

**AGENDA
SPECIAL MEETING
SIERRA MADRE CITY COUNCIL,**

Tuesday, March 13, 2018

Closed Session 5:30 pm

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

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

*Sue Spears, City Clerk
Michael Amerio, 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 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.

CLOSED SESSION

CALL TO ORDER/ROLL CALL

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

PUBLIC COMMENT

Regarding Closed Session Items

RECESS TO CLOSED SESSION REGARDING:

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
(Govt. Code Section 54956.9 (d)(2))
Number of Potential Cases: One

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.

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.

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

Tuesday, March 13, 2018 - 6:30 pm

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

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

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



PUBLIC COMMENT

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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.

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

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

**PLEDGE OF ALLEGIANCE AND
INVOCATION/INSPIRATION**

Mayor Pro Tem Denise Delmar

APPROVAL OF AGENDA

Vote of the Council to proceed with City business.

APPROVAL OF MEETING MINUTES

Approval of City Council minutes from the regular meeting on February 27, 2018.

MAYOR AND CITY COUNCIL REPORTS

Council Member activities relating to City business.

PUBLIC COMMENT

Regarding items not on the Agenda.

PRESENTATION

Proclamation in support of Red Cross Month

ACTION ITEMS

1. CONSENT

- a) **ADOPTION OF RESOLUTION 18-09 OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE APPROVING CERTAIN DEMANDS**
- b) **ANNUAL HOUSING ELEMENT PROGRESS REPORT ON STATUS OF REGIONAL HOUSING NEEDS ALLOCATION (RHNA)**
- c) **CONSIDERATION OF PROFESSIONAL SERVICES AGREEMENT WITH MARTIN AND CHAPMAN**
- d) **NATIONAL LEAGUE OF CITIES SERVICE LINE WARRANTY PROGRAM**

Recommendation that the City Council approve Resolution 18-09 for approval of payment of City warrants in aggregate amount of \$146,803.44; Library warrants in the aggregate amount of \$400.00, and payroll transfer in the aggregate amount of \$299,313.07 for fiscal year ending June 2018.

Recommendation that the City Council receive and file.

Recommendation that the City Council approve an agreement with Martin and Chapman for services related to the 2018 General Municipal Election and authorize the City Manager to execute the agreement.

Recommendation that the City Council authorize the City Manager or his designee to enter into a non-royalty marketing agreement with Utility Service Partners, Inc. (USP) for a three-year term and authorize USP to use the City's official logo in the program's marketing.

PUBLIC HEARING

- 2. **FIRST READING OF ORDINANCE No. 1396 AMENDING TITLE 17, CHAPTER 17.56–NONCONFORMING USES ORDINANCE AND CHAPTER 17.82– HISTORIC PRESERVATION ORDINANCE OF THE SIERRA MADRE MUNICIPAL CODE**

Recommendation that the City Council conduct a Public Hearing and introduce, for first reading, by title only, Ordinance No. 1396, an Ordinance amending Chapter 17.56 Non-Conforming Uses Ordinance and Chapter 17.82 Historic Preservation Ordinance.

DISCUSSION

- 3. **CONSIDERATION OF RESOLUTION 18-10 MOBILE SOURCE AIR POLLUTION REDUCTION REVIEW COMMITTEE (MSRC) CLEAN TRANSPORTATION FUNDING OPTIONS**
- 4. **FY 2017-2018 MIDYEAR BUDGET REVIEW SECOND QUARTER FINANCIAL REPORT CONSIDERTION OF RESOLUTION 18-11 ADOPTING THE MIDYEAR BUDGET FOR FISCAL YEAR 2017-2018 AND APPROPRIATING THE AMOUNTS PROJECTED**
- 5. **PROCEDURES FOR DISINCORPORATION AND IMPACTS THEREOF**

Recommendation that the City Council accept the Clean Transportation Funding Grant in the amount of \$50,000 and adopt Resolution 18-10 allocating those grant funds towards the operations and maintenance of a San Gabriel Valley-wide Metro Bike Share Program that is being coordinated through the San Gabriel Valley Council of Governments.

Recommendation that the City Council approve Resolution 18-11 adopting the Fiscal Year 2017-2018 Midyear Budget and appropriating the amounts projected.

Recommendation that the City Council receive and file.

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.

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 Regular Meeting at this same place on Tuesday, March 27, 2018.

MINUTES

Agenda - Regular Meeting of the Sierra Madre City Council,
Successor Agency and Public Finance Authority
Tuesday, February 27, 2018 – 6:30 p.m.

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

6:32 PM - CALL TO ORDER/ROLL CALL MEMBERS OF THE CITY COUNCIL:

Present: Mayor Rachelle Arizmendi, Member Gene Goss, Council Member John Capoccia, and Council Member John Harabedian

Absent: None

Also, Present: Michael Amerio, City Treasurer
Gabriel Engeland, City Manager
Marcie Medina, Assistant City Manager
Teresa Highsmith, City Attorney
Joe Ortiz, Police Chief
Chris Cimino, Public Works Director
Jose Reynoso, Utility Services Director
Vincent Gonzalez, Director of Planning & Community Preservation
Rebecca Silva-Barron, Community Services Manager
James Carlson, Management Analyst
Laura Aguilar, Assistant City Clerk
Jill Schofield, Library Services Manager

PLEDGE OF ALLEGIANCE:

Mayor Rachelle Arizmendi led in the pledge of allegiance.

APPROVAL OF AGENDA:

Mayor Arizmendi pulled agenda item 2, Public Hearing for first reading of Ordinance 1396 amending Title 17, Chapter 17.56 – non-conforming uses ordinances and Chapter 17.82 – Historic Preservation Ordinance of the Sierra Madre Municipal Code for lack of proper publication.

Council Member John Harabedian moved to approve the agenda as amended.

Council Member Mayor Pro Tem Denise Delmar seconded the motion for approval of the agenda.

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

Noes: None

The motion to approve the agenda as amended was passed unanimously.

APPROVAL OF MINUTES:

Mayor Rachelle Arizmendi moved on to the approval of the minutes from the February 13, 2018 City Council meeting.

Council Member John Capoccia made a motion to approve the minutes as presented.

Council Member Gene Goss seconded the motion for approval of minutes.

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

Noes: None

The motion to approve the February 13, 2018 City Council meeting minutes was passed unanimously.

MAYOR AND CITY COUNCIL REPORTS:

- 1) Council Member John Capoccia had nothing to report.
- 2) Mayor Pro Tem Delmar had nothing to report.
- 3) Council Member Gene Goss reported he attended the Friends of the Library Wine and Cuisine Tasting event and congratulated them on a successful event. Also, congratulations to Leslie Ziff, event chairperson. Council Member Goss also reported that he attended the Sierra Madre Little League Opening Day Parade along with the Mayor. Thank you to Mr. Taylor for helping out. Council Member Goss reported he attended the Community Services Commission meeting. The Commission will form a sub-committee to research and discuss the Kersting Court remodel. Lastly, Council Member Goss mentioned that Taylor's Meats has expanded his grocery options.
- 4) Council Member Harabedian had nothing to report.
- 5) Mayor Rachelle Arizmendi announced the State of the City on Saturday, March 24 at the Hart Park House. Also, the Wistaria Festival will be two days this year; March 17 and 18. Mayor Arizmendi reported that she has received many inquiries from the public asking for an update on the Library survey. The Mayor reported over 1600 surveys have been collected for a response rate of about 35%. Her understanding is that 35% is a good response to a survey. The report should be ready in mid-April.

Mayor Arizmendi opened for public comment on items not on the agenda

PUBLIC COMMENT ON NON-AGENDA ITEMS:

Debbie Sheridan, Valle Vista Drive. Ms. Sheridan said that she does social research for a living and 35% response is amazing. Ms. Sheridan thanked the current council for all they have achieved collectively as a council.

Bob Spears, 80 W. Grandview announced that registration for the Mt. Wilson Trail Race will begin on Saturday, for the first 100 residents, at the Hart Park House.

Tucker Capps, Mariposa shared an experience he and his girlfriend, Sierra Brown, had while playing tennis last week. The police department was having training and he was not aware.

Thinking that the experience was real, both he and his girlfriend were frightened. Upon learning it was only a training exercise he spoke to Police Sergeant Bailey and asked if they would do a better job of publically announcing training exercises and Sergeant Bailey agreed.

Carolyn Dasher invited all to the screening of Wild and Scenic Film Festival on March 10, 2018 at the Sierra Madre Playhouse at 7:00pm.

Mayor Arizmendi asked if anyone else would like to come forward on items not on the agenda. Seeing no one come forward, Mayor Arizmendi closed public comment.

PRESENTATION – UPDATE FROM PASADENA UNIFIED SCHOOL DISTRICT BOARD MEMBER

LARRY TORRES:

PUSD Board Member Larry Torres provided an update on the financial status of Pasadena Unified School District.

1. CONSENT CALENDAR:

City Manager Gabriel Engeland gave the following reports under the Consent Calendar.

- a) ADOPTION OF RESOLUTION 18-08 OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE APPROVING CERTAIN DEMANDS
- b) GRANULAR ACTIVATED CARBON REPLACEMENT
- c) TREASURER’S REPORT QUARTER ENDING DECEMBER 31, 2017
- d) PROFESSIONAL SERVICES AGREEMENT – HONG TAM, STRUCTURAL ENGINEERING PLAN CHECK SERVICES
- e) COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDING JUNE 30, 2017

Mayor Arizmendi noted that City Treasurer Amerio was in the audience to probably report on the CAFR. The Mayor also noted that City Treasurer Amerio threw out the first pitch on opening day for Sierra Madre Little League.

Mayor asked if any member of the Council had questions on items on the Consent Calendar.

Mayor Pro Tem Delmar asked if City Treasurer Amerio would like to come forward to discuss his Treasurer’s Report. City Treasurer Amerio elected not to.

Council Member Capoccia noted that in 1D the commencement date is February 20, 2018. Does that need to be changed? Also is the \$150/hour rate a pass-through? City Manager Engeland responded that if the City asked Hong to visit a site then the City would pay him to provide that service, not the resident.

Council Member Goss asked if the City is collecting 40% instead of 25%, how is there no net increase passed through to the residents. City Manager responded that a 60-40 split is in line with what all the other contracted services are and staff wanted to bring this contract in line with the others.

Council Member Goss asked regarding item 1B, granulated activated carbon. Are we saving money by going with this contractor? Is there any change, will it have the same impact on our water? Director Reynoso responded that it would be the same price for July. Council Member Goss asked if there would be any change in how the City is treating its water. Director Reynoso responded that there would be no change.

Mayor Arizmendi opened for public comment. Seeing no one, Mayor Arizmendi closed public comment and brought the matter back to the Council.

Council Member John Capoccia made a motion to approve the consent calendar.
Council Member John Harabedian seconded the motion for approval.

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

Noes: None

Abstain: None

The motion to approve the consent calendar was approved unanimously.

2. PUBLIC HEARING: FIRST READING OF ORDINANCE 1396 AMENDING TITLE 17, CHAPTER 17.56 – NONCONFORMING USES ORDINANCES AND CHAPTER 17.82 0 HISTORIC PRESERVATION ORDINANCE OF THE SIERRA MADRE MUNICIPAL CODE

Mayor Arizmendi noted that this item was removed from the agenda because it was not properly noticed.

3. CONSIDERATION OF APPOINTMENT TO ENERGY, ENVIRONMENT, AND NATURAL RESOURCES COMMISSION

Assistant City Clerk Aguilar gave this report.

There are two vacancies on the EENR Commission for the 2017-2021 term. The City has received four applications but one of the applicants, Susan Hoskins, withdrew her application citing job-related reasons.

Mayor Arizmendi invited the applicants to speak in alphabetical order.

Mr. Paul Cranmer spoke first and described his personal employment history and his qualifications.

Ms. Jessica DeBusk spoke next and described her personal employment history, and her qualifications.

Mr. Nazareth "Naz" Jansezian spoke last and described his personal employment history and his qualifications.

Mayor Arizmendi opened the matter for public comment. Seeing none, Mayor Arizmendi brought the matter back to Council for discussion.

Council Member Capoccia expressed that he is in favor of Mr. Cranmer and Ms. DeBusk.

Council Member Harabedian commented that his picks were the same.

Council Member Goss thanked all the applicants for applying. Council Member Goss concurs with Council Members Capoccia and Harabedian.

Mayor Pro Tem Delmar concurs with her colleagues and votes for Mr. Cranmer and Ms. DeBusk.

Mayor Arizmendi feels similar to the rest of the Council. She thanks all the applicants.

Mayor Arizmendi made a motion to confirm the appointments of Paul Cranmer and Jessica DeBusk to the Energy, Environment, and Natural Resources Commission.

Mayor Pro Tem Delmar seconded the motion.

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

Noes: None

Abstain: None

The motion to appoint Paul Cranmer and Jessica DeBusk was approved unanimously.

4. CONSIDERATION OF APPOINTMENT TO FILL UNEXPIRED CITY CLERK TERM

Assistant City Clerk Aguilar gave this report.

Elected City Clerk Carrillo resigned effective January 5, 2018. The Council has 60 days to appoint a City Clerk to complete the four-year term which ends April 2020.

City staff advertised the vacancy and received four applications.

Mayor Arizmendi invited the applicants to speak, in alphabetical order.

Mr. Christopher Bamberger thanked the Council for the opportunity to be considered for the position of City Clerk and would be honored to have the opportunity to serve the community in that position.

Ms. Carolyn Dasher her employment history, qualifications, and her volunteer history in the City of Sierra Madre.

Ms. Sue Ann Spears shared her employment history, qualifications, and her volunteer history in the City of Sierra Madre.

Ms. Alexandra E. Potter-Watts is looking to try something new because she likes to try new things. Ms. Potter-Watts is happy to answer any questions.

Mayor Arizmendi opened the matter for public comment. Seeing none, Mayor Arizmendi brought the matter back to Council for discussion.

Council Member Harabedian thinks all the applicants would be great. Council Member Harabedian did have an opportunity to speak to all the candidates.

Council Member Capoccia echoes Council Harabedian's comments. He was only able to interview 3 of the applicants, a message was left for the fourth but they were not able to connect. Council Member Capoccia was pleased and impressed with all the applicants.

Mayor Pro Tem Delmar concurs. She was pleased with the applicants, with civic pride, willing to take on this job. It is very refreshing. She agrees that any of the applicants would serve the City well.

Council Member Goss was surprised and impressed that we had so many quality people apply. This is a fantastic development. All the applicants can do the job and he thanks all the applicants for applying.

Mayor Arizmendi noted that it has been a challenge to get candidates to apply for City Clerk. It is a very important position. She hopes that the 3 that are not appointed consider running in the next election in 2020.

Council Member Harabedian's pick is Sue Spears. He felt she had a really good idea about things she wants to do as City Clerk. Council Member Harabedian encourages all the other applicants to run for City Council.

Council Member Goss' noted that this is the toughest appointment they have ever made. Council Member Goss chose Sue Spears and encouraged all the candidates to apply for City Council.

Council Member Capoccia responded that Council Member Goss expressed his thought exactly.

Mayor Pro Tem Delmar appreciates Ms. Dasher's work with the EENR Commission and wants her to continue that work so selects Sue Spears.

Mayor Arizmendi thanked all the applicants. The Mayor thanked Carolyn Dasher for her work with the EENR Commission and put her vote behind Sue Spears.

Council Member Harabedian made a motion to appoint Sue Spears as City Clerk.

Council Member John Capoccia seconded the motion to appoint Sue Spears.

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

Noes: None

Abstain: None

Assistant City Clerk Aguilar had City Clerk read the Oath of Allegiance for Public Officials. The oath certificate was signed by both Sue Spears and Assistant City Clerk Aguilar.

5. COMMUNITY SERVICES DEPARTMENT 2018 SOCIAL EVENTS TIMELINE

Community Services Manager Silva-Barron gave this report. The report was for informational purposed only. No action was taken.

6. SIERRA MADRE POLICE DEPARTMENT 2017 PUBLIC SAFETY REPORT

Police Chief Ortiz gave this report. The report was for informational purposed only. No action was taken.

7. FISCAL IMPACT ANALYSIS OF MEASURE "D"

City Manager Engeland gave this report. The report was for informational purposed only. No action was taken.

Mayor Arizmendi opened for public comment. Seeing no one, Mayor Arizmendi closed public comment

NEW ITEMS PLACED FOR FUTURE AGENDA:

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

No new items were requested by the Council Members.

ADJOURN

Mayor Arizmendi asked for a motion to adjourn.

Council Member John Harabedian made a motion to adjourn the meeting.

The motion to adjourn was seconded by Council Member Gene Goss

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

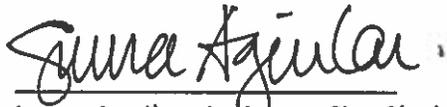
Noes: None

The motion to adjourn was passed unanimously.

CITY COUNCIL MEETING ADJOURNED AT 8:56 pm.

Rachelle Arizmendi, Mayor

Minutes taken and typed by:



Laura Aguilar, Assistant City Clerk

Minutes reviewed and attested by

Sue Spears, City Clerk

RESOLUTION NUMBER 18-09

**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 \$146,803.44 Sierra Madre Library Warrants in aggregate amount of \$400.00 and Payroll Transfer in the aggregate amount of \$299,313.07 the fiscal year ending June 30, 2018.

APPROVED AND ADOPTED this 13th day of March, 2018.

Mayor, City of Sierra Madre, California

I hereby certify that the foregoing Resolution Number 18-09 was adopted by the City Council of the City of Sierra Madre at a regular meeting held on the 13th day of March, 2018.

AYES:

NOES:

ABSTAIN:

ABSENT:

City Clerk, City of Sierra Madre, California

**City of Sierra Madre
Department of Finance
Warrant Register Recap
City Council Meeting of March 13, 2018**

CITY OF SIERRA MADRE AND SIERRA MADRE LIBRARY

City of Sierra Madre Warrants	\$146,803.44
Sierra Madre Library Warrants	\$400.00
Payroll #5 Transfer.....	\$299,313.07

Warrant Register 03/13/18**Attachment 1A**

Fiscal Year	Description	Amount	Page #
FY1718	Manual Warrants	6,040.00	1
FY1718	General Warrants- Utility Bills	2,813.67	2-3
FY1718	General Warrants	137,949.77	4-8
	Total	146,803.44	

Fiscal Year	Description	Amount	
FY1718	Manual Library Warrants	400.00	9
	Total	400.00	

Date: 3/8/18	Payroll #5 Electronic Tansfers From: City of Sierra Madre-General Acct. To: City of Sierra Madre-Payroll Acct.	299,313.07	
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Packet: APPKT03885 - MANCKSO222818

Check Date: 02/28/2018

Vendor Set: 01 - Vendor Set 01

Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
Fund: 10000 - GENERAL FUND							
<u>0925</u>	MARTIN & CHAPMAN CO.						
APBWEST	Check			<u>INVO22132</u>	Postage - Vote By Mail Ballots	10000.12000.52207	1,440.00
				<u>INVO22131</u>	Postage - Vote By Mail Ballots	10000.12000.52207	3,600.00
Fund 10000 Total:							5,040.00
Fund: 60002 - INT SVC FND - ADMINISTRATION							
<u>1659</u>	TOTALFUNDS BY HASLER						
APBWEST	Check			<u>7900011002367830-C</u>	POSTAGE REFILL	60002.30000.53101	1,000.00
Fund 60002 Total:							1,000.00
Report Total:							6,040.00



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Packet: APPKT03897 - UB030518
Vendor Set: 01 - Vendor Set 01

Check Date: 03/05/2018

Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
Fund: 10000 - GENERAL FUND							
<u>VEN02792</u>	FRONTIER CALIFORNIA INC						
APBWEST	Check			<u>31000157630511995</u>	LA CNTY SHRFF CHGS 2/28-3/27/18	10000.50000.55005	139.87
				<u>20915157430511995</u>	LA CNTY SHRFF CHGS 2/28-3/27/18	10000.50000.55005	241.66
Fund 10000 Total:							381.53
Fund: 60003 - INT SVC FND - TECHNOLOGY							
<u>0942</u>	TELEPACIFIC COMMUNICATIONS						
APBWEST	Check			<u>1006263570-022318</u>	PH SVCS 2/23-3/22/18	60003.30000.55005	417.09
Fund 60003 Total:							417.09
Report Total:							798.62



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Packet: APPKT03884 - UB022218
Vendor Set: 01 - Vendor Set 01

Check Date: 02/28/2018

Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
Fund: 10000 - GENERAL FUND							
<u>0129</u>	AT&T						
APBWEST	Check			<u>81829102416611-02</u>	TELECOM DIV 911 2/4-3/3/18	10000.50000.55005	201.56
<u>1439</u>	TIME WARNER CABLE						
APBWEST	Check			<u>8448208990027056-0</u>	PD CABLE SVCS FEB11-MAR 11,2018	10000.50000.52200	1,642.87
Fund 10000 Total:							1,844.43
Fund: 60003 - INT SVC FND - TECHNOLOGY							
<u>VEN02792</u>	FRONTIER CALIFORNIA INC						
APBWEST	Check			<u>31016998450619065</u>	PH CHGS 2/16-3/15/18	60003.30000.55005	87.98
<u>1749</u>	PACIFIC TELEMAGEMENT SERVICE						
APBWEST	Check			<u>970261</u>	PAY PHONE 3/1-3/31/18	60003.30000.55005	82.64
Fund 60003 Total:							170.62
Report Total:							2,015.05



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Packet: APPKT03896 - GEN031318
Vendor Set: 01 - Vendor Set 01

Check Date: 03/05/2018

Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
Fund: 10000 - GENERAL FUND							
<u>1498</u>	AREA D						
APBWEST	Check			<u>1719</u>	POPULATION	10000.50000.52200	900.00
<u>0122</u>	ARNOLD'S FRONTIER HARDWARE						
APBWEST	Check			<u>083626</u>	SUPPLIES	10000.40000.53999	40.50
<u>1552</u>	ARNOLD'S FRONTIER HARDWARE						
APBWEST	Check			<u>083385</u>	FY 2017-18 HARDWARE SUPPLIES	10000.61000.53204	18.60
				<u>083551</u>	FY 2017-18 HARDWARE SUPPLIES	10000.61000.53204	3.82
				<u>083462</u>	FY 2017-18 HARDWARE SUPPLIES	10000.61000.53204	6.01
<u>0122</u>	ARNOLD'S FRONTIER HARDWARE						
APBWEST	Check			<u>083523</u>	FY 17-18 STREET MAINTENANCE SUPPLIES	10000.83500.53206	7.11
				<u>083487</u>	FY 17-18 STREET MAINTENANCE SUPPLIES	10000.83500.53206	41.60
				<u>083631</u>	FY 17-18 STREET MAINTENANCE SUPPLIES	10000.83500.53206	30.64
				<u>083354</u>	FY 17-18 STREET MAINTENANCE SUPPLIES	10000.83500.53206	21.88
				<u>083324</u>	FY 17-18 STREET MAINTENANCE SUPPLIES	10000.83500.53206	28.45
<u>1462</u>	FASCHING'S CAR WASH						
APBWEST	Check			<u>INV022134-JAN 2018</u>	blanket po - car wash/police veh mntc	10000.50000.52302	200.40
<u>VEN01936</u>	FOOTHILL COMMUNICATIONS LLC						
APBWEST	Check			<u>2344</u>	RADIOS	10000.50000.53301	350.00
<u>VEN02778</u>	FORMLA LANDSCAPING INC						
APBWEST	Check			<u>28766</u>	FY 17-18 CITY HALL LANDSCAPE SERVICES	10000.83300.52200	833.33
				<u>29253</u>	FY 17-18 CITY HALL LANDSCAPE SERVICES	10000.83300.52200	804.83
<u>0397</u>	KEVORK TCHARKHOUTIAN						
APBWEST	Check			<u>2018-002D</u>	FY 17-18 CITY ENGINEER SERVICES PLAN CHECK	10000.82000.52100	4,320.00
				<u>2018-002R</u>	FY 17-18 RETAINER	10000.82000.52100	800.00
<u>0515</u>	LANDSCAPE WAREHOUSE						
APBWEST	Check			<u>2548764</u>	FY 17-18 IRRIGATION SUPPLIES	10000.83300.53001	11.86
				<u>2548712</u>	FY 17-18 IRRIGATION SUPPLIES	10000.83300.53001	37.25
<u>VEN01628</u>	LAW ENFORCEMENT MEDICAL SERVICES, INC						
APBWEST	Check			<u>13527</u>	BLOOD WITHDRAWAL	10000.50000.53304	110.00
<u>1724</u>	LAWRENCE ROLL-UP DOORS INC						
APBWEST	Check			<u>1816802</u>	Lawrence Doors	10000.61000.56009	684.13
<u>1613</u>	MUNICIPAL CODE CORPORATION						
APBWEST	Check			<u>00303721</u>	Municipal Code Website Services	10000.12000.52204	900.00
<u>VEN03065</u>	NATIONAL RESEARCH CENTER INC						
APBWEST	Check			<u>6693</u>	Library Survey	10000.90000.52200	2,750.00
<u>0786</u>	OFFICE DEPOT, INC						
APBWEST	Check			<u>102219430001</u>	blanket po - office supplies	10000.50000.53100	219.64
<u>VEN01608</u>	PHOENIX GROUP INFORMATION SYSTEMS						
APBWEST	Check			<u>012018200</u>	blanket po - parking citation svcs	10000.50000.52200	1,417.07
<u>1795</u>	PUBLIC ENGINES, INC						
APBWEST	Check			<u>25529</u>	ANNUAL SUBSCRIPTION	10000.50000.52200	1,500.00
<u>0552</u>	RKA CONSULTING GROUP						
APBWEST	Check			<u>27210</u>	Engineering Design Services for FY 2017-18 Street	10000.83500.52100	13,240.00
<u>1443</u>	SHRED-IT USA LLC						
APBWEST	Check			<u>8124102014</u>	blanket po -document shredding	10000.50000.52200	238.30
<u>0381</u>	SOUTHEAST CONSTRUCTION PRODUCT						
APBWEST	Check			<u>1802-040420</u>	FY 17-18 CONSTRUCTION MATERIAL	10000.83500.53206	25.79
				<u>1802-038764</u>	FY 17-18 CONSTRUCTION MATERIAL	10000.83500.53206	222.70
<u>VEN02444</u>	SUPERIOR COURT OF CA, CO OF L. A.						
APBWEST	Check			<u>740A- JAN18</u>	blanket po	10000.50000.52200	2,012.50
<u>0404</u>	TOM'S UNIFORMS						
APBWEST	Check			<u>10807</u>	UNIFORMS	10000.50000.53303	7.30
						10000.50000.53306	14.60

Packet: APPKT03896 - GEN031318
 Vendor Set: 01 - Vendor Set 01

Fund 10000 Total: 31,798.31

Check Date: 03/05/2018

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Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
Fund: 35003 - POLICE DONATIONS							
<u>VEN03101</u>	CHRISTOPHER LEE MILLER						
APBWEST	Check			<u>1011</u>	PHOTOGRAPH	35003.00000.49002	200.00
Fund 35003 Total:							200.00
Fund: 37004 - LOCAL TRANSPORTATION/PROP A							
<u>1717</u>	LACMTA						
APBWEST	Check			<u>101657</u>	Senior Disable Tap Card	37004.70000.52001	154.00
<u>0267</u>	REGIONAL TAP SERVICE CENTER						
APBWEST	Check			<u>6005874</u>	CPOS Tap Card	37004.70000.52001	130.00
Fund 37004 Total:							284.00
Fund: 37006 - SENIOR CENTER							
<u>1717</u>	LACMTA						
APBWEST	Check			<u>101657</u>	Senior Disable Tap Card	37006.72000.53999	66.00
Fund 37006 Total:							66.00
Fund: 38004 - ENVIRONMENTAL FUND							
<u>0271</u>	LAWN MOWER CORNER						
APBWEST	Check			<u>9197</u>	EQUIP MAINTENANCE	38004.83300.52302	31.74
Fund 38004 Total:							31.74
Fund: 38006 - BIKEWAY/SIDEWALK FUND							
<u>VEN01613</u>	GANAHL LUMBER COMPANY						
APBWEST	Check			<u>140948813</u>	LUMBER AND HARDWARE	38006.83600.53211	30.65
				<u>140949451</u>	LUMBER AND HARDWARE	38006.83600.53211	55.25
<u>1032</u>	PUENTE READY MIX, INC.						
APBWEST	Check			<u>88260</u>	FY 17-18 SIDEWALK MAINTENANCE	38006.83600.53211	95.81
Fund 38006 Total:							181.71
Fund: 38007 - MEASURE R							
<u>VEN01097</u>	SULLY-MILLER CONTRACTING CO.						
APBWEST	Check			<u>1123193</u>	REFUND OF RETENTION	38007.00000.23500	28,514.70
Fund 38007 Total:							28,514.70
Fund: 50003 - REDEVELOPMENT OBLIGATION RETIREMENT FND							
<u>VEN01670</u>	ROGERS, ANDERSON, MALODY & SCOTT, LLP						
APBWEST	Check			<u>56820A</u>	SUC AG PROF SVCS JUN 30, 2017	50003.30000.52100	474.00
Fund 50003 Total:							474.00
Fund: 60000 - INT SVC FND - FLEET							
<u>0125</u>	ARROW AUTOMOTIVE SERVICE						
APBWEST	Check			<u>1040366</u>	FY 17-18 VEHICLE MAINTENANCE	60000.83100.53208	40.00
				<u>1040345</u>	FY 17-18 VEHICLE MAINTENANCE	60000.83100.53208	199.03
<u>0741</u>	BEAR FRAME & WHEEL #3						
APBWEST	Check			<u>79106</u>	FY 17-18 VEHICLE MAINTENANCE	60000.83100.53208	72.00
<u>1487</u>	BOB WONDRIES FORD						
APBWEST	Check			<u>1142503</u>	FY 17-18 FLEET MAINTENACE	60000.83100.53208	222.50
<u>0186</u>	DANIELS TIRE SERVICE						
APBWEST	Check			<u>200335324</u>	FY 17-18 TIRES	60000.83100.53208	296.63
<u>0207</u>	ERNIE'S AUTO PARTS						
APBWEST	Check			<u>14IN316921</u>	FY 17-18 VEHICLE MAINTENACE	60000.83100.53208	12.42
				<u>14IN316584</u>	FY 17-18 VEHICLE MAINTENACE	60000.83100.53208	44.27
				<u>14IN316940</u>	FY 17-18 VEHICLE MAINTENACE	60000.83100.53208	64.81
				<u>14IN315780</u>	FY 17-18 VEHICLE MAINTENACE	60000.83100.53208	306.60
				<u>14IN315413</u>	FY 17-18 VEHICLE MAINTENACE	60000.83100.53208	64.81
				<u>14IN316443</u>	FY 17-18 VEHICLE MAINTENACE	60000.83100.53208	39.22
<u>0937</u>	INTERSTATE BATTERY SYSTEM OF						
APBWEST	Check			<u>50138796</u>	FY 17-18 CAR BATTERIES	60000.83100.53208	122.92
<u>1608</u>	MUNICIPAL MAINTENANCE EQUIP IN						
APBWEST	Check			<u>0125596-IN</u>	EQUIPMENT REPAIR AND PARTS	60000.83100.53208	8,012.95
<u>VEN02634</u>	P. F. SERVICES INC						
APBWEST	Check			<u>14470</u>	MATERIALS	60000.83100.55001	700.03
<u>0360</u>	QUINN COMPANY						

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Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
		APBWEST	Check	<u>PC810805846</u>	FY 17-18 HEAVY EQUIPMENT PARTS	60000.83100.53208	127.71
<u>VEN02676</u>	RUSH TRUCK CENTER OF CALIFORNIA INC						
		APBWEST	Check	<u>3009614550</u>	VEHICLE SERVICE	60000.83100.52200	2,793.22
<u>VEN01194</u>	THORSON MOTOR CENTER						
		APBWEST	Check	<u>319311</u>	FY 17-18 AUTO PARTS	60000.83100.53208	8.90
<u>0403</u>	TRIANGLE TRUCK PARTS						
		APBWEST	Check	<u>320849</u>	FY 17-18 TRUCK EQUIPMENT AND PARTS	60000.83100.53208	53.65
<u>1390</u>	VALLEY POWER SYSTEMS						
		APBWEST	Check	<u>129314</u>	FY 17-18 FD ENGINE REPAIR	60000.83100.52200	2,444.77
Fund 60000 Total:							15,626.44

Fund: 60001 - INT SVC FND - FACILITIES MGT

<u>VEN02961</u>	ARAMARK UNIFORM & CAREER APPAREL GROUP INC						
		APBWEST	Check	<u>533132300</u>	FY 17-18 JANITORIAL SUPPLIES	60001.83200.53200	64.35
				<u>533114852</u>	FY 17-18 JANITORIAL SUPPLIES	60001.83200.53200	322.88
				<u>533132301</u>	FY 17-18 JANITORIAL SUPPLIES	60001.83200.53200	322.88
				<u>533114851</u>	FY 17-18 JANITORIAL SUPPLIES	60001.83200.53200	64.35
<u>0122</u>	ARNOLD'S FRONTIER HARDWARE						
		APBWEST	Check	<u>083375</u>	FY 17-18 FACILITY MAINTENANCE SUPPLIES	60001.83200.53200	40.47
				<u>083458</u>	FY 17-18 FACILITY MAINTENANCE SUPPLIES	60001.83200.53200	10.71
				<u>083340</u>	FY 17-18 FACILITY MAINTENANCE SUPPLIES	60001.83200.53200	31.15
				<u>083505</u>	FY 17-18 FACILITY MAINTENANCE SUPPLIES	60001.83200.53200	14.49
				<u>083530</u>	CITY HALL CUSTOMER SERVICE COUNTER REMO	60001.83200.56010	4.56
				<u>083526</u>	CITY HALL CUSTOMER SERVICE COUNTER REMO	60001.83200.56010	62.40
<u>0714</u>	CINTAS CORPORATION #693						
		APBWEST	Check	<u>693833453</u>	UNIFORM	60001.83200.53303	120.00
<u>VEN02259</u>	DAVE'S REFRIGERATION SERVICE						
		APBWEST	Check	<u>INV022137</u>	SERVICE	60001.83200.52301	225.00
<u>VEN02997</u>	DYNAMIC BUILDING MAINT INC						
		APBWEST	Check	<u>9</u>	FY 17-18 JANITORIAL SERVICES MONTHLY	60001.83200.52200	2,919.00
				<u>10</u>	FY 17-18 JANITORIAL SERVICES MONTHLY	60001.83200.52200	2,919.00
<u>1334</u>	HP MECHANICAL INC.						
		APBWEST	Check	<u>2167</u>	FACILITY IMPROVEMENT - AC	60001.83200.56010	7,380.00
<u>1372</u>	ORKIN COMMERCIAL SERVICES						
		APBWEST	Check	<u>166818404</u>	FY 17-18 PEST CONTROL	60001.83200.52200	70.00
				<u>166819186</u>	FY 17-18 PEST CONTROL	60001.83200.52200	250.00
				<u>166819463</u>	FY 17-18 PEST CONTROL	60001.83200.52200	200.38
				<u>166819321</u>	FY 17-18 PEST CONTROL	60001.83200.52200	158.52
				<u>166819320</u>	FY 17-18 PEST CONTROL	60001.83200.52200	158.52
Fund 60001 Total:							15,338.66

Fund: 60002 - INT SVC FND - ADMINISTRATION

<u>0786</u>	OFFICE DEPOT, INC						
		APBWEST	Check	<u>107711796001</u>	OFFICE SUPPLIES	60002.30000.53100	36.10
				<u>107711795001</u>	OFFICE SUPPLIES	60002.30000.53100	31.45
				<u>107711556001</u>	OFFICE SUPPLIES	60002.30000.53100	24.08
<u>VEN01670</u>	ROGERS, ANDERSON, MALODY & SCOTT, LLP						
		APBWEST	Check	<u>56820</u>	FY 17-18 AUDIT SERVICES	60002.30000.52100	3,700.00
Fund 60002 Total:							3,791.63

Fund: 60003 - INT SVC FND - TECHNOLOGY

<u>1644</u>	AMAZON						
		APBWEST	Check	<u>74673879838</u>	FY 17-18 COMPUTER SUPPLIES	60003.30000.53103	118.68
				<u>496497469675</u>	FY 17-18 COMPUTER SUPPLIES	60003.30000.53103	467.31
				<u>665589678797</u>	FY 17-18 COMPUTER SUPPLIES	60003.30000.53103	23.87
				<u>663864577364</u>	FY 17-18 COMPUTER SUPPLIES	60003.30000.53103	29.72
				<u>433459634767</u>	FY 17-18 COMPUTER SUPPLIES	60003.30000.53103	759.96
				<u>446348896943</u>	FY 17-18 COMPUTER SUPPLIES	60003.30000.53103	84.86
				<u>475636489985</u>	FY 17-18 COMPUTER SUPPLIES	60003.30000.53103	1,117.51
				<u>778648587759</u>	FY 17-18 COMPUTER SUPPLIES	60003.30000.53103	205.86
				<u>457956468595</u>	FY 17-18 COMPUTER SUPPLIES	60003.30000.53103	246.34
				<u>464996847384</u>	FY 17-18 COMPUTER SUPPLIES	60003.30000.53103	53.96
				<u>676657637355</u>	FY 17-18 COMPUTER SUPPLIES	60003.30000.53103	284.87

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Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
APBWEST	Check			<u>439976969764</u>	FY 17-18 COMPUTER SUPPLIES	60003.30000.53103	273.74
				<u>976989358879</u>	FY 17-18 COMPUTER SUPPLIES	60003.30000.53103	377.00
				<u>585396466795</u>	FY 17-18 COMPUTER SUPPLIES	60003.30000.53103	481.79
				<u>3677865A</u>	FY 17-18 COMPUTER SUPPLIES	60003.30000.53103	975.82
				<u>4544565696837</u>	FY 17-18 COMPUTER SUPPLIES	60003.30000.53103	845.62
				<u>473598868967</u>	FY 17-18 COMPUTER SUPPLIES	60003.30000.53103	10.92
				<u>843653643736</u>	FY 17-18 COMPUTER SUPPLIES	60003.30000.53103	26.24
				<u>473537639758</u>	FY 17-18 COMPUTER SUPPLIES	60003.30000.53103	136.96
				<u>544637599637</u>	FY 17-18 COMPUTER SUPPLIES	60003.30000.53103	807.78

<u>VEN02951</u>	YOHTEK CORP	APBWEST	Check	<u>2021</u>	PROFESSIONAL SERVICES	60003.30000.52100	550.00
				<u>2031</u>	PROFESSIONAL SERVICES	60003.30000.52100	550.00

Fund 60003 Total: 8,428.81

Fund: 60007 - INT SVC FND - PERSONNEL AND RISK MGMT							
<u>1025</u>	CALIFORNIA J P I A	APBWEST	Check	<u>INVO22138</u>	CONFERENCE	60007.70100.52205	375.00
<u>VEN01177</u>	EYEMED	APBWEST	Check	<u>INVO22149</u>	VISION JAN-DEC 2018 #9810110	60007.00000.21603	72.72
<u>Q277</u>	LIEBERT CASSIDY WHITMORE	APBWEST	Check	<u>1454512</u>	PROF SVCS JAN 2018	60007.70100.52201	2,701.50
<u>1453</u>	MONROVIA BODY SHOP	APBWEST	Check	<u>INVO22139</u>	AUTO REPAIRS UNIT #92	60007.70100.54805	1,490.24

Fund 60007 Total: 4,639.46

Fund: 71000 - WATER ENTERPRISE FUND							
<u>Q122</u>	ARNOLD'S FRONTIER HARDWARE	APBWEST	Check	<u>083347</u>	FY 17-18 WATER MAINTENANCE SUPPLIES	71000.81100.53200	16.38
				<u>083468</u>	FY 17-18 WATER MAINTENANCE SUPPLIES	71000.81100.53200	9.67
				<u>083529</u>	FY 17-18 WATER MAINTENANCE SUPPLIES	71000.81100.53200	47.04
				<u>083556</u>	FY 17-18 WATER MAINTENANCE SUPPLIES	71000.81100.53200	4.70
<u>Q791</u>	CITY ELECTRIC SUPPLY	APBWEST	Check	<u>PDA/004286</u>	FY 17-18 ELECTRICAL SUPPLIES / WATER	71000.81100.53200	58.98
				<u>PDA/004292</u>	FY 17-18 ELECTRICAL SUPPLIES / WATER	71000.81100.53200	410.63
				<u>PDA/004228</u>	FY 17-18 ELECTRICAL SUPPLIES / WATER	71000.81100.53200	131.40
				<u>PDA/004304</u>	WATER DEPT SMALL TOOLS	71000.81100.53205	217.91
<u>Q171</u>	CLINICAL LABORATORY OF SAN BERNARDINO, INC.	APBWEST	Check	<u>960972</u>	FY 17-18 WATER TREATMENT TESTING MONTH	71000.81100.52200	1,835.00
<u>Q786</u>	OFFICE DEPOT, INC	APBWEST	Check	<u>107711796001</u>	OFFICE SUPPLIES	71000.32000.53100	36.10
<u>VEN03094</u>	ONWARD ENGINEERING	APBWEST	Check	<u>4000</u>	FY 2017-18 ENGINEERING DESIGN WATER MAIN	71000.81100.52100	3,062.50
				<u>4039</u>	FY 2017-18 ENGINEERING DESIGN WATER MAIN	71000.81100.52100	7,797.50
				<u>4085</u>	FY 2017-18 ENGINEERING DESIGN WATER MAIN	71000.81100.52100	11,845.00
<u>1799</u>	TYLER TECHNOLOGIES INC	APBWEST	Check	<u>025-212951</u>	FY 17-18 MON UB ONLINE & WEBSITE COMP	71000.32000.52200	180.00
<u>Q426</u>	WESTERN WATER WORKS	APBWEST	Check	<u>48179700</u>	FY 17-18 DISTRIBUTION SYSTEM REPAIR	71000.81100.53200	1,631.56

Fund 71000 Total: 27,284.37

Fund: 72000 - SEWER							
<u>Q500</u>	SASE COMPANY, INC.	APBWEST	Check	<u>194249</u>	EQUIPMENT	72000.81200.53205	116.04
<u>1799</u>	TYLER TECHNOLOGIES INC	APBWEST	Check	<u>025-212951</u>	FY 17-18 MON UB ONLINE & WEBSITE COMP	72000.32000.52200	45.00

Fund 72000 Total: 161.04

Fund: 77003 - SPECIAL EVENTS							
<u>1484</u>	ALLIANT INSURANCE SERVICES	APBWEST	Check	<u>INV022136</u>	EVENT INSURANCE	77003.79006.52999	683.00
<u>1769</u>	BIG STONE PUBLISHING	APBWEST	Check	<u>56363</u>	MT. WILSON TRAIL	77003.79007.52999	100.00
<u>Q189</u>	DAVE'S TROPHIES	APBWEST	Check	<u>50453</u>	TROPHIES	77003.79006.52999	158.40

Packet: APPKT03896 - GEN031318
Vendor Set: 02 - Vendor Set 02

Fund 77003 Total: 941.40

Check Date: 03/05/2018

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Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
Fund: 77004	SERVICES MOVIE/OES DETAILS						
<u>VEN03080</u>	CYRUS SKIDMORE						
APBWEST	Check			<u>S0119-18</u>	Movie Detail	77004.00000.47027	187.50

Fund 77004 Total: 187.50

Report Total: 137,949.77



City of Sierra Madre, CA

Check Approval Register

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Packet: APPKT03887 - LIBMNL022818
Vendor Set: 01 - Vendor Set 01

Check Date: 02/28/2018

Vendor Number	Vendor Name	Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
Fund: 39006	- FRIENDS OF THE LIBRARY DONATION FUND						
<u>VEN03099</u>	COMEDYSPORTZ LOS ANGELES						
APBWEST	Check			<u>INV022133</u>	WORKSHOP	39006.90000.53999	400.00
Fund 39006 Total:							400.00
Report Total:							400.00



City of Sierra Madre Agenda Report

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

Sue Spears, City Clerk
Michael Amerio City Treasurer

TO: Honorable Mayor Arizmendi and Members of the City Council

FROM: Vincent Gonzalez, Planning & Community Preservation Director 

REVIEWED BY: Gabe Engeland, City Manager 

DATE: March 13, 2018

SUBJECT: ANNUAL HOUSING ELEMENT PROGRESS REPORT

SUMMARY

The City of Sierra Madre is providing an annual report to the California Department of Housing and Community Development (HCD) on the status and progress made in implementing the Regional Housing Needs Allocation (RHNA). RHNA is the state-mandated process that sets the number of housing units that must be included, at all affordability levels, in each local jurisdiction's housing element.

Provided in Attachment A are the allocations for calendar years 2014-2017 for City Council's information.

STAFF RECOMMENDATION

Receive and file the annual progress report for the Regional Housing Need Allocation (RHNA) to be submitted to California Department of Housing and Community Development.

FINANCIAL REVIEW

There is no financial impact related to the preparation of the annual report and submission to the California Department of Housing and Community Development. Staff time was incurred in the preparation of the report.

ANALYSIS

Pursuant to Government Code Section 65400, local governments must provide by April 1 of each year the annual report for the previous calendar year to the legislative bodies—

Bodies—the Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD).

Progress in Meeting Regional Housing Need Allocation (RHNA)

The City of Sierra Madre's 2014-2021 Housing Element was adopted by City Council in January 2014. The Housing Element is required to demonstrate an ability to accommodate the RHNA reported in the housing element at the various income levels through vacant or underutilized land designated to allow residential development and housing production.

The Annual Progress Report (APR) is an important tool to facilitate implementation of a community's housing element and in tracking and monitoring progress in addressing housing needs and goals. The APR includes information on the City's progress in addressing the regional housing need allocation, including the number of housing units permitted by income level, the status of programs in the housing element and efforts to remove governmental constraints.

The RHNA Progress Report – Permitted Units Issued by Affordability is attached herein as Exhibit A.

CEQA

This annual report is exempt from the requirements of the California Environmental Quality Act (CEQA) as it is not a "project" as defined in CEQA Guidelines Section 15378(b)(5).

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Notice of the hearing was published consistent with the requirements of Government Code Section 65090 and 65091 including publication of a notice of public hearing in the local adjudicated newspaper. Notice of the hearing was also published on the City's website at www.cityofsierramadre.com. Copies of this report are available at the City Hall public counter, on the City of Sierra Madre website, and the Sierra Madre Public Library.

Attachment:

Exhibit A – Annual Housing Element Progress Report

RHNA Reporting

Totals

Income Level	New Construction				Rehabilitation		Conservation		Totals	Net
	Goal (RHNA)	Progress			Goal	Progress	Goal	Progress		
		New Units	Amnesty 2nd Units	New 2nd Units						
Very Low	14	0	0	2	0	0	0	0	2	12.00
Lower	9	0	5	2	0	0	0	0	7	2.00
Moderate	9	0	0	0	0	3	0	0	3	6.00
Above Moderate	23	77	5	0	0	0	0	0	82	59.00
Totals	55	77	10	4	0	3	0	0	94	39.00

Note: Units serving extremely low-income households are included in the totals for very low-income

2017

Income Level	New Construction				Rehabilitation		Conservation		Annual Total	4
	Goal (RHNA)	Progress			Goal	Progress	Goal	Progress		
		New Units	Amnesty 2nd Units	New 2nd Units						
Very Low	14									
Lower	9			1						
Moderate	9					3				
Above Moderate	23									
Totals	55									

Note: Units serving extremely low-income households are included in the totals for very low-income

2016

Income Level	New Construction				Rehabilitation		Conservation		Annual Total	1
	Goal (RHNA)	Progress			Goal	Progress	Goal	Progress		
		New Units	Amnesty 2nd Units	New 2nd Units						
Very Low	14									
Lower	9			1						
Moderate	9									
Above Moderate	23									
Totals	55									

Note: Units serving extremely low-income households are included in the totals for very low-income

2015

Income Level	New Construction				Rehabilitation		Conservation		Annual Total	77
	Goal (RHNA)	Progress			Goal	Progress	Goal	Progress		
		New Units	Amnesty 2nd Units	New 2nd Units						
Very Low	14									
Lower	9									
Moderate	9									
Above Moderate	23	77								
Totals	55									

Note: Units serving extremely low-income households are included in the totals for very low-income

2014

Income Level	New Construction				Rehabilitation		Conservation		Annual Total	12
	Goal (RHNA)	Progress			Goal	Progress	Goal	Progress		
		New Units	Amnesty 2nd Units	New 2nd Units						
Very Low	14			2						
Lower	9		5							
Moderate	9									
Above Moderate	23		5							
Totals	55									

Note: Units serving extremely low-income households are included in the totals for very low-income



City of Sierra Madre Agenda Report

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

Sue Spears, City Clerk
Michael Amerio, City Treasurer

TO: Honorable Mayor Arizmendi and Members of the City Council

FROM: Laura Aguilar, Assistant City Clerk 

REVIEWED BY: Gabriel Engeland, City Manager 

DATE: March 13, 2018

SUBJECT: **PROFESSIONAL SERVICES AGREEMENT WITH MARTIN AND CHAPMAN FOR ELECTION SERVICES**

SUMMARY

In November 2017 the City Council approved the City's General Municipal Election on April 10, 2018. Staff recommends the City Council approve a professional services agreement with Martin and Chapman for election-related services.

ANALYSIS

The City of Sierra Madre will hold a General Municipal Election on April 10, 2018. The City wishes to retain the services of Martin and Chapman to provide election supplies, services and consultation. In addition to these services, Martin and Chapman will be the independent contractor used by the City to count election ballots.

STAFF RECOMMENDATION

Staff recommends that the City Council approve an agreement with Martin and Chapman for services related to the 2018 General Municipal Election and authorize the City Manager to execute the agreement.

FINANCIAL REVIEW

The City Council has budgeted funds in the FY 2017-2018 budget for the 2018 General Municipal Election. It is anticipated the cost will be approximately \$55,000.

CEQA

The agreement with Martin and Chapman is exempt from the provisions of CEQA and the Sierra Madre California Environmental Quality Act guidelines.

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, the Sierra Madre Public Library and on the City's website at www.cityofsierramadre.com.

ALTERNATIVES

1. Staff recommends that the City Council authorize the City Manager to enter into a professional services agreement with Martin and Chapman for election services related to the April 10, 2018 General Municipal Election.
2. The City Council may elect to deny the proposal and suggest an alternative course of action.
3. The City Council may request additional information from staff.



City of Sierra Madre Agenda Report

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

*Sue Spears, City Clerk
Michael Amerio City Treasurer*

TO: Honorable Mayor and Members of the City Council

FROM: Jose Reynoso, Utility Services Director

REVIEWED BY: Gabriel Engeland, City Manager *GE*

DATE: March 13, 2018

SUBJECT: National League of Cities Service Line Warranty Program

STAFF RECOMMENDATION

Staff recommends the City Council authorize the City Manager, or his designee, to enter into a Non-Royalty Marketing agreement with Utility Service Partners, Inc. (USP) for an initial term of three years, subject to City Attorney review.

ANALYSIS

At the March 1, 2018 Water Sub-Committee meeting staff was directed to bring the National League of Cities Service Line Warranty Program before the City Council for discussion.

Formed in 1996, Service Line Warranties of America Inc., a subsidiary of Utility Service Partners(USP), Inc., offers an insurance policy to residential property owners that covers the cost to repair or replace their utility service lines, primarily to single family homes (the "Program"). The Program was endorsed by the National League of Cities (NLC) in 2010 and through this partnership, the Program has been implemented in more than 400 Cities in 31 states.

The Service Line Warranty Program began serving California Cities in 2012. Cities have the ability to sign a partnership agreement with USP, to offer the low-cost warranty program to residents. California cities that are current partners in the Program include:

- Cathedral City
- Claremont (7/2017)
- Culver City
- Laguna Beach
- Duarte
- Lemon Grove
- Daly City
- San Bruno
- Perris (7/2017)
- San Carlos
- San Diego
- West Covina (2017)

The warranties covered under the Program fall under three categories: 1) Water Line Warranty, 2) Sewer Line Warranty, and 3) In-Home Plumbing Warranty.

The Water Line Warranty covers the buried, outside water line, which runs from the meter and/or curb box, which includes the service line under the concrete floor until it daylight into the home. The warranty provides coverage of up to \$8,500 for each water line repair. Residents who elect this coverage pay a \$6 monthly fee (reflects royalty discount of \$0.75). Additionally, a discount of \$5 is available on the total annual cost if a resident pays for a full year in advance.

The Sewer Line Warranty covers the buried, outside sewer line that runs from the City's mainline connection until the line daylight into the home including service lines under concrete. The warranty provides coverage of up to \$8,500 for each sewer line repair. Residents who elect this coverage pay a \$9 monthly fee (reflects royalty discount of \$0.75). Additionally, a discount of \$5 is available on the total annual cost if a resident pays for a full year in advance.

The In-Home Plumbing Warranty covers residential in-home water and in-home sewer lines and all drain lines connected to the main sewer stack that are broken or leaking inside the home after the point of entry. Coverage includes broken or leaking water, sewer, or drain lines that may be leaking in walls and under the slab or basement floor. Coverage also includes the repair of clogged toilets. It does not cover the damage done to personal or household items normally covered by a homeowner's policy. The warranty provides coverage of up to \$3,000 for each in-home repair. Residents who elect this coverage pay a \$9.49 monthly fee (reflects royalty discount of \$0.50). Additionally, a discount of \$4.89 is available on the total annual cost if a resident pays for a full year in advance.

Residents can cancel the warranty or warranties at any time. The presence of homeowner's insurance does not affect participation in the warranty. It is at the homeowner's discretion with regards to which policy would be primary.

The next steps in the process for the Warranty Program include the following:

1. Execute agreement with USP;
2. Work with USP to create resident marketing materials;
3. USP executes resident marketing campaign;
4. Residents sign up, and City has access to monthly reports; and
5. USP conducts additional marketing of the Program (up to 3 times per year max of 6 mailings per year).

USP mails each resident a campaign letter, which outlines the City's endorsement, followed by a reminder letter two weeks later. USP only solicits through direct mail - no telemarketing. The City would be considered a co-branded partner and would be

required to agree to the use of the City logo/name on all marketing materials and to provide the name of a City official who will sign the solicitation letter. The City may also market the Program through other means, if desired, to increase awareness and participation in the Program.

OPTIONS:

City Council has the following options:

1. Approve staff's recommendations; or
2. Provide alternative direction.

FINANCIAL REVIEW

There is no fiscal impact to the City with regard to becoming a Non-Royalty Marketing partner in the Program. The non-royalty option passes on a reduction in premiums to policy holders by an amount equivalent to the royalty stipend payment waived by the City. (City waived royalty stipend amounts of \$0.75/month for every resident who participates in the water line and sewer line program and \$0.50/month on the in-home plumbing program.)

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.

Exhibit A
NLC Service Line Warranty Program
City of Sierra Madre
Term Sheet
March 13, 2018

I. Initial Term. Three years

II. License Conditions.

- a. City logo on letterhead, advertising, billing, and marketing materials
- b. Signature by City official

III. Products.

- a. External sewer/septic line warranty (initially, \$9.00 per month; \$103.00 annually)
 - b. External water service line warranty (initially, \$6.00 per month; \$67.00 annually)
 - c. In-home plumbing warranty (initially, \$9.49 per month; \$108.99 annually)
- Company may adjust the foregoing Product fees; provided, that any such adjustment shall not exceed \$.50 per month in any 12-month period, unless otherwise agreed by the Parties in writing.

IV. Scope of Coverage.

- a. External sewer/septic line warranty: Scope is for the main tap until line daylights inside home, which includes the service line under the concrete floor. (Covers septic lines if applicable)
- b. External water service line warranty: Scope is from the meter and/or curb box until it daylights into the home, which includes the service line under the concrete floor.
- c. In-home plumbing warranty: Scope covers residential in-home water supply lines and in-home sewer lines and all drain lines connected to the main sewer stack that are broken or leaking inside the home after the point of entry. Coverage includes broken or leaking water, sewer, or drain lines that may be embedded under the slab or basement floor. Coverage also includes repair of clogged toilets.

V. Marketing Campaigns. Company shall have the right to conduct up to three campaigns per year, comprised of up to six mailings and such other channels as may be mutually agreed. Initially, Company anticipates offering the In-home plumbing warranty Product via in-bound channels only.



City of Sierra Madre Agenda Report

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Sue Spears, City Clerk
Michael Amerio City Treasurer

TO: Honorable Mayor Arizmendi and Members of the City Council

FROM: Vincent Gonzalez, Planning & Community Preservation Director 

REVIEWED BY: Gabe Engeland, City Manager 

DATE: March 13, 2018

SUBJECT: **FIRST READING OF ORDINANCE NO. 1396 AMENDING TITLE 17, CHAPTER 17.56 – NONCONFORMING USES ORDINANCE AND CHAPTER 17.82 HISTORIC PRESERVATION ORDINANCE.**

SUMMARY

The City Council directed staff to seek a recommendation from the Planning Commission regarding amendments to the City's Nonconforming Uses Ordinance for consideration by the Council. This ordinance, codified under Chapter 17.56 of the Sierra Madre Municipal Code, regulates land uses and structures that were conforming at the time of their establishment and/or construction, but have since become non-conforming due to amendments to the City's zoning code. At the meeting on August 3, 2017, the Planning Commission began their discussion regarding potential amendments to the Nonconforming Uses Ordinance. The Planning Commission appointed a subcommittee which was tasked with providing recommendations for a complete overhaul of Chapter 17.56. The subcommittee also recommended revisions to the Historic Preservation Ordinance (Chapter 17.82) regarding adaptive reuse of structures in residential zones. The Planning Commission reviewed and discussed the draft recommendations from the subcommittee at their meetings on August 3, August 17, November 2, and November 16, 2017. At the December 14, 2017 meeting, the Planning Commission unanimously recommended approval of Municipal Code Text Amendment No. 17-07 to the City Council.

Staff is recommending approval of the Municipal Code Text Amendment 17-07. Ordinance 1396 is attached herein as Exhibit A.

STAFF RECOMMENDATION

Staff recommends that the City Council introduce, waive reading in full, and authorize reading by title only of Ordinance No. 1396, Municipal Code Text Amendment 17-07 (MCTA 17-07) attached herein as Exhibit A, amending Title 17, Chapter 17.56 –

FOR CITY COUNCIL AGENDA _____

ITEM NUMBER _____ 2

Nonconforming Uses Ordinance and Chapter 17.82 – Historic Preservation Ordinance, pursuant to Planning Commission Resolution 17-10 attached herein as Exhibit B.

ALTERNATIVES

The City Council can consider the following alternatives:

1. Adopt Ordinance 1396 recommending approval of MCTA 17-07, pursuant to Planning Commission Resolution 17-10.
2. Adopt Ordinance 1396 recommending approval with modifications.
3. Recommend denial stating the reasons for denial.
4. Continue the matter and provide direction to Staff.

FINANCIAL REVIEW / SOURCE OF FUNDING

There is no financial impact related to the proposed code text amendments to Title 17, Chapter 17.56 and Chapter 17.82. Staff time was incurred in the preparation of the report and draft ordinance.

ANALYSIS

The Nonconforming Uses Ordinance, codified under Chapter 17.56 of the Sierra Madre Municipal Code, regulates land uses and structures that were conforming at the time of their establishment and/or construction, but have since become nonconforming due to amendments to the City's zoning code. However, the adopted ordinance is inadequate in addressing a variety of nonconforming issues that commonly arise, it has not been updated for many years, and is difficult to apply in most instances, therefore hindering the ability of property owners to use and improve existing buildings that have become nonconforming over time. Consequently, the City Council directed staff to seek Planning Commission input regarding amendments to correct these deficiencies.

In addition, the Implementation Program adopted as part of the 2015 General Plan Update requires that the ordinance be amended in 2017 pursuant to the following Implementation Measure:

IM-44 The City shall amend the Nonconforming Uses Ordinance (SMMC Chapter 17.56) as necessary to allow reconstruction of existing non-conforming structures that must be replaced due to deterioration or hazard such as fire and earthquakes. (2017)

Appointment of Subcommittee

At the regular meeting held on August 17, 2017, the Planning Commission formed a three-member subcommittee that included Chair Spears and Members Hutt and Frierman-Hunt. The subcommittee was tasked with providing recommendations for a

complete overhaul of Chapter 17.56 as it was agreed that the existing ordinance was extremely inadequate in addressing most of the nonconforming issues that come before staff on a normal basis. To help inform the discussion, staff provided a list of nonconforming issues that it recommended be addressed in the revised ordinance, and provided a number of sample ordinances from other cities, including the City of Pasadena, which the Commission felt would be a good template for the amended ordinance due to its comprehensiveness and formatting.

The subcommittee also recommended revisions to the Historic Preservation Ordinance (Chapter 17.82) regarding adaptive reuse of structures in residential zones.

The Planning Commission reviewed and discussed the draft recommendations from the subcommittee at their meetings on November 2, and November 16, 2017; at the last meeting, the Commission directed staff to return with a draft ordinance incorporating all of the changes agreed upon and a draft resolution for their review and recommendation to the City Council.

Nonconforming Uses Ordinance – Chapter 17.56

The Commission is recommending an extensive overhaul of the existing ordinance to cover a wide range of nonconforming issues that staff is asked to address on an ongoing basis, and which are not included in the adopted ordinance. The amended ordinance includes sections specifying the purpose and applicability of the ordinance, restrictions on nonconforming uses and structures, continuation and abatement of uses and structures, reconstruction after involuntary damage, limitations on alterations and/or additions to nonconforming uses and structures, exemptions from nonconforming determination, nonconformance with respect to conditional use permit requirements, and regulations regarding unlawful uses and structures as well as nuisance abatement. The existing sections regarding public utility exemptions and nonprofit organizations/places of worship were slightly revised but generally maintained in the amended ordinance.

Historic Preservation Ordinance – Chapter 17.82

In addition to addressing nonconforming uses, the Commission is also recommending a few changes to the section on adaptive reuse of historic structures, including amendments to Section 17.82.030 (“Definitions”) allowing the adaptive reuse of multifamily historic properties up to 12 units as bed and breakfast inns (the ordinance currently limit allowable conversions to single-family homes), and to require an innkeeper for this type of use; this amendment makes the ordinance consistent with a recent amendment to the R-3 zoning ordinance.

The amendments also include the expansion of potential adaptive reuses to allow commercial uses such as small entrepreneurial business, service and professional offices as adaptive reuse of historic residential structures under Section 17.82.065

(“Conversion of single-family residences to bed and breakfast inns”), subject to the approval of a conditional use permit; the title of the section would also be revised to “Adaptive reuse of historic landmarks”.

PURPOSE OF AMENDMENTS AND CONSISTENCY WITH THE GENERAL PLAN

The amendments are generally consistent with the goals, policies, and objectives of the General Plan in that they would help the preservation of the City’s distinct character by providing for the upgrade and preservation of existing structures and uses and promoting the health and safety of the community.

ENVIRONMENTAL (CEQA)

Adoption of the amendments qualify for an exemption from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations as it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment, because it will provide regulations to help retain existing structures and uses in place, and impose certain limitations on their expansion; the amendments also apply to conversion of historic residential structures and are exempt for numerous reasons: all historic landmarks in the city that are single- or multi-family residences are located in residentially zoned areas; given the limited number of such structures, the number of conversions should be extremely limited; such conversions should include few, if any, modifications to the exterior of such structures, and only if such changes would not be detrimental to the historic or architectural character of the historical landmark.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Notice of the hearing was published consistent with the requirements of Government Code Section 65090 and 65091 including publication of a notice of public hearing in the local adjudicated newspaper. Notice of the hearing was also published on the City’s website at www.cityofsierramadre.com. Copies of this report are available at the City Hall public counter, on the City of Sierra Madre website, and the Sierra Madre Public Library.

Attachments:

- Exhibit A: City Council Ordinance 1396
- Exhibit B: Planning Commission Resolution 17-10
- Exhibit C: Nonconforming Uses Ordinance – Chapter 17.56 (Existing)
- Exhibit D: Historic Preservation Ordinance – Chapter 17.82 (Redlined)

ATTACHMENT A

ORDINANCE NO. 1396

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE AMENDING CHAPTER 17.56 NONCONFORMING USES ORDINANCE AND CHAPTER 17.82 HISTORIC PRESERVATION ORDINANCE.

THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 17.56 ("Nonconforming Uses") of Title 17 ("Zoning") is hereby amended to read as follows:

Chapter 17.56 – Nonconforming Uses and Structures

Sections:

- 17.56.010 - Purpose of Chapter
- 17.56.020 - Application of Regulations
- 17.56.030 - Restrictions on Nonconforming Uses and Structures
- 17.56.040 - Continuation of Nonconforming Uses and Structures
- 17.56.050 - Limitation on Other Uses
- 17.56.060 - Abatement and Termination
- 17.56.070 - Repair and Maintenance
- 17.56.080 - Alterations and/or Additions to Nonconforming Uses and Structures
- 17.56.090 - Exemptions and Exceptions
- 17.56.100 - Uses Requiring Conditional Use Permits
- 17.56.110 - Condemnation of a Portion of a Lot
- 17.56.120 - Nonprofit organizations and places of worship.
- 17.56.130 - Unlawful Uses and Structures
- 17.56.140 - Nuisance Abatement

17.56.010 - Purpose of Chapter

This chapter establishes uniform provisions for the regulation of nonconforming land uses and structures.

- A. Within the zoning districts established by this title, there exist land uses and structures that were lawful before the adoption or amendment of this title, but which would be prohibited, regulated, or restricted differently under the current terms of this title or under future amendments.
- B. It is the overall intent of this chapter to regulate the long-term continuance of nonconformities and to:
 - 1. Limit the number and extent of specific nonconforming uses and structures that conflict with the provisions of this title by prohibiting their reestablishment after abandonment or, in some cases, their enlargement;

2. Allow for the reconstruction of nonconforming structures that are involuntarily damaged or destroyed, with certain limitations and regulations;
3. Allow for the continuation and maintenance of specific nonconforming uses and structures;
4. Establish procedures and criteria for evaluating the allowable enlargement of specific nonconforming uses and structures;
5. Limit the alteration, enlargement, or relocation of nonconforming structures in a manner that would further increase the difference between existing nonconforming conditions and the current provisions of this title; and
6. Ensure that current building and zoning standards do not unreasonably inhibit the adaptive reuse of existing structures or their seismic and other structural upgrading.

17.56.020 - Application of Regulations

The provisions of this chapter shall apply to all nonconforming uses and structures located within any zoning district in the City. This chapter does not apply to land uses and structures that were illegally established, constructed, or modified. These are instead subject to code enforcement and nuisance abatement provisions of this code.

17.56.030 - Restrictions on Nonconforming Uses and Structures

The following provisions shall apply to all nonconforming uses and structures existing as of the effective date of this chapter:

A. Maintained and continued.

1. Nonconforming use. A nonconforming use may be maintained and continued; provided there is no increase or enlargement of the area, space, or volume occupied or devoted to the nonconforming use, except as allowed by this chapter.
2. Nonconforming structure. A nonconforming structure may be maintained and continued; provided there is no physical change other than necessary maintenance and repair to the structure, except as allowed by this chapter.

B. Change of use. Any part of a structure or land occupied by a nonconforming use which is changed to or replaced by a conforming use shall not again be used or occupied by a nonconforming use.

C. Replacement of a nonconforming use prohibited. The nonconforming use of a structure or site shall not be changed to another nonconforming use.

17.56.040 - Continuation of Nonconforming Uses and Structures

Each and every nonconforming use or structure may be continued and maintained, provided that there is no addition, alteration, or enlargement to any use or structure, except as allowed by this chapter, or unless ordered discontinued, modified, or removed as a public nuisance.

17.56.050 - Limitation on Other Uses

So long as a nonconforming use or structure exists upon a lot, no new use or structure may be constructed, established, or installed on the lot, except as allowed by this chapter.

17.56.060 - Abatement and Termination

Nonconforming uses and structures shall be subject to abatement and termination of the use, in the following manner:

- A. Termination for violation of or change of use. Whenever any of the following facts are found to exist with reference to a nonconforming use, the nonconforming protection/benefits provided by this chapter shall cease, and the use shall be abated, except as otherwise allowed by this chapter.
 1. Material violation of any applicable law;
 2. A change from a nonconforming use to another nonconforming use;
 3. A change from a nonconforming use to a conforming use;
 4. An increase or enlargement of the area, space, or volume of the structure or land occupied by or devoted to the nonconforming use. No new additions or alterations shall increase existing nonconformities; or
 5. A structural alteration, except as required by law.

- B. Termination of nonconforming uses by discontinuance.
 1. Without any further action by the City, a nonconforming use shall lose its nonconforming status and shall not be reestablished if the nonconforming use is discontinued for any reason for a continuous period of at least 24 months.
 2. A nonconforming use within a structure shall also lose its nonconforming status if the structure is demolished or removed from the site.
 3. The determination of discontinuance (aka abandonment) shall be supported by evidence, satisfactory to the director (e.g. the actual removal of equipment, furniture, machinery, structures, or other components of the nonconforming use and not replaced, the turning off of the previously connected utilities, or where there are no business receipts/records or any necessary licenses available to provide evidence that the use is in continual operation).
 4. In an appeal of the director's determination that the use has lost its nonconforming status by discontinuance, the appellant shall be required to present evidence satisfactory to the director showing that the use is in continual operation.
 5. The use of the site after the discontinuance or removal of a nonconforming use shall comply with all current requirements of this title and the subject zoning district.

17.56.070 - Repair and Maintenance; Reconstruction after Involuntary Damage

A. Ordinary repair and maintenance.

1. Ordinary repair and maintenance may be performed on a structure or site, the use of which is nonconforming; and
2. Ordinary repair and maintenance of a nonconforming structure shall be allowed.

B. As used in this chapter:

1. "Involuntary damage" shall mean involuntary damage or destruction of a structure, either in whole or in part, by a catastrophic event (e.g., fire or other calamity, by act of God, or by the public enemy) or over the course of time (e.g., termite infestation, dry rot, or mold).
2. "Date of involuntary damage" shall mean the date of the catastrophic event that caused the involuntary damage, or for involuntary damage caused over time, the date that the City deems the damaged structure to be unsafe or irreparably deteriorated.

C. Nonresidential uses or structures. Whenever a nonconforming nonresidential structure or a structure occupied by a nonconforming use is involuntarily damaged:

1. The structure may be repaired, reconstructed or replaced with a new structure, and its use resumed, provided that:
 - a. The applicant provides documentation satisfactory to the director supporting the claim that the damage occurred involuntarily;
 - b. The replacement structure matches the original structure in terms of exterior materials, height, setbacks, size and building configuration;
 - c. The replacement structure is in compliance with the City's adopted building code; and
 - d. A building permit for the reconstruction is issued within 24 months after the date of involuntary damage and the construction is diligently pursued to completion.
2. If the preceding requirements are not met, the replacement structure shall comply with all current requirements of this code in effect on the date a building permit is issued.

D. Residential uses or structures.

1. Nonconforming single- and multi-family dwelling units (including the residential component of a mixed-use project) that have been involuntarily damaged may be repaired, reconstructed or replaced with a new structure using the same development standards applied to the damaged or destroyed structures (e.g., setbacks, square footage, building height, and density standards) in compliance with State law (including Government Code Section 65852.25), provided:
 - a. The applicant provides documentation satisfactory to the director supporting the claim that the damage occurred involuntarily;
 - b. No expansion of the gross floor area occurs;
 - c. The replacement structure is in compliance with City's adopted building code; and
 - d. A building permit is issued within 24 months after the date of involuntary damage and the construction is diligently pursued to completion.
2. If the preceding requirements are not met, the replacement structure shall comply with all current requirements of this code in effect on the date a building permit is issued.

17.56.080 - Alterations and/or Additions to Nonconforming Uses and Structures

Nothing in this chapter shall be deemed to prevent the construction, enlargement, expansion, extension, or reconstruction (hereafter referred to as "work") of a nonconforming use or structure in the following manner:

- A. Elimination of nonconformity. The work shall be allowed in order to render the use or structure in conformity with this title;
- B. Reduction of nonconformity. Work that reduces, but does not entirely eliminate a nonconformity, shall be allowed in the following circumstances:
 - 1. Work which reduces the nonconformity of residential setbacks shall be allowed provided that the modified setback is at least ten feet if in the front yard, five feet if in the rear yard, and three feet if in the side yard; or
 - 2. Any other work provided that an administrative design review permit covering such work is approved in accordance with Chapter 17.60.
- C. Compliance with laws. The work shall be allowed in order to comply with any law enacted after December 31, 2017.
- D. Seismic retrofitting/building code compliance. Repairs or alterations otherwise required by law shall be allowed in the following circumstances:
 - 1. Reconstruction required to reinforce unreinforced masonry structures shall be allowed, provided the retrofitting is limited exclusively to compliance with earthquake safety standards in compliance with Chapter 15.44 (Earthquake Hazard Reduction in Existing Buildings); and
 - 2. Reconstruction required to comply with the City's adopted building code requirements shall be allowed, provided the retrofitting/code compliance is limited exclusively to compliance with earthquake safety standards and/or other applicable building code requirements, including State law (e.g., Title 24, California Code of Regulations, etc).
- E. Alteration or enlargement of a nonconforming structure.
 - 1. A nonconforming structure shall not be altered or enlarged so as to further increase the difference between existing conditions and the current development standards identified for the subject zoning district, unless a variance is obtained in compliance with Chapter 17.60. Alteration and enlargement may occur, but only in compliance with the current applicable development standards, or as otherwise allowed in this section.
 - 2. A nonconforming structure shall not be enlarged or moved unless the enlargement or new location conforms to the current development standards identified for the subject zoning district, or as otherwise allowed in this section.
- F. Alteration or enlargement of a nonconforming use shall require a permit.
 - 1. A nonconforming use may not be altered or enlarged unless a minor conditional use permit is first obtained, in accordance with Chapter 17.60.

2. The use shall comply with the performance standards and applicable development standards for the subject zoning district.
3. There shall be no expansion of a nonconforming use onto an additional lot, adjacent or otherwise.

G. Conforming Uses. A conforming use may be established, expanded and/or enlarged notwithstanding that a nonconforming structure (or on a lot with multiple uses, a nonconforming use) is located upon the same lot as such conforming use.

17.56.090 - Exemptions and Exceptions

- A. Nonconformance with loading, parking, screening standards, and residential density. A use that does not conform with the loading, parking, planting area, screening standards or residential density of the zoning district in which it is located shall not be deemed a nonconforming use solely for these reasons.
- B. Parking requirements for reuse of existing structures and residential additions.
 1. In order to meet required parking pursuant to Chapter 17.68 or otherwise by this code, a nonresidential use occupying an existing structure (whether conforming or nonconforming) shall be credited with the largest number of parking spaces of:
 - a. The actual number of parking spaces provided;
 - b. The number of parking spaces required for the use last occupying the structure or applicable portion thereof; or
 - c. For uses in the C zone occupying under 2,500 square feet of floor area, the number of parking spaces required for the proposed use.
 2. A nonresidential use occupying an existing structure (whether conforming or nonconforming) which is credited with fewer than the number of parking spaces required pursuant to Chapter 17.68 or otherwise by this code may nonetheless be approved with a minor conditional use permit in accordance with Chapter 17.60 upon the additional finding by the reviewing authority that such parking deficit will not unreasonably overload street parking or public parking facilities nor create a nuisance.
 3. An addition or alteration to an existing residential structure for which additional parking spaces are required pursuant to Chapter 17.68 or otherwise by this code but does not provide any or all of such additional parking spaces may nonetheless be approved with a minor conditional use permit in accordance with Chapter 17.60 upon the additional finding by the reviewing authority that such parking deficit will not unreasonably overload street parking or public parking facilities nor create a nuisance.
- C. Public utilities exempt. The foregoing provision of this chapter concerning the required removal of nonconforming uses and structures, and the reconstruction of nonconforming structures partially damaged or destroyed, shall not apply to a public utility structure that distributes a utility service (e.g., electric distribution and transmission substations, gas storage, metering, and valve control stations, steam electric generating stations, water wells and pumps, etc.); nor shall any provision of this chapter be construed or applied to prevent the expansion, modernization, or replacement of public utility structures, equipment, and features as

are used directly for the delivery of or distribution of the service; provided that this section shall not exempt the uses from the provisions of this chapter covering nonconformity of the uses or structures not immediately related to the direct service to consumers (e.g., storage yards, warehouses, etc.).

17.56.100 - Uses Requiring Conditional Use Permits

Notwithstanding the other provisions of this code, no use identified in this title as a "conditional use" that was lawfully in existence as of the effective date of these regulations, shall be deemed nonconforming solely by reason of the application of the minor conditional use permit/conditional use permit procedural requirements, in compliance with Chapter 17.60; provided, that:

- A. Use allowed with use permit approval. A land use that was legally established without a use permit, but would be required by current code provisions to have minor conditional use permit or conditional use permit approval, shall not be altered or enlarged in any way unless the applicable use permit is first obtained.
- B. Use no longer allowed with use permit approval. A land use that was established with minor conditional use permit or conditional use permit approval, but is not allowed with such approval by the current code, may continue only in compliance with the original use permit. If the original use permit specified a termination date, then the use shall terminate in compliance with the requirements of the use permit.

17.56.110 - Condemnation of a Portion of a Lot

- A. Failure to meet minimum requirements. A nonconforming structure located on property acquired for public use may be relocated on the same lot even though the current minimum lot area or setback requirements of this title cannot reasonably be complied with. Where a part of the structure is acquired for public use, the remainder of the structure may be reconstructed, remodeled, or repaired with the same or similar kind of materials used in the existing structure. However, the materials shall conform to the requirements of the City's adopted building code.
- B. Involuntary damage. A nonconforming structure, or portion thereof, located on the lot remaining after acquisition of the property for public use which is thereafter involuntarily damaged, may be rebuilt or reconstructed on the same lot even though the current minimum lot area or setback requirements of this title cannot reasonably be complied with. However, the floor area and cubical contents of the structure, or portion thereof, shall not be increased.
- C. Does not apply to uses. The provisions of this section shall not apply to a nonconforming use existing at the time of acquisition of the property for public use.

17.56.120 - Institutional Uses.

Institutional uses in commercial zones, in existence on November 8, 1994, shall be permitted to remain subject to conditions of existing conditional use permits or other

approvals, as long as the use is continued in existing facilities or is for expansion on properties upon which such existing facilities are located.

17.56.130 - Unlawful Uses and Structures

- A. Violations. Uses and structures that did not comply with the applicable provisions of this title or prior planning and zoning regulations when established are violations hereof and are subject to code enforcement and nuisance abatement provisions of this code.
- B. Illegal uses and structures prohibited. This chapter does not grant any right to continue occupancy of property containing an illegal use or structure.
- C. Permits required. The illegal use or structure shall not continue unless/until permits and entitlements required by this code are first obtained.

17.56.140 - Nuisance Abatement

In the event that a nonconforming use or structure is found to constitute a public nuisance, appropriate action shall be taken by the City, in compliance with Chapter 8.16 and other applicable codes and laws.

SECTION 2. Section 17.82.030 (“Definitions”) of Chapter 17.82 (“Historic Preservation”) of Title 17 (“Zoning”), is hereby amended to read as follows:

“Bed and breakfast inn” is a hotel that: (i) if in a converted single-family dwelling, has up to six units for transients, or if in a converted multi-family property, has up to twelve units for transients; (ii) has one unit for resident innkeeper(s); and (iii) which may include food or drinking service as permitted by a conditional use permit. The terms “hotel” and “transient” in this definition have the same definitions as set forth in Chapter 5.50, “Uniform Transient Occupancy Tax.”

SECTION 3. Section 17.82.065 (“Conversion of single family residences to bed and breakfast inns”) of Chapter 17.82 (“Historic Preservation”) of Title 17 (“Zoning”), is hereby amended to read as follows:

17.82.065 – Adaptive reuse of historic landmarks.

Notwithstanding any other provision of this code to the contrary, any historic landmark in a residential zone may be converted into a bed and breakfast inn, small entrepreneurial business, or service or professional office if a conditional use permit is issued in accordance with Chapter 17.60 and if all of the following additional findings are made:

- A. The proposed use will be consistent with the historic preservation objectives of the general plan,
- B. The proposed use will not be detrimental to the historic or architectural character of the historic landmark, and
- C. The proposed use is compatible with the neighborhood in which it is located.

SECTION 4. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared by a court of competent jurisdiction to be

unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, phrases, or portions be declared invalid or unconstitutional.

SECTION 5. Continuity. To the extent the provisions of this ordinance are substantially the same as previous provisions of the Sierra Madre Municipal Code, these provisions shall be construed as continuations of those provisions and not as new enactments.

SECTION 6. CEQA Finding. The City Council hereby finds that adoption of the amendments qualify for an exemption from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations as it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment, because it will provide regulations to help retain existing structures and uses in place, and impose certain limitations on their expansion; the amendments also apply to conversion of historic residential structures and are exempt for numerous reasons: all historic landmarks in the city that are single- or multi-family residences are located in residentially zoned areas; given the limited number of such structures, the number of conversions should be extremely limited; such conversions should include few, if any, modifications to the exterior of such structures, and only if such changes would not be detrimental to the historic or architectural character of the historical landmark.

SECTION 7. Effective Date. This ordinance is adopted by the City Council and shall take effect 30 days after adoption. This Ordinance and the City Clerk's certification, together with proof of publication, shall be entered in the Book of Ordinances of the City Council.

SECTION 8. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED, this ____ day of _____, 2018

Rachelle Arizmendi, Mayor

ATTEST:

Laura Aguilar, Assistant City Clerk

I, Laura Aguilar, Assistant City Clerk of the City of Sierra Madre, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Sierra Madre held on the ____ day of _____ 2018, and was adopted at its regular meeting of _____, 2018 by the following vote:

AYES:

NOES

ABSTAIN:

ABSENT:

ATTACHMENT B

RESOLUTION 17-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIERRA MADRE RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ORDINANCE NO. 1396 AMENDING CHAPTER 17.56 NONCONFORMING USES ORDINANCE AND CHAPTER 17.82 HISTORIC PRESERVATION ORDINANCE.

WHEREAS, the City Council adopted a General Plan Update in July 2015 and as part of the General Plan Implementation Program, the City is currently in the process of amending various ordinances in the Municipal Code, including the Nonconforming Uses Ordinance;

WHEREAS, the existing Nonconforming Uses Ordinance was adopted to regulate nonconforming uses in the City in consideration of the fact that within all zones in the city, there exist land uses and structures that were lawful before the adoption or amendment of the zoning code, but which would be prohibited, regulated, or restricted under the current zoning requirements; and

WHEREAS, in the process of reviewing the existing ordinance, the Planning Commission has determined that it is inadequate in addressing a variety of non-conforming issues that commonly arise, it has not been updated for many years, and is difficult to apply in most instances, therefore hindering the ability of property owners to use and improve existing buildings that have become nonconforming over time; and

WHEREAS, the fully amended ordinance provides a detailed list of requirements to address those issues and regulate the long-term continuance of nonconformities of uses and structures;

WHEREAS, the Planning Commission has also determined that in the interest of promoting and encouraging the protection of historic resources in the City and to ensure consistency with the R-3 Multiple Family Zone Ordinance, the Historic Preservation Ordinance should be amended to allow the adaptive reuse of multifamily historic properties as bed and breakfast inns up to 12 units; and

WHEREAS, the Planning Commission also determined that limited commercial uses such as small entrepreneurial business, service and professional offices, should be allowable as adaptive reuse of historic residential structures subject to the approval of a conditional use permit; and

WHEREAS, the Planning Commission discussed these revisions at four meetings and wish to recommend to the City Council the subject municipal code text amendment as the proposed changes will help preserve the City's existing buildings and uses, including those that are historically designated by expanding the opportunities for their adaptive reuse; and

WHEREAS, The amendments are generally consistent with the goals, policies, and objectives of the General Plan in that they would help the preservation of the City's distinct character by providing for the upgrade and preservation of existing structures and uses and promoting the health and safety of the community; and

WHEREAS, the Planning Commission has received the report and recommendations of staff; and

WHEREAS, the Planning Commission finds that adoption of the amendments qualify for an exemption from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations as it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment, because it will provide regulations to help retain existing structures and uses in place, and impose certain limitations on their expansion; the amendments also apply to conversion of historic residential structures and are exempt for numerous reasons: all historic landmarks in the city that are single- or multi-family residences are located in residentially zoned areas; given the limited number of such structures, the number of conversions should be extremely limited; such conversions should include few, if any, modifications to the exterior of such structures, and only if such changes would not be detrimental to the historic or architectural character of the historical landmark; and

WHEREAS, notice was duly given of the public hearing on the matter, which public hearing was held before the Planning Commission on December 14, 2017, with all testimony being received being made part of the public record; and

NOW, THEREFORE, in consideration of the evidence received at the public hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission resolves as follows:

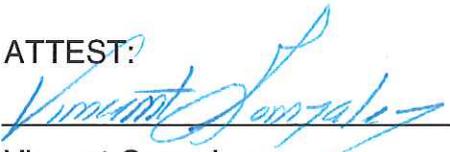
Recommend that the City Council approve the ordinance attached hereto as Exhibit A amending Chapters 17.56 and 17.82 of the Municipal Code.

APPROVAL RECOMMENDED, this 14 day of December 2017, by the following vote:

AYES: 6
NOES: 0
ABSENT: 1 (Pevsner)
ABSTAIN: 0



Bob Spears
Chair, Planning Commission

ATTEST:


Vincent Gonzalez
Director, Planning & Community Preservation

ATTACHMENT C

Existing Chapter 17.56 - NONCONFORMING USES

Sections:

17.56.010 - Nonconforming use limits.

While a nonconforming use exists on any lot, no additional use may be established thereon, even though such use would be a conforming use.

(Prior code § 9775)

17.56.020 - Removal of nonconforming buildings or change in status of nonconforming use.

If any nonconforming building is removed, every future use of the land on which the building is located shall conform to the provisions of this chapter. If a nonconforming use vacates and is succeeded by another and more restrictive use, it is presumed that the heavier nonconforming use has ended and thereupon immediately loses any vested right as such.

- A. If the substitute use is itself nonconforming, the degree of nonconformity shall not subsequently be increased by changing to a less restricted use.
- B. Required accessory buildings (garages, carports, etc.) which become nonconforming or are removed, destroyed or demolished by "act of God," "city abatement," or mandated or voluntary "rehabilitation" must be reconstructed and be made whole and conforming within one hundred eighty days of such nonconformity.
- C. Sites rendered nonconforming by reason of the conditions of subsections A and B of this section and by reason of the application of this section to such site, where same has occurred within the last thirty months (two and one-half years), shall conform with the provisions of this chapter within twelve months (one year) of the effective date of this chapter.

(Ord. 1011 § 1, 1983: prior code § 9776)

17.56.030 - Applicability.

The provisions of this chapter shall apply to buildings, lands and uses which hereafter become nonconforming due to any reclassification of zones under this chapter.

(Ord. 1011 § 1, 1983: prior code § 9777)

17.56.040 - Nonconforming use of land—No structure involved—Abatement.

In any zone the nonconforming use of land wherein no structure is involved shall be abated within five years from October 1, 1955, and any further use of such land shall conform to the provisions of this chapter. If the nonconforming use of land existing on

October 1, 1955, is thereafter discontinued for six months or more, any future use of such land shall conform to the provisions of this chapter.

(Prior code § 9778)

17.56.050 - Nonconforming use of conforming buildings.

- A. In R or C Zones. All nonconforming uses of a conforming building in any of the R or C zones shall be discontinued within one year from the date of formal notice to the owner by the planning commission.
- B. In M Zones. The nonconforming use of a conforming building which is devoted to any residential purpose, hospital (except emergency hospitals), hotel, institution or home for the treatment of convalescent persons, alcoholics, the wounded or mentally infirm, lodging houses, schools, trailers used for human habitation, or trailer parks shall be completely removed before the expiration of a ten-year period measured from the date this chapter becomes applicable to it.

(Prior code § 9779)

17.56.060 - Nonconforming use of nonconforming buildings.

The nonconforming use of a nonconforming building may be continued, and may be expanded or extended throughout such building so long as such nonconforming building remains nonconforming, provided no structural alterations are made except those required by law. A nonconforming use of a nonconforming building may be changed to another use of the same or more restricted classification.

(Prior code § 9780)

17.56.070 - Required removal of nonconforming buildings.

- A. In R Zones. Every nonconforming building in any of the R zones, except residential buildings, churches and schools, which nonconforming building was designed or intended for a use not permitted in the R zone in which it is located, shall be completely removed or altered to structurally conform to the uses permitted in the zone in which it is located within the herein specified times upon notice from the planning commission, which time is measured from the date of construction. In no case shall this period of time be less than five years from the date of notification by the planning commission. As used in this section, the designations "Type 1 Building," "Type 2 Building," "Type 3 Building," "Type 4 Building" and "Type 5 Building" are employed as defined in the existing building title.
 - 1. If property is occupied by structures of a type for which the existing building ordinance does not require a building permit, one year;
 - 2. Type 4 or Type 5 buildings (light combustible frame and wood frame), forty years;

3. Type 2 or Type 3 buildings (heavy timber construction and ordinary masonry):
 - a. Apartments, offices, hotels or residences having stores or offices below and apartments or offices above, thirty-five years,
 - b. Warehouses, stores, garages, lofts, thirty-five years,
 - c. Factories and industrial, forty-five years;
 4. Type 1 building (fire resistant):
 - a. Offices and hotels, forty-five years,
 - b. Theaters, fifty years,
 - c. Warehouses, lofts, stores, garages, forty-five years,
 - d. Industrial, thirty-five years.

B. In M Zones.

1. In the M zones, any residential structures existing on October 1, 1955, shall be considered as nonconforming uses, but, as such, shall be subject only to that provision of this chapter which provides that a nonconforming building removed or destroyed shall not be replaced by other than a conforming building.
2. Every nonconforming building in the M zones which is used for, or devoted to, any hospital (except emergency hospitals), hotel, institution or home for the treatment of convalescent persons, alcoholics, the wounded or mentally infirm, lodginghouses, schools, trailers used for human habitation, or trailer parks, and which nonconforming building was designed or intended for a use not permitted in the M zone in which it is located, shall be completely removed or altered to structurally conform to the uses permitted in the zone in which it is located within the herein specified times upon notice from the planning commission, which times are measured from the date of construction, except that in no case shall this period of time be less than five years from the date of such notice. As used in this section, the designations "Type 1 Building," "Type 2 Building," "Type 3 Building," "Type 4 Building" and "Type 5 Building" are employed as defined in the existing building title.
 - a. Where property is unimproved except for structures of a type for which the existing building title does not require a building permit, one year,
 - b. Type 4 or Type 5 buildings (light combustible frame and wood frame), forty years,
 - c. Type 2 or Type 3 buildings (heavy timber construction and ordinary masonry):
 - i. Apartments, offices, hotels or residences having stores or offices below and apartments or offices above, thirty-five years,
 - ii. Warehouses, stores, garages, lofts, thirty-five years,
 - iii. Factories and industrial, forty-five years,
 - d. Type 1 buildings (fire resistant):

- i. Offices and hotels, forty-five years,
- ii. Theaters, fifty years,
- iii. Warehouses, lofts, stores, garages, forty-five years,
- iv. Industrial, thirty-five years.

(Prior code § 9781)

17.56.080 - Commission to determine conditions of abatement.

When any nonconforming condition exists in any zone, other than the nonconforming use of land when no structure is involved, it shall be the responsibility of the planning commission, on its own initiative, to fix a date upon which the nonconforming building was established. It shall also be the responsibility of the planning commission to determine whether, by reason of structural alterations or enlargements, or the installation of major equipment designed into the building prior to the date this chapter becomes applicable thereto, it is deemed necessary to establish a later date for abatement than that prescribed herein for the building itself in order to assure that the investment represented by such structural alterations, enlargements or equipment installations may be amortized. In performing this function, the commission shall consider all pertinent data in connection therewith to provide the opportunity for the owner of record, or lessee, if there be such, to present such evidence as they may possess and which properly relates to such case. When the date of abatement has been determined the commission, by resolution, shall establish such date and shall set forth such facts as bear upon the case upon which the determination of such date of abatement is based, and shall formally notify the owner of such nonconforming property of the action of the commission by mailing to such owner a copy of the formally adopted resolution not later than ten days following the date of subject action by the planning commission.

(Prior code § 9782)

17.56.090 - Reconstruction of nonconforming building destroyed.

- A. **Nonresidential Structures.** A nonconforming nonresidential building destroyed to the extent of not more than fifty percent of its value at the time of its destruction by fire, explosion or other casualty or act of God or the public enemy, may be restored and occupancy or use of such building or part thereof which existed at the time of such destruction may be continued subject to all other provisions of this title.
- B. **Residential Structures.** A nonconforming residential building destroyed by fire, explosion or other casualty or act of God or the public enemy, may be restored and occupancy or use of such building or part thereof which existed at the time of such destruction may be continued subject to all other provisions of this title. If reconstruction of a residential structure lawfully existing on a residentially zoned parcel at the time of its destruction cannot be accomplished in compliance with all other provisions of this title, then the city shall grant such variances as are

necessary to allow reconstruction of a residence on the site to the same size, scope and footprint as existed previously, as necessary to avoid denying the property owner a reasonable economic use of the parcel.

(Ord. 1256 § 1 (Exh. A (part)), 2006; prior code § 9783)

17.56.100 - Alteration of nonconforming buildings—Inadequate yards.

Where a building or buildings, and customary accessory building, are nonconforming only by reason of substandard yards or open spaces, the provisions of this chapter prohibiting structural alterations or enlargements shall not apply, provided that any structural alterations of an existing building shall not increase the degree of nonconformity of yards or open spaces and any enlargements shall observe the yards and open spaces required on such lot.

(Prior code § 9784)

17.56.110 - Public utility exemptions.

The foregoing provisions of this chapter concerning the required removal of nonconforming buildings and uses, and the reconstruction of nonconforming buildings partially destroyed, shall not apply to public utility buildings and structures when such buildings and structures pertain directly to the rendering of the service distribution such as power-generating plants and electrical distribution substations, water wells and pumps, gas storage metering and valve control stations. Nor shall anything in this chapter be construed or applied so as to prevent the expansion, modernization or replacement of such public utility buildings, structures, equipment and features as are used directly for the delivery or distribution of the service, provided the provisions of this section shall not exempt from the provisions covering nonconformity of such buildings, structures or uses as do not immediately relate to the direct service by consumers such as warehouses, storage yards and the like.

(Prior code § 9785)

17.56.120 - Nonprofit organizations and places of worship.

Nonprofit organizations and places of worship in commercial zones, in existence on November 8, 1994, shall be permitted to remain subject to conditional use permits, and may renew conditional use permits, as long as the use is continued in existing facilities or is for expansion on existing properties which have tax-exempt status.

(Ord. 1135 § 6, 1996; Ord. 1116 § 5, 1994; Ord. 1115 § 5, 1994)

ATTACHMENT D

Chapter 17.82 - HISTORIC PRESERVATION

Sections:

17.82.010 - Scope.

- A. This chapter shall be known as the historic preservation ordinance by the city of Sierra Madre.
- B. This chapter shall be voluntary and, notwithstanding any other provision of this chapter, shall be so interpreted so as not to impose any burden, limitation or restriction of property rights (or with regard to procedures with regard thereto) without prior consent of the respective property owners, provided that once a property has been designated by the city council, with the consent of the property owner, as a historical landmark then this chapter shall no longer be voluntary and all provisions shall apply.

(Ord. 1134 § 2 (part), 1997)

17.82.020 - Purpose and intent.

Whereas, the city council has determined:

- A. That the character and history of the city are reflected in its cultural, historical and architectural heritage;
- B. That these historic foundations should be preserved as living parts of community life and development to build an understanding of the city's past so that future generations may have a genuine opportunity to appreciate, enjoy and understand the rich heritage of the city;
- C. That the city's total number of public, commercial and residential structures is fewer than three thousand five hundred units, and that without diligent efforts to minimize the demolition and loss of the city's historical landmarks, the rich heritage of the city will be eroded over time;
- D. That pursuant to the provisions of the National Historic Preservation Act of 1966, as amended, the city of Sierra Madre, the state of California, and the United States Congress, to develop preservation programs and activities to give maximum encouragement to agencies and individuals undertaking preservation of the city's unique architectural and historical heritage;
- E. Therefore, the purpose of this chapter is the protection, appreciation and preservation of the historic landmarks of the city through a partnership between the cultural heritage commission and the property owners/residents, the business sector and the community at large to retain and protect those historic landmarks which preserve and enhance our small town atmosphere and:
 - 1. To safeguard the city's unique historic heritage as embodied and reflected in the city's diverse architectural and cultural history,
 - 2. To encourage and facilitate public knowledge, understanding and appreciation of the city's historic past and unique sense of place,
 - 3. To foster civic and neighborhood pride and a sense of identity based on the recognition and use of historic resources,

4. To promote the enjoyment, celebration and use of historic resources appropriate for the education and recreation of the people of the city,
5. To preserve diverse architectural styles, patterns of development, and design preferences reflecting phases of the city's history and to encourage complementary contemporary design and construction and inspire a more livable environment,
6. To enhance property values and to increase economic and financial benefits to the city and its inhabitants through the exploration of creative financial incentives for preservation,
7. To protect and enhance the city's attraction to tourists and visitors thereby stimulating commerce,
8. To identify as early as possible and resolve conflicts between the preservation of historic landmarks and alternative land uses,
9. To integrate the preservation of historic landmarks into public and private land use management and development processes,
10. To conserve valuable material and energy resources by ongoing use and revitalization of the existing built environment,
11. To stabilize neighborhoods through the preservation of historic landmarks,
12. To encourage public awareness and participation in identifying and preserving historical and architectural landmarks, thereby increasing community pride in the city's historical heritage,
13. To identify and make available the economic benefits of preservation of historic resources to the city and its inhabitants,
14. To take all reasonable and necessary steps to safeguard the property rights of owners of properties which are subject to this chapter.

(Ord. 1134 § 2 (part), 1997)

17.82.030 - Definitions.

As used in this chapter:

"Alteration" means any change or modification through public or private action, to the exterior historical character defining or significant architectural features of properties affected by this chapter. This is in contrast to "ordinary repairs and maintenance," as defined below.

"Appeal" is a written request submitted to the city clerk by a person not satisfied with the decision or determination of the commission. Appeals will be heard before the city council at a public hearing.

"Bed and breakfast inn" is a hotel that: (i) if in a converted single-family dwelling, has up to six units for transients ~~and, or if in a converted multi-family property, has up to twelve units for transients;~~ (ii) has one unit for ~~any~~ resident innkeeper(s); ~~(ii) is a converted single-family dwelling;~~ and (iii) which may include food or drinking service as permitted by a conditional use permit. The terms "hotel" and "transient" in this definition have the same definitions as set forth in Chapter 5.50, "Uniform Transient Occupancy Tax."

"Certificate of appropriateness" is a certificate issued by the commission approving such plans, specifications, statements of work, or any other information which is reasonably required

by the commission to make a decision on any proposed alteration, restoration, rehabilitation, construction, removal, relocation or demolition, in whole or in part, of or to a historic landmark.

"Certificate of economic hardship" is a certificate authorizing work described in the accompanying certificate of appropriateness granted by the commission because of extreme financial impact or adversity and in accordance with the procedures and findings of this chapter.

"Character defining feature" means an identifiable manmade or natural element, style, design arrangement, detail or material, or landscape arrangement, which embodies or contributes to the recognizable historic value, consistent with the designation criteria in this chapter.

"Demolition" means any act or process that destroys or damages in part or in whole, an historic landmark, or property identified as a potential historic resource.

"Designation statement" means a document prepared by the commission which contains a specific description of the designated historic landmark or historic district, containing the following information:

1. Assessor's parcel number(s);
2. Site address;
3. Identification of the specific elements, improvements or natural features to be included in the designation and subject to the provisions of this chapter, per Section 17.82.040(B).

"Historic landmark" means any improvement or natural feature that meets the criteria listed in this ordinance and is designated by the city council pursuant to this ordinance or nominated to the National Register of Historic Places. Until the designation is finalized, the property shall be referred to as a "potential historical resource" as defined below.

"Improvement" means any manmade physical object or structure, or manmade alteration of terrain or plantings, constituting a physical feature of real property.

"Natural feature" means any geographical or geological site or feature subject to the provisions of this chapter.

"Ordinary maintenance and repair" means any work, for which a building permit is not required by law, where the purpose and effect of such work is upkeep, or correction of deterioration or damage to an historic resource or any part thereof, and to restore the same to its condition prior to the occurrence of such deterioration or damage. This is in contrast to "alteration," as defined above.

"Potential historic resource" means a property which has been identified on a survey conducted by the city and adopted by the city council which contains a list of properties and all relevant corresponding documentation indicating that the identified properties meet the criteria for "historic landmark" as defined herein.

"Preservation" means the identification, study, protection, restoration, rehabilitation or acquisition of historic landmarks.

"Register of historic landmark" means the list of properties located within the city that identifies the properties designated as historic landmarks.

"Rehabilitation" means the act or process of returning an improvement or site to a condition of utilization, through repair, remodeling or alteration, that makes possible an efficient contemporary use while preserving those portions or features of the improvement or site that are significant to its historic values.

"Restoration" means the act or process of accurately recovering the form and details of an improvement or natural feature and its setting as it appeared at a particular period of time, by means of removal of later additions to, by replacement of missing earlier portions of, and the correction of deteriorated conditions in, the improvement or natural feature.

"Secretary of the Interior Standards and Rehabilitation" means the guidelines prepared by the National Park Service for Rehabilitating Historic Buildings and the Standards for Historic Preservation Projects prepared by the Park Service with Guidelines for Applying the Standards.

"Substantial adverse change" means demolition, destruction, relocation or alteration such that the significance of an historical resource would be impaired.

"Survey" means a list of properties for which the city has obtained verifiable documentation that said properties meet the designation criteria contained in Section 17.82.070 herein, and, which the city council has (with the consent of the owners) adopted as the official survey of the city.

(Ord. 1134 § 2 (part), 1997)

(Ord. No. 1329, § 1, 5-22-2012)

17.82.040 - Classification of landmarks and inclusion of previous designations.

- A. Historic landmarks shall be classified as potential historic resources or historic landmarks.
- B. Provisions of this chapter shall be applicable to exterior elements of properties affected by this chapter, and expressly do not apply to building interiors. As part of the designation statement, the commission shall identify the particular elements, improvements or natural features to be included in the designation, and which will be subject to the provisions of this chapter as having historical value.
- C. The ordinance codified in this chapter is adopted without designating any property as a historic landmark. Ordinance No. 1036 is repealed except for the list of properties designated as historic landmarks thereunder. Properties designated as historic landmarks under Ordinance 1036 shall remain as such until property designations thereunder are de-designated or de-listed by appropriate procedures according to law.

(Ord. 1134 § 2 (part), 1997)

17.82.050 - Designation criteria.

For the purposes of this chapter, an improvement, natural feature, or site may be designated a historic landmark by the city council upon a recommendation by the commission if it meets at least one of the following criteria:

- A. Historic. It was the site of, or is associated with local, state or national cultural, social, economic, political or natural history, events or persons significant to the history of Sierra Madre, or it reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning.
- B. Architectural. It is representative of the work or is one of a few remaining examples of a notable builder, designer or architect, or, it embodies distinctive characteristics of a style,

type, period or method of construction, or, is a valuable example of architectural achievement or innovation such as the use of indigenous materials or craftsmanship.

(Ord. 1134 § 2 (part), 1997)

17.82.060 - Benefits and conditions of designation.

A. Conditions for Benefits.

1. Benefits shall only be available for structures listed on the city's register of historic landmarks and subject to this chapter at time for which application for financial benefits is made.
2. Historic landmarks must be maintained in reasonable condition in accordance with the Secretary of Interior's Standards for Rehabilitation.
3. In order to qualify for benefits, owners of historic landmarks must submit plans for rehabilitation or restoration to the commission for review to ensure that the work is undertaken in accordance with the Secretary of the Interior's Standards for Rehabilitation. Ordinary repair and maintenance is exempted, per Section 17.82.130 of this chapter.

B. The property owner of a historic landmark in compliance with the above conditions may receive benefits including the following and any others established as policy of the city council:

1. Waiver of city building permit and plan check fees as established by resolution of the city council;
2. Use of the State Historical Building Code (SHBC) as the governing building code. The SHBC provides alternative building regulations to facilitate rehabilitation, preservation, restoration or relocation;
3. Mills Act contracts approved by the city council;
4. Change of use, subject to a conditional use permit granted by the planning commission pursuant to Section 17.60, to facilitate adaptive reuse of historic landmarks.

(Ord. 1134 § 2 (part), 1997)

(Ord. No. 1329, § 2, 5-22-2012)

17.82.065 - ~~Conversion of single family residences to bed and breakfast inns~~Adaptive reuse of historic landmarks.

Notwithstanding any other provision of this code to the contrary, any ~~single family residence that is a~~ historic landmark in a residential zone may be converted into a bed and breakfast inn, small entrepreneurial business, or service or professional office if a conditional use permit is issued ~~pursuant to Section~~in accordance with Chapter 17.60.~~040~~ and if all of the following additional findings are made:

- A. The proposed use will be consistent with the historic preservation objectives of the general plan.

- B. The proposed use will not be detrimental to the historic or architectural character of the historic landmark, and
- C. The proposed use is compatible with the neighborhood in which it is located.

(Ord. No. 1329, § 3, 5-22-2012)

17.82.070 - Designation procedures.

Historical landmarks shall be established by the city council in the following manner:

- A. Any person or group may request the designation of an improvement, natural feature or site as a historic landmark by submitting a nomination application for such designation to the commission. The nomination application shall contain sufficient documentation and information indicating how the nominated resource meets the criteria for designation as indicated in this chapter. The commission or city council may also initiate such proceedings on their own motion.
- B. Notification of the nomination shall be sent to the property owner(s) and occupant(s) of the property within thirty days of the receipt of the nomination. No application shall be accepted or processed unless accompanied by the written consent of the property owner.
- C. The commission shall schedule a public hearing, for the earliest possible meeting of the commission.
- D. No permits shall be issued by the city for demolition, alteration or building, while the public hearing or any appeal related thereto is pending.
- E. Notice of the public hearing, including its place, date, time and purpose, shall be given by first class mail, return receipt requested, at least thirty days prior to the date of the public hearing, and also shall be advertised at least once in a newspaper of general circulation. Mail notification shall be provided to the applicant and all other owners and occupants of properties with the proposed resource, using the name and address of such owners as shown on the latest equalized assessment rolls.
- F. At the conclusion of the public hearing, but in no event more than sixty days from the date set for the initial public hearing, the commission shall make a recommendation to the city council, which shall include findings of fact relating to the criteria for designation in Section 17.82.050 that constitute the basis for its decision and shall transmit its recommendation to the city council, the property owner, and the applicant. The recommendation can be as follows:
 - 1. Adoption of a designation statement, prepared pursuant to the public hearing, with approval in whole or in part;
 - 2. Disapproval in whole or in part, of the application.
- G. The city council, within thirty days of receipt of the recommendations of the commission, shall either adopt the designation statement by resolution or shall by motion disapprove it in its entirety.
- H. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The commission and council may also give such other notice as they may deem desirable and practicable.

- I. The city shall record such designation with the county recorder of Los Angeles County with the written consent of the owner.
- J. Designations hereunder shall not excuse such property from any other provisions of the municipal code.

(Ord. 1134 § 2 (part), 1997)

17.82.080 - Requests to de-designate.

- A. The application shall set forth the factual basis for the request, including supporting materials, and shall be granted if the finding can be made that the information relied upon by the commission or the city council in making the designation is discovered to be false or substantially erroneous thus rendering the property without historic merit.
- B. The application shall be submitted to the commission, and a public hearing shall be set at the earliest commission meeting after the application is filed. The commission's recommendation shall be forwarded to the city council, which will render a final decision and determine compliance with the California Environmental Quality Act.
- C. Open Period of De-Listing. For a period of one hundred twenty days following the effective date of the ordinance codified in this chapter (or any later court validation thereof), the owner or owners of any property presently listed as an historic landmark under Ordinance 1036 or 1134 may petition the city council for declassification or de-listing from such classification. Application shall be made by written request, properly dated and signed; there shall be no charge for such application.
 1. Upon receipt of such petition, the property shall automatically thereafter be declassified from the effects of Ordinances 1036 and 1134 without any further action by the city or the city council.
 2. Such declassification or de-listing from the impact of Ordinances 1036 and 1134 shall not affect the application or demolition of the de-listed properties in the future.

(Ord. I-01-1 § 2, 2002; Ord. 1134 § 2 (part), 1997)

17.82.090 - Certificates of appropriateness.

- A. All permits for alteration, restoration, rehabilitation, remodeling, addition, change of use, demolition or relocation of historic landmarks, which alter the exterior appearance as seen from public view shall require a certificate of appropriateness from the commission.
- B. No permits for work on a property in the process of being considered for designation shall be awarded until a certificate of appropriateness, if applicable, has been secured.
- C. All applications for certificates of appropriateness shall be submitted to the director of planning and community preservation for commission approval. The director shall forward the request to the commission within thirty days of receipt. The commission shall have sixty days to render a decision regarding the application. The applicant is encouraged to confer with the commission prior to submitting an application.
- D. The commission shall promulgate and publish such standards as are a necessary supplement to the provisions of this chapter to inform property owners and the general public of those standards of review by which applications for certificates of appropriateness are to be judged.

- E. In evaluating applications for certificates of appropriateness, the commission or the city council upon appeal shall consider the existing and proposed exterior architectural style, design, arrangement, texture, materials, and any other factors with regard to the original distinguishing architectural characteristics of the historic landmark. Using the Secretary of the Interior's Standards for Rehabilitation as a guide, the commission or city council upon appeal shall approve the issuance of a certificate of appropriateness for any proposed work if and only if it makes the following findings:
 - 1. With regard to a historic landmark, the proposed work will neither adversely affect the integrity of the significant architectural features, nor adversely affect the historic character or value of the historic landmark.
 - 2. In the case of construction of a new improvement, addition, building or structure upon a designated historic landmark site, the use and exterior of such improvements will not adversely affect and will be compatible with the use and exterior of the historic landmark.
- F. Any request for the demolition of a designated historic landmark shall be accompanied by application for certificate of appropriateness or a certificate of economic hardship as described in Section 17.82.100.
- G. Demolition of an historic landmark may be approved only in connection with an approval of a replacement project.
- H. Applications for certificates of appropriateness shall be filed with the city's department of planning and community preservation for processing. Applications shall include specific submittal requirements as determined by the commission and made available to the applicant. Where required by the commission, applications shall also show the relationship of the proposed work to the surrounding environs. The application shall be accompanied by any other information that the commission determines is required for them to make an informed judgment of the proposed work according to the standards of review in Section 17.82.090.
- I. After the permit has been issued, the building inspector shall inspect the work approved by the commission in order to assure compliance. If the work is not being performed in accordance with the certificate of appropriateness, a stop work order shall be issued and all work shall cease.

(Ord. 1134 § 2 (part), 1997)

(Ord. No. 1363, § 3, 3-24-15)

17.82.100 - Certificate of economic hardship.

The owner of a historic landmark may apply for a certificate of economic hardship. This request shall be on an application form provided by the city manager.

- A. The owner shall have the burden of proof, by clear and convincing evidence, that the economic hardship caused by designation is disproportionate to the value of the property with the designation in place.
- B. The commission shall consider the cost of the stabilization of the historic elements of the property as it relates to the appraised value, and evidence of the economic return of maintaining the designation versus other proposed uses.

- C. The application shall be submitted to the commission, and a public hearing shall be set at the earliest commission meeting after the application is filed.
- D. After the public hearing, the commission shall recommend in writing that the city council either grant or deny the request. The recommendation shall be based on one or more of the following findings:
 - 1. Sale or lease of the property is impractical in comparison to holding the property;
 - 2. Denial of the request will diminish the value of the property so as to leave substantially no value, or damage the owner unreasonably in comparison to benefits conferred on the community;
 - 3. An adaptive reuse study has been satisfactorily conducted, and found that utilization of the property for other lawful uses is not feasible, or that it would not allow a reasonable rate of return to the owner;
 - 4. A rehabilitation study has been satisfactorily conducted, and that it would not allow a reasonable rate of return to the owner;
 - 5. All means have been explored to relieve possible economic disincentives to no avail, involving city-sponsored incentives as of rights, tax abatements, financial assistance, application of the SHBC, zoning variances, loans, grants or reimbursements;
 - 6. The owner has made every possible effort to find a willing buyer for the property who would agree to restore the historic landmark and has not been able to find a buyer who would offer a purchase price which afforded the owner a reasonable rate of return.

(Ord. 1134 § 2 (part), 1997)

17.82.110 - Substantial alterations.

Any substantial adverse change to an historic landmark shall be subject to the provisions of the Municipal Code governing demolitions.

(Ord. 1134 § 2 (part), 1997)

17.82.120 - Appeals.

Any action by the commission may be appealed by any interested party to the city council including but not limited to the following:

- A. The commission's decision not to hold a public hearing on an application for designation;
- B. A determination made after a public hearing that a property(ies) is not determined to be a historic landmark, potential resource or on any survey list;
- C. The commission's decision to grant or to not grant a certificate of appropriateness or certificate of economic hardship.

Any interested party may appeal by filing a notice of appeal with the city council not later than fourteen days after the commission's written decision has been filed with the city clerk.

(Ord. 1134 § 2 (part), 1997)

17.82.130 - Ordinary maintenance and repair.

- A. Owners shall not be prevented from undertaking ordinary maintenance and repair as defined in this chapter.
- B. For demolition, removal, repairs or alteration for any element covered by this chapter, when the building department certifies to the commission that such action is required for the public safety due to an unsafe or dangerous condition, a permit may be issued under one of the following conditions:
 - 1. The condition cannot be rectified through the use of the California State Historical Building Code;
 - 2. Temporary repairs are necessary on an emergency basis;
 - 3. When the element shall be replaced according to the Secretary of the Interior's Standards for Rehabilitation.

(Ord. 1134 § 2 (part), 1997)

17.82.140 - Severability.

If any section, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council declares that it would have passed the ordinance codified in this chapter and adopted this chapter, and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

(Ord. 1134 § 2 (part), 1997)



City of Sierra Madre Agenda Report

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

Sue Spears, City Clerk
Michael Amerio City Treasurer

TO: Honorable Mayor Arizmendi and Members of the City Council

FROM: James Carlson, Management Analyst

REVIEWED BY: Gabriel Engeland, City Manager *GE*

DATE: March 13, 2018

SUBJECT: **MOBILE SOURCE AIR POLLUTION REDUCTION REVIEW COMMITTEE (MSRC) CLEAN TRANSPORTATION FUNDING OPTIONS – CONSIDERATION OF RESOLUTION 18-10**

SUMMARY

Staff is requesting that the City Council consider utilizing a Clean Transportation Funding grant in the amount of \$50,000. Staff recommends using the funds toward the operations and maintenance of a San Gabriel Valley-wide Metro Bike Share Program that is being coordinated through the San Gabriel Valley Council of Governments (SGVCOG). Resolution 18-10 would need to be adopted to affect this option.

STAFF RECOMMENDATION

Staff recommends the City Council accept the Clean Transportation Funding grant in the amount of \$50,000 and adopt Resolution 18-10 allocating those grant funds towards the operations and maintenance of a San Gabriel Valley-wide Metro Bike Share Program that is being coordinated through the San Gabriel Valley Council of Governments

ALTERNATIVES

1. The City Council may adopt Resolution 18-10, authorizing the use of the City's MSRC funds toward the regional Bike Share Project.
2. The second option would be to use the funds towards clean transportation within the City of Sierra Madre. Staff could pursue the purchase and installation of electric vehicle charging stations for city and/or public use. However, additional matching funds would be required for this option at 50% of the total project cost. Should the Council like to pursue this option, the deadline for the application is August 2, 2018.

FINANCIAL REVIEW

Using the funds towards the Metro Bike Share Program will not cost the City any additional funding as the San Gabriel Valley Council of Governments (SGVCOG) would provide the matching funds as part of its program.

However, the City of Sierra Madre qualifies for the \$50,000 grant because of its participation in the AB 2766 Subvention Fund Program. This is the program that funded the City's Natural Compressed Gas (CNG) fueling station and vehicles. If the Council selects this option, a match of 50% of the project cost is required.

ANALYSIS

Metro Bike Share Program

The City of Sierra Madre has been working with the SGVCOG in their efforts to expand the Metro Bike-Share Program into the San Gabriel Valley. The effort was recently bolstered by the award of \$4.5 million from the California Transportation Commission. The project, as currently envisioned, would provide 840 bicycles at 84 bike stations in the region. Sierra Madre participates in the planning of this program with neighboring San Gabriel Valley cities including Claremont, Covina, Baldwin Park, Duarte, Glendora, La Canada Flintridge, La Verne, Monrovia, Monterey Park, Pomona, San Dimas, South El Monte, South Pasadena and West Covina.

Resolution 18-10 would contribute Sierra Madre's \$50,000 MSRC funds to the SGVCOG to be used specifically for operations and maintenance of the program as it begins to be rolled out. The SGVCOG would cover the matching funds.

Electric Vehicle Charging Stations

The City Council may elect to direct staff to pursue a local clean transportation project. Staff has analyzed a few options and would research electric vehicle charging stations. Early feasibility considerations point to at least two stations, one at the City Hall/Public Safety Parking Lot and one at either the Mariposa or South Baldwin Parking Lots. The stations would most likely include a small charge which would be used for ongoing maintenance and operations, and possibly to expand to additional locations. With the August 2nd application deadline, staff feels there is adequate time to further define this project and hopefully identify additional funding sources.

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 (1)

Attachment A: Resolution 18-10: A Resolution of the City Council of the City of Sierra Madre Authorizing the Submittal of an Application for Funding From the MSRC 2017 Local Government Partnership Program.

RESOLUTION NO. 18-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR FUNDING FROM THE MSRC 2017 LOCAL GOVERNMENT PARTNERSHIP PROGRAM

WHEREAS, the City Council of the City of Sierra Madre is an eligible jurisdiction under the Mobile Source Air Pollution Reduction Review Committee's (MSRC's) "Local Government Partnership Program" ("Program") as an agency that already participates in the AB 2766 Subvention Fund Program; and

WHEREAS, through the MSRC's "Local Government Partnership Program" the City of Sierra Madre has been allocated a reserved funding amount of \$50,000 in grant funding opportunity to implement high priority clean air programs recognized for their effectiveness in the South Coast AQMD's 2016 Air Quality Management Plan (AQMP);

WHEREAS, the City of Sierra Madre City Council acknowledges that it has received the MSRC provided presentation at the March 13, 2018, City Council meeting; and

WHEREAS, the City of Sierra Madre City Council plans to use these funds toward the operations and maintenance of a regional bike share system;

WHEREAS, fifteen San Gabriel Valley cities, including the City of Sierra Madre, were awarded \$4.5 million from the Active Transportation Cycle 3 Greenhouse Gas Reduction Funds (GGRF) program from the California Transportation Commission; and

+-

WHEREAS, the GGRF funds will be used to match the MSRC funds.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Sierra Madre authorizes City staff to submit a letter to AQMD requesting its MSRC allocation to support bike share within the City of Sierra Madre.

PASSED, APPROVED, AND ADOPTED this 13th day of March 2018, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Rachelle Arizmendi, Mayor
City of Sierra Madre

Sue Spears, City Clerk
City of Sierra Madre



City of Sierra Madre Agenda Report

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

Sue Spears, City Clerk
Michael Amerio, City Treasurer

TO: Honorable Mayor and Members of the City Council

FROM: Marcie Medina, Assistant City Manager 

REVIEWED BY: Gabriel Engeland, City Manager 

DATE: March 13, 2018

SUBJECT: FY 2017-2018 Midyear Budget Review – Second Quarter Financial Report.
Resolution 18-11: Adopting the Midyear Budget for Fiscal Year 2017-2018 and Appropriating the Amounts Projected.

SUMMARY

Attached is the FY 2017-2018 Midyear Budget Review – Second Quarter Financial Report. The main focus of the report is the General Fund, but all City Funds activity is presented in a summarized format.

STAFF RECOMMENDATION

Staff recommends the approval of: Resolution 18-11, adopting the Fiscal Year 2017-2018 Midyear Budget and appropriating the amounts projected.

ANALYSIS

General Fund

The chart below is the General Fund Comparison of Revenues and Expenditures including Transfers In and Out, and Change to Fund Balance. In total the General Fund is within budget with projected increase in revenues and departmental savings making up for any projected increases in appropriations.

CITY OF SIERRA MADRE
Projected Ending Balances for FY 2017-2018
General Fund

	FY 2017-18 Adopted Budget	FY 2017-18 Adjusted Budget	FY 2017-18 Projected
REVENUES			
Property Taxes	5,779,000	5,779,000	5,800,000
AB1X 26 - RDA Residual	260,000	260,000	324,000
Utility User Taxes	2,610,000	2,610,000	2,500,000
Sales Taxes	280,000	280,000	300,000
Franchise Fees	360,000	360,000	380,000
Licenses and Permits	932,300	932,300	1,000,000
Charges for Services	497,800	497,800	600,000
Fines and Forfeitures	155,100	155,100	110,000
Other Revenues	61,500	61,500	61,500
TOTAL REVENUES	10,935,700	10,935,700	11,075,500
EXPENDITURES			
Administrative Services	2,218,200	2,218,200	2,218,200
Community Services	265,700	265,700	265,700
Elected and Appointed	316,300	316,300	316,300
Fire	2,030,500	2,030,500	2,030,500
Library	797,300	797,300	797,300
Planning & Community Preservation	1,181,900	1,294,400	1,394,400
Police	3,590,900	3,590,900	3,590,900
Public Works	590,900	590,900	590,900
TOTAL EXPENDITURES	10,991,700	11,104,200	11,204,200
TRANSFERS IN	100,000	100,000	100,000
TRANSFERS OUT	(44,000)	(44,000)	(44,000)
NET TRANSFERS	56,000	56,000	56,000
NET CHANGE IN FUND BALANCE	-	(112,500)	(72,700)

All City Funds

The chart below summarizes the estimated revenues and expenditures by Fund for FY 2017-2018. Adjusted Budget reflects approved amendments made during the year and carryovers of funds from prior years.

The “deficits” at the bottom of the chart reflect the use of carryover of funds and restricted reserves that have been earmarked in prior years for specific projects or activities.

CITY OF SIERRA MADRE
Projected Ending Balances for FY 2017-2018
All City Funds (Includes Transfers)

	FY 2017-18 Adopted Budget	FY 2017-18 Adjusted Budget	FY 2017-18 Projected
REVENUES			
General Fund	11,035,700	11,035,700	11,175,500
Special Revenue	1,597,600	1,597,600	1,597,600
Internal Services	5,020,400	5,020,400	5,020,400
Water	4,976,700	4,976,700	4,976,700
Sewer	937,500	937,500	937,500
Business Funds	263,500	263,500	263,500
Successor Agency	585,700	585,700	585,700
TOTAL REVENUES	24,417,100	24,417,100	24,556,900
EXPENDITURES			
General Fund	11,035,700	11,148,200	11,248,200
Special Revenue	1,368,900	1,368,900	1,368,900
Internal Services	4,572,400	4,572,400	4,572,400
Water	5,050,700	5,050,700	4,966,700
Sewer	1,201,900	1,201,900	1,201,900
Business Funds	264,300	264,300	264,300
Successor Agency	585,700	585,700	585,700
TOTAL EXPENDITURES	24,079,600	24,192,100	24,208,100
NET CHANGE IN FUND BALANCE	337,500	225,000	348,800

FINANCIAL REVIEW

Recommended Budget Appropriations including Transfers In/Out

	<u>Adjusted 2017-2018</u>	<u>Amended 2017-2018</u>
City of Sierra Madre	\$ 23,606,400	\$ 23,622,400
Successor Agency	\$ 585,700	\$ 585,700
Total	\$ 24,192,100	\$ 24,208,100

March 13, 2018

Page 4 of 4

PUBLIC NOTICE PROCESS

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

Attachments:

FY 2017-2018 Midyear Budget Review- Second Quarter Financial Report.
Resolution 18-11: Adopting the Midyear Budget for Fiscal Year 2017-2018 and appropriating the amounts projected.



FY 2017-2018 MIDYEAR BUDGET REVIEW

Second Quarter Financial Report

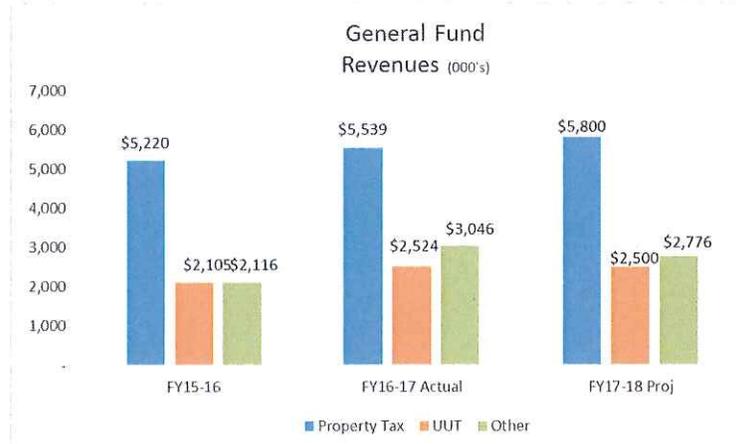
The City has completed the second quarter of fiscal year 2017-18. This report provides revised budget estimates based on financial performance of the City for the period of July 1, 2017 through December 31, 2017, historical data as well as other current available information. While the focus of the report is the General Fund, summary financial information is also provided for all City Funds. The information presented is unaudited. This report is intended only to provide the City Council and the public with an overview of the City's general fiscal condition.

The revenue projections and expenditure budgets include adjustments for carryovers and any appropriations made by the City Council as of December 31, 2017.

GENERAL FUND

The General Fund is the general operating fund for the City. It provides the resources to sustain the day-to-day activities and services to the community. All nine departments receive support, either directly or indirectly from the General Fund.

The General Fund original adopted budget for FY 2017-18 is \$10,935,700 for revenues and \$10,991,700 for expenditures. The revenues projected are \$11,075,500, slightly higher than what was budgeted. The General Fund presentation changed from two years ago. Subsidized operations were collapsed into the General Fund. Recreation Classes, Paramedic Program and Development Services that had been accounted for in separate funds, were accounted for in the General Fund as of last year. This resulted in a decrease in transfers out, and increased revenues and expenditures for these operations. In comparison to prior year, General Fund revenues are expected to



(Excludes Transfers)

come in at approximately the same amount.

The City's two major General Fund revenue sources are Property Taxes and Utility User Taxes, which make up over 79% of the General Fund Revenues.

- **Property Taxes:** Included in this line item are Property Taxes in Lieu of VLF. AB1X26, residual payments from the dissolution of the former redevelopment agency are considered property taxes. However, the line item is reflected separately, since the amount has changed from year to year and the variance creates an anomaly in the property tax revenue trend. Property Taxes are close to original estimates and show positive growth over prior year. We anticipate an increase of 4.7% from prior year which is driven by an increase in citywide assessed values.

GENERAL FUND REVENUES	FY15-16 Actual	FY16-17 Actual	FY 17-18 Adopted Budget	FY 17-18 Adjusted Budget	FY 17-18 Projected
Property Tax	5,220,602	5,539,203	5,779,000	5,779,000	5,800,000
AB1X26 (RDA Dissolution)	259,921	320,236	260,000	260,000	324,000
Utility User's Tax	2,104,697	2,524,059	2,610,000	2,610,000	2,500,000
Sales Tax	341,052	314,300	280,000	280,000	300,000
Franchise Fees	364,020	418,929	360,000	360,000	380,000
Licenses & Permits	398,631	1,146,479	932,300	932,300	1,000,000
Charges for Services	328,155	594,221	497,800	497,800	600,000
Fines & Penalties	190,999	167,318	155,100	155,100	110,000
Other Revenues	232,867	83,792	61,500	61,500	61,500
TOTAL	9,440,944	11,108,537	10,935,700	10,935,700	11,075,500

(Excludes Transfers)

- **Utility User Taxes:** Taxes are projected to come in 4.3% lower than originally expected. However, in comparison to prior year, UUT projected revenues are expected to remain flat. The increase in UUT from FY15-16 to FY16-17 was due to the voter approved UUT rate increase back to 10%.
- **Other General Fund Revenues:** This includes all other General Fund revenues except for Transfers In. Other General Fund projected revenues are expected to come in about 9% higher than budgeted which is due to sales taxes, RDA Residual Taxes, License & Permits, Charges for Services and Franchise Fees coming in higher than originally budgeted, but Fines & Penalties coming lower than originally

projected. However, in comparison to prior year, other revenues are projected to decrease by about 9%, mainly due to decrease in Licenses & Permits activity and Fines & Penalties.

General Fund Expenditures:

Expenditures estimates in total are coming in close to the adjusted budget with the exception of Planning & Community Preservation legal fees. This increase is off-set by increases in projected General Fund Revenues.

GENERAL FUND EXPENDITURES	FY15-16 Actual	FY16-17 Actual	FY 17-18 Adopted Budget	FY 17-18 Adjusted Budget	FY 17-18 Projected
Administrative Services	1,589,911	2,181,917	2,218,200	2,218,200	2,218,200
Community Services	137,298	204,346	265,700	265,700	265,700
Elected and Appointed	380,372	209,565	316,300	316,300	316,300
Fire	1,036,187	1,791,434	2,030,500	2,030,500	2,030,500
Library	738,179	675,445	797,300	797,300	797,300
Planning & CP	-	1,263,376	1,181,900	1,294,400	1,394,400
Police	3,696,734	3,493,016	3,590,900	3,590,900	3,590,900
Public Works	492,903	557,860	590,900	590,900	590,900
TOTAL	8,071,584	10,376,959	10,991,700	11,104,200	11,204,200

ENTERPRISE FUNDS

The following tables summarize the revenues and expenditures for enterprise funds.

ENTERPRISE FUNDS REVENUES	FY15-16 Actual	FY16-17 Actual	FY 17-18 Adopted Budget	FY 17-18 Adjusted Budget	FY 17-18 Projected
Water	4,552,633	5,311,289	4,962,700	4,962,700	4,962,700
Sewer	841,435	869,506	874,900	874,900	874,900
Business Funds	269,379	226,664	233,500	233,500	264,300
TOTAL	5,663,447	6,407,459	6,071,100	6,071,100	6,101,900

(Excludes Transfers)

ENTERPRISE FUNDS EXPENDITURES	FY15-16 Actual	FY16-17 Actual	FY 17-18 Adopted Budget	FY 17-18 Adjusted Budget	FY 17-18 Projected
Water	4,388,290	4,763,178	5,050,700	5,050,700	4,966,700
Sewer	1,172,547	1,371,493	1,201,900	1,201,900	1,201,900
Business Funds	411,425	198,862	264,300	264,300	264,300
TOTAL	5,972,262	6,333,533	6,516,900	6,516,900	6,432,900

(Excludes Transfers)

Water Fund:

Projected Water Fund revenues are projected to come in close to budget and are 6.5% lower than prior year. This is due to the decrease in excess water charges. Water sales revenues are projected to come in as budgeted and are about the same as prior year. Excess water charges reflect an estimated \$232,000 decrease from prior year due City Council approved changes in September 2017. Excess water charges were reduced from two-times Tier 4 to two-times Tier 1 rate, resulting in a rate reduction of about 50%. Also, the seasonal based conservation target methodology was eliminated.

Projected water expenditures are overall on target with the adjusted budget with the exception of interest expense which is estimated to come in \$84,000 under budget due to the recent refinancing of the water bond debt. In comparison to prior year water expenditures are estimated to come in 4%

higher than prior year. This increase is due to increases in capital outlay activity and cost of utilities.

Sewer Fund:

The Sewer Fund revenues on target and about the same as prior year. Expenditures are projected to come in within budget and reflect a decrease of \$169,600 or 12.4% from prior year. This is mainly due to a decrease in capital outlay expenditures.

Business Fund:

The Business Fund includes the following operations: Aquatics, special events, and filming. The revenues and expenditures fluctuate with activity. The revised estimates for both revenues and expenditures are projected to come in within budget.

OTHER FUNDS

The following tables summarize both revenue and expenditures for all other City funds: Special Revenue Funds, Internal Service Funds and Successor Agency.

OTHER FUNDS REVENUES	FY15-16 Actual	FY16-17 Actual	FY 17-18 Adopted Budget	FY 17-18 Adjusted Budget	FY 17-18 Projected
Special Revenue	2,349,273	1,936,534	1,556,500	1,556,500	1,556,500
Internal Services	4,424,910	4,598,454	5,020,400	5,020,400	5,020,400
Successor Agency	529,257	571,587	585,700	585,700	585,700
TOTAL	7,303,440	7,106,575	7,162,600	7,162,600	7,162,600

(Excludes Transfers)

OTHER FUNDS EXPENDITURES	FY15-16 Actual	FY16-17 Actual	FY 17-18 Adopted Budget	FY 17-18 Adjusted Budget	FY 17-18 Projected
Special Revenue	3,159,172	1,016,410	1,306,300	1,306,300	1,306,300
Internal Services	4,000,350	3,517,687	4,531,300	4,531,300	4,531,300
Successor Agency	493,931	472,012	585,700	585,700	585,700
TOTAL	7,653,453	5,006,109	6,423,300	6,423,300	6,423,300

(Excludes Transfers)

FOR MORE INFORMATION

This summary report is derived from detailed financial information generated by the City's Administrative Services Department. Additional financial information is available online at www.cityofsierramadre.com.

RESOLUTION NO. 18-11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE
ADOPTING THE MIDYEAR BUDGET FOR FISCAL YEAR 2017-2018 AND
APPROPRIATING THE AMOUNTS PROJECTED**

WHEREAS, on June 13, 2017, the City Manager did present the City's FY 2017-2018 budget to the City Council for its consideration; and the City Council did, in a public meeting, carefully consider the budget; and adopted it; and

WHEREAS, the City Council has committed additional appropriations during the fiscal year; and

WHEREAS, on March 13, 2018, the City Manager did propose midyear budget amendments for the City of Sierra Madre (City) for the fiscal year commencing July 1, 2017 and concluding June 30, 2018 was submitted to the City Council and is on file at City Hall; and

WHEREAS, the City Council did, in a public meeting, receive input from the City staff and the public for amendments to the recommended amendments to the Fiscal Year 2017-2018 budget; and

NOW, THEREFORE, THE CITY OF SIERRA MADRE DOES RESOLVE AS FOLLOWS:

SECTION 1. The budget, as amended, is adopted as for the City of Sierra Madre for Fiscal Year commencing July 1, 2017 and concluding June 30, 2018.

SECTION 2. Appropriations for the City as described in the documents titled "Projected Ending Balances for FY 2017-2018" and said attachments are attached hereto as exhibits "A", are hereby adopted for the fiscal year commencing July 1, 2017 and concluding on June 30, 2018.

SECTION 3. The City Manager and Finance Director are hereby authorized to make transfers between budget line items in accordance with the Budget Policies adopted by the City Council, on April 11, 2001.

PASSED, APPROVED AND ADOPTED this 13th day of March, 2018.

Rachelle Arizmendi, Mayor
City of Sierra Madre, California

I hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Sierra Madre held on the 13th day of March, 2018 by the following vote:

AYES:

NOES:

ABSENT:

Sue Spears, City Clerk
City of Sierra Madre, California

CITY OF SIERRA MADRE
Projected Ending Balances for FY 2017-2018
General Fund

	FY 2017-18 Adopted Budget	FY 2017-18 Adjusted Budget	FY 2017-18 Projected
REVENUES			
Property Taxes	5,779,000	5,779,000	5,800,000
AB1X 26 - RDA Residual	260,000	260,000	324,000
Utility User Taxes	2,610,000	2,610,000	2,500,000
Sales Taxes	280,000	280,000	300,000
Franchise Fees	360,000	360,000	380,000
Licenses and Permits	932,300	932,300	1,000,000
Charges for Services	497,800	497,800	600,000
Fines and Forfeitures	155,100	155,100	110,000
Other Revenues	61,500	61,500	61,500
TOTAL REVENUES	10,935,700	10,935,700	11,075,500
EXPENDITURES			
Administrative Services	2,218,200	2,218,200	2,218,200
Community Services	265,700	265,700	265,700
Elected and Appointed	316,300	316,300	316,300
Fire	2,030,500	2,030,500	2,030,500
Library	797,300	797,300	797,300
Planning & Community Preservation	1,181,900	1,294,400	1,394,400
Police	3,590,900	3,590,900	3,590,900
Public Works	590,900	590,900	590,900
TOTAL EXPENDITURES	10,991,700	11,104,200	11,204,200
TRANSFERS IN	100,000	100,000	100,000
TRANSFERS OUT	(44,000)	(44,000)	(44,000)
NET TRANSFERS	56,000	56,000	56,000
NET CHANGE IN FUND BALANCE	-	(112,500)	(72,700)

CITY OF SIERRA MADRE
Projected Ending Balances for FY 2017-2018
All City Funds (Includes Transfers)

	FY 2017-18 Adopted Budget	FY 2017-18 Adjusted Budget	FY 2017-18 Projected
REVENUES			
General Fund	11,035,700	11,035,700	11,175,500
Special Revenue	1,597,600	1,597,600	1,597,600
Internal Services	5,020,400	5,020,400	5,020,400
Water	4,976,700	4,976,700	4,976,700
Sewer	937,500	937,500	937,500
Business Funds	263,500	263,500	263,500
Successor Agency	585,700	585,700	585,700
TOTAL REVENUES	24,417,100	24,417,100	24,556,900
EXPENDITURES			
General Fund	11,035,700	11,148,200	11,248,200
Special Revenue	1,368,900	1,368,900	1,368,900
Internal Services	4,572,400	4,572,400	4,572,400
Water	5,050,700	5,050,700	4,966,700
Sewer	1,201,900	1,201,900	1,201,900
Business Funds	264,300	264,300	264,300
Successor Agency	585,700	585,700	585,700
TOTAL EXPENDITURES	24,079,600	24,192,100	24,208,100
NET CHANGE IN FUND BALANCE	337,500	225,000	348,800



City of Sierra Madre Agenda Report

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

*Sue Spears, City Clerk
Michael Amerio City Treasurer*

TO: Honorable Mayor and Members of the City Council

FROM: Teresa Highsmith, City Attorney
Gabriel L. Engeland, City Manager *GLE*

DATE: March 13, 2018

SUBJECT: PROCEDURES FOR DISINCORPORATION AND IMPACTS
THEROF

ANALYSIS

At the meeting on February 27th, the City Council received an updated "9212 Election" report detailing the fiscal impact to the City should Measure D "Stop the Utility Users' Tax" be approved by the voters in the April 2018 election. During this presentation Council asked for more information on the process of disincorporation. Attached is a memo from the City Attorney explaining the disincorporation process.

SUMMARY

Please see the attached memo.

FINANCIAL REVIEW

There is no fiscal impact to the City associated with the preparation of this report.

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.

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COLANTUONO
HIGSMITH
WHATLEY, PC

Teresa L. Highsmith
(213) 542-5703
THighsmith@chwlaw.us

MEMORANDUM

TO: Mayor Arizmendi and
Members of the City Council
City of Sierra Madre

FILE NO: 49011.0013

FROM: Teresa L. Highsmith, City Attorney

DATE: March 8, 2018

CC: Gabe Engeland, City Manager
Marcie Medina, Assistant City Manager
Holly O. Whatley, Assistant City Attorney
Douglas M. Johnson, Assistant City Attorney

RE: Procedures for disincorporation and the impacts thereof

INTRODUCTION AND EXECUTIVE SUMMARY

Measure D, "Stop the Utility Users Tax" initiative will be submitted to the voters on April 12, 2018. The Utility Users Tax (UUT) was approved by over 72% of Sierra Madre voters in 2016 and provides approximately \$2.6 million dollars to the General Fund, comprising 24% of all General Fund revenues. As discussed in the City's recent fiscal impact report authorized by Elections Code Section 9212, losing \$2.6 million dollars would require the City to make budget cuts of this amount to all General Fund departments, including Police Services, Fire and Paramedic Services, Library and Community Services, resulting in a corresponding loss of services.

At the City Council meeting of February 27, 2018, the Council expressed the concern that without sufficient revenues to pay for essential services, the City may be forced to consider disincorporation. This memorandum was prepared in response, to summarize the process to disincorporate the City of Sierra Madre, and financial and legal consequences of a disincorporation. "Disincorporation" means the "dissolution, extinguishment, or termination of the existence of a city and the cessation of its corporate powers, except for the purpose of winding up the affairs of the city."¹ The Los Angeles County Local Agency Formation Commission ("LAFCo") and a majority of

¹ Gov. Code, § 56034.

voters in the City must ultimately approve any disincorporation. Although many factors could complicate a disincorporation, the process is 1) formal initiation and creation of a plan for services, 2) a hearing by LAFCo, and 3) an election to approve disincorporation. If the disincorporation is approved, the City will cease to exist, its assets will transfer to the County, and the County will wind up City's debts and other financial liabilities — if necessary, the County may require the voters to approve the imposition of new taxes to cover any outstanding City debts.

DISCUSSION

I. Legal, Financial, and Practical Consequences of Disincorporation

If the City disincorporates, it ceases to exist as a city, and all inhabitants in the territory cease to be subject to the jurisdiction of the former city and have none of the rights or duties of inhabitants or voters of a city.² The City's public property is transferred to the successor (Los Angeles County), and all city money is turned over to the county treasurer.³ The county will create a special fund using the former city's money to settle the affairs of the former city, and any outstanding debts or liabilities will be paid from this fund.⁴ If any surplus money remains in the special fund after the former city's debts are settled, the county board of supervisors can either transfer the money to school districts, community college districts, or districts in the former city.⁵ Surplus funds may also be used for street improvement in the former city.⁶

Disincorporation would affect nearly all City-provided services and City-owned property and infrastructure. Listed below are some of the major changes that City residents would experience if the City disincorporates:

- Transfer of City police department responsibility to the Los Angeles County Sheriff.
- Transfer of City fire department services to CALFIRE.
 - Note: Current City fire department response time is approximately two minutes from call for assistance; CALFIRE would be held to state standard response time of eight minutes;
- City's water rights will be transferred to the County.

² Gov. Code, § 57400.

³ Gov. Code, §§ 57401, 57403

⁴ Gov. Code, § 57406.

⁵ Gov. Code, § 57411.

⁶ *Ibid.*

- Ownership and maintenance of City parks, trails, recreation centers, library, and other City buildings would be transferred to the County.
- Control and maintenance of streets, sidewalks, and street lighting will be transferred to the County.
- County may assume control of all City-owned public utilities.⁷
- County will take over administration of former city's contracts for goods or services, liability for financial obligations will be paid for out of special fund of city's assets.
- City's retirement obligations will be paid for out of special fund of former city's assets.
- City's actuarially determined unfunded pension liability in a public retirement system (CalPERS) will be paid for out of special fund of former city's assets.
- City's liability for other postemployment benefits will be paid for out of special fund of former city's assets.⁸

If the special fund cannot pay city debts, the county can levy taxes in the former city territory to cover the special fund shortfall.⁹ Although the California Constitution prohibits a county from imposing taxes directly in the disincorporation proceedings, LAFCo can require voter approval of such taxes as a condition of approving the disincorporation proposal in the first place.¹⁰

II. Initiation

A disincorporation generally is initiated one of two ways: by petition or by resolution. Individuals and residents initiate disincorporations by petition, while government agencies initiate by resolution. A third path to disincorporation involves the legislative passage of a statute that would effectuate a disincorporation, but that action is rare and we therefore do not discuss it here.

⁷ Gov. Code, § 57415

⁸ Gov. Code, § 56816.

⁹ Gov. Code, § 57409.

¹⁰ Knox, John H. and Chris Hutchinson. "Municipal Disincorporation in California." *Public Law Journal (State Bar of California): Volume 32, No. 3, Summer 2009*; 89 Op. Cal. Atty Gen. 173 (2006).

A. Individuals: Initiation by Petition

Any individual may initiate the disincorporation process by filing with LAFCo a notice of intention to circulate a petition. After filing this notice, the proponent must prepare a petition which presents specified information, including the boundaries of the affected territory and the reasons for the proposed disincorporation.¹¹ When the proponent submits its petition, LAFCo determines whether the petition has enough signatures. A disincorporation petition must contain signatures from at least 25% of registered City voters.¹² If the petition contains enough signatures, LAFCo issues a certificate of sufficiency.¹³

B. Government Agency: Initiation by Resolution and Plan for Services

If the City wishes to initiate the disincorporation process, it must adopt a resolution of application. At least 21 days before adopting this resolution, however, the City must mail written notice of its intent to adopt it to LAFCo, the County, and all agencies that provide services to the City. This written notice must generally describe the disincorporation and the affected area.¹⁴ The resolution of application must contain the same information required for a petition: boundaries of the affected territory, reasons for proposed disincorporation, etc.¹⁵

Further, this resolution must be submitted to LAFCo with a “plan for services,” which describes services to be transferred to the County, how those services are financed,¹⁶ the entity or entities proposed to assume responsibility for the services following completion of disincorporation, a description of each service proposed to be discontinued or transferred, a description of any existing financing of services currently provided (such as bonds, assessments, community facility districts, general taxes, special taxes, other charges, and joint powers authorities or agreements), and any other

¹¹ Gov. Code, § 56700.

¹² Gov. Code, § 56765.

¹³ Gov. Code, § 56706. The petition must designate up to three “chief petitioners” from among its signatories, meaning at least one person who resides or owns land in the affected territory must go on record as the disincorporation’s champion. (Gov. Code, § 56700(a)(7).)

¹⁴ Gov. Code, § 56654.

¹⁵ Gov. Code, § 56654(d).

¹⁶ Gov. Code, §§ 56653; 56653.1.

information that the LAFCo executive officer may deem necessary to evaluate the plan for services submitted.¹⁷

Finally, the City must certify that its debts and contractual liabilities will remain its responsibility after the disincorporation takes effect. This includes:

- (1) the City's indebtedness;
- (2) The amount of money in the City's treasury;
- (3) The amount of any tax levy, assessment, or other obligation due to the City that is unpaid or has not been collected;
- (4) The amount of current and future liabilities, both internal debt owed to other special or restricted funds or enterprise funds within the City and external debt owed to other public agencies or outside lenders or that results from contractual obligations, which may include:
 - a. contracts for goods or services;
 - b. retirement obligations;
 - c. actuarially determined unfunded pension liability in a public retirement system (CalPERS), including any documentation related to the termination of public retirement contract provisions; and
 - d. liability for other postemployment benefits.¹⁸

III. Tax Exchange with County

Because property taxes in the territory to be disincorporated are shared by various local agencies, LAFCo must determine the property tax revenue to be exchanged by the City and County when the disincorporation is completed.¹⁹

IV. Preparation for LAFCo Hearing

With either of the two initiation procedures described above, whoever initiates the disincorporation process (the City or individual proponent) must apply to the LAFCo's executive officer. The executive officer then provides notice to each agency affected by the proposed disincorporation. Following this notice, the executive officer issues a certificate of filing if he or she determines the application is complete.

¹⁷ Gov. Code, § 56653.1

¹⁸ Gov. Code, § 56816.

¹⁹ Gov. Code, § 56813.

If the application is deemed complete, LAFCo's executive officer issues the certificate of filing. The executive officer then sets the disincorporation proposal for hearing before LAFCo no more than 90 days after he or she issued the certificate of filing or the application is deemed complete, whichever is earlier.²⁰

LAFCo must provide notice of this hearing on its website and to:

- Each affected agency;
- The petition proponents, if any;
- Each person who has filed a written request for special notices;
- Each city within three miles of the exterior boundaries of the territory proposed to be disincorporated; and
- All registered voters and all landowners within the affected territory.²¹

LAFCo's executive officer must prepare a report, including a comprehensive fiscal analysis and his or her recommendations on the application for disincorporation.²²

V. LAFCo Hearing and Determination

The hearing on the disincorporation must be held by LAFCo at the date, time and place specified in the notice. The hearing may be continued, but not over 70 days from the date specified in the original notice. At the hearing, LAFCo must receive any oral or written protests, objections and evidence. LAFCo must also consider its executive officer's report on the disincorporation, and the City's plan for replacing services in the affected territory.²³ LAFCo has a broad range of statutory authority to analyze issues related to the proposed disincorporation, including anything it deems "material."²⁴ If at the hearing, LAFCo receives written protests from a majority of City voters, the proceedings are terminated and the proposal is withdrawn.²⁵

Within 35 days after the LAFCo hearing, LAFCo must adopt a resolution that approves, conditionally approves, or denies the proposed disincorporation.²⁶ If LAFCo conditionally approves a disincorporation, it has broad discretion in the conditions it

²⁰ Gov. Code, § 56658.

²¹ Gov. Code, § 56661.

²² Gov. Code, § 56804.

²³ Gov. Code, § 56666.

²⁴ See Gov. Code, §§ 56668, 56668.3, 56668.5.

²⁵ Gov. Code, § 57078.

²⁶ Gov. Code, § 56880.

may impose, including whether to levy taxes on the landowners in the newly-disincorporated territory, subject to voter approval.²⁷ LAFCo similarly has broad discretion to deny a disincorporation. If LAFCo denies a disincorporation, the proceedings terminate.²⁸ LAFCo may not approve or conditionally approve a disincorporation unless it makes these specific findings:

- (a) The proposed disincorporation is consistent with the intent of the LAFCo statute to provide for a sustainable system for the delivery of services.
- (b) LAFCo has considered the service reviews of municipal services and spheres of influence of the affected local agencies, and the disincorporation will address the necessary changes to those spheres of influence, if any.
- (c) LAFCo has reviewed the comprehensive fiscal analysis prepared for the disincorporation.
- (d) LAFCo has reviewed the executive officer's report and recommendation and the oral or written testimony presented at its public hearing.
- (e) The services responsibilities of the city proposed for disincorporation have been assigned through LAFCo's terms and conditions.

A copy of LAFCo's resolution must be mailed to the proponents (if any) and each local agency whose boundaries would be changed by the disincorporation.²⁹ Within 30 days after this resolution is adopted, any person or affected agency may request that LAFCo reconsider its resolution based on new or different facts that could not have been presented earlier.³⁰

VI. Election

Disincorporations are subject to an election in which registered voters in the affected territory vote according to a specific statutory procedure.³¹ The disincorporation is approved if a majority of the votes cast are for the disincorporation.³² The disincorporation fails if a majority of voters fail to cast votes for the disincorporation.

²⁷ Gov. Code, § 56885.5.

²⁸ Gov. Code, § 57090.

²⁹ Gov. Code, § 56882.

³⁰ Gov. Code, § 56895.

³¹ Gov. Code, § 57125 et seq.; Elec. Code, § 15300 et seq.

³² Gov. Code, § 57176.

If the disincorporation efforts fail, the City is barred from filing a disincorporation request for two years following termination of proceedings, unless LAFCo waives the ban on re-applying on a finding that such a ban would harm the public interest.³³

VII. Final Certification

If the LAFCo executive officer is satisfied that the conditions above have been met to approve a disincorporation, then he or she issues a certificate of completion. The disincorporation is not complete until the executive officer issues this certificate. LAFCo may establish an effective date for the disincorporation which must be within nine months from issuance of the certificate of completion. If LAFCo sets no effective date, then the disincorporation is effective when recorded with the county recorder.³⁴

CONCLUSION

It is reasonable to predict that the loss of sufficient revenues to pay for essential City services will cause the degradation or even loss of services, affecting the quality of life of the residents of Sierra Madre. One possible consequence is the initiation of a disincorporation proceeding, which, if approved by the voters, would return the community of Sierra Madre to unincorporated Los Angeles County. As a result, residents would receive their safety services from the County Sheriff and from County Fire; as for the Water Department the County could take it over or sell these assets to an investment-backed utility. Disincorporation does not eliminate existing debts and liabilities; if the assets of Sierra Madre could not cover the liabilities, the County could impose additional property taxes, subject to voter approval. Ultimately, disincorporation is subject to majority voter approval.

³³ Gov. Code, § 57090.

³⁴ Gov. Code, §§ 57200, 57202.