



**CITY OF SIERRA MADRE**  
**CITY COUNCIL REGULAR MEETING MINUTES**  
**SIERRA MADRE CITY COUNCIL**

**Tuesday, February 14, 2023 - 5:30 pm**  
Sierra Madre City Hall, City Council Chambers  
232 W. Sierra Madre Boulevard, Sierra Madre, CA 91024

**THIS MEETING WILL BE CONDUCTED IN COMPLIANCE WITH THE MOST CURRENT LOS ANGELES COUNTY PUBLIC HEALTH OFFICER'S ORDER**

The Brown Act provides the public with an opportunity to make public comments at any public meeting; As an alternative, public comment may be made by e-mail to [PublicComment@CityofSierraMadre.com](mailto:PublicComment@CityofSierraMadre.com) by 3:00PM on the day of the meeting. Emails will be acknowledged at the Council meeting, filed into public record and scanned onto the City website for public review.

The meeting will be streamed live on the City's website at [www.cityofsierramadre.com](http://www.cityofsierramadre.com), on Foothills Media website at <http://www.foothillsmedia.org/sierramadre> and broadcast on Government Access Channel 3 (Spectrum)

**CODE OF CONDUCT**

The purpose of a City Council meeting is to conduct City business. Members of the public that behave in a manner that interrupts or obstructs the Council's ability to conduct City business may be asked to leave the meeting. Any and all demonstrations which disrupt, interrupt, or obstruct the Council's ability to conduct City business are prohibited. No signs, posters or other large objects shall be brought into the Council Chambers or other meeting place if doing so would disrupt, disturb or otherwise impede the orderly course of the meeting.

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

Mayor Goss called the meeting to order at 5:33 p.m. City Clerk Aguilar called the roll.

Present: Mayor Edward Garcia, Mayor Pro Tem Kelly Kriebs, and Council Members Gene Goss, Kristine Lowe, and Robert Parkhurst

Absent: None.

Also Present: Jose Reynoso, City Manager  
Miguel Hernandez, Assistant City Manager  
Aleks Giragosian, City Attorney  
Laura Aguilar, Deputy City Manager/City Clerk  
Henry Amos, Acting Police Chief  
Brent Bartlett, Fire Chief  
Hillary Guirola-Leon, Finance Director  
Chris Cimino, Public Works Director  
Steven McGee, Water Superintendent  
Clare Lin, Senior Planner  
James Carlson, Management Analyst

**PLEDGE OF ALLEGIANCE AND INSPIRATION**

Council Member Parkhurst and on the history of Valentine’s Day.

**APPROVAL OF MEETING AGENDA**

Vote of the City Council to proceed with City business.

Council Member Parkhurst made a motion to approve the amended agenda.

The motion was seconded by Council Member Lowe.

Mayor Garcia called for a vote of the Council:

- Ayes: Mayor Edward Garcia, Mayor Pro Tem Kelly Kriebs, and Council Members Gene Goss, Kristine Lowe, and Robert Parkhurst
- Noes: None.
- Absent: None.
- Abstain: None.

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

**APPROVAL FOR READING RESOLUTIONS AND ORDINANCES**

Vote of the City Council to read all Ordinances and Resolutions by title only and waive the reading in full.

Mayor Garcia asked for a motion.

A motion to approve the reading of resolutions and ordinances was made by Mayor Pro Tem Kriebs.

The motion was seconded by Council Member Lowe.

Mayor Garcia called for a vote of the Council.

- Ayes: Mayor Edward Garcia, Mayor Pro Tem Kelly Kriebs, and Council Members Gene Goss, Kristine Lowe, and Robert Parkhurst
- Noes: None.
- Absent: None.
- Abstain: None.

The motion to approve the reading of all Ordinances and Resolutions by title only, and waive the reading in full, was passed by a unanimous voice vote.

**APPROVAL OF MEETING MINUTES**

Approval of January 24, 2023 City Council Regular meeting minutes.

Mayor Garcia called for a motion to approve the minutes.

A motion to approve the minutes as amended was made by Council Member Parkhurst.

The motion was seconded by Council Member Goss.

Mayor Garcia called for a vote of the Council.

- Ayes: Mayor Edward Garcia, Mayor Pro Tem Kelly Kriebs, and Council Members Gene Goss, Kristine Lowe, and Robert Parkhurst
- Noes: None.
- Absent: None.
- Abstain: None.

The motion to approve the amended minutes of the Council meeting on January 24, 2023 was approved by a unanimous voice vote.

**MAYOR AND CITY COUNCIL REPORTS**

Reporting of Council Members' activities related to City business.

Council Member Goss: attended a Community Services Commission meeting on January 30, 2023; no report.

Council Member Lowe: attended the Chamber of Commerce meeting where they discussed the planning of the Wisteria Festival. The Chamber of Commerce will be hosting a Town Hall meeting for the downtown improvement plan on Wednesday, February 15, 2023. Attended a Planning Commission meeting where they discussed changing some of the Municipal Codes to follow and comply with state law. Attended the League of Cities New Council Academy and learned about budgets, finance, and council member good practices for the city. It was a great way to collaborate with other cities from Southern California. Attended a fundraiser for the Boys and Girls Club of Monrovia at the Adams' Pack Station on Chantry Flat. Learned about the different services the Boys and Girls Club provides to the City of Sierra Madre, Arcadia, and Monrovia.

Council Member Robert Parkhurst: attended two Clean Power Alliance meetings and discussed the high gas prices and how they are impacting energy prices. Spoke regarding plans to increase renewable energy. Mentioned that the Clean Power Alliance is developing electrification and EV charging codes to help cities update their building codes for new residential, commercial construction, and major remodels and will be something we should consider bringing forward to learn more about. Attended the Senior Commission's Valentine Senior Social at the Hart Park House. Applications for the Older American are being accepted. On March 9, 2023, there will be an I love LA senior bus excursion to the Autry Museum for a two-hour tour and then lunch at the San Antonio Winery right after the tour.

Mayor Pro Tem Kriebs: no report from the Natural Resources Committee. Pasadena Village will be hosting an event on February 15, 2023 at the Sierra Madre Women's Club from 10:00am to 12:00pm to promote community between the older citizens in Sierra Madre.

Mayor Garcia: attended the San Gabriel Valley Council of Governments meeting on February 2, 2023 and will be meeting again on February 16, 2023. Attended a Board of Supervisors meeting of February 9, 2023.

Public Works and the downtown district will host a Town Hall meeting in the City Hall Chambers on February 15, 2023 at 6:00pm. On March 9, 2023 the Public Library and the Community Services Department will host a joint Town Hall meeting in the Sierra Madre Library, and registration is required. Wisteria Festival is scheduled for March 19, 2023.

## **PUBLIC COMMENT**

The Council will listen to the public on any item on the agenda. In addition, the Council will devote time for public comment on items not on the agenda. Addressing the City Council from the audience is not permitted; all comments addressing the Council must be made from the podium. Only public comment made from the podium will be recognized by the City Council and entered into public record.

## **PUBLIC COMMENT FOR ITEMS ON THE AGENDA**

Persons wishing to speak on any item on the agenda will be called during the comment period 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 provide public comments for items not 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.

## **COMMENTS**

1. Any person wishing to provide public comment on matters not on the agenda, or during the comment period for items on the agenda is asked to complete a comment card. Please include your name and address. Each speaker will be limited to up to three continuous minutes, which may not be delegated or deferred.
2. The City provides a podium for public comment. Comments addressed to the Council shall occur during the appropriate time on the agenda and should not be construed as an opportunity for dialogue. Each speaker will be limited to three continuous minutes, which may not be delegated or deferred.

## **PUBLIC COMMENT ON NON-AGENDA ITEMS**

Mayor Garcia opened the meeting for public comment on items not on the agenda.

Deb Sheridan: spoke on behalf of Ed Miller to correct a statement in the Mountain Views News posted in Saturday's paper.

David Gordon: spoke on the Sierra Madre Playhouse and the upcoming programming.

Mary Carney: spoke on Sierra Madre Women's Club hosting their first Golf Tournament on March 17, 2023 at Santa Anita Golf Course beginning at 8:00am.

City Clerk Aguilar advised that no e-mails had been received for non-agenda items.

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## **ACTION ITEMS**

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### **CONSENT**

a) **CONSIDERATION OF RESOLUTION 23-12 APPROVING CERTAIN DEMANDS**

It is recommended that the City Council approve Resolution 23-12 approving payment of City Warrants in the aggregate amount of \$636,914.98; Sierra Madre Library Warrants in the aggregate amount of \$5,544.99; and Payroll Transfer in the aggregate amount of \$455,919.39 for the Fiscal Year ending June 30, 2023.

b) **CONSIDERATION OF CITY TREASURER'S REPORT-QUARTER ENDING DECEMBER 31, 2022**

It is recommended that the City Council receive and file the City Treasurer's Report for the cash and investment portfolio for quarter ending December 31, 2022.

c) **CONSIDERATION OF AWARDING A CONSTRUCTION CONTRACT FOR THE FISCAL YEAR 2022-2023 WATER MAIN REPLACEMENT PROJECT TO BIG BEN INC., IN AN AMOUNT NOT TO EXCEED \$1,497,600.00**

It is recommended that the City Council award a construction contract to Big Ben Inc., in an amount not to exceed \$1,497,600.00 for the Fiscal Year 2022-2023 Water Main Replacement.

d) **CONSIDERATION OF THE FIRST AMENDED AND RESTATED CITY MANAGER EMPLOYMENT AGREEMENT**

It is recommended that the City Council consider the first amended and restated City Manager Employment Agreement.

e) **CONSIDERATION OF APPROVAL TO THE THIRD AMENDED AND RESTATED LEGAL SERVICES AGREEMENT WITH COLANTUONO, HIGHSMITH & WHATLEY, PC**

It is recommended that the City Council approve a proposed third amended and restated legal services agreement with Colantuono, Highsmith & Whatley, PC, maintaining current City Attorney Aleks Giragosian and adjusting rates as stated therein.

f) **CONSIDERATION OF APPROVAL TO THE AMENDED AND RESTATED TRANSPORTATION SERVICES AGREEMENT BETWEEN FIRST TRANSIT, INC. AND THE CITY OF SIERRA MADRE**

It is recommended that the City Council approve the proposed amended and restated Transportation Services agreement between First Transit, Inc. and the City of Sierra Madre; and approve a manual payment to cover payments owed to be issued as soon as possible.

Mayor Garcia brought the matter to the City Council for discussion.

Item A – no questions from Council.

Item B – no questions from Council.

Item C – Mayor Pro Tem Kriebs asked if a delay would allow for potential cost savings. Water Superintendent responded that delaying the project will not have potential cost-saving benefits.

Item D – Council Member Lowe requested to adopt ICMA's city manager evaluation criteria.

Item E – no questions from Council.

Item F – Council Member Parkhurst discussed the mobility study regarding transportation. He mentioned he has heard complaints regarding Metro and Micro.

Mayor Garcia opened the matter for public comment.

David Gordon: spoke on the City's Treasurer's report. He spoke on looking into hiring a city attorney that would be paid less and provide more workable hours to the city.

City Clerk Aguilar advised that no e-mails had been received.

The Mayor brought the matter back to the Council for comments.

The Mayor brought the matter back to the Council for a motion to approve.

Mayor Pro Tem Kriebs made a motion to approve Consent Agenda Items A - F as presented.

Council Member Goss seconded the motion.

Mayor Garcia called for a vote of the Council.

Ayes: Mayor Edward Garcia, Mayor Pro Tem Kelly Kriebs, and Council Members Gene Goss, Kristine Lowe, and Robert Parkhurst

Noes: None.

Absent: None.

Abstain: None.

The motion to approve Consent Items A - F was passed unanimously.

## **DISCUSSION**

### **1. CONSIDERATION TO AMEND APPEAL FEE SCHEDULE FOR LAND USE ENTITLEMENTS**

It is recommended that the City Council initiate a discussion to amend the appeal fee related to land use entitlements and provide direction to staff to amend the Fiscal Year 2022-2023 Fee Schedule, reducing the appeal fee from seventy-five percent of the original application filing fee to fifty percent.

Planning and Community Preservation Director Vincent Gonzalez gave the report.

Mayor Garcia brought the matter to the City Council for questions

Mayor Pro Tem Kriebs requested information on if the appeal fee can be retroactive. Planning Director Gonzalez responded that there is a provision in the code that states the Council can make that fee retroactive. City Attorney Giragosian responded that there is an issue with the fee being a gift of public funds, and the city needs to ask themselves, what is the public benefit? If the benefit is to an individual, then it cannot constitute a public benefit that would not violate the constitutional provision.

Council Member Goss asked if the 75% appeal fee is at full cost recovery for the city. Planning Director Gonzalez responded that the city's 75% appeal fee is at partial cost recovery. Council Member Goss requested clarification on how staff arrived at the 50% amount. Planning Director Gonzalez responded that we cited other cities and used them as a guideline. Council Member Parkhurst asked when a review of fees is done what the standard set of cities reviewed for the study. Planning Director Gonzalez responded that other cities are contacted for the information or the research is done online to find out the information desired. Council Member Parkhurst asked if there was ever a statewide study done. Planning Director Gonzalez responded that we have never done a statewide study because we are trying to find similar cities within the San Gabriel Valley, similar in size to Sierra Madre, and the neighboring cities.

Council Member Parkhurst asked if there was any way to waive the fee if a certain percentage of neighbors wanted to file an appeal. City Attorney Giragosian responded that if two Council Members requested a review the appeal fee would be waived even though staff would incur those costs. Council Member Parkhurst asked if there would be a benefit to changing the cost for appeal now or if there would be more of a benefit to waiting until the fee study in the next six months. City Attorney Giragosian responded that the fee study's purpose is to ensure the fee is not greater than the cost. The appeal fee set at the 75% is less than the cost and is lawful.

Mayor Garcia asked if the other appeal was the applicant. Planning Director Gonzalez responded that the other appeal was from the applicant. Council Member Parkhurst asked what the appeal fee was for that appeal. Planning Director Gonzalez responded that the residential appeal fee was set at a flat rate of \$500. Council Member Parkhurst asked what was the total cost for today's institutional appeal. Planning Director Gonzalez responded that the total fee plus noticing was \$7,444. Mayor Garcia asked if the noticing fee of \$775 is current. Planning Director Gonzalez advised the noticing fee is current.

Mayor Garcia opened public comment.

Deb Sheridan: thanked Council for considering this appeal.

Jason Sanders, Attorney for the Stephens': spoke on his e-mail provided to Council and the difference between applicant appellant and non-applicant appellant.

Seeing no one else come forward, Mayor Garcia closed public comment.

City Clerk Aguilar advised that 7 e-mails had been received for this item.

The Mayor brought the matter back to the Council for comments.

Mayor Garcia asked for a motion.

Council Member Goss made a motion to charge a fee of \$1,000 for non-applicants with a \$150 noticing fee and a 50% fee for applicants with a \$150 noticing fee with an effective date of July 1, 2022.

Council Member Lowe seconded the motion.

Mayor Garcia called for a vote of the Council.

Ayes: Mayor Edward Garcia, Mayor Pro Tem Kelly Kriebs, and Council Members Gene Goss, Kristine Lowe, and Robert Parkhurst

Noes: None.

Absent: None.

Abstain: None.

The motion to charge a fee of \$1,000 for non-applicants with a \$150 noticing fee and a 50% fee for applicants with a \$150 noticing fee with an effective date of July 1, 2022 was approved by a unanimous voice vote.

## **2. CONSIDERATION OF AMENDMENT TO SOLID WASTE AGREEMENT WITH ATHENS SERVICES**

It is recommended that the City Council approve the proposed amendment with Athens Services and direct staff to initiate the Proposition 218 Fee Process.

Management Analyst James Carlson gave the report.

Mayor Garcia brought the matter to the City Council for questions.

Mayor Pro Tem Kriebs mentioned that Athens would work with the city on solutions to illegal dumping.

Mayor Garcia requested a description of the new bear trashcans. Management Analyst Carlson responded that everyone would receive a new bear trashcan even if they already have one of the old-style ones. The new bear trashcans will be able to be emptied without the drivers having to get out of the truck and unlock them manually. Mayor Garcia requested information on where the lawn clippings will go now that the bear-resistant trashcans will change from black to green cans. Management Analyst Carlson responded that there would be public outreach to let people know that it will benefit them to put lawn clippings and grass on top of the organic waste to cut down on the smell. Mayor Garcia asked if any businesses meet the threshold of a stage one or stage two food generator. Management Analyst Carlson responded that there are a few businesses in town that may qualify. Athens will make the determinations and report accordingly to the city.

Council Member Lowe asked if there is an additional cost for an extra green trash bin, if restaurants or apartments needed one. Senior VP of Athens Christian Warner responded that there would be an additional cost of approximately \$4.64 a month for an extra green trash bin.

Council Member Parkhurst asked if there are disposable bags or anything else to help residents when they are trying to freeze their waste so that plastic bags are not getting stuck or thrown into the organic waste bins. Mr. Warner responded that if a resident would like to freeze their waste, would it be better to freeze it in a paper bag and not a plastic bag. It is recommended that plastic bags are not used to dispose of compost. Council Member Parkhurst asked how many cities Athens serves. Mr. Warner responded that Athens serves exclusively around 27-28 cities and approximately two-thirds of the cities have implemented the SB 1383 requirements. Council Member Parkhurst asked if the city has met the 2020 goal of a 60% reduction in organics from the landfill. Mr. Warner responded that the state has not provided that information yet. The measurement is a statewide measurement and there is no way to determine if Sierra Madre met the reduction goal threshold. Council Member Parkhurst asked when the Athens dashboard will go live. Mr. Warner responded that the dashboard is already live with other cities and once the Athens staff presents the information and teaches Sierra Madre staff the dashboard will go live immediately.

Council Member Goss asked what type of record is kept for the yearly audit, where the record be kept, and who has control over the records. Mr. Warner responded that Athens would keep the record, have control of the record, it will be shared with the city through the dashboard. Athens employees will have digital devices to document with pictures and keep records of what they see in the three different trashcans.

Mayor Garcia opened public comment.

Seeing no one else come forward, Mayor Garcia closed public comment.

7:51 p.m. Mayor Garcia requested a brief recess.  
8:02 p.m. the City Council reconvened the meeting.

The Mayor brought the matter back to the Council for comments.

NBS stated they will work with the city to do all of the mailings to every parcel owner in Sierra Madre. The charge for their services will be between \$8,000-\$10,000 for the entire Prop 218 process. If 50% +1 of all parcel owners vote no on Prop 218 then the city will not be moving forward. If a parcel owner does not return their ballot it is considered a yes vote. It is a 45-day process from the date of mailing.

Mayor Garcia asked for a motion.

Council Member Lowe made a motion to approve the proposed amendment with Athens Services and direct staff to initiate the Prop 218 fee process.

Mayor Pro Tem Kriebs seconded the motion.

Mayor Garcia called for a vote of the Council.

Ayes: Mayor Edward Garcia, Mayor Pro Tem Kelly Kriebs, and Council Members Gene Goss, Kristine Lowe, and Robert Parkhurst  
Noes: None.  
Absent: None.  
Abstain: None.

The motion to approve the proposed amendment with Athens Services and direct staff to initiate the Prop 218 fee process was approved by a unanimous voice vote.

## **PUBLIC HEARING**

### **1. APPEAL OF PLANNING COMMISSION DECISION APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT AMENDMENT AND AN ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION TO UPDATE THE ALVERNO HEIGHTS ACADEMY (AHA) MASTER PLAN AT 200 NORTH MICHILLINDA AVENUE**

It is recommended that the City Council hold a public hearing to consider an appeal of the Planning Commission Decision approving a request for a Conditional Use Permit amendment and an Addendum to the Mitigated Negative Declaration to update the Alverno Heights Academy (AHA) Master Plan.

Presentation made by Planning and Community Preservation Director Vincent Gonzalez

Mayor Garcia brought the matter to the City Council for questions.

Council Member Parkhurst asked if this is an amendment to the Master Plan. Planning Director Gonzalez responded that it is an amendment to the Master Plan which includes the CEQA mitigation, the conditional use permit, and the action for modification to the development standards. Council Member Parkhurst asked if the Michillinda parking is used for some sports, some fundraisers, and some school announcements. Planning Director Gonzalez responded that the parking lot is also used for recess for the lower school and play space. Council Member Parkhurst asked if the parking lot goes through to Highland. Planning Director Gonzalez stated the parking lot does go through to Highland and that the vehicles exit on Highland after drop-offs. Council Member Parkhurst asked if the traffic has changed due to the change in enrollment. Planning Director Gonzalez responded that the traffic has changed due to the change in enrollment.

Council Member Goss asked if an 18-foot sound wall would substantially reduce noise. Planning Director Gonzalez responded that Alverno had one of their architects look into putting the wall up and it could buffer some of the noise. An issue in Sierra Madre is that the city is on a gradient and the noise travels upwards. The wall would not just be put in the parking lot but would be in the landscaped area. Planning Commission Hutt responded that moving the sports court to the south lot will have less of an impact on the neighbors than the current Michillinda parking lot. The concern with the 18-foot wall is that the evidence showed it might help but that it would cost a lot and be unsightly. The Planning Commission thought the money would be better spent by moving the sports court down to the south and encouraging the school to get the multi-purpose room built. The school has yet to commit any timeline and building the multi-purpose room can take many years.

Planning Commission Hutt provided testimony.

Mayor Garcia opened the Public Hearing.

Seeing no one come forward, Mayor Garcia closed public comment.

City Clerk Aguilar advised that 6 e-mails had been received.

Attorney Jason Sanders testified on behalf of the appellants Kristin and Keith Stephens.

Mayor Garcia asked for a motion.

Mayor Pro Tem Kriebs made a motion to continue the public hearing to a date certain on March 14, 2023.

Council Member Goss seconded the motion.

Mayor Garcia called for a vote of the Council.

Ayes: Mayor Edward Garcia, Mayor Pro Tem Kelly Kriebs, and Council Members Gene Goss, Kristine Lowe, and Robert Parkhurst

Noes: None.

Absent: None.

Abstain: None.

The motion to continue the public hearing to a date certain on March 14, 2023, was approved by unanimous voice vote.

**FUTURE ITEMS:**

No future agenda items from Council.

**ADJOURNMENT:**

Mayor Garcia asked for a motion to adjourn the meeting.

Council Member Goss made a motion to adjourn the meeting.

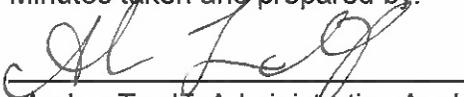
Mayor Pro Tem Kriebs seconded the motion.

The meeting was adjourned at 10:36 p.m. to a Regular meeting to be held on February 28, 2023.



Edward Garcia, Mayor

Minutes taken and prepared by:



Amber Tardif, Administrative Analyst

Reviewed by:



Laura Aguilar, City Clerk