize the City Manager to execute the agreement.
- d) CANCELLATION OF BOTH REGULAR AUGUST 2019 CITY COUNCIL MEETINGS - It is recommended that the City Council approve the cancellation of both regular City Council meetings in August and direct staff to pay all necessary expenses during that time.

Mayor Harabedian asked if any Member of the Council had questions on Consent Items 1a – 1d.

In response to a question by Mayor Harabedian regarding Item 1b and the Lilliano cul-de-sac, Public Works Director said that the Lilliano street resurfacing will be redone on Friday at no charge to the City, due to problems with the asphalt caused by contractor error.

In response to a question by Mayor Harabedian regarding Item 1d and Area D, City Manager Engeland stated that the City first signed the contract in 1995 and that the City's only financial obligation at this time is the \$900 annual fee.

Mayor Harabedian opened the meeting for Public Comment on the Consent Items. Seeing no one, Mayor Harabedian closed Public Comment and brought the matter back to the Council for discussion. No additional discussion occurred.

Mayor Pro Tem Capoccia made a motion to approve Consent Items 1a – 1d as presented.

Council Member Arizmendi seconded the motion to approve.

Ayes: Mayor John Harabedian, Mayor Pro Tem John Capoccia, and Council Members Rachelle Arizmendi, Denise Delmar, and Gene Goss

Noes: None
Absent: None
Abstain: None

The motion to approve Consent Items 1a – 1d as presented was passed by a unanimous vote.

2. DISCUSSION - CONSIDERATION OF APPOINTMENT TO THE ENERGY, ENVIRONMENT, AND NATURAL RESOURCES COMMISSION

Assistant City Clerk Aguilar reported on this item with the recommendation that the City Council consider the appointment of Robert Parkhurst to serve a four-year term on the Energy, Environment, and Natural Resources (ENR) Commission, commencing July 1, 2019 through June 30, 2023.

Mayor Harabedian asked if any Member of the Council had questions on this item. No questions were asked.

Mayor Harabedian opened this item for Public Comment. Seeing no one, Mayor Harabedian closed Public Comment and brought the matter back to the Council for discussion.

Council Members expressed consensus that Mr. Parkhurst is extremely well qualified, as noted in his strong resume, for appointment to the ENR Commission and that he will bring a wealth of knowledge and experience to the ENR Commission.

Council Member Arizmendi made a motion to appoint appointment of Robert Parkhurst to serve a four-year term on the Energy, Environment, and Natural Resources Commission, commencing July 1, 2019 through June 30, 2023.

Council Member Delmar seconded the motion to appoint.

Ayes: Mayor John Harabedian, Mayor Pro Tem John Capoccia, and Council Members Rachelle Arizmendi, Denise Delmar, and Gene Goss
Noes: None
Absent: None
Abstain: None

The motion to appoint appointment of Robert Parkhurst to serve a four-year term on the Energy, Environment, and Natural Resources Commission, commencing July 1, 2019 through June 30, 2023 was passed by a unanimous vote.

3. DISCUSSION - CONSIDERATION OF RE-APPOINTMENT OF COMMISSIONERS AND TRUSTEES FOR A SECOND TERM

Assistant City Clerk Aguilar reported on this item with the recommendation that the City Council City Council reappoint those Commissioners/Board Members seeking a second term. The list of Commissioners who are serving a term that is scheduled to expire on June 30, 2019, are eligible for, and have requested reappointment to their respective commission is as follows:

- Renee Cossutta – Energy, Environment and Natural Resources Commission
- Tom Denison – Planning Commission
- Patricia Hall – Library Board of Trustees

- John Hutt – Planning Commission
- Sally Olson – Senior Community Commission
- David Ouch – Community Services Commission
- Tom Sullivan – Community Services Commission

Mayor Harabedian asked if any Member of the Council had questions on this item. No questions were asked.

Mayor Harabedian opened this item for Public Comment. Seeing no one, Mayor Harabedian closed Public Comment and brought the matter back to the Council for discussion.

Council Members expressed consensus to reappoint those seeking a second term.

Council Member Goss made a motion to reappoint those Commissioners/Board Members seeking a second term as presented.

Mayor Pro Tem Capoccia seconded the motion to reappoint.

Ayes: Mayor John Harabedian, Mayor Pro Tem John Capoccia, and Council Members Rachelle Arizmendi, Denise Delmar, and Gene Goss

Noes: None

Absent: None

Abstain: None

The motion to reappoint those Commissioners/Board Members seeking a second term as presented was passed by a unanimous vote.

4. DISCUSSION - CONSIDERATION OF ADOPTION OF ORDINANCE 1414 AMENDING SIERRA MADRE MUNICIPAL CODE TITLE 10 “VEHICLES AND TRAFFIC”

Management Analyst Carlson reported on this item with the recommendation that the City Council take the following actions:

- Introduce and give first reading of Ordinance 1414, by title only, waiving further reading to amend Title 10 of the Sierra Madre Municipal Code. Ordinance 1414 amends Title 10 (Vehicles and Traffic) of the Sierra Madre Municipal Code by amending Chapter 10.24.310 (Section 2) by omitting the five-hour time limit restriction and prohibiting overnight parking of such vehicles;
- Amend Chapter 10.24.050 clarifying overnight parking prohibition; and
- Amend Chapter 10.24.230 (I) exempting emergency vehicles from overnight parking prohibition, by title only, waiving further reading to amend Section 10 of the Sierra Madre Municipal Code.

Mayor Harabedian asked if any Member of the Council had questions on this item.

In response to a question by Mayor Harabedian regarding *“overnight parking of commercial or recreational vehicles is prohibited except in Subsection 10.24.230(G)”*, Management Analyst Carlson stated that Subsection 10.24.230(G) allows overnight parking on Sierra Madre Blvd. across from the SM Police/Fire Station, with no permit required.

In response to a question by Council Member Goss regarding the exact location, Management Analyst Carlson said that the code actually allows overnight parking for any vehicles (1) on Sierra Madre Blvd. between Baldwin Ave. and Lima Ave. and (2) on Baldwin Ave. from Suffolk Ave. to Montecito Ave. However, added that only Sierra Madre Blvd. has parallel parking appropriate for commercial or recreational vehicles.

Mayor Harabedian opened this item for Public Comment.

- Ron Coleman, Sierra Madre, spoke against prohibiting overnight parking, as, since 2001, he has been issued an overnight parking permit for his RV from the SMPD.
- Karma Bell, Sierra Madre, spoke against prohibiting overnight RV parking.
- Sue Levoe, Sierra Madre, spoke against prohibiting overnight RV parking.
- Elizabeth Walters, Sierra Madre, spoke against prohibiting overnight RV parking, as she has previously been issued an overnight parking permit for her RV and is concerned that there are not enough available spaces on Sierra Madre Blvd.
- Marlene Enmark, Sierra Madre, spoke against prohibiting overnight RV parking.
- Gary Hood, Sierra Madre, spoke about (1) considering a recreational vehicle as a disaster preparedness program that is self-contained and (2) consideration should be given to how much traffic is on a street, the street width, and the proximity to a school.
- Jean Coleman, Sierra Madre, spoke against prohibiting overnight RV parking, as she sometimes has guests with a RV, would like them to be able to park in front of her residence, and has been issued an overnight parking permit by the SMPD for up to three consecutive nights.
- Jesse Ellico, Sierra Madre, spoke against prohibiting overnight RV parking.

Mayor Harabedian asked if anyone else would like to come forward to speak on this item. Seeing no one, Mayor Harabedian closed Public Comment and brought the matter back to the Council for discussion.

In response to a question by Council Member Delmar regarding whether overnight parking was ever allowed, City Attorney Highsmith clarified that (1) this ordinance has not ever allowed overnight parking of RVs, (2) the problem of very large vehicles (those that exceed 7' in height or 7' in width, such as commercial vehicles and RVs) is that it is a sight obstruction for other vehicles traveling on the road, (3) it is the health and safety reason why cities often have such prohibitions, and (4) removing the five hour parking restriction and replacing it with a "reasonable time" actually expands the time allowed for the parking of RVs on residential streets and clarifying that overnight parking was never allowed by the code.

Mayor Harabedian expressed that (1) there is obvious confusion regarding the overnight parking of RVs and (2) there seems to be a disconnect between the existing City ordinance and how it is being enforced, i.e. the permitting process.

Council Member Delmar explained that this issue came about because of a complaint filed by neighbors living on W. Montecito Ave. and was not filed by her.

Mayor Pro Tem Capoccia commented that, while the City has been allowing the overnight parking of RVs by issuing permits, it was not ever legal according to the code, and that this created the misunderstanding.

Discussion occurred and opinions expressed included the following: (1) safety is the #1 priority regarding this issue, (2) the need to protect the rights and the public benefit in general to the residents of Sierra Madre, (3) the difficulty in finding a compromise between protecting those rights and benefits versus addressing/accommodating the wishes those who own RVs, (4) one of the challenges is that the City has not been enforcing the code as codified, so that the practice has been assumed by residents, and (5) the desire to table the issue for further review and discussion, which may include the need for Closed Session with the City Attorney.

Mayor Harabedian tabled this item for tonight and said that a Closed Session will be scheduled, with additional discussion at a future City Council Meeting.

5. DISCUSSION - CONSIDERATION OF CITY PROJECTS ELIGIBLE FOR PUBLIC FACILITY FEE EXPENDITURES

City Manager Engeland began by stating that the Staff recommendation (as noted in the Staff Report dated June 25, 2019, "Projects Eligible for Public Facility Fees Expenditures") for the spending of the water fees as a #1 Priority - *Purchase of an additional 275 acre feet (90 million gallons) of imported water for direct groundwater recharge*, but that Staff is now instead recommending Alternative A – *Water impact fees expended toward the completion of the City's automated water meter infrastructure (AMI) project*.

Utility Services Director Reynoso reported on this item with the recommendation that the City Council authorize spending from the applicable Water and Sewer Public Facilities Fees as follows:

- Water Fund - Completion of the City's automated water meter infrastructure (AMI) project - \$110,000.
- Water Fund - Construct new fencing and gate at City yard along Grandview Ave. - \$50,000.
- Sewer Fund - Construct new fencing and gate at City yard along Grandview Ave. - \$25,000.

City Manager Engeland clarified that (1) the Staff recommendation is to give authorization to expend Water and Sewer Funds tonight and (2) the need to have a separate dialogue about the Parks and Parkland (Quimby) Fees to get Council direction before returning with recommendations for the expenditure of those funds.

Mayor Harabedian asked if any Member of the Council had questions on this item.

In response to a question by Mayor Pro Tem Capoccia regarding spending \$110,000 of the Water Fees for completion of the AMI project, Utility Services Director Reynoso said that using the Water Fees for the AMI project would free up \$110,000, which can then be used for additional pipeline replacement or other projects.

In response to a question by Council Member Delmar regarding resident response to the AMIs, Utility Services Director Reynoso stated that the project is at the point where (1) City Staff will receive formal training on the customer portal on July 17th, (2) residents have not had that experience yet, (3) once Staff is trained and feels comfortable using the program, it will be offered to residents, and (4) 98% of residences east of Baldwin Ave. have the smart meters so they will have full access to the program first, which should be sometime in August 2019.

Regarding the Parks and Parkland Fees (Quimby), City Manager Engeland referred Council Members to Page 81 of the Staff Report (Attachment C) for a priority ranking of recommended expenditures for the Community Center, Community Pool, and Sierra Vista Park.

Community Services Manager Silva reported on this item regarding the Parks and Parkland Fees (Quimby), which has a current balance of \$320,103, which includes \$40,000 in the Fiscal Year 2019-2020 for amenity upgrades at the Community Pool (Attachment B). She referenced Attachment C and Attachment D (Proposed Parking at Sierra Vista Park) and requested that the City Council give Staff direction regarding the use of Quimby Fees, as outlined in the Staff Report.

In response to a question by Mayor Harabedian regarding the Quimby Funds, how they are spent in conjunction with Prop A Funds, and whether there are restrictions on each, Community Services Manager Silva stated that (1) Prop A applies to any prior project that has been funded or charged through Prop A is eligible for maintenance and servicing using Prop A funds, (2) there are areas that would benefit from using Prop A funds immediately because that also extends itself to Measure A funds, (3) Measure A maintenance and servicing funds cannot be taped until Prop A maintenance and servicing funds have been utilized, and (4) Prop A is more restrictive than Quimby.

In response to a question by Mayor Harabedian regarding the priority ranking on Attachment C, City Manager Engeland said that the City Council is not restricted to the suggested items, as there are projects not on the list which could be eligible for funding, thus the Staff request for City Council direction. He added that Staff will research other funding sources as well.

Mayor Harabedian opened this item for Public Comment. Seeing no one, Mayor Harabedian closed Public Comment and brought the matter back to the Council for discussion.

Discussion occurred and there was consensus that (1) the Sierra Vista Park restrooms need major renovation, with soap dispensers and hand dryers as a minimum, and (2) public health and safety issues need to be prioritized for completion.

City Manager Engeland clarified with the City Council that (1) the purpose tonight is not to expend Quimby Fees, but that the conversation is very helpful to Staff, with health and safety as a priority, a ranking and identifying other sources of funds, and (2) the only expenditures recommended for tonight are for Water and Sewer Funds.

City Attorney Highsmith explained that (1) the criteria for the spending of Quimby Fees is very broad, (2) restroom renovation could qualify, as Quimby applies to anything new or the rehabilitation of an existing facility for park and recreational use, and (3) a restroom is directly and indirectly related to being able to enjoy the recreational park uses.

Mayor Pro Tem Capoccia made a motion to authorize spending from the Water and Sewer Funding as presented, with the change suggested by Staff to spend \$110,000 on the AMI project, instead of purchasing the additional water.

Council Member Goss seconded the motion to authorize.

Ayes: Mayor John Harabedian, Mayor Pro Tem John Capoccia, and Council Members Rachelle Arizmendi, Denise Delmar, and Gene Goss

Noes: None

Absent: None

Abstain: None

The motion to authorize spending from the Water and Sewer Funding as presented, with the change suggested by Staff to spend \$110,000 on the AMI project, instead of purchasing the additional water was passed by a unanimous vote.

Staff was provided with direction regarding the Quimby Fees and will bring recommendations back to Council for consideration at a future meeting.

6. DISCUSSION - CONSIDERATION OF CITY FUNDING FOR NON-PROFIT, ARTS, AND COMMUNITY-BASED PROGRAMS; AND CONSIDERATION OF REQUEST FROM THE SIERRA MADRE PLAYHOUSE FOR AN \$8,000 ALLOCATION OF CITY FUNDS FOR THE REPAIR OF THE MARQUEE SIGN AND FAÇADE

City Manager Engeland reported on this item with the recommendation that the City Council take the following actions:

- a. Provide direction to staff for the implementation of the framework for funding of non-profits, arts, and community-based programs, as described in this report.
- b. (If a program is established) Assign the Community Services Commission with the responsibility of establishing an application process, reviewing applications, and making funding recommendations to the City Council for approval.
- c. Approve the \$8,000 request from the Sierra Madre Playhouse to repair the marquee sign and facade, including making the necessary finding of public benefit for the award of these funds.

Mayor Harabedian asked if any Member of the Council had questions on this item.

In response to a question by Mayor Harabedian regarding whether City funds have ever been used for the Sierra Madre Playhouse marquee, City Manager Engeland said that a search of records located the applications in the program, but that no actual record of expenditure was found. He added that Staff is confident that the program existed through Community Redevelopment Funds.

Mayor Harabedian opened this item for Public Comment.

- De Alcorn, Sierra Madre, questioned the process of fast-tracking the allocation of \$8,000 to the SM Playhouse and expressed concern regarding setting a precedent.
- David Gordon, Sierra Madre Playhouse, spoke (1) about the role of the Community Services Commission in this process and the need to provide the members with more guidance for the criteria to allocate the funds and (2) in support of the allocation of \$8,000 to the SM Playhouse for the repair of the marquee sign and façade.

- Pat Alcorn, Sierra Madre, spoke in opposition to the allocation of \$8,000 to the SM Playhouse tonight and the need to go through an application process.
- Gary Hood, Sierra Madre, expressed his full support of what De and Pat Alcorn said regarding their opposition to the allocation of \$8,000 to the SM Playhouse without going through an application process.

Mayor Harabedian asked if anyone else would like to come forward to speak on this item. Seeing no one, Mayor Harabedian closed Public Comment and brought the matter back to the Council for discussion.

Regarding Item 6c - There was consensus and support for allocating \$8,000 to the Sierra Madre Playhouse tonight in that (1) the City has historically viewed the Sierra Madre Playhouse marquee & façade as a priority and worthwhile expense, (2) the project request is unique, the marquee is an iconic sign, and the SM Playhouse is a touchstone of the community and represents Sierra Madre, (3) the project meets the criteria for using public monies for public benefit, as this project provides a direct and identifiable public purpose to the residents and businesses of Sierra Madre, in the form of social, economic, artistic, historic, and educational purposes, and (4) while there is Council support for a process, the SM Playhouse project would be approved following any process being developed.

Council Member Goss made a motion to approve the allocation of \$8,000 to the Sierra Madre Playhouse for the repair of the marquee sign and façade.

Council Member Arizmendi seconded the motion to approve.

Ayes: Mayor John Harabedian, Mayor Pro Tem John Capoccia, and Council Members Rachelle Arizmendi, Denise Delmar, and Gene Goss
 Noes: None
 Absent: None
 Abstain: None

The motion to approve the allocation of \$8,000 to the Sierra Madre Playhouse for the repair of the marquee sign and façade was passed by a unanimous vote.

Regarding 6a & 6b - Discussion continued and there was consensus and support (1) for Staff to implement a formal process and framework for the funding of non-profits, arts, and community-based programs, as described in the Staff Report (Attachment A), "*City of Sierra Madre Policy for Annual Funding of Non-Profits, Arts, and Community-Based Programs*", (2) to assign the Community Services Commission with the responsibility of establishing an application process, reviewing applications, and making funding recommendations to the City Council for final approval, (3) that funding allocations will be considered for approval by the City Council once per year, from a list of recommendations from the Community Services Commission, (4) that the Community Services Commission needs to be provided with a timeline by which to work backwards, considering the application process and once a year recommendations to the City Council by May 2020, and (5) that this program can be re-evaluated at the end of the fiscal year.

City Manager Engeland confirmed that Staff has sufficient direction to move forward on this issue.

NEW ITEMS PLACED FOR FUTURE AGENDAS:

Mayor Harabedian asked the members of the City Council if there are any new items for future meeting agendas.

Council Member Arizmendi requested that a discussion on balance energy (alternative energy for gas) be agendized for a future meeting.

Mayor Harabedian introduced Eagle Scout candidate, Adam Gallardo, who was in attendance.

ADJOURNMENT:

Mayor Harabedian asked for a motion to adjourn.

Mayor Pro Tem Capoccia made a motion to adjourn the meeting.

The motion to adjourn was seconded by Council Member Delmar.

Ayes: Mayor John Harabedian, Mayor Pro Tem John Capoccia, and Council Members Rachelle Arizmendi, Denise Delmar, and Gene Goss

Noes: None

Absent: None

Abstain: None

The motion to adjourn was passed by a unanimous vote.

THIS SIERRA MADRE CITY COUNCIL REGULAR MEETING WAS ADJOURNED at 8:32 p.m. to a Closed Session (immediately following) and to a Regular meeting to be held on Tuesday, July 9, 2019, in the Sierra Madre City Hall Council Chambers.

John Harabedian, Mayor

Minutes taken and prepared by:

Sue Spears, City Clerk

RESOLUTION NUMBER 19-32

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE
APPROVING CERTAIN DEMANDS**

WHEREAS, the following demands have been reviewed and approved by the Finance Director; and,

WHEREAS, the Finance Director has verified that appropriated funds are available for payment thereof; and,

WHEREAS, the register of audited demands has been submitted to the City Council for approval; and

WHEREAS, City Warrants are the payment of bills, invoices and contractual obligations incurred by the City of Sierra Madre during the period enumerated therein, based on the approved fiscal year budget and existing budgetary authority, Municipal Code authority, or prior policy direction by the City Council; and

WHEREAS, Payroll Transfer is the transfer of funds to cover the payroll costs for all City employees for the period enumerated therein.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Sierra Madre does hereby approve payment of City Warrants in the aggregate amount of **\$327,684.56**; Sierra Madre Library Warrants in aggregate amount of **\$7,703.05**; and Payroll Transfer in the aggregate amount of **\$399,325.45** for the fiscal year ending June 30, 2019.

APPROVED AND ADOPTED this 9th day of July, 2019.

Mayor, City of Sierra Madre, California

I hereby certify that the foregoing Resolution Number **19-32** was adopted by the City Council of the City of Sierra Madre at a regular meeting held on the 9th day of July, 2019.

AYES:

NOES:

ABSTAIN:

ABSENT:

City Clerk, City of Sierra Madre, California

FOR CITY COUNCIL AGENDA _____

AGENDA ITEM# __

**City of Sierra Madre
Department of Finance
Warrant Register Recap
City Council Meeting of July 9, 2019**

CITY OF SIERRA MADRE AND SIERRA MADRE LIBRARY

City of Sierra Madre Warrants	\$327,684.56
Sierra Madre Library Warrants	\$7,703.05
Payroll Transfer.....	\$399,325.45

Warrant Register 7/09/19

Attachment 1A

Fiscal Year	Description	Amount	Page #
FY1819	Manual Warrants	18,466.00	1
FY1819	Manual Warrants	9,600.00	2
FY1819	Manual Warrants	833.70	3
FY1819	General Warrants - Utility Bills	5,549.53	4
FY1819	General Warrants	219,787.80	5-8
FY1920	General Warrants	15,339.53	9
FY1819	General Warrants (EFT)	58,108.00	10
	Total	327,684.56	

FY1819	Library Warrants	5,868.05	11
FY1920	Library Warrants	1,835.00	12
	Total	7,703.05	

Date: 6/27/2019	Payroll #13 Electronic Tansfers From: City of Sierra Madre-General Acct. To: City of Sierra Madre-Payroll Acct.	\$399,325.45	
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Packet: APPKT04628 - MANUAL 07/09/19
Vendor Set: 02 - Vendor Set 02

Check Date: 06/27/2019

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Vendor Total
Bank Code	Payment Type				Distribution Amount
<u>VEN03402</u>	MANISHA PATEL STRAIT				30.00
APBWEST	Check	<u>INV024909</u>	ALARM REFUND	10000.00000.43024	30.00
<u>VEN03400</u>	MARILYN DELGATTO				30.00
APBWEST	Check	<u>INV024906</u>	ALARM REFUND	10000.00000.43024	30.00
<u>VEN03397</u>	MARTHA TROEDSON				30.00
APBWEST	Check	<u>INV024903</u>	ALARM REFUND	10000.00000.43024	30.00
<u>VEN03398</u>	OLGA ALICIA CORREA				30.00
APBWEST	Check	<u>INV024904</u>	ALARM REFUND	10000.00000.43024	30.00
<u>VEN03407</u>	PUBLIC ENTITY RISK MANAGEMENT AUTHORITY				18,196.00
APBWEST	Check	<u>INV024965</u>	NOTICE OF ASSESSMENT 86/87 POLICY YR	60007.70100.54805	18,196.00
<u>VEN03399</u>	SAMUEL QIU				30.00
APBWEST	Check	<u>INV024905</u>	ALARM REFUND	10000.00000.43024	30.00
<u>VEN03406</u>	SELF-REALIZATION FELLOWSHIP				60.00
APBWEST	Check	<u>INV024962</u>	ALARM REFUND	10000.00000.43024	60.00
<u>VEN03401</u>	STEPHEN HUANG				30.00
APBWEST	Check	<u>INV024907</u>	ALARM REFUND	10000.00000.43024	30.00
<u>VEN03403</u>	TERENCE CHAN/WILLIAM LEONARD DISCEPOLO				30.00
APBWEST	Check	<u>INV024908</u>	ALARM REFUND	10000.00000.43024	30.00
Report Total:					18,466.00



Packet: **APPKT04642 - MANUAL 07/09/19 (FY 19-20)**
Vendor Set: **01 - Vendor Set 01**

Check Date: 07/02/2019

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Distribution Amount	Vendor Total
<u>VEN02141</u>	COREY GEMME					700.00
APBWEST	Check	<u>INV024974</u>	4th OF JULY 2019 PERFORMANCE	10000.79012.52999	700.00	
<u>VEN03170</u>	DONALD MARCOS MENDONCA					900.00
APBWEST	Check	<u>INV024975</u>	19/20 JULY 7TH 2019 PERFORMANCE	10000.79002.52999	900.00	
<u>1325</u>	SIERRA MADRE PLAYHOUSE					8,000.00
APBWEST	Check	<u>INV024973</u>	19/20 PLAYHOUSE ACTIVITIES	10000.77000.52200	8,000.00	
Report Total:						9,600.00



City of Sierra Madre, CA

Check Approval Register

Page 3

Packet: APPKT04641 - MANUAL 07/09/19
Vendor Set: 01 - Vendor Set 01

Check Date: 07/02/2019

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Vendor Total
Bank Code	Payment Type			Distribution Amount	
<u>1497</u>	MOUNTAIN VIEWS NEWS				833.70
APBWEST	Check	<u>CM140571</u>	SIERRA MADRE NOTICES	10000.50000.53409	833.70
				Report Total:	833.70



Packet: APPKT04634 - UB 07/09/19
Vendor Set: 01 - Vendor Set 01

Check Date: 07/02/2019

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Vendor Total
Bank Code	Payment Type				Distribution Amount
<u>0129</u>	AT&T				484.09
APBWEST	Check	<u>INV024910</u>	818 291-0241 661 1 SVC 06/04/19 - 07/03/19	10000.50000.55005	243.12
		<u>INV024911</u>	818 246-3783 591 4 SVC 05/23/19 - 06/22/19	10000.61000.55005	240.97
<u>VEN02792</u>	FRONTIER CALIFORNIA INC				2,840.78
APBWEST	Check	<u>INV024966</u>	209-188-3757-030707-5 SVCS 06/04/19 - 07/03, 60003.30000.55005		1,898.11
		<u>INV024967</u>	626-355-1414-092017-5 SVCS 06/01/19 - 06/30, 60003.30000.55005		630.84
		<u>INV024968</u>	310-169-9845-061906-5 SVCS 06/16/19 - 07/15, 60003.30000.55005		101.01
		<u>INV024969</u>	626-355-0264-012498-5 SVCS 06/04/19-07/13/: 10000.50000.55005		210.82
<u>VEN03086</u>	GC PIVOTAL LLC				1,557.81
APBWEST	Check	<u>INV2297119</u>	BACKUP INTERNET SVCS 07/01/19 - 07/31/19	60003.30000.52200	1,557.81
<u>1439</u>	TIME WARNER CABLE				666.85
APBWEST	Check	<u>0131806061119</u>	PD CABLE SVCS 06/11/19 - 07/10/19	60003.30000.52200	447.43
		<u>0164625061219</u>	PD CABLE SVCS 06/12/19-07/11/19	10000.50000.52200	219.42
Report Total:					5,549.53



Packet: APPKT04633 - GEN 07/09/19
Vendor Set: 01 - Vendor Set 01

Check Date: 07/02/2019

Table with columns: Vendor Number, Bank Code, Vendor Name, Payment Type, Invoice #, Invoice Description, Account Number, Distribution Amount, Vendor Total. Includes entries for AMAZON, AQUA METRIC, ARAMARK UNIFORM & CAREER APPAREL GROUP INC, ARNOLD'S FRONTIER HARDWARE - CS, ARNOLD'S FRONTIER HARDWARE - Fire, ARNOLD'S FRONTIER HARDWARE - Police, ARROW AUTOMOTIVE SERVICE, ATLAS BUSINESS SOLUTIONS INC, BIG BELLY SOLAR INC, BLACK & WHITE EMERGENCY VEHICLES, BLUE DIAMOND MATERIALS, CITY ELECTRIC SUPPLY, CLINICAL LABORATORY OF SAN BERNARDINO, INC., COLANTUONO, HIGHSMITH & WHATLEY, PC.

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Vendor Total
Bank Code	Payment Type				Distribution Amount
APBWEST	Check	<u>39334</u>	GARDENA V RWQCB MAY 2019	10000.81201.52202	2,874.50
<u>VEN02953</u>	CPACINC.COM				5,495.20
APBWEST	Check	<u>1287794</u>	Microsoft Licensing - 3 year agreement/Backup	60003.30000.52200	5,076.05
		<u>1287900</u>	IOGEAR KVM	60003.30000.52200	419.15
<u>0185</u>	D. F. POLYGRAPH				175.00
APBWEST	Check	<u>2019/5</u>	POLYGRAPH EXAMINATIONS	60007.70101.52106	175.00
<u>0186</u>	DANIELS TIRE SERVICE				158.88
APBWEST	Check	<u>200368899</u>	FY 18-19 TIRES	60000.83100.53208	158.88
<u>0320</u>	DANNY OSTI TREE SERVICE				5,625.00
APBWEST	Check	<u>8203</u>	Tree trimming and removal	38004.83300.52200	1,275.00
		<u>8204</u>	Tree trimming and removal	38004.83300.52200	1,200.00
		<u>8205</u>	Tree trimming and removal	38004.83300.52200	1,000.00
		<u>8206</u>	Tree trimming and removal	38004.83300.52200	650.00
		<u>8208</u>	Tree trimming and removal	38004.83300.52200	800.00
		<u>8209</u>	Tree trimming and removal	38004.83300.52200	700.00
<u>VEN03084</u>	DAVID SPERNOW/DEVLYNE NETWORKS LLC				1,320.00
APBWEST	Check	<u>CoSM011</u>	Desktop, Server, and Network Support	60003.30000.52100	1,320.00
<u>0190</u>	DECCO AWARDS INC				103.69
APBWEST	Check	<u>19-11947</u>	NAME BADGES	10000.70000.53999	30.75
				37006.72000.53999	72.94
<u>1584</u>	DENRAM PRODUCTS CORP				330.85
APBWEST	Check	<u>18537</u>	DOORHANGER	10000.40000.53102	330.85
<u>0713</u>	DEPT OF JUSTICE				66.00
APBWEST	Check	<u>378852</u>	FINGERPRINT MAY 2019	10000.50000.52200	66.00
<u>VEN03180</u>	DICKS AUTO SUPPLY				112.32
APBWEST	Check	<u>169961</u>	Vehicle maintenance supplies	60000.83100.53208	37.44
		<u>170002</u>	Vehicle maintenance supplies	60000.83100.53208	74.88
<u>VEN01936</u>	FOOTHILL COMMUNICATIONS LLC				6,755.18
APBWEST	Check	<u>3135</u>	UPDATE/DEVELOP PROGRAMMING FOR MOTOF	10000.50000.52302	165.00
		<u>3138</u>	NEW INTERCOM SYSTEM & HEADSETS	10000.61000.53301	6,590.18
<u>VEN01613</u>	GANAHL LUMBER COMPANY				29.70
APBWEST	Check	<u>141194257</u>	BUILDING SUPPLIES	60000.83100.53205	29.70
<u>0871</u>	GOLDEN WEST ELECTRIC				3,115.27
APBWEST	Check	<u>3247</u>	ELECTRICAL MAINTENANCE	71000.81100.52200	823.05
		<u>3253</u>	ELECTRICAL MAINTENANCE	71000.81100.52200	315.00
		<u>3254</u>	ELECTRICAL SUPPLIES	71000.81100.52200	315.00
		<u>3255</u>	ELECTRICAL SUPPLIES	71000.81100.52200	1,662.22
<u>VEN03195</u>	GREATAMERICA FINANCIAL SERVICES				399.55
APBWEST	Check	<u>24969733</u>	LASERCARE HP MFP	60003.30000.53210	399.55
<u>VEN02895</u>	GUERRERO INVESTIGATIVE SERVICES				1,059.80
APBWEST	Check	<u>INV024960</u>	BACKGROUND INVESTIGATION	60007.70101.52100	1,059.80
<u>1134</u>	HENRY AMOS				64.42
APBWEST	Check	<u>INV024963</u>	POLICE PANEL INTERVIEW	60007.70100.53999	64.42
<u>VEN01500</u>	INLAND WATER WORKS SUPPLY CO.				5,490.36
APBWEST	Check	<u>S1023924.002</u>	Distribution supplies	71000.81100.53200	535.37
		<u>S1024097.001</u>	Distribution supplies	71000.81100.53200	2,256.58
		<u>S1024100.002</u>	Distribution supplies	71000.81100.53200	515.75
		<u>S1024100.003</u>	Distribution supplies	71000.81100.53200	374.49
		<u>S1024115.001</u>	Distribution supplies	71000.81100.53200	21.13
		<u>S1024466.001</u>	Distribution supplies	71000.81100.53200	13.14
		<u>S1024938.001</u>	Distribution supplies	71000.81100.53200	1,773.90
<u>0937</u>	INTERSTATE BATTERY SYSTEM OF				397.79
APBWEST	Check	<u>50145785</u>	VEHICLE PARTS	60000.83100.53208	397.79
<u>0913</u>	IRWINDALE INDUSTRIAL CLINIC				132.82
APBWEST	Check	<u>401432-107652</u>	PRE EMPLOYMENT PHYSICAL	60007.70101.52106	132.82
<u>VEN02088</u>	JCL TRAFFIC SERVICES				1,103.21
APBWEST	Check	<u>100728</u>	SAFETY PRODUCT	10000.83500.53206	1,103.21
<u>1454</u>	JDS TANK TESTING & REPAIR INC				140.00
APBWEST	Check	<u>13389</u>	Monthly Inspection of UST System	60000.83100.55001	140.00
<u>1717</u>	LACMTA				265.00
APBWEST	Check	<u>103907</u>	Senior Disable Tap Cards	37004.70000.52001	193.00

Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Vendor Tot: Distribution Amount
1348	LANDS' END BUSINESS OUTFITTERS	APBWEST	Check	103907	Senior Disable Tap Cards	37006.72000.52200	72.00
0515	LANDSCAPE WAREHOUSE	APBWEST	Check	SIN7507961	STAFF UNIFORMS	10000.70000.53303	74.45
		APBWEST	Check	2595867	FY 18-19 IRRIGATION SUPPLIES	10000.83300.53001	84.91
				2595977	FY 18-19 IRRIGATION SUPPLIES	10000.83300.53001	70.34
VEN03404	LAUREN GUTIERREZ						14.62
0271	LAWN MOWER CORNER	APBWEST	Check	INV024913	PARAMEDIC REIMBURSEMENT	10000.64000.52205	200.00
		APBWEST	Check	15290	EQUIPMENT MAINTENANCE	71000.81100.53205	82.61
				15358	EQUIPMENT MAINTENANCE	71000.81100.53205	66.13
0277	LIEBERT CASSIDY WHITMORE						16.50
		APBWEST	Check	1480457	GENERAL PROFESSIONAL SERVICES MAY 2019	60007.70100.52201	999.00
				1480458	FD PROFESSIONAL SERVICES MAY 2019	60007.70100.52201	370.00
VEN01355	LUIS MANJARREZ						629.00
		APBWEST	Check	INV024970	FD REIMBURSEMENT	10000.64000.52205	298.00
1065	MAIL BOX & POSTAL						298.00
		APBWEST	Check	16708	POSTAGE SVC	10000.61000.53101	26.60
VEN03258	MAJOR TOM INC						26.60
		APBWEST	Check	1048	Electrical Panels - Heasley Field	10000.83300.56010	8,100.00
VEN03229	MICHAEL BAKER INTERNATIONAL INC						8,100.00
		APBWEST	Check	1050600	Planning consultant	10000.40000.52200	4,950.00
				1050604	Planning consultant	10000.40000.52200	4,015.00
1278	MICHAEL E POWERS & ASSOC INC.						935.00
		APBWEST	Check	6732	MAINTENANCE SUPPLIES	34002.81000.56010	1,547.24
							558.73
				6733	MAINTENANCE SUPPLIES	34002.81200.56010	558.72
							429.79
VEN03391	MICHAEL M. BLAZENSKI						225.00
		APBWEST	Check	INV024971	FINANCIAL CONSULTING JUNE 2019	60002.30000.52100	225.00
VEN01872	National Stock Sign Co., Inc.						225.00
		APBWEST	Check	100787	SPECIAL EVENT SUPPLIES	10000.70000.53999	344.93
							172.46
0786	OFFICE DEPOT, INC						172.47
		APBWEST	Check	321802854001	OFFICE SUPPLIES	10000.40000.53999	689.56
				328787727001	FY 18-19 BPO-OFFICE SUPPLIES	60002.30000.53100	350.41
				328836309001	FY 18-19 BPO-OFFICE SUPPLIES	60002.30000.53100	34.15
				332861290001	OFFICE SUPPLIES	10000.40000.53999	168.59
				332863897001	Office Supplies - PCP	10000.40000.53100	72.47
				334248188001	CM RELATES TO INVOICE 331793904001	10000.40000.53999	98.96
VEN01558	PAT'S TIRE SERVICE						-35.02
		APBWEST	Check	41695	TIRE REPAIR	60000.83100.53208	32.00
VEN03156	PERIMETER SOLUTIONS LP						32.00
		APBWEST	Check	INV14-729926	PHOS-CHEK 1/2 TON	10000.61000.53300	2,533.90
0332	PETTY CASH FUND-ADMIN						2,533.90
		APBWEST	Check	INV024964	PETTY CASH ADMIN REIMBURSE	10000.00000.42003	318.66
							8.17
							48.50
							7.00
							54.00
							94.99
							11.00
							95.00
VEN01608	PHOENIX GROUP INFORMATION SYSTEMS						2,087.80
		APBWEST	Check	052019200	FY 18-19 BPO- PARKING CITATION SVCS	10000.50000.52200	2,087.80
VEN02202	PINNACLE PETROLEUM INC						22,232.40
		APBWEST	Check	0195256	FY 18/19 FUEL PURCHASE	60000.83100.55001	18,261.88
				0195257	FY 18/19 FUEL PURCHASE	60000.83100.55001	3,970.52
1483	PRO PRINTING INC						193.83
		APBWEST	Check	50716	BUSINESS CARDS	10000.50000.53102	55.85
				50754	ENVELOPES	10000.50000.53102	82.13
				50790	BUSINESS CARDS	10000.11000.53999	55.85
VEN02937	RCI IMAGE SYSTEMS						131.27

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Vendor Tot
Bank Code	Payment Type				Distribution Amount
APBWEST	Check	<u>76191</u>	FY 18-19 Document Scanning Services	10000.40000.52200	131.27
<u>VEN03199</u>	SO CAL MAILING SERVICES				1,162.1
APBWEST	Check	<u>62750</u>	FY18-19 BPO- MAILING AND WATER BILLING	71000.32000.53101	1,162.10
<u>VEN02444</u>	SUPERIOR COURT OF CA, CO OF L. A.				630.5
APBWEST	Check	<u>INV024972</u>	FY 18-19 BPO- REVENUE DISTRIBUTION	10000.50000.52200	630.50
<u>1368</u>	SWANK MOTION PICTURES INC				613.0
APBWEST	Check	<u>2689602</u>	MOTION PICTURES	10000.79008.52999	613.00
<u>VEN02863</u>	THE COUNSELING TEAM INTERNATIONAL				300.0
APBWEST	Check	<u>72628</u>	PSYCHOLOGICAL ASSESSMENTS	60007.70101.52100	300.00
<u>VEN01116</u>	THE STANDARD INSURANCE				176.4
APBWEST	Check	<u>INV024961</u>	LIFE INSURANCE	10000.61000.51303	176.40
<u>0404</u>	TOM'S UNIFORMS				885.7
APBWEST	Check	<u>13598</u>	PD UNIFORMS	10000.50000.53303	885.78
<u>1243</u>	USA BLUEBOOK				123.46
APBWEST	Check	<u>925778</u>	Treatment Supplies	71000.81100.53209	123.46
<u>VEN02666</u>	V & V MANUFACTURING INC				744.48
APBWEST	Check	<u>48327</u>	PD SERVICE MEDALS	10000.50000.53999	744.48
<u>0425</u>	WILLDAN ASSOCIATES				21,356.51
APBWEST	Check	<u>002-21188</u>	Plan Check and Inspection services	10000.40000.52100	21,356.51
					21,356.51
					Report Total: 219,787.80



Packet: APPKT04636 - GEN 07/09/19 (FY 19-20)
Vendor Set: 01 - Vendor Set 01

Check Date: 07/02/2019

Vendor Number Bank Code	Vendor Name Payment Type	Invoice #	Invoice Description	Account Number	Vendor Total Distribution Amount
<u>1484</u> APBWEST	ALLIANT INSURANCE SERVICES Check	<u>ACIP157</u>	19-20 ACIP CRIME ANNUAL PREMIUM 7/1/19-0	60007.70100.54801	1,656.00
<u>1025</u> APBWEST	CALIFORNIA J P I A Check	<u>ENVIR00931</u>	Pollution Liability Insurance 7/19- 7/20	60007.70100.54801	3,862.00
<u>1428</u> APBWEST	DAN GINTER Check	<u>INV024801</u>	RETIREE HEALTH INS AUG 19	60007.70100.51302	356.50
<u>1044</u> APBWEST	JESSE TORIBIO Check	<u>INV024800</u>	RETIREE HEALTH INS AUG 19	60007.70100.51302	178.25
<u>1156</u> APBWEST	JOHN FORD Check	<u>INV024917</u>	RETIREE HEALTH INS AUG 19	60007.70100.51302	249.55
<u>0273</u> APBWEST	LEAGUE OF CALIF. CITIES Check	<u>3785</u>	19/20 LA COUNTY DIVISION DUES	60002.30000.53409	1,113.00
<u>0277</u> APBWEST	LIEBERT CASSIDY WHITMORE Check	<u>1479095</u>	ERC Membership/ Premium Library Subscription	60007.70100.53409	3,945.00
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<u>1749</u> APBWEST	PTS Check	<u>2021383</u>	19/20 PD PHONE FEE	10000.50000.55005	82.64
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<u>VEN01663</u> APBWEST	SO CA ASSOCIATION OF GOVERNMENTS Check	<u>INV024959</u>	19/20 DUES ASSESSMENT	60002.30000.53409	1,291.00
<u>2016</u> APBWEST	STEVE POCK Check	<u>INV024914</u>	RETIREE HEALTH INS AUG 19	60007.70100.51302	356.50
Report Total:					15,339.53



Packet: APPKT04623 - MANUAL EFT 07/09/19
Vendor Set: 01 - Vendor Set 01

Check Date: 06/25/2019

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Packet: APPKT04635 - LIB 07/06/19

Check Date: 07/02/2019

Vendor Set: 01 - Vendor Set 01

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Packet: APPKT04637 - LIB 07/09/19 (FY 19-20)
Vendor Set: 01 - Vendor Set 01

Check Date: 07/02/2019

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<u>VEN02966</u>	KRES MERSKY				500.00
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<u>VEN02348</u>	MAD SCIENCE OF LOS ANGELES				830.00
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		<u>00033328</u>	CHILDREN'S WORKSHOP 19/20	39006.90000.53999	470.00
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APBWEST	Check	<u>8940</u>	PRODUCTION ACTIVITY 19/20	39006.90000.53999	505.00
Report Total:					1,835.00



City of Sierra Madre Agenda Report

John Harabedian, Mayor
John Capoccia, Mayor Pro Tem
Rachelle Arizmendi, Council Member
Denise Delmar, Council Member
Gene Goss, Council Member

Sue Spears, City Clerk
Michael Amerio City Treasurer

TO: Honorable Mayor and Members of the City Council

FROM: Chris Cimino, Director of Public Works

REVIEWED BY: Gabriel Engeland, City Manager
Teresa Highsmith, City Attorney

DATE: July 9, 2019

SUBJECT: **PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION CONFIRMING THE BALLOT RESULTS TO DETERMINE WHETHER A MAJORITY PROTEST EXISTS IN THE PROCEEDINGS TO FORM THE DOWNTOWN LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT; AND ADOPTION OF A RESOLUTION CONFIRMING THE BALLOT RESULTS AND PROVIDING THAT NO MAJORITY PROTEST EXISTS IN THE PROCEEDINGS TO FORM THE DOWNTOWN LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT**

STAFF RECOMMENDATION

It is recommended that the City Council conduct a Public Hearing to receive testimony and direct the Assistant City Clerk to confirm the ballot results to determine whether a majority protest exists in the Proposition 218 proceedings to form the Downtown Landscaping and Lighting Maintenance District ("District"); and adopt a resolution confirming the ballot results and providing that no majority protest exists in the proceedings to form the District.

ALTERNATIVES

The alternatives are based on the outcome of the Proposition 218 Assessment Ballot Proceeding.

1. If the majority of ballots returned, weighted by assessment amount, support the formation of the District, the City Council is able to adopt a resolution confirming the balloting and find that no majority protest exists in the proceedings for the formation of the District.
2. If the majority of ballots returned, weighted by assessment amount, do not support the formation of the District, the City Council is able to adopt the resolution confirming the protest balloting. This would mean that the City would continue to collect special assessments via the four existing special

assessment districts in the area. The current districts do not collect sufficient fees to cover the costs of the services and maintenance currently provided under these districts.

SUMMARY

The City currently has four existing special assessment districts which finance various services and improvements including parking, lighting, landscaping, and associated maintenance within the Central Business District area of the City. Each of the four districts was established to fund the cost of improvements and maintenance of specific benefits in the downtown district, however, two of the districts do not collect enough funds and are subsidized by expenditures from the General Fund. The remaining two districts collect sufficient revenue for the benefit provided and have accumulated a fund balance of \$595,000.

City staff has identified the need to correctly balance the amount of revenue collected within the district(s) with necessary expenditures. If formed, the new District would pay for the maintenance of the landscaping and lighting improvements put in place by these existing assessment districts and fund the implementation and associated maintenance of additional similar improvements nearby. The new district would collect \$22,676 less than the current combined collection of the four existing districts.

In response to the need for appropriate funding for such maintenance, staff proposes the formation of the District and levy special assessments therein. The formation of the new District will be subject to a majority protest proceeding for the property owners within the territory, in compliance with the California Constitution Article XIID and the Proposition 218 Omnibus Implementation Act Gov. Code Section 53730 et seq.

ANALYSIS

On March 26, 2019, the City Council adopted Resolution 19-09 initiating proceedings required to begin the formation process for the District by directing that an Engineer's Report be prepared. Subsequently, another City Council meeting was held on May 14, 2019, where Resolution 19-20 was adopted to approve the Engineer's Report and set the date of the public hearing for the formation of the District. On May 22, 2019, assessment ballots were mailed to the property owners within the proposed District's boundary, to vote for or against the formation of the District.

To assist the City in proceeding with the formation process for the District, the City hired NBS Government Finance Group ("NBS"). NBS has prepared the Engineer's Report for the District, which provides a description of the improvements, the estimated costs of improvements, a diagram for the District, and the District assessment roll containing the Fiscal Year 2019-2020 assessment for each parcel within the District. NBS has worked with the City Attorney to ensure recommendations will meet local, state, and federal regulations including compliance with Proposition 218 and appropriate assessment district regulations. NBS has handled the noticing

and protest ballot process, and will submit the appropriate materials to Los Angeles County by the Fiscal Year 2019-20 property assessment deadline.

FINANCIAL REVIEW/SOURCE OF FUNDING

The formation of the District will have a beneficial impact to the City's budget as activities and benefits in this District would no longer be subsidized by the City's General Fund. Further, the special assessment will provide appropriate funding for maintenance costs within the territory. Finally, the total assessment collected under the proposed District would be less than the assessments which are currently being collected by the four districts, resulting in an overall decrease in assessments paid by businesses and residents in the district area.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies of this report are available at the City Hall public counter, at the Sierra Madre Public Library, and can be accessed on the City's website at www.cityofsierramadre.com.

Attachments

Attachment No. 1 – Resolution 19-37 Confirming the Ballot Results to Determine Whether a Majority Protest Exists in the Proceedings to Form the Downtown Landscaping and Lighting Maintenance District

Attachment No. 2 – Resolution 19-38 Confirming the Ballot Results and Providing that No Majority Protest Exists in the Proceedings to Form the Downtown Landscaping and Lighting Maintenance District

Attachment No. 3 – City of Sierra Madre Downtown Landscaping and Lighting Maintenance District Engineer's Report

Exhibit A

Certificate of Tabulation Official and Statement of Assessment Ballots Submitted

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
ss. CITY OF SIERRA MADRE)

The undersigned, the duly authorized tabulation official appointed by the City Council of the City of Sierra Madre, DOES HEREBY CERTIFY that pursuant to the provisions of Article XIID of the Constitution of the State of California and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following), I did tabulate the assessment ballots timely submitted, and not withdrawn, in the assessment ballot proceedings pertaining to the Downtown Landscaping and Lighting Maintenance District.

I FURTHER CERTIFY that this Statement of Assessment Ballots Received shows the assessment ballots submitted, and not withdrawn, in favor of the proposed assessment and the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment, each total weighted according to the financial obligation of the affected properties for which the assessment ballots were submitted.

Total assessment ballots distributed	
Total assessment ballots received	
Total assessment ballots invalidated	
Assessment ballots received <u>in favor</u> of the proposed assessment:	
Weighted value of assessment ballots received <u>in favor</u> of the proposed assessment	
Percent of assessment ballots received <u>in favor</u> of the proposed assessment	
Assessment ballots received <u>in opposition</u> to the proposed assessment:	
Weighted value of assessment ballots received <u>in opposition</u> to the proposed assessment	
Percent of assessment ballots received <u>in opposition</u> to the proposed assessment	

This certification is executed this ____ day of _____, 2019 in Sierra Madre, California.

By: _____

Title: _____



CITY OF SIERRA MADRE

Draft Engineer's Report For:

Downtown Landscaping and Lighting Maintenance District

April, 2019

Prepared by:



Corporate Headquarters
32605 Temecula Parkway, Suite 100
Temecula, CA 92592
Toll free: 800.676.7516

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1. INTRODUCTION

1.1 District History

The City of Sierra Madre (“City”) desires to fund certain landscaping and lighting services (the “Improvements”) as described in Section 2 of this Report through an assessment. The proposed assessment is subject to the substantive and procedural requirements described in Section 4, Article XIII D of the California Constitution (“Article XIII D”). The assessment is authorized pursuant to the Landscaping and Lighting Act of 1972 (the “Act”).

The City currently has four existing special assessment districts, which fund various services and improvements including parking, lighting, landscaping, and associated maintenance within the City’s downtown business district. Rather than renewing the existing assessments, the City hopes to provide several of these services through the formation of a new City of Sierra Madre Downtown Landscaping and Lighting Maintenance District (“District”) moving forward.

1.2 Legislative Context

Determinations of special and general benefits must comply with the requirements of Article XIII D and the Act. The following is a description of the legislative context within which this report is written.

In 1996, California Voters adopted Proposition 218, the “Right to Vote on Taxes Act” which added Articles XIII C and XIII D to the California Constitution. Article XIII D imposes certain substantive and procedural requirements on any agency that wishes to levy special assessments.

The substantive requirements are twofold: (1) assessments can only be imposed for a “special benefit” conferred on an assessed parcel, and (2) assessments must be in proportion to, and no greater than, the special benefit conferred on an assessed parcel.

The special benefit and proportionality requirements are described in Section 4, Subdivision (a) of Article XIII D: *“An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel. ...”*

In addition to its substantive requirements, Article XIII D imposes certain procedural requirements, which include preparing an engineer’s report, providing written notice to property owners, providing assessment protest ballots to property owners, holding a public hearing, and tabulating the assessment protest ballots.

1.3 Court Rulings

Since the initial passage of Proposition 218, several court rulings have helped provide context and direction on the practical implementation procedures and requirements for levying assessments. Several of the key concepts from these rulings are summarized below.

1.3.1 GENERAL BENEFIT

Article XIII D requires an agency to separate the general benefits from the special benefits conferred because only special benefits are assessable.

The Court of Appeal in *Golden Hills Neighborhood Assn., Inc. v. City of San Diego* (2011) (“Golden Hills”) clarified this concept by stating, “*Separation and quantification of general and special benefits must be accomplished by apportioning the cost of a service or improvement between the two and assessing property owners only for the portion of the cost representing special benefits.*”

The Court of Appeal in *Beutz v. County of Riverside* (2010) (“Beutz”) quoted from the Legislative Analyst’s Office pamphlet titled “Understanding Proposition 218” which states an agency must, “*estimate the amount of special benefit landowners would receive from the project or service, as well as the amount of ‘general benefit.’ This step is needed because Proposition 218 allows local government to recoup from assessments only the proportionate share of cost to provide the special benefit.*”

The Court in *Beutz* furthered this idea stating, “*Separating the general from the special benefits of a public improvement project and estimating the quantity of each in relation to the other is essential if an assessment is to be limited to the special benefits.*”

1.3.2 BENEFIT-BASED NOT COST-BASED

In *Bonander v. Town of Tiburon* (2009) (“Tiburon”), the Court of Appeal clarified the idea that assessments must be apportioned based upon benefit rather than cost. The Court stated, “*Proportionate special benefit is the basis upon which a project’s total assessable costs are apportioned among parcels within an assessment district.*”

The assessment on a particular property cannot be based on the relative cost of the improvements, but rather the special benefit conferred on such property. The Court in *Tiburon* also stated, “*an assessment represents the entirety of the cost of the improvement or property-related service, less any amount attributable to general benefits (which may not be assessed), allocated to individual properties in proportion to the relative special benefit conferred on the property.*”

1.3.3 PUBLIC PROPERTY

Section 4, Subdivision (a) of Article XIII D states, in part, “*Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit.*” Historically, there had been differing opinions about whether this requirement that publicly owned property should not be exempt actually meant those properties must be assessed.

The Court of Appeal in *Manteca Unified School District v. Reclamation District No. 17 et al* (2017) (“Manteca”) clarified this issue by stating, “*section 4, subdivision (a) of article XIII D of the California Constitution unambiguously conditions any continuing benefit assessment exemption on a showing by clear and convincing evidence of no special benefit.*”

1.3.4 IMPRECISION

The Court in *Tiburon* acknowledged the difficulty of trying to precisely assign and measure special benefit, stating, “Any attempt to classify special benefits conferred on particular properties and to assign relative weights to those benefits will necessarily involve some degree of imprecision.”

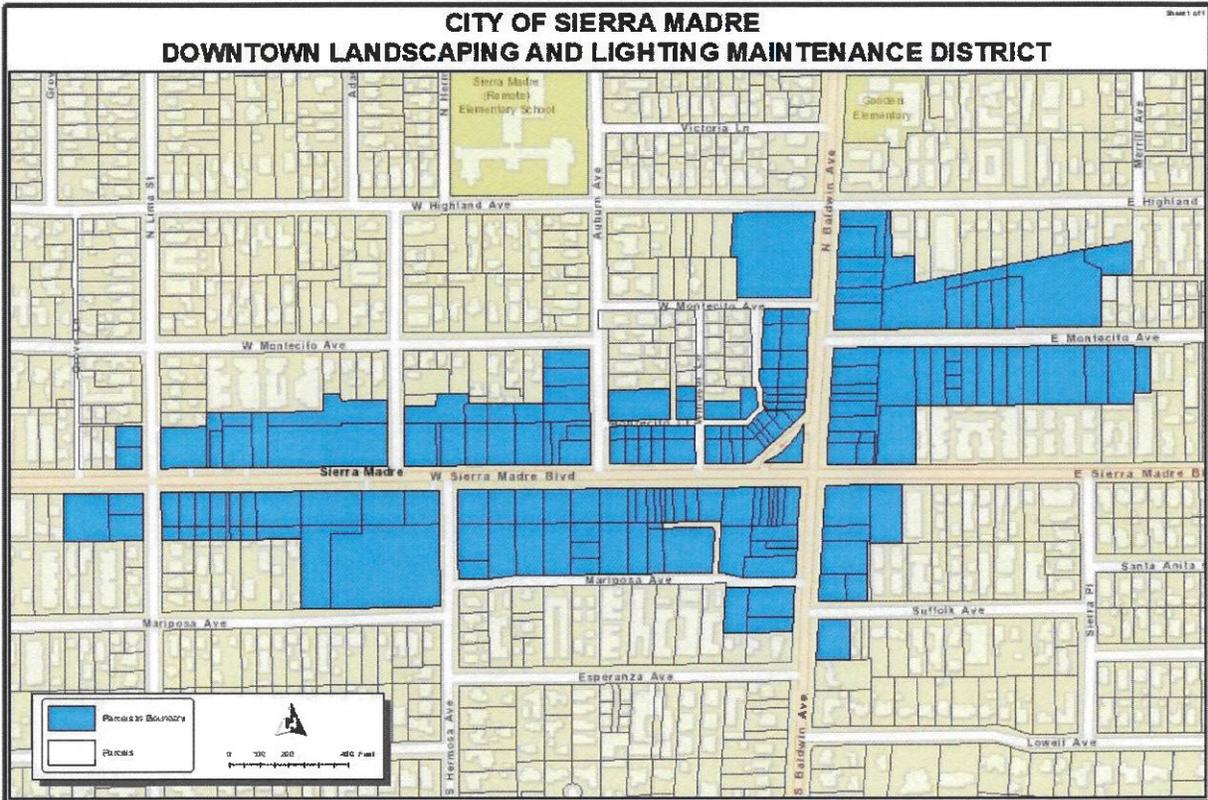
The Court in *Tiburon* went on to say that a formula assigning equal weight to different special benefits “may be a legally justifiable approach to measuring and apportioning special benefits, [but] it is not necessarily the only valid approach. Whichever approach is taken to measuring and apportioning special benefits, however, it must be both defensible and consistently applied.”

2. IMPROVEMENTS

The City wishes to fund the following services and maintenance activities:

- Street Lighting
- Street Tree and Other Landscape Maintenance
- Park Maintenance

The services and maintenance activities listed above are collectively referred to as the “Improvements.” A diagram detailing the proposed area in which the Improvements will be provided can be found below:



2.1 Street Lighting

The City wishes to fund the ongoing maintenance of street lighting throughout the downtown area of the City, as identified in the highlighted portion of the above diagram. This would include, but is not limited to, general maintenance of street lighting fixtures along roadways, lights around bow-outs, crosswalk lights, and funding of associated utility costs.

2.2 Street Tree and Other Landscape Maintenance

The City wishes to fund ongoing maintenance of street landscaping, including, but not limited to, tree trimming, irrigation, watering, and other associated landscape maintenance throughout the downtown area of the City, as identified in the highlighted portion of the above diagram. Further, the City will provide

ongoing maintenance services including but not limited to trash removal, landscape maintenance, and other associated maintenance to the area known as Kersting Court Triangle.

2.3 Park Maintenance

According to the City's General Plan, Memorial Park is considered an important center within the City. Memorial Park contains a recreational center with a bandstand, a play area for children, tennis courts and picnic tables. It is also the location for the Sierra Madre Senior Citizens Center housed in a multi-purpose structure on the park site. Concerts, festivals, and holiday activities for children in the community are among the numerous activities that take place in Memorial Park.

The City wishes to fund the ongoing maintenance of the Memorial Park near the downtown area of the City which includes, but is not limited to, landscape maintenance, irrigation, watering, trash removal, and other associated maintenance within the park area.

3. ASSESSMENT RATES

3.1 Initial Maximum Assessment Rates

The rates below represent the maximum assessment rates for Fiscal Year 2019/20:

Land Use Type	Assessment Rate Per Building Square Foot	Assessment Rate Per Frontage Linear Foot
Apartment Property	\$0.1767	\$4.8504
Commercial Property	0.1667	7.0993
Condominium Property	0.0689	12.8175
Industrial Property	0.0793	8.0546
Public/Non-Profit Property	0.1258	4.2270
Single-Family Residential Property	0.2145	3.1662

Based on the most-recent parcel characteristics, these rates are expected to generate approximately \$97,179 in assessment revenue during the first year of levy (2019/20). This assessment revenue will be supplemented by approximately \$27,311 from sources other than assessments, to meet the total estimated budget of \$124,490. Non-assessment revenues represent 23.85% of the total budget, which corresponds to the general benefit percentage identified in the Separation and Quantification of General Benefits section of this report.

Future changes to parcel characteristics (building, frontage, and land use) will cause changes in the total assessment revenue. The assessment revenue for any given year will be the product of the District's parcel characteristics and the budget in effect for such fiscal year. Development within the District that increases the overall building square footage, for example, will lead to increased assessment revenue, even if assessment rates are not increased.

3.2 Annual Maximum Assessment Rate Increases

Each year the maximum assessment rates will be increased by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Los Angeles-Long Beach-Anaheim area for February, up to a maximum of five percent (5%). In no event shall the maximum assessment rates decrease. If, in the future, the Bureau of Labor Statistics discontinues or alters the CPI-U, the City shall select a comparable index as a replacement.

In any given year, the assessments may be levied at any rate sufficient to meet the estimated budget, as long as the actual rates do not exceed the maximum rates for that year.

3.3 Rate Development

The rates in Section 3.1 are the product of a detailed analysis that is presented in Sections 5 through 7 of this report.

3.4 Data for Annual Assessment Calculations

Each year, as part of the assessment calculation procedures, the City or its designated consultant shall determine the land use type for each parcel based on the County Assessor's use code or other supplementary information made available and deemed reliable. The parcel characteristics of building square footage shall similarly be based on the County Assessor's secured rolled data for the applicable year and may be supplemented with other reliable data sources. The linear street frontage of each parcel shall be determined by reference to County Assessor's parcel maps or, if necessary, to GIS data.

Assessment amounts may change over time in accordance with changes to parcel characteristics including land use type and building square footage.

3.5 Appeals

If any property owner believes the data used to calculate the assessment is inaccurate for any reason, the property owner shall submit, in writing, a request for review to the City. The property owner shall provide documentation needed to support the request for review. The City or its designated consultant shall review the request and provide a response to the property owner. The property owner must be current in the payment of all assessments when filing the request for review and must remain current during the review process. The property owner should continue to pay any regular property taxes due according to the County's due dates.

If the review conducted by the City or its designated consultant results in changes to any parcel characteristics used to compute the assessment, the City or its designated consultant shall recalculate the assessment. When recalculating the assessments, the assessment rates actually applied in such fiscal year shall be used. Only the assessment for the parcel or parcels subject to review shall be recalculated.

If the recalculated assessment is less than the amount submitted to the County on the secured property tax roll, the difference shall be credited back to the property owner. This credit shall be limited to the current fiscal year and the prior fiscal year, if applicable. The "fiscal year" shall follow the County's fiscal year for property taxes, from July 1 to June 30. The applicable fiscal year shall be determined by the date the request for review is submitted to the City.

For example, if a request for review is submitted to the City during Fiscal Year 2020/21, the Fiscal Year 2020/21 and 2019/20 assessments will be reviewed. The property owner credit shall be limited to any difference calculated for Fiscal Year 2020/21 (the current fiscal year) and Fiscal Year 2019/20 (the prior fiscal year).

The credit may be provided in the form of a check to the property owner, an adjustment to the current year's property tax roll (if possible), or a credit to the succeeding year's assessment thereby reducing the amount placed on the secured property tax roll for such year.

If the recalculated assessment is greater than the amount submitted to the County on the secured property tax roll, the City or its designated consultant shall apply the recalculated assessment to the succeeding year's property tax roll and no adjustments shall be made to the prior or current fiscal years' assessments.

In any dispute over parcel characteristic data used to compute assessments, the City shall make a conclusive determination and its decision shall be final.

3.6 Method of Collection

The assessments will be collected annually on the County's secured property tax roll. The assessments will be subject to the County's assigned due dates and late penalties. However, the City may choose to collect the assessments in an alternate manner (including directly billing the property owner) as may be deemed appropriate or necessary by the City.

4. BENEFITS

The Improvements will confer special benefits upon certain parcels within the proposed District. These benefits are summarized in the table below:

Improvement	Benefit(s)
Street Lighting	Improved Safety Improved Accessibility
Street Tree and Other Landscape Maintenance	Improved Aesthetics Increased Economic Activity
Park Maintenance	Improved Desirability Increased Economic Opportunity

The special benefits to be conferred by the Improvements are detailed below.

4.1 Street Lighting – Improved Safety and Accessibility

The street lighting improvements will confer safety benefits to parcels in close proximity to lighting. This benefit extends to property, as adequate lighting should decrease vandalism and other property-related crime. As noted in one report, *“Published studies having different methodologies tend to converge on an overall average reported 20% to 30% reduction in night time crash risk from lighting”* (National Cooperative Highway Research Program Transportation Research Board of The National Academies, 2009). The same report also states, *“... lighting has a positive effect on reducing crime ...”* Therefore, the street lighting improvements will confer safety benefits.

The street lighting improvements will also provide improved accessibility benefits to certain parcels where the access route requires the use of street lighting. The usefulness of a parcel cannot be realized unless it is accessible. Thus, improving the accessibility of a parcel through proper street lighting can improve its utilization. The Improvements will help improve access for emergency response vehicles as well. The efficient and timely response to emergencies is a critical component to the effectiveness of emergency response. It is reasonable to conclude that improving street lighting will improve emergency response efficiency. Therefore, the street lighting improvements will confer accessibility benefits.

4.2 Street Tree and Other Landscape Maintenance – Improved Aesthetics and Increased Economic Activity

The street trees and other landscaping activities will confer aesthetic benefits. Specifically, the street trees are believed to create a more beautiful, aesthetically pleasing environment within the proposed District. A study by the University of George found *“People’s preferences for locating areas of social interactions in calming, beautiful, and nature-dominated areas revolve around the presence of community trees and forests”* (Coder, 1996). The same study noted *“Large old street trees were found to be the most important indicator of attractiveness in a community”* (Coder). Therefore, the street tree improvements will confer aesthetic benefits to properties in close proximity.

The landscaping improvements that confer aesthetic benefits will concurrently confer economic activity benefits to certain parcels, as well. The Improvements will create a well-maintained and clean environment that is aesthetically-pleasing, which has been shown to “increase consumer’s intentions to spend money” (Vilnai-Yavetz 2010). Therefore, the Improvements will also confer economic activity benefits.

4.3 Park Maintenance – Improved Desirability and Economic Opportunity

The park improvements will confer desirability benefits upon all parcels within the District. The park improvements are designed to create recreational opportunities for the City’s residents. These opportunities make properties in the area more desirable. A study by the California Department of Parks and Recreation found that “*Parks and recreational facilities also help improve a community’s image, socioeconomic status and enhances the area’s desirability*” (2005). In addition, the presence of natural areas and green landscapes are positively related to neighborhood satisfaction (Kearney, 2006). Therefore, the park improvements will confer desirability benefits.

The park improvements will confer economic opportunity benefits upon certain parcels within the District as well. The recreational opportunities created by the park improvements should help create additional opportunities for certain types of commercial parcels as recreational users and event attendees stay in the area to shop or dine after visiting Memorial Park. As noted by Crompton, “*Organized events held in public parks ... often bring substantial positive economic impacts to their communities, filling hotel rooms and restaurants and bringing customers to local stores*” (2001). Therefore, the park improvements will confer economic opportunity benefits.

5. SPECIAL BENEFIT DISTRIBUTION

Once special benefits are identified, they must be assigned based on the estimated proportionate special benefit derived by each parcel. This section describes the assignment of special benefit to each parcel.

5.1 Parcel Characteristics

The following parcel characteristics are used to determine each parcel’s proportionate special benefit:

- Building square footage
- Linear street frontage

It is believed parcels of the same use will experience different degrees of special benefit in relation to differences in their building size and linear street frontage. For example, a parcel with a large building will experience greater special benefit than a parcel with a small building. Accordingly, as building size and linear street frontage increase, parcels are considered to receive proportionately greater special benefit. Therefore, these parcel characteristics are deemed appropriate factors for determining proportional special benefit.

In order to relate differing parcel characteristics to one another, a relative factor is determined for each.

5.1.1 BUILDING FACTOR

The average building size in the District is approximately 3,344 square feet. Each parcel’s actual building size was divided by the District’s average building size to determine a Building Factor.

$$\frac{\text{Parcel's Building Square Feet}}{\text{District's Average Building Square Feet (3,344)}} = \text{Parcel's Building Factor}$$

5.1.2 FRONTAGE FACTOR

The average linear street frontage in the District is approximately 80.66 linear feet. Each parcel’s actual linear street frontage was divided by the District’s average linear street frontage to determine a Frontage Factor.

$$\frac{\text{Parcel's Frontage Linear Feet}}{\text{District's Average Frontage Linear Feet (80.66)}} = \text{Parcel's Frontage Factor}$$

5.2 Land Use Types

In addition to building size and linear street frontage, a parcel’s land use type will also affect the special benefits received. Following the calculation of each parcel characteristic factor, Land Use Benefit Points were assigned. These benefit points correspond to the special benefits described in the Benefits section of this report.

Each parcel within the proposed District boundary is assigned a land use type for purposes of determining the special benefits received. Below is a description of the land use type categories to be assessed within the proposed District.

Apartment Property consists of parcels that are duplexes, triplexes, fourplexes, and apartment buildings used exclusively for residential rental purposes.

Commercial Property consists of parcels used for a commercial or for-profit purposes including, but not limited to, retail, offices, restaurants, commercial garages, private schools, hotels/motels, medical/dental offices, and privately-owned pay-to-use parking lots and structures.

Condominium Property consists of parcels that are duplexes, triplexes, fourplexes, and condominiums used exclusively for residential purposes.

Industrial Property consists of parcels designed for industrial purposes to manufacture, store, or distribute goods.

Public/Non-Profit Property consists of the following:

- parcels used for public purposes including, police and fire stations, public schools, libraries, and other government administration offices
- parcels used to provide public utility
- parcels used for non-profit purposes

Single-Family Residential Property consists of parcels that have stand-alone residential dwelling units with their own lots intended for one family.

Park Property consists of certain park parcels that are not assessable, as they themselves are the improvements whose maintenance is financed by the District assessment. This is limited to APNs 5767-018-900, 5768-020-902, 5768-020-907, and 5768-020-908, or their successor parcels, representing Kersting Court Triangle and Memorial Park.

As described below, some special benefits are conferred upon all land use types, and others are conferred only upon certain land use types.

5.2.1 APPORTIONING AESTHETIC BENEFIT

The Aesthetic Benefits conferred by the Improvements will be enjoyed by all assessable land use types. The benefit of visual appeal is not restricted to a particular land use. A more attractive public environment can be enjoyed by all parcels irrespective of land use type. Accordingly, each assessable land use type will be assigned one Aesthetic Benefit Point.

As a property-related benefit, improved aesthetics from tree and landscaping improvements can be measured by the characteristics of a parcel, namely the presence of a building, its size, and street frontage. Larger parcels and parcels with larger developments have a greater intensity of use and will experience the Aesthetic Benefits to a greater degree than smaller, less-developed parcels. Therefore, building and frontage factors are used to measure Aesthetic Benefits.

5.2.2 APPORTIONING SAFETY AND ACCESSIBILITY BENEFIT

The Safety and Accessibility Benefits conferred by the Improvements will be enjoyed by all assessable land use types. Safety can be thought of as a universal need. Its importance can be seen in the fact that everyone desires to live and work in safe, crime-free areas (Lau Leby 2010). Therefore, because levels of safety affect all land uses, it follows that an increase in safety will benefit all land use types. Accordingly, each assessable land use type will be assigned one Safety Benefit Point.

As noted in Section 4.1, the usefulness of a parcel cannot be realized unless it is accessible. As the street lighting improvements allow for increased visibility around assessed parcels and, for the most part, easier access to properties throughout the District, these benefits are also not restricted to a particular land use. Accordingly, each assessable land use type will be assigned one Accessibility Benefit Point.

As property-related benefits, improved safety and accessibility from street lighting can be measured by the characteristics of a parcel, namely the presence of a building, its size, and street frontage. Larger parcels and parcels with larger developments will experience the Safety and Accessibility Benefits to a greater degree than smaller, less-developed parcels. Therefore, building, and frontage factors are used to measure Safety and Accessibility Benefits.

5.2.3 APPORTIONING ECONOMIC ACTIVITY BENEFIT

Condominium Property is generally not concerned with attracting customers and tenants, as its land-use status is that of an individual, private owner for a single unit. Therefore, Condominium Property is assigned zero Economic Activity Benefit Points.

This is in contrast to Apartment Property, which is concerned with attracting and retaining tenants. In this way, Apartment Property receives economic benefits from the Improvements. Thus, Apartment Property will receive one Economic Activity Benefit Point.

Commercial Property also receives economic benefits from the Improvements. As noted earlier, the Improvements will create a more aesthetically pleasing environment, which has been shown to “increase consumer’s intentions to spend money” (Vilnai-Yavetz 2010). Thus, Commercial Property concerned with customer attraction will receive one Economic Activity Benefit Point.

Neither Industrial Property, Public/Non-Profit Property, nor Single-Family Residential Property are concerned with customers or tenants in the same manner as Commercial Property or Apartment Property. Therefore, Industrial Property, Public/Non-Profit Property, and Single-Family Residential Property will be assigned zero Economic Activity Benefit Points.

5.2.4 APPORTIONING DESIRABILITY AND ECONOMIC OPPORTUNITY BENEFITS

The Desirability Benefits conferred by the park improvements will be enjoyed by all assessable land use types. Park Property is not assigned this benefit because the land use represents the improvement in this case.

The Economic Opportunity Benefits created by the park improvements are assigned only to those land use types viewed as benefitting from the attraction of event attendees and the related spillover of shopping or dining that might be associated with them. Accordingly, the Economic Opportunity Benefits are only assigned to Commercial land uses providing retail, dining, or entertainment services.

5.2.5 LAND USE BENEFIT POINTS

The table below summarizes the Land Use Benefit Points assigned to the various assessable land use types within the proposed District:

Land Use Type	Street Lighting		Street Trees and Other Landscape		Park Maintenance		Total Land Use Benefit Points
	Safety	Accessibility	Aesthetic	Economic Activity	Desirability	Economic Opportunity	
Apartment	1	1	1	1	1	0	5
Commercial	1	1	1	1	1	1	6
Condominium	1	1	1	0	1	0	4
Industrial	1	1	1	0	1	0	4
Public/Non-Profit	1	1	1	0	1	0	4
Single-Family Residential	1	1	1	0	1	0	4

5.3 Total Special Benefit Points

The calculation of Total Special Benefit Points for each parcel takes into account each component analyzed and described above, parcel characteristics and land use. The formula for determining each parcel’s Total Benefit Points is as follows:

$$\left(\begin{matrix} \text{Building} \\ \text{Factor} \end{matrix} + \begin{matrix} \text{Frontage} \\ \text{Factor} \end{matrix} \right) \times \begin{matrix} \text{Land Use} \\ \text{Benefit} \\ \text{Points} \end{matrix} = \begin{matrix} \text{Total} \\ \text{Special} \\ \text{Benefit} \\ \text{Points} \end{matrix}$$

The Total Special Benefit Points are computed for each parcel in the proposed District and summed. The Total District Special Benefit Points are 2,064.14. These Total District Special Benefit Points are used to determine the proposed assessment amounts on each parcel.

6. SEPARATION AND QUANTIFICATION OF GENERAL BENEFITS

As described in the Introduction, only special benefits are assessable and in order to assess only special benefits, the general benefits resulting from the Improvements must be separated and quantified. This section describes the process used to separate and quantify the general benefits.

6.1 Summary

As detailed below, it is estimated the Improvements will confer an Effective General Benefit of 23.85%.

6.2 General Benefit Analysis

6.2.1 GENERAL BENEFIT: MEMORIAL PARK DESIRABILITY AND ECONOMIC OPPORTUNITY BENEFITS

The primary reason persons living in close proximity to the District would enter the District would be to access the commercial or entertainment properties therein. Of these properties focused on providing community entertainment, Memorial Park is considered a key community center within the City.

While the park improvements are a benefit to the properties within the District, there are Park Desirability and Economic Opportunity Benefits believed to be conferred to those properties within the respective service area of Memorial Park. As such, we must recognize the benefit received by those properties located outside of the District, but within the proximity of the respective service area, that receive benefit from the opportunity to visit and use Memorial Park regularly.

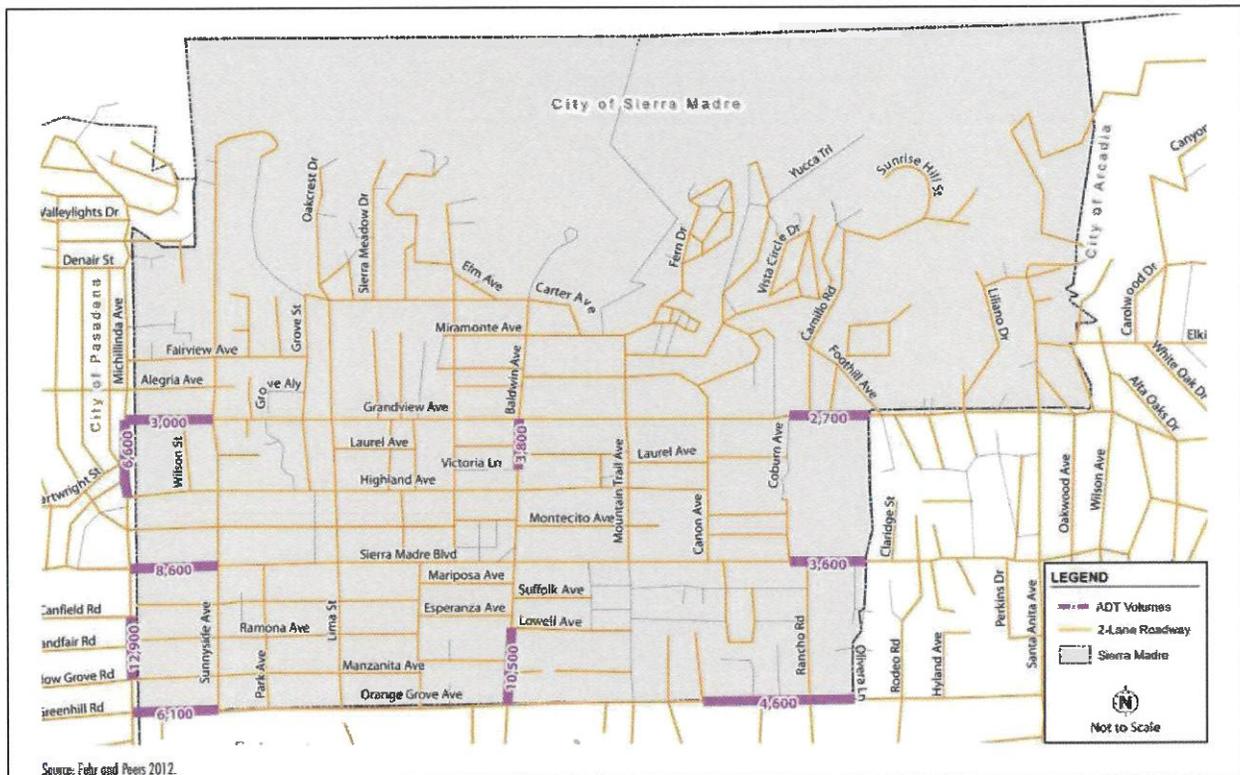
To determine an appropriate service area for Memorial Park, we rely on information related to the distance that people will walk to a destination. The commonly accepted distance people will walk for public transportation, goods and services is one-quarter mile (Walkscore, 2014). In order to identify the parcels benefiting from the ongoing maintenance of Memorial Park, GIS data was used to approximate a one-quarter mile buffer around Memorial Park equal to the estimated service area. Accordingly, all properties within this one-quarter mile service area of Memorial Park were reviewed to determine their estimated benefit received from the park improvements. The applicable parcel characteristics were assigned to all parcels within this service area and relative factors were determined for each characteristic in relation to the full parcel list within the service area. The table below summarizes the benefit points related to Park Desirability and Economic Benefits for property within the District and property located outside of the District but within the service area.

Property Location	Park Desirability Benefit Points	Park Economic Benefit Points	Total Benefit Points	Percent of Total
Within District	155.00	131.00	286.00	33.06%
Outside District	558.00	21.00	579.00	66.94%
Totals	713.00	152.00	865.00	100.00%

As a result of the ongoing maintenance of Memorial Park, 33.06% of the Park Desirability and Economic Benefits are attributable to property located within the District and 66.94% Park Desirability and Economic Benefits are attributable to property located outside of the District.

6.2.2 GENERAL BENEFIT: VEHICLES PASSING THROUGH THE DISTRICT

As a result of the Improvements, there will be a level of general benefit conferred to pass-through vehicle traffic related to properties outside of the District whose occupants do not intend to access property within the District. As such, the benefit derived by pass-through vehicle traffic needs to be quantified. In order to do this, we must first estimate the average daily vehicle trips through the District. Chapter 3 of the City's General Plan contains a map, prepared by Fehr and Peers, showing the average daily traffic flow through the District along Sierra Madre Boulevard and Baldwin Avenue:



This figure shows that the traffic along Sierra Madre Boulevard in the area of the District is an estimated average 8,600 daily vehicle trips. The figure also shows that the traffic along Baldwin Avenue in the area of the District is an estimated average 10,500 daily vehicle trips. As the map in the City's General Plan does not include average daily vehicle trip information for Montecito Avenue (as this is not a through street), average daily vehicle trips of 2,255 have been estimated along this street using the property land uses along Montecito Avenue and the corresponding average daily trips information from the Institute of Transportation Engineers (ITE) Trip Generation Manual. As such, summing the estimates above, the total average daily traffic flow through the District is 21,355 vehicle trips.

Next, we must estimate the number of daily vehicle trips generated by properties within the District. To accomplish this, data from the ITE Trip Generation Manual was used to estimate the daily vehicle trips for each property within the District by assigning each parcel into an ITE Trip Generation Manual land use type. The estimated number of daily vehicle trips generated by properties within the District is approximately 18,617, as summarized below:

ITE Land Use Type	Estimated Daily Vehicle Trips
Commercial-Auto	366.03
Commercial-Business Office	857.54
Commercial-Entertainment	221.07
Commercial-Medical Office	425.18
Commercial-Restaurant	4,144.55
Commercial-Retail	9,178.11
Condo	23.24
Apartment	46.55
Gas Station w/ Convenience Store	651.12
Gas Station w/ Convenience Store and Garage	917.04
Industrial	537.92
Nursing Home	460.32
Park/Open Space	4.72
Religious/Lodgehall	696.03
SFR detached	87.42
Total	18,616.83

Therefore, the estimated number of pass-through vehicle trips related to properties outside of the District is 2,738:

Average Vehicle Trips Through District		Estimated District-Generated Vehicle Trips		Estimated Pass Through Vehicle Trips
21,355	-	18,617	=	2,738

However, simply estimating the number of pass-through vehicle trips does not necessarily indicate the level of benefit accruing to vehicles passing through the District. Estimating the total amount of time these pass-through vehicles spend within the District, as compared to the time that properties located permanently within the District, is a better indicator of the temporary benefits accruing to vehicles passing through the District.

To estimate the total time these pass-through vehicles spend within the District, and receive benefit from the Improvements, we must take into account the total length of the District along Sierra Madre Boulevard, Baldwin Avenue, and Montecito Avenue and the average traffic speed of each street (using local speed limits):

Street	Length (in Miles) Within District	Average Speed Within District (MPH)	Travel Time (in Hours) Through District per Vehicle
Sierra Madre Blvd.	0.5239	25	0.0210
Baldwin Ave.	0.2496	25	0.0100
Montecito Ave.	0.2244	25	0.0090
Totals	0.9979	-	0.0399

Applying the total travel time through the District per vehicle of 0.0399 hours to each of the pass-through vehicle trips results in an aggregate daily pass-through time of 109.30 hours, in which vehicles passing through the District spend in proximity to the Improvements:

Travel Time (in Hours) Through District per Vehicle		Estimated Pass Through Vehicle Trips		Total Pass Through Time (in Hours)
0.0399	x	2,738	=	109.30

Further, the amount of time that District properties spend in proximity to the Improvements should also be considered to determine the overall benefit of the Improvements. Properties within the District are permanently located in close proximity to the Improvements and experience benefit from these Improvements 24 hours per day. As such, the previously identified daily pass-through time of vehicles receiving limited benefit from the Improvements should be compared to the total time the District properties spend in permanent proximity to District Improvements:

Time Class	Hours	Percentage
Total Pass Through Time	109.30	2.31%
Total District Property Time ¹	4,632.00	97.69%
Totals	4,741.30	100.00%

(1) Equals the number of properties within the District (193) multiplied by 24 (hours).

Of the total benefits provided by the street-related Improvements, the percentage of time allocated to vehicles passing through the District is 2.31%. Therefore, this percentage of 2.31% reflects the amount of general benefit accruing to vehicles passing through the District.

6.2.3 EFFECTIVE GENERAL BENEFIT

In order to determine a singular general benefit percentage, it is necessary to combine the two separately analyzed components of general benefit described above. Given the unique benefits that each Improvement provides and the separate analysis necessary to identify any park maintenance general benefits, it is appropriate to weight the general benefit percentages according to number of benefits offered by each Improvement category. As previously noted, there are four separate benefits provided to the street lighting and street trees and other landscape improvements, and there are two benefits provided to park maintenance. A summary table is provided below for each Improvement category:

	Benefits Identified	Total Number of Benefits	Percent of Total Benefits
Street Lighting	Safety	4	66.67%
	Accessibility		
Street Trees and Other Landscape	Aesthetic		
	Economic Activity		
Park Maintenance	Desirability	2	33.33%
	Economic Opportunity		

The percentage of total benefits provided by each Improvement category can then be assigned to each previously identified general benefit percentage. The weighted general benefit percentages are then summed to identify the total District Effective General Benefit.

Improvements Identified	General Benefit %	General Benefit Weighting	Effective General Benefit
Park Maintenance	66.94%	33.33%	22.31%
Street Landscaping & Lighting Improvements	2.31%	66.67%	1.54%
Total			23.85%

The total Effective General Benefit for the District is 23.85%.

7. BUDGET

The following table summarizes the estimated annual costs to fund the Improvements for Fiscal Year 2019/20:

Description	Amount
<i>Maintenance</i>	
Landscape and Streetscape Maintenance	\$8,000.00
Water for Irrigation	4,200.00
Utility Costs (SCE)	30,000.00
Parking Lot Maintenance	5,000.00
Park Maintenance	44,040.00
Seasonal Banners and Signage	2,500.00
Downtown Event Support	20,000.00
Irrigation Replacement and Repair	750.00
<i>Subtotal Maintenance</i>	<i>\$114,490.00</i>
<i>Administration</i>	
City Administration and County Fees	\$4,000.00
Engineer/Consultant Costs	6,000.00
<i>Subtotal Administration</i>	<i>\$10,000.00</i>
Total Cost of Improvements	\$124,490.00

7.1 Balance to Be Assessed

The total amount to be assessed upon the specially benefitting parcels is the total cost of the Improvements, as detailed above, less the portion of Maintenance costs attributable to General Benefit as detailed in the Separation and Quantification of General Benefits section.

The calculation of the balance to be assessed is shown below:

Description	Amount
Total Cost of Maintenance	\$114,490.00
Less Maintenance General Benefit Portion (23.85%)	27,311.11
<i>Subtotal Cost of Maintenance to be Assessed</i>	<i>\$87,178.89</i>
Total Cost of Administration	\$10,000.00
Total Cost of Improvements to Be Assessed	\$97,178.89

7.2 Assessment per Special Benefit Point

The Assessment per Special Benefit Point is determined by dividing the Balance to Be Assessed by the sum of the Total District Special Benefit Points noted in Section 5.

The calculation of the Assessment per Special Benefit Point is shown below:

Description	Amount
Balance to Be Assessed	\$97,178.89
Total District Special Benefit Points	2,064.14
Assessment per Special Benefit Point	\$47.08

The Assessment per Special Benefit Point is multiplied by each parcel's Total Special Benefit Points to determine an assessment amount. The Assessment per Special Benefit Point has been translated into the Assessment Rates shown in Section 3. The following section provides details of the computations used to determine the Assessment Rates.

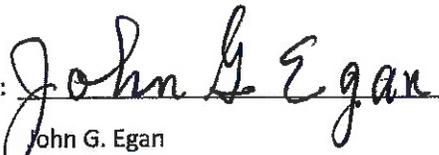
8. ENGINEER'S STATEMENT

The City Council of the City of Sierra Madre, State of California, directed NBS to prepare a report presenting plans and specifications describing the general nature, location, and extent of the Improvements to be maintained, as well as an estimate of the costs of the maintenance, operations, and servicing of the Improvements for the City's Downtown Landscaping and Lighting Maintenance District.

The assessments described in this Report have been prepared pursuant to Article XIII D of the California Constitution. In preparing these assessments:

1. I have identified all parcels that will have a special benefit conferred upon them by the Improvements described in Section 2 of this Report (the "Specially Benefited Parcels").
 - a. For particulars as to the identification of these parcels, reference is made to the Assessment Diagram, a copy of which is included in Section 9 of this Report.
2. I have assessed the estimated costs and expenses of the Improvements upon the Specially Benefited Parcels. In making such assessment:
 - a. The proportionate special benefit derived from the Improvements by each Specially Benefited Parcel was determined in relationship to the entirety of the cost of the Improvements;
 - b. No assessment has been imposed on any Specially Benefited Parcel which exceeds the reasonable cost of the proportional special benefit conferred on such parcel by the Improvements; and
 - c. The general benefits have been separated from the special benefits and only special benefits have been assessed.

I, the undersigned, respectfully submit this Engineer's Report and, to the best of my knowledge, information and belief, this Report, the assessments, and the Assessment Diagram herein have been prepared and computed in accordance with the Assessment Law.

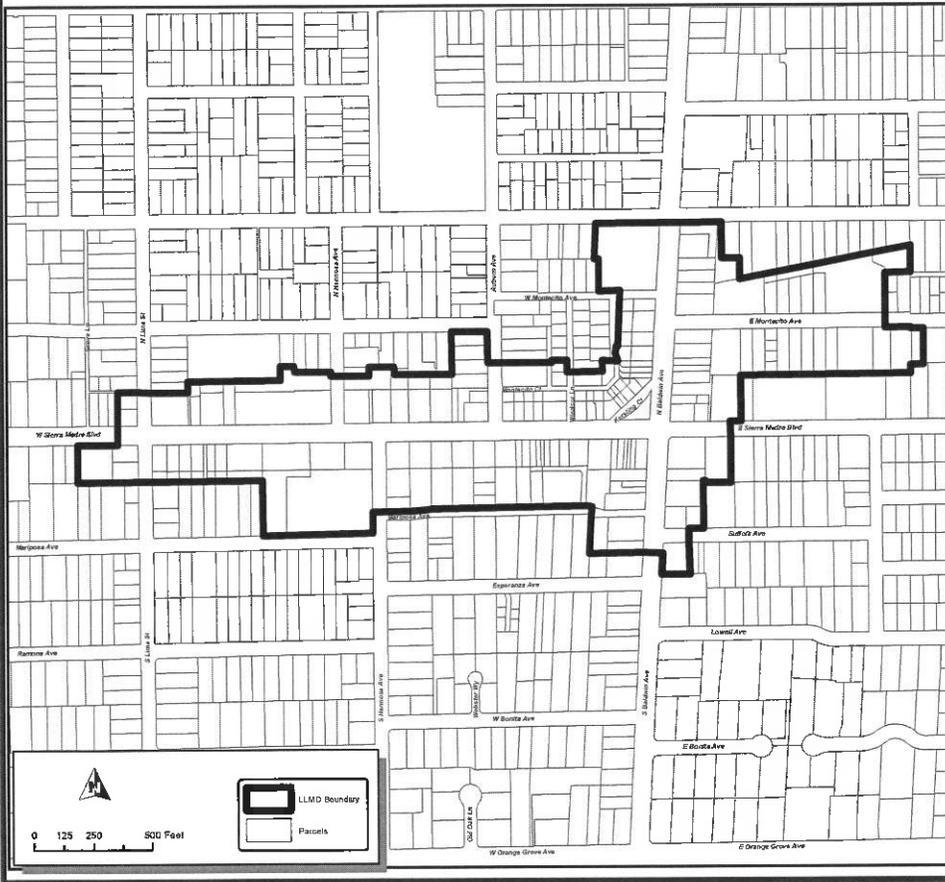
By: 
John G. Egan
Assessment Engineer
R.C.E. 14853



9. ASSESSMENT DIAGRAM

The following pages contain the assessment diagram for the District.

ASSESSMENT DIAGRAM DOWNTOWN LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT CITY OF SIERRA MADRE COUNTY OF LOS ANGELES STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE CITY CLERK THIS ____ DAY OF _____, 20__.

CITY CLERK
CITY OF SIERRA MADRE
COUNTY OF LOS ANGELES

RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS THIS ____ DAY OF _____, 20__.

SUPERINTENDENT OF STREETS
CITY OF SIERRA MADRE
COUNTY OF LOS ANGELES

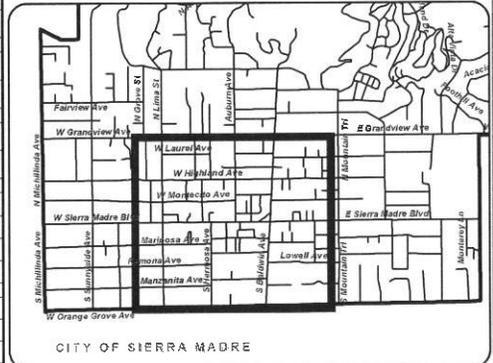
AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL OF THE CITY OF SIERRA MADRE ON THE LOTS, PIECES, AND PARCELS OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM. THE ASSESSMENT WAS LEVIED ON THE ____ DAY OF _____, 20__ THE ASSESSMENT DIAGRAM AND ASSESSMENT ROLL WERE RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS OF THAT CITY ON THE DAY OF _____, 20__. REFERENCE IS MADE TO THE ASSESSMENT ROLL RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM.

CITY CLERK
CITY OF SIERRA MADRE
COUNTY OF LOS ANGELES

FILED THIS ____ DAY OF _____, 20__, AT THE HOUR OF ____ O'CLOCK ____ M. IN BOOK ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE ____ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

COUNTY RECORDER
COUNTY OF LOS ANGELES

FOR PARTICULARS OF THE LINES AND DIMENSIONS OF ASSESSOR PARCELS, REFERENCE IS MADE TO THE MAPS OF THE ASSESSOR, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.



Source: Los Angeles County GIS
Geographic Coordinate Reference: GCS North American 1983
Projection: NAD 1983 StatePlane California V FIPS 8405 Feet



10. ASSESSMENT ROLL

The following pages contain the proposed 2019/20 assessment roll for the District

CITY OF SIERRA MADRE
Downtown Landscaping and Lighting Maintenance District Assessment
Fiscal Year 2019/20 Special Assessment Roll

APN	Fiscal Year 2019/20 Assessment ⁽¹⁾
5767-017-028	\$3,803.60
5767-022-053	200.78
5767-026-005	961.16
5767-013-001	737.86
5767-013-002	448.20
5767-013-003	374.12
5767-013-018	537.49
5767-013-024	1,180.91
5767-013-800	1,247.11
5767-013-801	37.35
5767-013-900	549.62
5767-014-019	728.31
5767-014-020	514.54
5767-014-021	231.45
5767-014-022	257.24
5767-014-023	147.15
5767-014-028	103.90
5767-014-032	258.76
5767-014-035	2,642.45
5767-014-041	106.99
5767-015-014	769.79
5767-015-028	362.34
5767-015-029	982.98
5767-015-030	1,111.07
5767-015-031	350.02
5767-015-032	238.53
5767-015-033	262.83
5767-015-034	680.42
5767-015-036	62.62
5767-015-037	358.07
5767-015-038	725.91
5767-015-039	199.62
5767-015-040	910.46
5767-015-041	592.40
5767-015-042	195.58
5767-015-044	385.02
5767-015-045	175.11
5767-015-046	175.11
5767-015-047	325.10

CITY OF SIERRA MADRE
Downtown Landscaping and Lighting Maintenance District Assessment
Fiscal Year 2019/20 Special Assessment Roll

APN	Fiscal Year 2019/20 Assessment ⁽¹⁾
5767-015-048	420.16
5767-015-055	653.11
5767-015-104	526.56
5767-015-105	1,126.52
5767-015-106	247.57
5767-015-107	130.93
5767-015-108	130.93
5767-015-109	130.93
5767-018-001	509.70
5767-018-002	802.05
5767-018-003	367.54
5767-018-004	185.56
5767-018-005	116.73
5767-018-006	316.08
5767-018-007	699.59
5767-018-008	178.46
5767-018-009	116.76
5767-018-010	92.85
5767-018-011	154.51
5767-018-012	149.02
5767-018-013	320.85
5767-018-014	240.43
5767-018-015	88.78
5767-018-016	340.93
5767-018-019	78.68
5767-018-020	244.65
5767-018-021	248.15
5767-018-022	87.55
5767-018-023	51.48
5767-018-024	250.50
5767-018-025	364.35
5767-018-900	0.00
5767-019-009	590.45
5767-019-016	493.98
5767-019-017	553.44
5767-019-018	508.88
5767-019-019	272.92
5767-019-020	464.05
5767-019-024	516.76

CITY OF SIERRA MADRE
Downtown Landscaping and Lighting Maintenance District Assessment
Fiscal Year 2019/20 Special Assessment Roll

APN	Fiscal Year 2019/20 Assessment ⁽¹⁾
5767-019-025	366.92
5767-019-027	746.76
5767-019-030	669.91
5767-020-001	329.21
5767-020-002	680.74
5767-020-003	140.09
5767-020-004	475.35
5767-020-005	218.14
5767-020-006	326.35
5767-020-007	327.78
5767-020-008	217.29
5767-020-017	163.20
5767-020-023	926.93
5767-020-024	1,319.01
5767-020-025	434.28
5767-020-900	677.10
5767-022-001	924.32
5767-022-002	255.69
5767-022-003	604.00
5767-022-004	183.94
5767-022-006	329.02
5767-022-010	182.58
5767-022-011	477.24
5767-022-012	566.76
5767-022-015	212.53
5767-022-036	49.03
5767-022-038	0.00
5767-022-039	1,088.56
5767-022-045	76.27
5767-022-046	957.86
5767-022-052	1,221.60
5767-022-054	902.08
5767-022-055	281.84
5767-023-001	612.93
5767-023-002	248.69
5767-023-003	90.42
5767-023-004	283.18
5767-023-005	311.39
5767-023-006	304.90

CITY OF SIERRA MADRE
Downtown Landscaping and Lighting Maintenance District Assessment
Fiscal Year 2019/20 Special Assessment Roll

APN	Fiscal Year 2019/20 Assessment ⁽¹⁾
5767-023-007	444.32
5767-023-008	172.53
5767-023-009	87.55
5767-023-013	1,077.73
5767-023-014	280.18
5767-023-015	210.13
5767-023-018	518.75
5767-023-019	214.26
5767-023-020	171.41
5767-023-021	128.55
5767-023-022	209.19
5767-023-025	309.03
5767-023-026	342.82
5767-023-031	1,902.72
5767-023-034	440.93
5767-023-038	156.69
5767-023-041	0.00
5767-023-042	1,309.19
5767-023-043	752.70
5767-023-900	389.80
5767-023-901	175.11
5767-024-006	461.69
5767-024-007	915.00
5767-024-008	1,211.75
5767-024-009	315.20
5767-024-010	828.79
5767-024-011	604.28
5767-024-012	1,089.72
5767-024-013	656.80
5767-024-014	551.63
5767-024-015	815.27
5767-024-016	0.00
5767-024-017	0.00
5767-024-018	315.20
5767-024-030	175.11
5767-024-033	262.66
5767-024-039	1,452.00
5767-025-038	656.63
5767-025-041	171.61

CITY OF SIERRA MADRE
Downtown Landscaping and Lighting Maintenance District Assessment
Fiscal Year 2019/20 Special Assessment Roll

APN	Fiscal Year 2019/20 Assessment ⁽¹⁾
5767-025-042	1,872.20
5767-025-066	704.37
5767-025-069	616.20
5767-025-907	140.09
5768-018-022	675.96
5768-018-023	649.28
5768-019-001	1,667.11
5768-019-003	444.78
5768-019-025	0.00
5768-019-026	893.12
5768-019-041	7,016.25
5768-019-043	252.16
5768-019-066	34.42
5768-019-067	132.96
5768-020-001	924.51
5768-020-002	145.10
5768-020-020	423.96
5768-020-021	0.00
5768-020-022	175.11
5768-020-023	0.00
5768-020-024	609.88
5768-020-025	0.00
5768-020-028	267.70
5768-020-029	0.00
5768-020-030	348.44
5768-020-031	0.00
5768-020-039	52.53
5768-020-902	0.00
5768-020-905	350.22
5768-020-906	0.00
5768-020-907	0.00
5768-020-908	0.00
5768-020-909	466.96
5768-020-910	350.22
5768-021-008	1,393.93
5768-021-030	325.78
5768-021-031	1,580.47
193 Parcels	\$97,178.89

(1) Rounded to even cents to be placed on County Tax Roll.

11. REFERENCES

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- Coder, Kim D. "Identified Benefits of Community Trees and Forests." *University of Georgia Cooperative Extension Service - Forest Resources Publication*, October 1996.
- Crompton, John L. "Parks and Economic Development." *American Planning Association*, p. 31-48, 2001.
- Department of Parks and Recreation, California (DPR). "The Health and Social Benefits of Recreation." Sacramento, CA: California State Parks, March 2005.
- Golden Hill Neighborhood Assn. v. City of San Diego* CA4/1, D062203 (Cal. Ct. App. 2013)
- Iris Vilnai-Yavetz & Shaked Gilboa (2010) The Effect of Servicescape Cleanliness on Customer Reactions, *Services Marketing Quarterly*, [10.1080/15332961003604386](https://doi.org/10.1080/15332961003604386)
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- Sierra Madre, City of. "General Plan." Sierra Madre, CA: City of Sierra Madre, 2015.
- "Trip Generation Manual, 9th Edition." Volume 2: Data, Volume 3: Data. Washington, D.C.: Institute of Transportation Engineers, 2012.



City of Sierra Madre Agenda Report

John Harabedian, Mayor
John Capoccia, Mayor Pro Tem
Rachelle Arizmendi, Council Member
Denise Delmar, Council Member
Gene Goss, Council Member

Sue Spears, City Clerk
Michael Amerio City Treasurer

TO: Honorable Mayor and Members of the City Council

FROM: Jose Reynoso, Director of Utilities
Rebecca Silva, Community Services Manager

REVIEWED BY: Gabriel Engeland, City Manager

DATE: July 9, 2019

SUBJECT: **PROJECTS ELIGIBLE FOR PUBLIC FACILITY FEES
EXPENDITURES**

STAFF RECOMMENDATION

Staff recommends the City Council authorize the spending from the applicable Public Facilities Fees and accept reimbursement from the County's Maintenance and Servicing Funds to increase the FY2019-20 budget by an amount corresponding to the total cost of the projects listed in the staff report.

ALTERNATIVES

1. The City Council may direct staff to not expend Public Facilities Fees at this time.
2. The City Council may direct staff to provide information on projects not listed in the staff report.
3. The City Council may direct staff to provide more information on the projects listed in the staff report prior to authorizing the expenditure of funds.

SUMMARY

The City of Sierra Madre imposes Public Facilities Fees under authority granted in Sections 66000 through 66008 of the California Government Code. These fees are charged to mitigate the effects of development on the City's public facilities. The fees were developed through a fee study process performed by MuniFinancial Services in 2006 and are periodically updated based on the Construction Cost Index. Annual reporting on the receipt and expenditure of the fees is required under Section 66006 of the California Government Code. Facilities Fees are accumulated until sufficient funds are available for projects to mitigate the impacts of development.

ANALYSIS

Public Facility Fee Categories

The City has seven categories of Public Facilities Fees. They include General Government, Library, Public Safety, Parks, Transportation, Water and Sewer fees. Fees are charged based on the type of development such as single-family, multi-family or non-residential uses. The staff report and attachments outline the proposed use of Public Facility Fees in the categories of Parks and Parkland (Quimby).

Parks and Parkland (Quimby)

The purpose of the Park and Parkland Public Facility Fee is to ensure that new development funds its fair share of park facilities, maintenance, and development. The current balance of Public Facilities Fees for Parks and Parkland (Quimby) Funds is \$320,103. The Fiscal Year 2019-20 Budget includes \$40,000 for amenity upgrades at the Community Pool from the total available funding. The balance of these funds (\$280,103) may be used for other eligible projects.

Eligible expenditures include land acquisition for parks or open space, community center improvements and facilities maintenance, the purchase or upgrade of park equipment, and/or other improvements or enhancements of structures or facilities as well as the maintenance of existing amenities (tennis courts, playground equipment, bathrooms, etc.) at Sierra Madre Parks.

In addition to Quimby Fees the City also has access to Maintenance and Servicing Funds (M/S Funds) through projects which were constructed, improved, or otherwise used eligible funding from the County's Measure A or Proposition A programs. Please see Attachment A to this report for projects which may be eligible for M/S Funds through the County. It is important to note the County has not approved the use of funds for the identified projects, but Staff believes some portion, up to 100%, of each project is eligible for M/S Funds.

FINANCIAL REVIEW/SOURCE OF FUNDING

Public Facilities Fees (Quimby), Balance: \$280,103

Maintenance and Servicing Funds, Balance: \$160,000

ENVIRONMENTAL (CEQA)

N/A

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies of this report are available at the City Hall public counter, at the Sierra Madre Public Library, and can be accessed on the City's website at www.cityofsierramadre.com.

Attachments

Attachment A: Improvement and Maintenance Items for Consideration at Community Center, Community Pool, and Sierra Madre Parks

Attachment B: Proposed Parking at Sierra Vista Park

Attachment A:

Key	Score	Location	Cost Estimate		Source of Funds		
1 Urgent 2 High Priority 3 Maintenance 4 Funded/Amenity		Community Center	Low	High	Quimby/Impact Fees	M/S Funding (PROP A or Measure A)	
	1	Rust protection and paint	\$ 10,000	\$ 15,000	X	X	
	1	Elevator repair/replacement	\$ 45,000	\$ 90,000	X	X	
	2	AC and condenser replacement	\$ 8,000	\$ 12,000	X		
	2	Siding paint (potential additional source of funds)	\$ 20,000	\$ 25,000	X	X	
		Total Range:		\$ 83,000	\$ 142,000		
		Score	Location	Cost Estimate		Quimby/Impact Fees	M/S Funding (Measure A)
			Community Pool	Low	High		
		1	Repair decking	\$ 5,000	\$ 50,000	X	
		1	Water pump repair/replacement	\$ 25,000	\$ 35,000	X	X
	2	Repair pump housing wall	\$ 20,000	\$ 30,000	X		
	Funded	List of amenities (attachment B)	\$ 40,000	\$ 40,000	X		
		Total Range:		\$ 90,000	\$ 155,000		
	Score	Location	Cost Estimate		Quimby/Impact Fees	M/S Funding (Measure A)	
		City Parks	Low	High			
	2	Bathroom Upgrades & Improvements	\$10,000	\$20,000	X		
	2	Proposed Parking at Sierra Vista Park (attachment D)	\$ 45,000	\$ 65,000	X		
		Total Range:		\$55,000	\$85,000		
Grand Total			\$228,000	\$382,000			

Attachment B:





City of Sierra Madre Agenda Report

John Harabedian, Mayor
John Capoccia, Mayor Pro Tem
Rachelle Arizmendi, Council Member
Denise Delmar, Council Member
Gene Goss, Council Member

Sue Spears, City Clerk
Michael Amerio City Treasurer

TO: Honorable Mayor Harabedian and Members of the City Council

FROM: Laura M. Aguilar, Assistant City Clerk *LM*

REVIEWED BY: Gabriel Engeland, City Manager
Teresa Highsmith, City Attorney

DATE: July 9, 2019

SUBJECT: CONSIDERATION OF RESOLUTION 19-33, CALLING AND GIVING NOTICE OF THE HOLDING OF A CONSOLIDATED SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2019 FOR THE SUBMISSION TO THE VOTERS OF AN INITIATIVE IMPOSING A GENERAL TRANSACTIONS AND USE TAX UPON APPROVAL BY VOTERS, TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION

CONSIDERATION OF RESOLUTION 19-34, AUTHORIZING CERTAIN COUNCIL MEMBERS TO SUBMIT ARGUMENTS REGARDING CITIZEN INITIATIVE "MEASURE S" TO IMPOSE A 0.75% GENERAL TRANSACTIONS AND USE TAX IN THE CITY OF SIERRA MADRE

CONSIDERATION OF RESOLUTION 19-35, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS

CONSIDERATION OF RESOLUTION 19-36, A RESOLUTION OF THE CITY COUNCIL REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2019 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

STAFF RECOMMENDATION

It is recommended that the City Council provide direction regarding any modification to Resolution numbers 19-33, 19-34, 19-35, and 19-36.

ALTERNATIVES

The City Council may accept the qualified citizen ballot initiative and schedule the ballot initiative on a special municipal election on November 5, 2019, or a special municipal election on March 3, 2020, or on the regularly scheduled municipal election on November 3, 2020.

SUMMARY

On April 18, 2019 a citizen-led group filed a *Notice of Intent to Circulate Petition* with the City Clerk's Office. In response to the Notice, the City Attorney's Office drafted a ballot title and summary of the proposed measure, pursuant to California Government Code Section 9203. The citizen group subsequently published the notice in the April 27, 2019 edition of the local adjudicated newspaper, Mountain Views News.

The signed petitions were filed in the City Clerk' on May 31, 2019 with the City Clerk's Office for prima facie examination of the signatures. The petitions were forwarded to the Los Angeles County Registrar-Recorder/County Clerk's Office for further examination and certification of signatures on June 3, 2019. The County Clerk's Office determined that 930 signatures were verified and of those signatures, 827 were found sufficient. The minimum number of valid signatures required is 815.

ANALYSIS

Resolution 19-33

CALLING AND GIVING NOTICE OF THE HOLDING OF A CONSOLIDATED SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2019 FOR THE SUBMISSION TO THE VOTERS OF AN INITIATIVE IMPOSING A GENERAL TRANSACTIONS AND USE TAX UPON APPROVAL BY VOTERS, TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION

This resolution calls for a consolidated special municipal election on November 5, 2019. The resolution includes the question that will be placed before the voters:

"SIERRA MADRE PUBLIC SAFETY, CITY SERVICES, AND ACCOUTNABILITY MEASURE. To maintain 9-1-1 emergency response times, including to home break-ins and thefts; neighborhood, school and park police patrols, fire/paramedic services, fire station operations, emergency preparedness; retain/attract local businesses; maintain streets/infrastructure; provide other general services and maintain City finances, shall the City of Sierra Madre establish a 3/4¢ sales tax providing approximately \$225,000 annually until ended by voters, all funds remaining in Sierra Madre?"

Attachment A to the Resolution is the draft Ordinance 1415 language. The Ordinance would revise Chapter 3.50 of the Sierra Madre Municipal Code by adding the following provisions:

Section 3.50.010. Title. This chapter shall be known as the City of Sierra Madre Transactions and Use Tax Ordinance. The City of Sierra Madre will hereinafter be called City. This chapter shall be applicable in the incorporated territory of the City.

Section 3.50.020. Operative Date. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

Section 3.50.030. Purpose. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

Section 3.50.040. Contract with State. Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 3.50.050. Transactions Tax Rate. For the privilege of selling tangible personal

property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of 0.75% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

Section 3.50.060. Place of Sale. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

Section 3.50.070. Use Tax Rate. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of 0.75% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 3.50.080. Adoption of Provisions of State Law. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

Section 3.50.090. Limitations on Adoption of State Law and Collection of Use Taxes. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California;
2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.
3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

Section 3.50.100. Permit Not Required. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

Section 3.50.110. Exemptions and Exclusions.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance;

Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California;

If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this chapter;

If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the Operative Date of this chapter.

For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the

sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

“A retailer engaged in business in the City” shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 3.50.140. Amendments. All amendments subsequent to the Effective Date of this chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become adopted and part of this chapter; provided, however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter.

Section 3.50.150. Enjoining Collection Forbidden. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 3.50.160. Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter or the application of such provision to other persons or circumstances shall not be affected thereby.

Section 3.50.170. Effective Date. This chapter relates to the levying and collecting of City transactions and use taxes and shall take effect immediately.

Staff is seeking Council consideration, and direction regarding the wording of the ballot question, wording in the Ordinance, and approval of Resolution 19-33.

Resolution 19-34

AUTHORIZING CERTAIN COUNCIL MEMBERS TO SUBMIT ARGUMENTS REGARDING CITIZEN INITIATIVE "MEASURE S" TO IMPOSE A 0.75% GENERAL TRANSACTIONS AND USE TAX IN THE CITY OF SIERRA MADRE

This resolution would permit all five Council Members to submit arguments regarding the measure. Should the City Council not desire to submit arguments, the City Council would receive and file this resolution and not take any action.

Resolution 19-35

PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS

This resolution authorizes the City Council to adopt provisions to provide for the filing of rebuttal arguments for City measures.

Resolution 19-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2019 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

This resolution requests that the Board of Supervisors consider consolidating the Statewide General Election with the Special Municipal Election. The Board will consider the request at a Board meeting and will respond to the City.

FINANCIAL REVIEW/SOURCE OF FUNDING

The cost of conducting a Special Municipal Election is estimated between \$150,000 and \$200,000. The cost will include election services from Los Angeles County for conducting and certifying the election, election consultant services, poll center workers and poll center inspectors, to name a few. The cost of the election was not budgeted in the previously approved fiscal year 2019-2020 City budget and will require City Council approval for expenditure from the General Fund.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Copies of this report are available at the City Hall public counter, at the Sierra Madre Public Library, and can be accessed on the City's website at www.cityofsierramadre.com.

Attachments

Resolution 19-33

CALLING AND GIVING NOTICE OF THE HOLDING OF A CONSOLIDATED SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2019 FOR THE SUBMISSION TO THE VOTERS OF AN INITIATIVE IMPOSING A GENERAL TRANSACTIONS AND USE TAX UPON APPROVAL BY VOTERS, TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION

Resolution 19-34

AUTHORIZING CERTAIN COUNCIL MEMBERS TO SUBMIT ARGUMENTS REGARDING CITIZEN INITIATIVE "MEASURE S" TO IMPOSE A 0.75% GENERAL TRANSACTIONS AND USE TAX IN THE CITY OF SIERRA MADRE

Resolution 19-35

PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS

Resolution 19-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2019 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

RESOLUTION NO.19-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, CALLING FOR A GENERAL TAX MEASURE SUBMITTED BY CITIZEN'S INITIATIVE TO BE PLACED ON THE BALLOT AT THE NOVEMBER 5, 2019, SPECIAL MUNICIPAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF A PROPOSED ORDINANCE ADDING CHAPTER 3.5 ("TRANSACTIONS AND USE TAX") TO TITLE 3 ("REVENUE AND FINANCE") OF THE SIERRA MADRE MUNICIPAL CODE TO ESTABLISH A THREE-QUARTERS PERCENT (THREE-QUARTER CENT) GENERAL TRANSACTIONS AND USE TAX (SALES TAX)

WHEREAS, pursuant to authority provided by statute, petitions have been timely filed with the legislative body of the City of Sierra Madre, signed by at least ten (10%) percent of the number of registered voters of the City and requesting the placement of a Local .75% Transactions and Use Tax on a Special Election; and

WHEREAS, the City Clerk's office with assistance from the Los Angeles County Registrar-Recorder/County Clerk examined the records of registration and ascertained that pursuant to California Elections Code Section 9210 the petitions are signed by at least the requisite number of voters, and has so certified; and

WHEREAS, the City Council has not voted in favor of the adoption of the foregoing Ordinance; and

WHEREAS, pursuant to California Elections Code §9222, the City Council has authority to place initiative measures on the ballot to be considered at a special or general Municipal Election; and

WHEREAS, the City Council would like to submit to the voters a citizen's initiative measure establishing a general Transactions and Use Tax ("TUT") on the sale and/or use of all tangible personal property sold at retail in the City at a rate of .75% or three-quarters of a cent (3/4¢); and

WHEREAS, the TUT is a general sales tax, the revenue of which will be placed in the City's general fund and will be used to pay for important general City services; such as: maintaining local 911, police and fire services, preventing and investigating property crimes, like thefts and burglaries, keeping fire stations operating at current

levels, and maintaining police patrols around neighborhood schools and parks, street maintenance; park maintenance; community service programs for seniors and youth; and library services; and

WHEREAS, the initiative ordinance to be considered by the qualified voters and the terms of approval, and collection and use of the general TUT are described and provided for in the initiative ballot measure attached hereto as Exhibit "A" (the "Measure") and by this reference made an operative part hereof, in accordance with all applicable laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. Findings. The City Council finds that all of the preceding recitals are true and correct and are hereby incorporated and adopted as findings and determinations by the City Council as if fully set forth herein.

SECTION 2. Submission of Measure. Pursuant to California Elections Code §9210(a)(b) and §9215(b) , California Elections Code §9222 , California Revenue and Taxation Code §7285 .9 and any other applicable requirements of the laws of the State of California relating to general law cities, the City Council, **by a unanimous vote**, hereby calls and orders to be held in the City of Sierra Madre on Tuesday, November 5, 2019, a Special Municipal Election for the purpose of submitting the citizen's initiative Measure attached hereto as Exhibit "A" and incorporated herein by this reference to the qualified electors of the City.

SECTION 3. Pursuant to Revenue & Taxation Code Section 7285.9, Election Code Section 9222 and Government Code Section 53724, the City Council hereby orders the following question regarding the adoption of an ordinance to be submitted to the voters at the special municipal election called for Tuesday, November 5, 2019:

<p>“SIERRA MADRE PUBLIC SAFETY, CITY SERVICES, AND ACCOUTNABILITY MEASURE. To maintain 9-1-1 emergency response times, including to home break-ins and thefts; neighborhood, school and park police patrols, fire/paramedic services, fire station operations, emergency preparedness; retain/attract local businesses; maintain streets/infrastructure; provide other general services and</p>	<p>YES</p>
---	------------

maintain City finances, shall the City of Sierra Madre establish a 3/4¢ sales tax providing approximately \$225,000 annually until ended by voters, all funds remaining in Sierra Madre?	NO
--	----

SECTION 4. Conduct of Election. The Elections Official is authorized, instructed and directed to procure and furnish any and all official ballots, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 5. Notice of Election. Notice of the time and place of holding the election is hereby given, and the Elections Official is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 6. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight p.m. of the same day when the polls shall be closed, pursuant to Elections Code Section 10242, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 7. Approval of this Ordinance shall require a majority vote of the total number of valid ballots cast and counted.

SECTION 8. Impartial Analysis. Pursuant to California Elections Code Section 9280, the City Council hereby directs the Elections Official to transmit a copy of the Measure as set forth herein to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the measure, and transmit such impartial analysis to the Elections Official within ten (10) days following the adoption of this Resolution.

SECTION 9. Filing with County. The Elections Official shall, not later than the 88th day prior to the Special Municipal Election to be held on Tuesday, November 5, 2019, file with the Board of Supervisors and the County Clerk - Registrar of Voters of the County of Los Angeles, State of California, a certified copy of this Resolution.

SECTION 10. Public Examination. Pursuant to California Elections Code Section 9295, this measure will be available for public examination for no fewer than ten (10)

calendar days prior to being submitted for printing in the voter information guide. The Clerk shall post notice in the Clerk's office of the specific dates that the examination period will run.

SECTION 11. The City Clerk shall certify to the adoption of this Resolution. Passed, approved and adopted this 9th day of July, 2019.

John Harabedian
Mayor of the City of Sierra Madre

ATTEST:

Laura Aguilar, Assistant City Clerk

APPROVED AS TO FORM:

Teresa L. Highsmith, City Attorney

EXHIBIT A
[Text of Citizen's Initiative]

[Title and Summary]

A PROPOSED MEASURE OF THE CITY OF SIERRA MADRE IMPOSING A GENERAL TRANSACTIONS AND USE TAX UPON APPROVAL BY VOTERS, TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION

The people of the City of Sierra Madre do hereby ordain as follows:

Section 1. Chapter 3.50 ("Transactions and Use Tax") is hereby added to Title 3 ("Revenue and Finance") of the Sierra Madre Municipal Code with the following provisions:

Section 3.50.010. Title. This chapter shall be known as the City of Sierra Madre Transactions and Use Tax Ordinance. The City of Sierra Madre will hereinafter be called City. This chapter shall be applicable in the incorporated territory of the City.

Section 3.50.020. Operative Date. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

Section 3.50.030. Purpose. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

- A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.
- C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.
- D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

Section 3.50.040. Contract with State. Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the

operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 3.50.050. Transactions Tax Rate. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of 0.75% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

Section 3.50.060. Place of Sale. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

Section 3.50.070. Use Tax Rate. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of 0.75% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 3.50.080. Adoption of Provisions of State Law. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

Section 3.50.090. Limitations on Adoption of State Law and Collection of Use Taxes. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

- A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:
 1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California;
 2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.
 3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

Section 3.50.100. Permit Not Required. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

Section 3.50.110. Exemptions and Exclusions.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.
 5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
- C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:
1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance;
 2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California;
 3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this chapter;
 4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the Operative Date of this chapter.
 5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
 6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.
 7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

- D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 3.50.140. Amendments. All amendments subsequent to the Effective Date of this chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become adopted and part of this chapter; provided, however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter.

Section 3.50.150. Enjoining Collection Forbidden. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 3.50.160. Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter or the application of such provision to other persons or circumstances shall not be affected thereby.

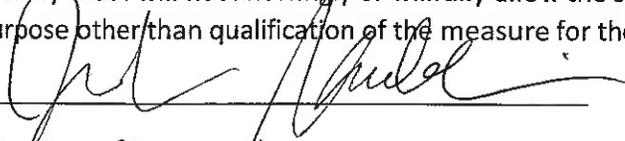
Section 3.50.170. Effective Date. This chapter relates to the levying and collecting of City transactions and use taxes and shall take effect immediately.

Section 2. Execution. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance upon certification by the City Council of the results of the election approving this Measure.

PROPONENT STATEMENT OF ACKNOWLEDGEMENT

I, John Harabedian acknowledge that it is a misdemeanor under State Law (Section 18650 of the California Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot.

I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.



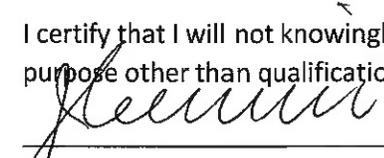
(Signature of Proponent)

Dated this 18 day of April, 2019

PROPONENT STATEMENT OF ACKNOWLEDGEMENT

I, JOHN CAPOCCIA acknowledge that it is a misdemeanor under State Law (Section 18650 of the California Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot.

I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.



(Signature of Proponent)

Dated this 17 day of april, 2019

PROPONENT STATEMENT OF ACKNOWLEDGEMENT

I, GARY E. HOOD acknowledge that it is a misdemeanor under State Law (Section 18650 of the California Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot.

I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Gary E. Hood

(Signature of Proponent)

Dated this 17 day of April, 2019

PROPONENT STATEMENT OF ACKNOWLEDGEMENT

I, PATRICIA ALLORN acknowledge that it is a misdemeanor under State Law (Section 18650 of the California Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot.

I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Patricia Allorn

(Signature of Proponent)

Dated this 17 day of April, 2019

1 **RESOLUTION NO. 19-34**

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
4 SIERRA MADRE, CALIFORNIA, AUTHORIZING CERTAIN
5 COUNCIL MEMBERS TO SUBMIT ARGUMENTS
6 REGARDING A CITIZEN INITIATIVE "MEASURE S" TO
7 IMPOSE A 0.75% GENERAL TRANSACTIONS AND USE
8 TAX IN THE CITY OF SIERRA MADRE, WHICH WILL BE
9 ON THE BALLOT FOR THE NOVEMBER 5, 2019,
10 MUNICIPAL ELECTION AND DIRECTING AN IMPARTIAL
11 ANALYSIS OF THE MEASURE BY THE CITY ATTORNEY.

12
13 WHEREAS, a Special Municipal Election is to be held in the City of Sierra
14 Madre on November 5, 2019, at which time there will be submitted to the voters the
15 following questions:

"SIERRA MADRE PUBLIC SAFETY, CITY SERVICES, AND ACCOUTNABILITY MEASURE.	YES
To maintain 9-1-1 emergency response times, including to home break-ins and thefts; neighborhood, school and park police patrols, fire/paramedic services, fire station operations, emergency preparedness; retain/attract local businesses; maintain streets/infrastructure; provide other general services and maintain City finances, shall the City of Sierra Madre establish a 3/4¢ sales tax providing approximately \$225,000 annually until ended by voters, all funds remaining in Sierra Madre?	NO

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17
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19
20
21 NOW, THEREFORE, the City Council of the City of Sierra Madre, DOES
22 HEREBY RESOLVE as follows:

- 23 1. That the City Council authorizes all five council members (i.e., Mayor
24 Harabedian, Mayor Pro Tem Capoccia and Members Arizmendi, Delmar, and Goss) to file
25 (a) written argument(s), not exceeding 300 words, regarding the City measure specified
26 above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it,
27 in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of
28 California. The arguments may be changed or withdrawn until and including the date fixed

1 by the Elections Official after which no arguments for or against the City measure may be
2 submitted to the Election Official.

3 2. The arguments shall be filed with the Election Official by August 5,
4 2019, signed, with the printed name(s) and signature(s) of the author(s) submitting it. The
5 arguments shall be accompanied by the Form of Statement To Be Filed by Author(s) of
6 Argument.

7 3. That the City Council directs the Election Official to transmit copies of
8 the measures to the City Attorney. The City Attorney shall prepare an impartial analysis,
9 not exceeding 500 words, showing the effect of the measure on the existing law and the
10 operation of the measure. The impartial analysis shall be filed by the date set by the
11 Election official for the filing of primary arguments.

12 4. The analysis shall include a statement indicating the measure was placed
13 on the ballot by a petition signed by the requisite number of voters.

14
15 APPROVED and ADOPTED this 9th day of July, 2019.
16
17

18
19 _____
John Harabedian, MAYOR
City of Sierra Madre, California

20
21
22 ATTEST:

APPROVED AS TO FORM:

23
24 _____
Laura Aguilar, Assistant City Clerk

25 _____
Teresa L. Highsmith, City Attorney

RESOLUTION NO. 19-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2019 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

WHEREAS, the City Council of the City of Sierra Madre called a Special Municipal Election to be held on November 5, 2019 for the purpose of placing a local initiative on the ballot.

WHEREAS, the City Council is submitting to the voters the measure relating to whether "Measure S" should impose a general Transactions and Use Tax (TUT) upon approval by voters, to be administered by the California Department of Tax and Fee Administration; and

WHEREAS, it is desirable that the Special Municipal Election be consolidated with the Statewide General election to be held on the same date and that within the city the precincts, polling places and election officers of the two elections be the same, and that the county election department of the County of Los Angeles canvass the returns of the Special Municipal Election and that the election be held in all respects as if there were only one election;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the Statewide General election on Tuesday, November 5, 2019, for the purpose of a measure to appear on the ballot as follows:

<p>"SIERRA MADRE PUBLIC SAFETY, CITY SERVICES, AND ACCOUTNABILITY MEASURE. To maintain 9-1-1 emergency response times, including to home break-ins and thefts; neighborhood, school and park police patrols, fire/paramedic services, fire station operations, emergency preparedness; retain/attract local businesses; maintain streets/infrastructure; provide other general services and maintain City finances, shall the City of Sierra Madre establish a 3/4¢ sales tax providing approximately \$225,000 annually until ended by voters, all funds remaining in Sierra Madre?</p>	<p>YES</p> <p>NO</p>
--	----------------------

SECTION 2. That the county election department is authorized to canvass the returns of the Special Municipal election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 3. That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Sierra Madre recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the county for any costs.

SECTION 5. That the Election Official is hereby directed to file a certified copy of this resolution with the board of Supervisors and the county election department of the County of Los Angeles.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED ON JULY 9, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

John Harabedian, Mayor
City of Sierra Madre

ATTEST:

Laura Aguilar
Assistant City Clerk

APPROVED AS TO FORM

Teresa L. Highsmith
City Attorney

RESOLUTION NO. 19-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS.

WHEREAS, Section 9285 of the Election Code of the State of California, authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for City measures, not to exceed 300 words, submitted at municipal elections.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to Section 9285 of the Elections Code of the State of California, when the Elections Official has selected the arguments for and against the measure (not to exceed 300 words) that will be printed and distributed to the voters, the Elections Official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of the argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

The author or a majority of the authors of an argument relating to a City measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) who submitted it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument (see Form F-A-1).

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 2. That all previous Resolutions providing for the filing of rebuttal arguments for City measures are repealed.

SECTION 3. That the provisions of Section 1 shall apply only to the election to be held on November 5, 2019.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED ON JULY 9, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

John Harabedian, Mayor
City of Sierra Madre

ATTEST:

Laura Aguilar, Assistant City Clerk
City of Sierra Madre

APPROVED AS TO FORM

Teresa L. Highsmith, City Attorney
City of Sierra Madre

RESOLUTION NO. 19-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2019 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

WHEREAS, the City Council of the City of Sierra Madre called a Special Municipal Election to be held on November 5, 2019 for the purpose of placing a local initiative on the ballot.

WHEREAS, the City Council is submitting to the voters the measure relating to whether "Measure S" should impose a general Transactions and Use Tax (TUT) upon approval by voters, to be administered by the California Department of Tax and Fee Administration; and

WHEREAS, it is desirable that the Special Municipal Election be consolidated with the Statewide General election to be held on the same date and that within the city the precincts, polling places and election officers of the two elections be the same, and that the county election department of the County of Los Angeles canvass the returns of the Special Municipal Election and that the election be held in all respects as if there were only one election;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the Statewide General election on Tuesday, November 5, 2019, for the purpose of a measure to appear on the ballot as follows:

<p>"SIERRA MADRE PUBLIC SAFETY, CITY SERVICES, AND ACCOUTNABILITY MEASURE. To maintain 9-1-1 emergency response times, including to home break-ins and thefts; neighborhood, school and park police patrols, fire/paramedic services, fire station operations, emergency preparedness; retain/attract local businesses; maintain streets/infrastructure; provide other general services and maintain City finances, shall the City of Sierra Madre establish a 3/4¢ sales tax providing approximately \$225,000 annually until ended by voters, all funds remaining in Sierra Madre?</p>	<p>YES</p> <p>NO</p>
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SECTION 2. That the county election department is authorized to canvass the returns of the Special Municipal election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 3. That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Sierra Madre recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the county for any costs.

SECTION 5. That the Election Official is hereby directed to file a certified copy of this resolution with the board of Supervisors and the county election department of the County of Los Angeles.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED ON JULY 9, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

John Harabedian, Mayor
City of Sierra Madre

ATTEST:

Laura Aguilar
Assistant City Clerk

APPROVED AS TO FORM

Teresa L. Highsmith
City Attorney