AGENDA
REGULAR MEETING
SIERRA MADRE CITY COUNCIL,
SUCCESSOR AGENCY, AND
PUBLIC FINANCE AUTHORITY

Tuesday, January 12, 2016
Closed Session: 5:00 pm
Open Session: 6:30 pm

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

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

Nancy Shollenberger, City Clerk
Richard Mays, City Treasurer

PUBLIC COMMENT
The Council will listen to the public on any item on the agenda. Under the Brown Act, 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.

PUBLIC COMMENT FOR ITEMS ON THE AGENDA:
Persons wishing to speak on any item on the agenda will be called at the time the agenda item is brought forward. Persons wishing to speak on closed session items have a choice of doing so either immediately prior to the closed session or at the time for comments on items at the open session.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:
Time shall be devoted to audience participation early on the agenda. If additional time is needed, the Mayor will allow for same at the end of the agenda.

CLOSED SESSION

CALL TO ORDER/ROLL CALL — Mayor Capoccia, Mayor Pro Tem Goss, Council Member Arizmendi, Council Member Delmar, and Council Member Harabedian

PUBLIC COMMENT — Regarding Closed Session Items

RECESS TO CLOSED SESSION REGARDING:

CONFERENCE WITH LEGAL COUNSEL
Pursuant to Calif. Government Code Section 54956.9(d)(4)
The City Council finds based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

Initiation of litigation: Number of potential cases: Two

PERSONNEL

Pursuant to Calif. Government Code Section 54957

Public Employee Performance Evaluation

Title: City Manager

CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Calif. Government Code Section 54957.6

City Negotiators: City Manager Elaine Aguilar and Assistant City Manager Elisa Cox
Employee Organization: Police Association

CONFERENCE WITH LEGAL COUNSEL

Pursuant to Calif. Government Code Section 54956.9(a)

The City Council/Agency finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

Existing Litigation: Case No. GC046442
Case Name: City of Sierra Madre v. Jeffrey M. Hildreth and Taryn N. Hildreth d/b/a The Sterling Oak; Suntrust Mortgage, Inc. a Virginia Corporation; and does 1-50 inclusive

OPEN SESSION

CALL TO ORDER/ROLL CALL MEMBERS OF THE CITY COUNCIL	Mayor John Capoccia, Mayor Pro Tem Gene Goss, Council Members Rachelle Arizmendi, Denise Delmar, and John Harabedian
PLEDGE OF ALLEGIANCE AND INVOCATION/INSPIRATION	Council Member Rachelle Arizmendi
APPROVAL OF AGENDA	Vote of the Council to proceed with City business.
APPROVAL OF MINUTES	Approval of minutes from the Regular City Council meeting on December 8, 2015.
MAYOR AND CITY COUNCIL REPORTS	Reports of individual Council Member activities relating to City business.
PUBLIC COMMENT	Regarding items not on the Agenda.

ACTION ITEMS

1. **CONSENT**

a) **ADOPTION OF RESOLUTION 16-01 OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE APPROVING CERTAIN DEMANDS**	Recommendation that the City Council approve Resolution No. 16-01 ratifying payment of City Warrants in aggregate amount of $254,982.01; Library warrants in the aggregate amount of $14,196.68, and payroll transfer in the aggregate amount of $324,755.41 for fiscal year ending June 30, 2016.

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Public Employee Performance Evaluation

Title: City Manager

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Pursuant to Calif. Government Code Section 54957.6

City Negotiators: City Manager Elaine Aguilar and Assistant City Manager Elisa Cox
Employee Organization: Police Association

CONFERENCE WITH LEGAL COUNSEL

Pursuant to Calif. Government Code Section 54956.9(a)

The City Council/Agency finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

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OPEN SESSION

CALL TO ORDER/ROLL CALL MEMBERS OF THE CITY COUNCIL	Mayor John Capoccia, Mayor Pro Tem Gene Goss, Council Members Rachelle Arizmendi, Denise Delmar, and John Harabedian
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b) **CONSIDERATION OF RESOLUTION 16-03: ADOPTING THE FRIENDS OF THE SIERRA MADRE PUBLIC LIBRARY MEMORANDUM OF UNDERSTANDING**	Recommendation that the City Council adopt Resolution 16-03: Adopting the Friends of the Library Memorandum of Understanding.
c) **CONSIDERATION OF RESOLUTION 16-04: AUTHORIZING THE DESTRUCTION OF OBSOLETE RECORDS**	Recommendation that the City Council adopt Resolution 16-04: Authorizing the Destruction of Obsolete Records.
d) **CONSIDERATION OF RESOLUTION 16-05: APPOINTING DONNA CAYSON TO PART-TIME TEMPORARY POLICE LIEUTENANT AND ANTOINETTE BUCKNER TO INTERIM LIBRARY SERVICES DIRECTOR**	Recommendation that the City Council approve Resolution 16-05: Appointing Donna Cayson to Part-Time Temporary Police Lieutenant and Antoinette Buckner to Interim Library Services Director.
e) **APPROVAL OF PURCHASES/SERVICES IN EXCESS OF $25,000 FOR FISCAL YEAR 2015-2016**	Recommendation that the City Council authorize the purchases, services, supplies, and contracts and authorize the encumbrance of funds based upon the estimated annual needs for each department.
f) **INCREASED BROADBAND FOR LIBRARY**	Recommendation that the City Council approve the submittal of the grant application to apply for funding to purchase equipment for increased broadband at the Library and designate $18,660 from the Library's Gift and Memorial Account for the remaining equipment purchases.
g) **CONSIDERATION TO APPLY FOR FUNDING OF THREE FULL-TIME ENGINEERS THROUGH THE FISCAL YEAR 2015 DEPARTMENT OF HOMELAND SECURITY STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT**	Recommendation that the City Council grant approval to apply for funding for three full-time Engineers and to authorize the City Manager or her designee to execute the application on behalf of the City.
h) **RECOMMENDATION TO ISSUE REQUEST FOR PROPOSALS FOR DESIGN OF PHASE 2 WATER MAIN REPLACEMENTS**	Recommendation that the City Council direct staff to prepare and circulate a Request for Proposals for professional surveying and engineering services for the preparation of design documents (Plans and Specifications) and securing of County permits for the replacement of five segments of water mains identified October 19, 2015 as Phase 2 of Fiscal Year 2015-2016 Water Main Replacement Project.
i) **RECOMMENDATION TO APPROVE PLANS AND SPECIFICATIONS FOR WATER MAIN REPLACEMENTS IN SIERRA PLACE AND MANZANITA AVENUE AND DIRECT STAFF TO SEEK CONSTRUCTION BIDS**	Recommendation that the City Council approve plans and specifications for replacement of water mains in Sierra Place and in Manzanita Avenue between South Lima Street and South Hermosa Avenue and direct staff to advertise the project for bids.
j) **CONSIDERATION OF ADDITIONAL COSTS OF FINAL CORROSION STUDY**	Recommendation that the City Council approve $7,040 in additional consultant costs associated with the preparation of the Final Corrosion Study and appropriate said amount from Water Fund Reserves.

k)	**ADOPTION OF RESOLUTION 16-07 OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE APPROVING CERTAIN DEMANDS**	Recommendation that the City Council approve Resolution 16-07 for approval of payment of City Warrants in aggregate amount of $641,985.63· Library warrants in the aggregate amount of $15,541.67, and payroll transfer in the aggregate amount of $276,542.75 for fiscal year ending June 2016.
l)	**AWARD OF CONSTRUCTION CONTRACT TO M.C. ALYEA CONSTRUCTION IN AN AMOUNT NOT TO EXCEED $68,975 FOR THE CONSTRUCTION OF THE STORAGE ADDITION TO THE HART PARK HOUSE SENIOR CENTER**	Recommendation that the City Council award a construction contract in an amount not to exceed $68,945 to M.C. Alyea Construction of Riverside for the construction of the storage addition to the Hart Park House Senior Center.

PUBLIC HEARINGS

2.	**HISTORIC DESIGNATION – WEBSTER HOUSE: AN APPLICATION TO CONSIDER THE NOMINATION AS A LOCAL HISTORIC CULTURAL LANDMARK FOR THE PROPERTY LOCATED AT 101 WEST BONITA AVENUE**	Recommendation that the City Council hold a Public Hearing and approve the designation of the Webster House – 101 West Bonita Avenue as a local Historical Cultural Landmark to be listed on the City's Historic Cultural Landmark list pursuant to City Council Resolution 15-69.
3.	**MUNICIPAL CODE TEXT AMENDMENT 15-04 – ORDINANCE NO 1371 AMENDING TITLE 17, CHAPTER 17.10**	Recommendation that the City Council hold a Public Hearing and adopt Municipal Code Text Amendment 15-04, amending Title 17, Chapter 17.10, explicitly prohibiting the growing of live marijuana plant cultivation, deliveries and dispensing of marijuana as a business pursuant to Ordinance 1371 for first reading, by title only, and waive further reading.
4.	**FIRST READING OF ORDINANCE 1374 REPLACING SIERRA MADRE MUNICIPAL CODE CHAPTER 15.60 WATER EFFICIENT LANDSCAPE ORDINANCE TO COMPLY WITH CURRENT STATE MODEL ORDINANCE**	Recommendation that the City Council hold a Public Hearing, read by title only, and waive further reading of Ordinance 1374

ITEMS FOR DISCUSSION

5.	**STOP THE UTILITY USERS TAX INITIATIVE – SUFFICIENCY OF PETITIONS**	Recommendation that the City Council receive, file, and accept the Certificate of Sufficiency of Initiative Petition from the City Clerk, and provide staff with direction.
6.	**REVIEW OF SEPTEMBER 2012 INFRASTRUCTURE REPORT (OCTOBER 2015 STRATEGIC PLAN ITEM)**	Recommendation that the City Council direct staff to continue with the implementation of street, sewer, and water improvement projects as provided for in the FY 2015-2016 budget and in previous Council direction.
7.	**EMERGENCY MEDICAL SERVICES DISPATCH FEE**	Recommendation that the City Council approve Resolution 16-06 amending the Fee Schedule by adopting the Emergency Medical Services Dispatch Fee.

8. **STRATEGIC PLAN UPDATE FROM OCTOBER 20, 2015 RETREAT**

Recommendation that the City Council receive and file.

PUBLIC COMMENT

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 Council action.

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.

PUBLIC HEARING

The appellant and/or applicant will each be provided a total of ten (10) minutes to address their item. A portion of their allotted time may be reserved for rebuttal or a summary conclusion at the close of public comment. All other speakers will be limited to a total of three continuous minutes, which cannot be delegated. These rules will be enforced but may be changed by appropriate City Council action.

AVAILABILITY OF AGENDA MATERIALS

Materials related to items on this agenda are available for public inspection on the City's website at www.citvofsierramadre.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 Regular Meeting on Tuesday, January 26, 2016.

Agenda
Regular Meeting of the Sierra Madre City Council,
Successor Agency, and Public Finance Authority
Tuesday, January 12, 2016
Closed Session: 5:00 p.m.; Open Session: 6:30 p.m.
City Hall Council Chambers, 232 W. Sierra Madre Blvd.

Mayor, John Capoccia, opened the Regular Meeting of the Sierra Madre City Council, Successor Agency, and Public Finance Authority at 5:00 p.m. The Mayor asked for public comment and there was none. The Mayor immediately adjourned the meeting to a Closed Session. The City Council returned from Closed Session at 6:28 p.m. and the Mayor opened the Open Session at 6:30 p.m. City Clerk, Nancy Sue Shollenberger, read the Roll noting that all City Council Members were present.

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

Present:	John Capoccia, Mayor; Gene Goss, Mayor Pro Tem, Council Members, Rachelle Arizmendi, Denise Delmar and John Harabedian
Absent:	None
Also Present:	Elaine Aguilar, City Manager Teresa Highsmith, City Attorney Elisa Cox, Assistant City Manager Bruce Inman, Director of Public Works Vincent Gonzalez, Director of Planning & Community Preservation Larry Giannone, Safety Director and Police Chief Joe Ortiz, Captain, Sierra Madre Police Department Steve Heydorff, Fire Chief Nancy Sue Shollenberger, City Clerk

PLEDGE OF ALLEGIANCE AND INVOCATION/INSPIRATION:

Council Member, Rachelle Arizmendi, led the Pledge of Allegiance and followed with:

100 Years Ago

What a difference a century makes! Here are some of the U. S. statistics from one hundred years ago:

- The average life expectancy in the U. S. was 47 years.
- Only 14 percent of the homes in the U. S. had a bathtub.
- Fuel for cars was only sold in a drug store.
- Only 8 percent of the homes had a telephone.
- The average U. S. worker made between $200 and $400 per year.
- More than 95 percent of all births in the U. S. took place at home.
- Most women only washed their hair once a month, and used borax or egg yolks for shampoo.
- Canada passed a law prohibiting poor people from entering their country for any reason.
- The population of Las Vegas, Nevada, was only 30!
- Two out of every 10 adults couldn't read or write.
- Only 6% of Americans graduated from High School.
- Marijuana, heroin, and morphine were all available over the counter at the local corner drugstores.
- There were about 230 reported murders in the entire U. S.

Much has changed in 100 years. Change is inevitable. But as we look forward into this new year, I am confident that we will deal with change in the best way that serves our City, our residents, and our Community. Cheers to Sierra Madre in 2016.

APPROVAL OF AGENDA:

City Manager, Elaine Aguilar, asked that Item 1c) from the Consent Calendar and Item #7 on the Agenda be pulled from the Agenda this evening.

Council Member, John Harabedian moved and it was seconded by Council Member, Rachelle Arizmendi for approval of the Agenda as amended by the City Manager (Item 1c) under the Consent Calendar and Item #7) be pulled from the Agenda. The motion passed by unanimous voice vote.

APPROVAL OF MINUTES OF DECEMBER 8, 2015:

Council Member, Rachelle Arizmendi moved and it was seconded by Council Member, John Harabedian for approval of the Minutes of December 8, 2015 as presented. The motion passed by unanimous voice vote.

MAYOR AND CITY COUNCIL REPORTS:

1) Council Member, Denise Delmar, congratulated the Sierra Madre Rose Float Association for another win this year, receiving the "Animation Trophy". It was a cute float. Council Member Delmar thanked all the volunteers involved in the project.

2) Council Member, John Harabedian, announced that this is the time of the year when he hears from his out-of-town people. We had a great Float. It is a source of pride for our City of Sierra Madre.

3) Mayor Pro Tem, Gene Goss, remarked that he agrees with all that has been said. Our Float is a source of pride for all of us!

4) Mayor Capoccia, also agrees with all that has been said.

5) Council Member, Rachelle Arizmendi, also congratulated the Sierra Madre Rose Float Association and all that worked on the Float. Staff work over the holidays was appreciated. Sierra Madre is recognized for its "country living". We are the top Christmas Town in United States.

REPORT OUT OF CLOSED SESSION:

Teresa Highsmith, City Attorney reported on the closed session:

1) Conference with Legal Counsel
Pursuant to Calif. Government code Section 54956.9(d)(4)
The City Council finds based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

Initiation of Litigation: Number of potential cases: Two

The City Attorney announced that the City Council received a briefing and direction, but no action was taken.

2) Conference with Labor Negotiator
Pursuant to Calif. Government code Section 54957.6
City Negotiators: City Manager Elaine Aguilar and Assistant City Manager Elisa Cox
Employee Organization: Police Association

The City Attorney announced that direction was provided.

3) Conference with Legal Counsel
Pursuant to Calif. Government Code Section 54956.9(a)
The City Council/Agency finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

Existing Litigation Case No. GC046442
Case Name: City of Sierra Madre v. Jeffrey M. Hildreth and Taryn N. Hildreth d/b/a The Sterliing Oak; Suntrust Mortgage, Inc. a Virginia Corporation; and does 1-50 inclusive

The City Attorney announced that the City Council received a briefing and provided direction.

4) Personnel
Pursuant to Calif. Government Code Section 54957
Public Employee Performance Evaluation
Title: City Manager

The City Attorney announced that time did not permit the discussion of this item, and it would be held after the Open Session this evening.

PUBLIC COMMENT:

Barry Ziff, Trustee of the Sierra Madre Library

Mr. Ziff announced that he was present this evening to update everyone on what is going on at the Library:

- Monday, January 18th, the Library will be closed.
- One Book One City is scheduled for July. It will be a Baseball theme.
- Toni Buckner is Acting Director of the Library.
- Program 1-2-3 Play With me – there are three openings – parenting for five sessions. Check with Christine at the Library.
- 46th Annual Wine Tasting is February 19th. 6:00 Premiere event; and 7:00 Main Event. Tickets are available at several stores in town.

Thank you.

ACTION ITEMS:

1). CONSENT CALENDAR

Elaine Aguilar, City Manager, gave the following report under the Consent Calendar:

1a). WARRANTS

Staff recommends approval of Resolution No. 16-01 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE APPROVING CERTAIN DEMANDS" and approval for payment of City Warrants in the aggregate amount of $254,982.01; Sierra Madre Library Warrants in the aggregate amount of $14,196.68; and Payroll Transfer in the aggregate amount of $324,755.41 for the fiscal year ending June 30, 2016.

1b). CONSIDERATION OF RESOLUTION NO. 16-03: ADOPTING THE FRIENDS OF THE SIERRA MADRE PUBLIC LIBRARY MEMORANDUM OF UNDERSTANDING.

The Friends of the Sierra Madre Public Library (Friends) initiated a Memorandum of Understanding (MOU) with the Sierra Madre Public Library to memorialize the Friends' funding to the Library and to outline rights and responsibilities the parties have to each other.

The Friends of the Sierra Madre Public Library (Friends) is a nonprofit corporation organized under the laws of the State of California and is exempt from taxation under Section 501 ©(3) of the Internal Revenue Code. The Friends' purpose, as outlined in its Articles of Incorporation and its by-laws, is to support the Sierra Madre Public Library. Among the Friends' authorized purposes is financial support for the programs, collections, equipment and needs of the Library. All revenue raised by the Friends, after reasonable administrative expenses, is to be used for the current and long-term support of the Library. The Friends' mission also includes advocating for public support and use of the Library. The Friends' mission also includes advocating for public support and use of the Library and providing volunteers for activities and events as requested by Library staff.

The Friends of the Sierra Madre traditionally donate an approximate $55,000 to the Library, each year, however, for FY 15-16 the amount is anticipated to be closer to $155,000 in order to make improvements in line with the Facility Master Plan. The Friends also support the Library with significant volunteer resources each year.

Staff recommends the City Council adopt Resolution No. 16-03 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE ADOPTING THE FRIENDS OF THE SIERRA MADRE PUBLIC LIBRARY MEMORANDUM OF UNDERSTANDING".

1c). At the request of staff, this item was pulled from the Agenda.

1d). CONSIDERATION OF RESOLUTION NO. 16-05 APPOINTMENT OF DONNA CAYSON TO PART-TIME TEMPORARY POLICE LIEUTENANT AND ANTOINETTE BUCKNER TO INTERIM LIBRARY SERVICES DIRECTOR.

The Public Employees' Pension Reform Act (PEPRA) made changes regarding when an employer can hire a retired CalPERS annuitant. One such change is that the City Council must appoint any retired annuitant hired on an interim or temporary basis to provide extra help during an emergency to prevent stoppage of public business or to perform work of limited duration, special projects, and have specialized skills required to perform the needed work.

Because of the immediate needs of City Departments to maintain customer service, complete special projects and avoid scheduling conflicts, it has been determined that during this critical time, hiring two CalPERS retired annuitants on a temporary basis would be the best solution. The following two departments currently require immediate assistance.

Staff recommends the City Council adopt Resolution No. 16-05 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE APPOINTING OF DONNA CAYSON TO PART-TIME TEMPORARY POLICE LIEUTENANT AND ANTOINETTE BUCKNER TO INTERIM LIBRARY SERVICES DIRECTOR".

1e). APPROVAL OF PURCHASES/SERVICES IN EXCESS OF $25,000 FOR fy 2015-2016

Based upon the City's adopted Purchasing Police, "All purchases of supplies, equipment and services are governed by Chapter 3.08 of the Sierra Madre Municipal Code. This policy applies to all purchases, projects, and services approved by the City Council through the budget process. Purchases over $25,000 are subject to the formal competitive purchasing procedure and are awarded by the City Council.

Staff is recommending that the City Council authorize the purchases, services, supplies and contracts on the list included in this staff report and authorize the encumbrance of funds based upon the estimated annual needs for each department.

1f). INCREASED BROADBAND FOR LIBRARY

The State Library is offering an opportunity for public libraries to increase their broadband speed for internet access up to 1 gigabit by joining the CalREN (California Research and Education Network) network. There are upfront costs both to join the network, as well as to purchase the necessary equipment upgrades to join the network; however, there are cost savings in monthly connectivity costs and a grant to offset the equipment cost.

Total City Funding would be $18,660 – Monies are available in the Library Gift and Memorial Fund to support the one-time equipment costs of $18,660.

There are upfront costs to join the CalREN network with rebate available within a year's time. The quote for joining the CalREN network is attached to the Agenda and summarized below:

Upfront 1 x cost:	$110,000
Erate Discount Rebate	88,000
Net Out of Pocket	22,000

The Library Board of Trustees discussed the opportunity to apply for the CENIC grant to access increased broadband for the Library at the November 23, 2015 meeting. As this was an informational report, no action was taken, however Trustees comments were favorable to proceed with applying for the grant opportunity.

Staff recommends the City Council approve the submittal of the grant application to apply for funding to purchase equipment for increased broadband at the Library and designate $18,660 from the Library's Gift and Memorial Account for the remaining equipment purchases.

1g). CONSIDERATION TO APPLY FOR FUNDING OF THREE (3) FULL TIME ENGINEERS THROUGH THE FY 2015 DEPARTMENT OF HOMELAND SECURITY (DHS) STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT

The Staffing for Adequate Fire and Emergency Response (SAFER) Grant is a funding opportunity offered through the Department of Homeland Security (DHS) that provides direct funding to fire departments and volunteer firefighter interest organizations to help them increase or maintain the number of trained, "front line" firefighters available in their communities.

The application period for the FY 2015 SAFER grant opens in February 2016. Staff recommends that the City Council grant approval to the Sierra Madre Fire Department to apply for funding for the positions of three (3) full-time Engineers, and to authorize the City Manager or her designee to execute the application on behalf of the City of Sierra Madre.

1h). RECOMMENDATION TO ISSUE REQUEST FOR PROPOSALS FOR DESIGN OF PHASE 2 WATER MAIN REPLACEMENTS

Staff recommends that the City Council direct staff to prepare and circulate a request for proposal for professional surveying and engineering services for the preparation of design documents (Plans and Specifications) and securing of County permits for the replacement of five segments of water mains identified October 19, 2015 as Phase 2 of the FY 2015-16 Water Main Replacement Project.

West Montecito, Baldwin to Auburn Avenue
Fern Drive Canyon Crest to Skyland Drive
Canyon Crest Drive, Orange Drive to Idle Hour Lane
Cross country – Canyon Crest Drive to Brookside Lane
Woodland Drive, North end to Yucca Trail

The estimated total cost of the Phase 2 water main replacement project is $786,450. Design fees typically range from 10% to 15%, in this instance the design and permitting for the high pressure main in the slope between Canyon Crest are expected to drive the professional services cost up due to the difficult terrain and the need to obtain a permit from LA County Public Works to cross Sierra Madre Wash. An estimated design cost of $100,000 (about 13%) can be expected for this project.

6-30-2014 Water Fund Reserves:	$	2,300,000
Unassigned Water Fund Reserves		553,476
Total Water Fund Reserves:	$	2,853,476
Purchase CY 2014 imported water (12/8/15		-o-
Water Mains Phase 1A	-	406,683
Water Mains Phase 1B (est)	-	238,400
Water Mains Phase 2 Design & Const. (Est.)	-	686,450
Total remaining in Water Fund Reserves:	$	1,521,942

Staff recommends that the City Council direct staff to prepare and circulate a request for proposals for professional surveying and engineering services for the preparation of design documents (Plans and Specifications) and securing of County permits for the replacement of five segments of water mains identified October 19, 2015 as Phase 2 of the FY 2015-16 Water Main Replacement Project.

1l). RECOMMENDATION TO APPROVE PLANS AND SPECIFICATIONS FOR WATER MAIN REPLACEMENTS IN SIERRA PLACE AND MANZANITA AVENUE AND DIRECT STAFF TO SEEK CONSTRUCTION BIDS

Staff recommends that the City Council approve plans and specifications for the replacement of water mains in Sierra Place and in Manzanita Avenue between South Lima Street and South Hermosa Avenue and direct staff to advertise the project for bids.

On October 19, 2015, the City Council approved two phases of water main replacement projects for FY 2015-16. Subsequently, the first phase was bifurcated into two sub-phases and the first sub-phase was awarded on an emergency basis, to replace the mains in Skyland Drive and Idle Hour Lane. The remainder of Phase 1 consists of Sierra Place and a portion of Manzanita Avenue, between South Lima Street and South Hermosa Avenue.

1j). CONSIDERATION OF ADDITIONAL COSTS OF FINAL CORROSION STUDY

Staff recommends that the City Council approve $7,040 in additional consultant costs associated with the preparation of the Final Corrosion Control Study and appropriate said amount from Water Fund reserves.

The City Attorney has reviewed the terms of the June 10, 2014 Professional Services Agreement and Scope of Services against the detail of services rendered in the Request for Reimbursement.

Staff believes that the additional costs of $3,280 for preparation for and attendance at multiple meetings with MWD, city staff, and City Council are a reasonable and appropriate extra cost on the project and recommends approval of that expenditure. The City Attorney concurs that the costs for preparation and attendance at the additional meetings listed in the AQUAlity invoice represent work provided outside of the original Agreement Scope of Services, that the hourly rate of $160 for the work is consistent with the Agreement terms and that the time charged appears reasonable.

1k). WARRANTS

Staff recommends approval of Resolution No. 16-07 "A RESOLUTION OF THE CITY COUNCIL OF THHE CITY OF SIERRA MADRE APPROVING CERTAIN DEMANDS" and approval for payment of City Warrants in the aggregate amount of $641,985.63; Sierra Madre Library Warrants in aggregate amount of $15,541.67 and Payroll Transfer in the aggregate amount of $276,542.75 for the fiscal year ending June 30, 2016.

1l). AWARD OF CONSTRUCTION CONTRACT TO M. C. ALYEA CONSTRUCTION IN AN AMOUNT NOT TO EXCEED $68,975 FOR THE CONSTRUCTION OF THE STORAGE ADDITION TO THE HART PARK HOUSE SENIOR CENTER.

Bids have been received for the construction of the proposed storage addition to the Hart Park House.

Staff recommends that the City Council award a construction contract in an amount not to exceed $68,975 to M. C. Alyea Construction of Riverside for the construction of the Storage Addition to the Hart Park House/Senior Center.

Five companies provided bids and M. C. Alyea was the low bidder on the project.

Mayor Capoccia opened for public input and there was none.

Mayor Pro Tem, Gene Goss, moved and it was seconded by Council Member, Rachelle Arizmendi for approval of the Consent Calendar with the changes made by staff. The motion passed by unanimous voice vote.

2). HISTORIC DESIGNATION – WEBSTER HOUE: AN APPLICATION TO CONSIDER THE NOMINATION AS A LOCAL HISTORIC CULTURAL LANDMARK FOR THE PROPERTY LOCATED AT 101 WEST BONITA AVENUE.

Vincent Gonzalez, Planning & Community Preservation Director, gave the staff report.

The property owner, Mark Abernathy, is requesting that the City Council consider approving a request to nominate the property located at 101 West Bonita Avenue - Webster House, as a local Historic Cultural Landmark to be included in the City's Designated Historic Cultural Landmark List. Pursuant to Code Section 17.82.050, a property may be designated a historic landmark if it meets prescribed historic and/or architectural criteria.

On November 8, 2015, the Planning Commission opened a public hearing, received a staff report and a presentation by the applicant, received public testimony, discussed the project, and recommended approval of the historic designation of the Webster House, pursuant to Planning Commission Resolution No. 15-14 included in the Agenda as Exhibit B.

On November 24, 2015, the City Council opened a public hearing, and continued the nomination of the Webster House to January 12, 2016, at the request of the property owner.

Staff recommends approval of the request for historic designation pursuant to City Council Resolution No. 15-69.

Mayor Capoccia remarked that this item had a full presentation at the Planning Commission.

The Mayor followed by opening for public input and there was none.

Council Member, Rachelle Arizmendi moved and it was seconded by Council Member, John Harabedian, for approval of the Webster House – 101 West Bonita Avenue as a local Historical Cultural Landmark to be listed on the City's Historic Cultural Landmark list pursuant to City Council Resolution No. 15-69. The motion passed by unanimous voice vote.

3). MUNICIPAL COSE TEXT AMENDMENT 15-04 (MCTA 15-04) – ORDINANCE NO. 1371 AMENDING TITLE 17, CHAPTER 17.10.

Vincent Gonzalez, Planning & Community Preservation Director, gave the staff report.

The City Council will consider alternatives to Ordinance No. 1371 amending Title 17, Chapter 17.10 of the Municipal Code to establish local control measures regulating the growing of five plants, cultivation, and distribution of medical marijuana.

On October 9, 2015, Governor Brown signed a comprehensive package of bills to establish a regulatory structure for medical marijuana businesses. Together, Assembly Bill (AB) AB 243, AB 266, and Senate Bill (SB) SB 643 comprise the Medical Marijuana Regulation & Safety Act.

On December 3, 2015, the Planning Commission conducted a public hearing, and discussed the proposed revisions to Chapter 17.10 of the Municipal Code. The Planning Commission continued the hearing to December 17, 2015 to allow for further discussion. The Planning Commission directed staff to provide two alternatives to the ordinance for their consideration; one ordinance that prohibits the growing of live plants, deliveries, and dispensaries in the City of Sierra Madre (Exhibit A), and a second ordinance that imposes land use regulations on the growing of live plants and cultivation for the personal medical use of marijuana (Exhibit B).

At its December 17, 2015 meeting, the Planning Commission unanimously recommended approval of the Municipal Code Text Amendments prohibiting the growing of marijuana plants, cultivation, deliveries, and dispensaries as a business, and establishing land use regulations of the growing of live marijuana plants for personal medical use. The Planning Commission recommended MCTA was attached to the Agenda (Ordinance No. 1371) and Planning Commission Resolution No. 15-17 was also attached to the Agenda as Exhibit C.

It is recommended to adopt Municipal Code Text Amendment No. 15-04, identified in Exhibit A, amending Title 17, Chapter 17.10 (Marijuana Cultivation and Marijuana Dispensary), explicitly prohibiting the growing of live marijuana plants cultivation, deliveries and dispensing of marijuana as a business pursuant to Ordinance No. 1371, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE AMENDING MUNICIPAL CODE CHAPTER 17.10 REGULATING THE CULTIVATION AND DISTRIBUTION OF MARIJUANA", for first reading by title only, and waive further reading.

The Planning Commission recommendation was to adopt Municipal Code Text Amendment 15-04, identified in Exhibit B, amending Title 17, Chapter 17.10 (Marijuana Cultivation and Marijuana Dispensary), establishing land use regulations for the growing of live marijuana plants for personal medical use pursuant to Ordinance No. 1371 and Planning Commission Resolution No. 15-17 (Exhibit C in Agenda), for first reading by title only and waive further reading.

The following was attached to the Agenda;

Exhibit A: Ordinance No. 1371 (Explicitly prohibiting the growing of live marijuana plants, cultivation, deliveries, and dispensaries as a business within the City of Sierra Madre.

Exhibit B: Ordinance No. 1371 (Prohibits the cultivation of marijuana plants and delivery within the City of Sierra Madre as a business, with the exception of personal medical use cultivation).

Council Member, John Harabedian, asked the City Attorney , under Section 1, Division C, are we providing "safe harbor?

The City Attorney noted that this provision is savings clause, because we cannot criminally prosecute someone for violation of the ordinance. Our Ordinance prohibits this conduct and the remedy is code enforcement. There is likely to be a savings clause in most if not all such ordinances adopted by other cities. There is one correction to the staff report: last week the City of South Pasadena adopted their ordinance with Personal Use Exemption, if you are a qualified patient with a medical marijuana card. So in the San Gabriel Valley, so far there is only one city that has created a personal use exemption.

Mr. Gonzalez noted that it is only allowed if you have a Marijuana card.

Mayor Capoccia opened for public input

Brian Abernathy

Mr. Abernathy remarked that a couple years ago there was a fire loss to property due to having a grow house inside. There are lots of lamps and fans for indoor use. The City doesn't need to get involved with permitting a personal use.

Mayor Capoccia closed public input.

Council Member, Denise Delmar, stated that she feels at this point in time, we don't have code enforcement. I am okay with the first ordinance. We can always amend.

City Attorney, Teresa Highsmith, remarked that if the City doesn't carve out a Personal Use Exemption, it will default to state Law. In Option A, you won't stop people from growing for personal use. The Planning Commission felt it would have more land use control over a use that will occur anyway. The timeline to develop such regulations is short. We will lose opportunity to do so later.

Council Member, Rachelle Arizmendi asked if procedurally, if 100 sq. ft. is too much, can we change.

The City Attorney noted that you are doing "first reading" tonight so you can make any changes you like to the ordinance.

Mayor Pro Tem, Gene Goss, noted that "Federal" law prohibits this.

The City Attorney remarked Yes, there is nothing to stop the Feds from coming into Sierra Madre to enforce federal law; however, adopting a local ordinance in compliance with state law won't create federal liability for the City.

Mayor Capoccia noted that the State allows cultivation even if we prohibit.

The City Attorney noted that under the new state law, you need to get dual licenses to cultivate for distribution to a dispensary – a license fro the city you are in and a license from the state. Actual "sale" of marijuana is not legal. Personal use does not require licensing under state law, which permits a qualified patient to grow six marijuana plants for personal use, with a marijuana card.

Mayor Capoccia asked if we go with Option A, can people still grow for personal use?

The City Attorney noted that someone could be seen growing plants for personal use with card. Ordinance doesn't stop that, as it is intended to prohibit cultivation that would require licensing under state law. The Planning Commission didn't want Sierra Madre to be a test case by trying to prohibit all cultivation – even for personal use.

Mayor Capoccia noted that with Option A – can you legally plant outdoors? Option B allows growing outdoors only. I agree with Mr. Abernathy, I don't want to encourage a grow house iin Sierra Madre. Does it give us more power to implement Option B?

The City Attorney stated that Option B was drafted to avoid the potential of grow house – and it gives the City more land use control over how you can grow marijuana with a marijuana card.

Mayor Capoccia questioned if you could grow six plants in 32 sq. ft. space.

Council Member, John Harabedian stated that he is concerned about Option B. You could cultivate indoors with lamps, etc. What are fire risks with lights inside? Would you want to encourage indoor? By adopting "B", it causes conflict with the State Law. How will it make things easier – why allow 100 sq. ft.? Under "A" there is no issue.

The City Attorney remarked that the State law does not preempt a city from adopting its own regulations. The City could have its own rules. The State has not yet created its rules for cultivation – it isn't expected to do so until 2018. Under either Option "A" or "B", you could instead define cultivation to exclude growing for personal use with a marijuana card, rather than to affirmatively permit it.

Council Member, Rachelle Arizmendi asked if there is time to develop an ordinance for personal use or amend the ordinance later.

The City Attorney stated that we only have until March 1, 2016. But in 2018 the State will create its own licensing scheme, which will require dual licensing. So if the City you are located in does not allow cultivation, then you can't cultivate because you need two licenses – one from the City and one from the State. With the Ordinance tonight we are saying no-one will get a license in Sierra Madre. You are putting your foot in the door now and possibly could adjust your regulation later. What we are saying with this Ordinance is that cultivation for business use is prohibited in Sierra Madre – you need a dual license for that.

Mayor Capoccia noted that the State may explicitly regulate personal use.

The City Attorney stated that personal use cultivation is currently carved out of the new state law for licensing or marijuana cultivation.

Mayor Capoccia asked why the Planning Commission made their recommendation. I don't see an argument either way.

Gina Frierman-Hunt, Member, Planning Commission

> Ms. Frierman-Hunt remarked that the Planning Commissioners questioned why it was coming to them. But State law allows personal cultivation for six plants which could grow wherever. This is a Land Use issue – we thought it would be nice to control where plants are grown in safest possible way.

Mayor Capoccia noted that by being inside, there is less nuisance to neighbors. Weird things can happen though, when trying to grow marijuana inside a house.

Council Member, John Harabedian, stated that you are telling folks how they will use their property. You are saying indoors. It could cause a fire hazard. We shouldn't tell folks how to grow their plants if they have a card to do so. I want to know if our public safety officials think it is safer to grow marijuana inside or outside.

Larry Giannone, Safety Director and Police Chief

> Chief Giannone joked that Monrovia is a good City to grow. I agree with the City Council, you can't really control whether children have access to plants grown indoors. With regard to outdoors, getting a case court for violation is slim to none. I prefer outdoors as the safer option. If you have an extra bedroom and grow plants – pretty soon you have 18-20 plants, more lighting and lamps, creating a fire hazard; also growing indoors could create a greater break-in risk.

Council Member, Rachelle Arizmendi, noted that she was concerned about the timeline. There is no compelling reason for "B".

Council Member, Denise Delmar, remarked that she appreciated the work the Planning Commission did. I am concerned about public safety as noted by our Chief.

Mayor Capoccia stated, that the City Council is okay with Option A.

Council Member, Rachelle Arizmendi moved and it was seconded by Mayor Pro Tem, Gene Goss, for approval of Exhibit A. The motion passed unanimously by voice vote.

4). <u>FIRST READING OF ORDINANCE NO. 1374 REPLACING SIERRA MADRE MUNICIPAL CODE CHAPTER 15.60 WATER EFFICIENT LANDSCAPE ORDINANCE TO COMPLY WITH CURRENT STATE MODEL ORDINANCE.</u>

Bruce Inman, Director of Public Works, gave the staff report

The City's existing Water Efficient Landscape Ordinance (Ordinance No. 1300) was adopted in December of 2009. As noted below, the ordinance requires updating at this time.

Staff recommends that the City Council introduce Ordinance No. 1374 for first reading, hold a public hearing on the matter.

The Governor's Drought Executive Order of April 1, 2015 directed the State Department of Water Resources to update the State's Model Water Efficient Landscape Ordinance (MWELO). That new Model Ordinance was approved by the California Water Commission on July 15, 2015. Local agencies were given until December 1, 2015 to adopt the State Model Ordinance or their own version thereof. Local agencies working together to develop regional ordinances were given until February 1 to adopt their updated regional Water Efficient Landscape Ordinances (WELO's).

Acting on information that the San Gabriel Valley Council of Governments was developing a San Gabriel Valley WELO, city staff deferred bringing the matter to City Council until receiving the COG version of the WELO. Staff was recently advised by COG staff that the COG's efforts to develop an ordinance have been abandoned and that many COG member agencies have opted to utilize the regional ordinance adopted by Orange County.

Staff recommends that the city Council introduce Ordinance No. 1374 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, PROVIDING A MANDATORY UPDATE OF THE SIERRA MADRE WATER EFFICIENT LANDSCAPE ORDINANCE BY REPLACING CHAPTER 15.60 OF THE MUNICIPAL CODE", for first reading, hold a public hearing on the matter.

Mayor Pro Tem, Gene Goss questioned how you would define "new landscape"?

Mr. Inman stated it is newly installed or rehabilitated existing for a minimum of 2,500 sq. ft.

Council Member Harabedian questioned for requirement for meters and sub-meters?

Mayor Pro Tem, Gene Goss, noted that the meter is for home owner use, not seen or monitored by the City.

Mr. Inman noted that the ordinance allows for sub-meters. The property owner or resident can keep track of water used for irrigation.

Council Member Harabedian noted that a new project over 5,000 sq. ft. requires you to put in a sub-meter?

Mr. Inman stated that the resident can call a plumber to do the work or a landscape architect.

Mayor Capoccia noted that you have to get a permit.

Council Member Delmar noted that you have to get a permit, this is a local ordinance.

Mr. Inman noted that we originally intended to use the San Gabriel Valley Regional ordinance out of the COG, but the effort was abandoned. That is why we looked at the Orange County Regional Ordinance as a model.

Mayor Capoccia opened for public comment and there was none.

City Attorney Highsmith pointed out a typographical correction needed to the Ordinance before the Council.

Council Member, John Harabedian, moved and it was seconded by Council Member, Denise Delmar, for approval of Ordinance No. 1374 "AN ORDINANCE OF THE CITY COUNCIL OF THE CIUTY OF SIERRA MADRE, PROVIDING A MANDATORY UPDATE OF THE SIERRA MADRE WATER EFFICIENT LANDSCAPE ORDINANCE BY REPLACING CHAPTER 15.60 OF THE MUNICIPAL CODE", for first reading by title only, and with correction noted by the City Attorney. The motion passed by unanimous voice vote.

5). STOP THE UTILITY USERS TAX INITIATIVE – SUFFICIENCY OF PETITIONS

Elaine Aguilar, City Manager announced that a "Notice of Intent to Circulate Petition" was received in October 2015 to repeal the City's Utility Users Tax (UUT). According to the Los Angeles County Registrar Recorder and the City Clerk, an adequate number of valid signatures were obtained to qualify the initiative petition. The City Council has a number of alternatives which are explained in this staff report. Staff is seeking City Council direction.

On October 5, 2015, Mr. Earl Richey and Mr. David McMonigle (Proponents) filed a "Notice of Intent to Circulate Petition" for the purpose of repealing the City of Sierra Madre's Utility User's Tax. In accordance with Election Code (EC) Section 9203, the City Attorney prepared a Ballot Title and Summary. On November 16, 2015, the Proponents filed proof of publication of a "Notice to Circulate Petition" with the City. The Proponents had 180 days from receipt of the Ballot Title and Summary to circulate the petition and obtain the requisite amount of signatures.

Pursuant to Article XXIII C, Section 3, of the California Constitution, reducing or repeal of any local tax, assessment, fee or charge is subject to the initiative process. Pursuant to Article II, Section 8, of the California Constitution, the required number of signatures is based upon 5% of voters casting ballots at the last gubernatorial election. The canvass of ballots cast for the November 4, 2014 Gubernatorial Election in the City of Sierra Madre was 3,824. Therefore, a total of 191 valid signatures are required to qualify the initiative petition.

On December 21, 2015, the Proponents filed their "Notice of Submission of Signatures." That same day, the City Clerk forwarded the petitions to the Los Angeles County Registrar-Recorder for signature verification.

Pursuant to EC Section 9114, the City Clerk/Registrar-Recorder has 30 days, Saturday, Sundays and holidays excepted, in which to verify signatures on the initiative petition. The signatures on said petition are to be verified and/or rejected as to whether or not the signers are registered voters within city limits based on Affidavits of Registration on file in with the LA County Registrar-Recorder. On December 29, 2015, the LA County Registrar-Recorder/City Clerk advised that sufficient signatures were submitted to qualify the initiative petition.

Pursuant to EC Section 9214, upon certification of sufficiency of signatures, the City Council must either:

Option 1: Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented. (The City Manager subsequently noted that this Option was not available because the existing ordinance was adopted by vote of the people).

Option 2: Pursuant to EC Section 9212, order a report analyzing the impact of the ordinance on municipal operations. Staff must present the report no later than 30 days after it is ordered by the City Council. When the report is presented to the City Council, the city Council shall either adopt the ordinance within 10 days or order an election.

Option 3a: Pursuant to EC Section 1405(b), submit the ordinance, without alteration, to the voters at the General Municipal Election to be held April 10, 2018, and direct the City Clerk to cause publication of the entire text of the proposed ordinance in the sample ballot.

Option 3b: Should the Council decide to forgo the ordering of a report analyzing the impact of the ordinance on municipal operations (Pursuant to Elections Code 9212), the Council may schedule a special Council meeting, prior to January 15th, to adopt the necessary resolutions to place the matter on the April 12, 2016 ballot, and direct the City Clerk to cause publication of the entire text of the proposed ordinance in the sample ballot. The City Clerk would need to establish deadlines for preparation of ballot arguments and rebuttal arguments.

Option 3 is presented with two alternatives due to the timing of placing items on the April 12, 2016 municipal ballot and because the Proponents did not request a special election. Pursuant to the Elections Code, the last day to call for an election for a ballot measure is January 15, 2016. (A copy of the elections Calendar is attached to the Agenda). If the Council requests the report pursuant to Elections Code 9212, staff must present the report no later than 30 days after it is ordered by the City Council. L Thirty days from January 12th is February 11, 2016. This essentially means the report would return to the February 9th Council meeting, which is past the January 15th deadline to place measures on the April 1, 2016 ballot.

The adopted budget for Fiscal Year 2015-16 includes $1M in UUT revenues, which is approximately 22% of overall General Fund revenues. The Council has spent much time evaluating the impact on city services of the reduction in the current UUT to 6%. The financial impacts of a reduction to 0%, or the loss of an additional $2M in General Fund revenue, it is recommended tht the City Council select Option 2 above and direct staff to prepare the report analyzing the impact of the ordinance on municipal operations and present the report at the February 9, 2016 meeting.

Approximately $500 is owed to the Los Angeles County Registrar-Recorder for services rendered to verify signatures on the initiative petition. Sufficient funds were budgeted for election-related expenses in the adopted Fiscal Year 2015-16 Budget.

It is recommended that the City Council receive, file and accept the Certificate of Sufficiency of Initiative Petition from the City Clerk, and provide staff with direction.

Mayor Pro Tem, Gene Goss asked if staff was aware of any city ever sending an initiative to the ballot without first ordering economic report?

The City Attorney stated that in her more than 25 years of public service she does not know of any city which did not first order a fiscal review of the initiative before sending it to the ballot.

Council Member, Rachelle Arizmendi, asked that since we have been working on the budget and have already studied the impact of a 6% UUT on the budget, how much time would it take to complete Section 9212 report on a complete UUT Repeal?

The City Manager stated that staff would need 30 days to get back to the City Council. It involves financial impacts by department. We have annual required audits right now and not enough staff at the moment to do this any faster.

Council Member, Denise Delmar, asked about the purpose of a financial report for voters of City. Is information used for arguments for and against?

The City Attorney stated that Section 9212 report is factual and would benefit and inform the voters and inform drafting of the arguments for and against. That is the purpose.

Council Member, John Harabedian, noted that the last day to call for this proposed ballot measure is January 15, 2016.

Nancy Sue Shollenberger, City Clerk, stated that there is not enough time to consider the UUT Repeal at this time for the April 12, 2016 election, given the need to prepare ballot arguments and rebuttals.

Mayor Capoccia opened for public input.

Barry Gold, Ramona Avenue

> Good evening Mayor Capoccia and Council Members. The initiative process, especially at the local level, is the best protection we have to insure that a government of the people and by the people is truly for the people. Concerning the Stop the UUT initiative, I don't know if I want to vote for it or not, but I do know that I want the opportunity to be able to make that choice. 384 people signed the petition, many more wanted to. 264 of those signatures were certified. This is almost 40% more signatures than is needed. What is not needed is an impact study that will tell you what everyone already knows. The signatures were collected, counted, and certified. I urge you to do whatever is necessary to put this measure on the April 2016 ballot thus protecting our precious initiative system. Thank you for your time.

Council Member, Rachelle Arizmendi noted that there are three major issues:

1). Timing for April 2016 – voters should be able to make a decision.
2). Financial Report, Section 9212 – it is absolutely necessary.
3). If not the April ballot – what other option do we have?

Council Member, Denise Delmar, noted that she thinks Barry Gold makes a good point – it is important to allow people to vote on this. The fiscal impact report is the first step. We need to afford those who are preparing ballot arguments the ability to have that information and the City Clerk says we cannot do that and make the general election in April this year.

Council Member, Rachelle Arizamendi, remarked that there was not a request for a special election.

City Attorney, Teresa Highsmith, stated that the City Council has the discretion to call a special election and consolidate it with State primary, even if they did not request a special election. Normally you can only place a tax measure on a general election – but because this is an initiative to eliminate a tax, not create or increase one, the Council could choose to call a special election and consolidate with the June Primary.

Mayor Pro Tem, Gene Goss, remarked that everyone likes the democratic process. Signatures were gathered and we will address for a future ballot.

Mr. Barry Gold, (who was allowed by the Mayor to speak again after Council discussion) stated he was going to ask if it can be on the June Primary and that question has been answered.

Mayor, John Capoccia, noted that the financial report is a benefit to the voters. It is a necessary information and a powerful impact. I want the facts. Also important to note, the signature gatherers misrepresented themselves when they asked me for a signature on the petition. We need the facts. I am absolutely supportive of the democratic process. The Mayor asked the City Clerk if there was time for the initiative to be considered at the June Primary Election?

City Clerk, Nancy Sue Shollenberger, remarked that she would check with Martin & Chapman tomorrow and let the City Council know.

City Attorney, Teresa Highsmith, stated that to order an election and report, staff has 30 days to bring back and 10 days after receipt to make a decision to call the election. You should have time to consolidate with the June Primary.

Mayor Capoccia stated that we will consider the June Primary. The City Clerk will let us know.

Council Member, Denise Delmar, remarked that we are requesting a financial report in 30 days. Check on the timeline for June Primary. Then make a decision for when to put the initiative on the ballot, including possibly consolidating with the June Primary. Direction was provided to staff accordingly.

BREAK: The Mayor requested a break at 8:25 p.m. and the City Council reconvened at 8:35 p.m.

6). <u>REVIEW OF SEPTEMBER 2012 INFRASTRUCTURE REPORT (OCTOBER 2015 STRATEGIC PLAN ITEM).</u>

Bruce Inman, Director of Public Works, gave the staff report.

Staff recommends that the City Council direct staff to continue with the implementation of street, sewer, and water improvement projects as provided for in the FY 2015-16 budget and in previous Council direction.

Mr. Inman reviewed the following:

Priority 1 – Water Distribution System
Priority 2 – Water Supply
Priority 3 – Storm Drain/NPDES/EWMP
Priority 4 – Streets
Priority 5 – Trees
Priority 6 – Sidewalks
Priority 7 – Sewers
Priority 8 – ADA Compliance
Priority 9 – Facilities Maintenance

As stated in the September 2012 report, "Much of Sierra Madre's infrastructure is old, and regular infrastructure maintenance has often been deferred due to a lack of adequate funding. The situation that Sierra Madre finds itself in is not new; infrastructure maintenance funding shortages are chronic in Sierra Madre as they are elsewhere n the state." This statement remains true today, because there are no existing funding sources that are sufficient to address the continual deterioration of infrastructure.

Staff recommends that the City Council direct staff to continue with the implementation of street, sewer, and water improvement projects as provided for in the FY 2015-16 budget and in previous Council direction.

Mr. Inman noted that sewers are inspected by cameras. There are holes in the pipes and sections of damaged pipes.

Mayor Pro Tem, Gene Goss questioned if when tearing up the streets for water mains, will you be paving the streets completely?

Mr. Inman remarked that it would be nice if we could pave, but we can't do at this point.

Mayor Pro Tem, Gene Goss questioned tree trimming and the 5-year grid schedule. When trimming will we get to all trees? Do you have a a process where the people know when their trees will be trimmed?

Mr. Inman stated that some tree removals can be $2,000 each. The budget is good for tree removals. We haven't had a plan previously for notifying the people when their trees will be trimmed. We need a level of funding for five years.

Mayor Pro Tem Goss asked if staff uses discretion as to whether a tree should be trimmed on that schedule?

Mr. Inman noted that with regard to grid trimming – we use the discretion by street, not per tree in the grid trimming schedule.

Mayor, John Capoccia, stated that there are consequences to not maintaining infrastructure. We should not continue to kick the can down the road. Let's proceed and adjust priorities as needed.

Mayor Capoccia opened for public comment.

De Alcorn, E. Grand View Avenue

Mr. Alcorn stated that he thinks the citizens have had a free ride for too long regarding the costs of maintaining our public facilities. The water infrastructure should have been self-sustaining all along. The Water Department should be self-sustaining. There is inadequate funding to insure this. There should be adequate funding coming in through our rates. Is maintenance and repair structured in? What does it cost a citizen to get water? Is there a fund for services?

Mr. Inman announced that he was handed a note – there is a leak on W. Montecito by Bethany. There is a sink hole developing.

Mayor Capoccia wanted to comment on Mr. Alcorn's remarks. The proposal from the Consultant recommended higher water rates. We did reduce what was really required to keep our water system functioning because of the Prop 218 process. This is political problem. It is in the interest of ratepayers to protect the future. This is a receive and file agenda item.

Mayor Pro Tem, Gene Goss stated that he completely agrees with what has been said. We need to work on trust issue.

7). This item was pulled from the Agenda.

8). STRATEGIC PLAN FROM OCTOBER 20, 2015 RETREAT

Elaine Aguilar, City Manager, updated the City Council on the progress that has been made on the Strategic Plan Objectives.

Mayor Capoccia opened for public comment and there was none.

This agenda item is a receive and file.

FUTURE AGENDA ITEMS: None

ADJOURNMENT

The City Council adjourned to a Closed Session at 9:06 p.m. The City Council returned from Closed Session at 10:45 p.m. and City Attorney Highsmith announced that direction was provided to the City Manager at her annual Performance Evaluation. The meeting was adjourned at 10:46 p.m.

John Capoccia, Mayor

Minutes taken and typed by:

Nancy Sue Shollenberger
City Clerk