

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

Tuesday, February 26, 2019

6:30 pm

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

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

**PLEDGE OF ALLEGIANCE AND
INVOCATION/INSPIRATION**

Mayor Denise Delmar

APPROVAL OF AGENDA

Vote of the Council to proceed with City business.

REPORT OUT FROM CLOSED SESSION

City Attorney report from the closed session.

APPROVAL OF MEETING MINUTES

Approval of City Council minutes from the Regular meeting on February 12, 2019.

MAYOR AND CITY COUNCIL REPORTS

Council Member activities relating to City business.

PRESENTATION

Sierra Madre Police Department Annual Report

ACTION ITEMS

1. CONSENT

ADOPTION OF RESOLUTION 19-06 OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE APPROVING CERTAIN DEMANDS

Recommendation that the City Council approve Resolution 19-06 for approval of payment of City warrants in aggregate amount of \$143,966.59; Library warrants in the aggregate amount of \$2,299.11, and payroll transfer in the aggregate amount of \$324,047.90 for the fiscal year ending June 2019.

DISCUSSION

2. CONSIDERATION TO CONVEY CONSERVATION EASEMENTS ON CITY-OWNED PROPERTIES TO THE SIERRA MADRE MOUNTAIN CONSERVANCY

Recommendation that the City Council provide direction.

3. STATE AND DISTRICT SALES TAX MEASURE(S) AND STATUTORY LIMITS

Recommendation that the City Council provide direction.

4. CONSIDERATION OF AMENDMENT TO SIERRA MADRE MUNICIPAL CODE SECTION 2.04.000 "GENERAL MUNICIPAL ELECTION" MOVING THE CITY'S GENERAL MUNICIPAL ELECTIONS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY OF EACH EVEN-NUMBERED YEAR BEGINNING NOVEMBER 2020

Recommendation that the City Council read by title only, and adopt Ordinance 1409 amending Section 2.04.000 "GENERAL MUNICIPAL ELECTION" of the Sierra Madre Municipal Code moving the date of the City's General Municipal Elections to the first Tuesday, after the first Monday in November of each even-numbered year, beginning in November 2020

ACTION ITEMS

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

AVAILABILITY OF AGENDA MATERIALS

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

LIVE BROADCASTS

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

MEETING ASSISTANCE

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

ADJOURNMENT

The City Council will adjourn to a Public Hearing at this same place on Tuesday, March 12, 2019.



CITY OF SIERRA MADRE
CITY COUNCIL REGULAR MEETING MINUTES

SIERRA MADRE CITY COUNCIL
SUCCESSOR AGENCY AND
PUBLIC FINANCE AUTHORITY

Tuesday, February 12, 2019 - 6:30 pm

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

CALL TO ORDER/ROLL CALL MEMBERS OF THE CITY COUNCIL

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

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

Absent: None

Also Present: Gabe Engeland, City Manager
Teresa Highsmith, City Attorney
Laura Aguilar, Assistant City Clerk
Chris Cimino, Director of Public Works
Vincent Gonzalez, Planning & Community Preservation Director
Miguel Hernandez, Human Resources Manager
Joe Ortiz, Police Chief
Jose Reynoso, Utility Services Director
Christine Smart, City Librarian
Rebecca Silva-Barrón, Community Services Manager
Sue Spears, City Clerk

PLEDGE OF ALLEGIANCE AND INVOCATION/INSPIRATION:

Council Member Goss led the Pledge of Allegiance and read five quotes by President George Washington to honor him ahead of President's Day next week.

APPROVAL OF AGENDA AS PRESENTED:

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

Council Member Arizmendi moved to approve the agenda as presented.

Mayor Pro Tem Harabedian seconded the motion to approve the agenda as presented.

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

Noes: None

Absent: None

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

REPORT ON THE CLOSED SESSION SPECIAL MEETING

Mayor Delmar announced that there was no Closed Session Special Meeting.

APPROVAL OF MINUTES:

Mayor Delmar asked for the approval of the Minutes of the Regular Council Meeting of January 22, 2019 and the Minutes of the Special Meeting Town Hall Forum on January 28, 2019.

Mayor Pro Tem Harabedian moved to approve the Minutes of the Regular Council Meeting of January 22, 2019 and the Minutes of the Special Meeting Town Hall Forum on January 28, 2019 as presented.

Council Member Arizmendi seconded the motion to approve.

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

The motion to approve the Minutes of the Regular Council Meeting of January 22, 2019 and the Minutes of the Special Meeting Town Hall Forum on January 28, 2019 as presented was passed unanimously.

MAYOR AND CITY COUNCIL REPORTS – did not take place.

PRESENTATION – GIFT FROM THE STUDENTS AT ST. RITA SCHOOL TO THE SIERRA MADRE CITY COUNCIL

Ellen Hoffman, 1st Grade Teacher, St. Rita School, presented a banner thanking the Sierra Madre City Council that was made by St. Rita School students in Grades 1 & 5. Attending the presentation with Ms. Hoffman were Joanne Harabedian, Principal, Mary Ann Griffin, 5th Grade Teacher, Maureen Usle, Banner Designer, and students from St. Rita School.

PRESENTATION – GIFT FROM THE SIERRA MADRE MOUNTAIN CONSERVANCY TO THE CITY OF SIERRA MADRE

Caroline Brown, President, Sierra Madre Mountain Conservancy, presented to the City Council a “Parklands and Open Space Land” Map for Sierra Madre and the surrounding areas. Mayor Delmar accepted the map on behalf of the City Council. Attending with Ms. Brown were Albert Metzger, Vice President, and Marguerite Shuster, Secretary.

PRESENTATION BY SOUTHERN CALIFORNIA EDISON

Jeannette Soriano, Government Relations Manager, Southern California Edison, and Erik Titano, Senior Analyst, Business Outage Communications, Southern California Edison made an informational presentation that included a PowerPoint titled “Southern California Edison.” The main topics were:

- SCE Mission and Vision
- About Southern California Edison
- 2017 At a Glance
- Achieving Clean Air Goals
- SCE's Integrated Solutions
- Building the Grid of the Future
- How We Work with Local Government
- SCE Coordination with Local Government
- Customer Programs
- Community Resilience and Preparedness
- Outage Communications: SCE Outage Center – 24 Hour Outage Hotline: 800-611-1911
- Reporting Downed Wires/Hazards
- Contact Information: Report Outages 800-611-1911 and Customer Support 800-655-4555

Mayor Delmar asked if any Member of the Council had any questions about the Southern California Edison.

In response to a question by Council Member Arizmendi regarding maintenance outages affecting business owners, Mr. Titano said that (1) residential maintenance outage work is done Mondays – Fridays during the daytime, (2) commercial maintenance outage work needs to be done during daylight hours, (3) there is no set day and time that commercial maintenance outage work takes place, and (4) SCE looks at what is most convenient for the majority of its customers.

Mayor Pro Tem Harabedian expressed appreciation to now have the 24-Hour Outage Hotline number and information on downloading the SCE phone app. He requested that City Staff and Council Members be provided with the non-public SCE telephone number to have in case of an emergency, power outage, etc.

In response to a comment by Council Member Capoccia that the SCE power outage website is frequently slow and not up to date, Mr. Titano said that the SCE is aware and working to address this problem.

PUBLIC COMMENT ON NON-AGENDA ITEMS:

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

- Marguerite Shuster, Sierra Madre, expressed (1) concern that the City does not have an ordinance forbidding electrified fencing, (2) that this is a problem, especially in the hillside areas, and (3) that she is requesting that the City Council adopt such an ordinance and, if necessary, it be an urgency ordinance.
- Vickere Murphy, District Representative, Senator Anthony J. Portantino, announced that Senator Portantino's Office is sponsoring an event at the Hart Park House on March 11, 2019, at 2:00 p.m. at which many topics of special interest to seniors will be presented.
- Geoffrey Middlebrook, Sierra Madre, expressed concern with the frequent SCE power outages, especially for the "Lima Circuit."

- Nancy Beckham, Sierra Madre, expressed her concern that LA County was planning to spray Monsanto Roundup Pro™ on the paved roadway from Bailey Canyon Park (she said that this plan is now being postponed pending LA County conversation with City Staff.)
- Maria Orta, Customer Service Specialist, LA County Sanitation District, (1) spoke about the labor dispute between LA County and the employees of the LA County Sanitation District and (2) sought City Council support for the Union's proposal.
- Caroline Brown, Sierra Madre, (1) announced that a celebration of the Sierra Madre Mountain Conservancy's 30th Year Anniversary will take place in the Fall of 2019 and (2) expressed her support of an ordinance prohibiting electrified fencing.
- Pat Holland, Sierra Madre, thanked the City Council Members, City Manager Engeland, and Public Works Director Cimino for the completion of the water line replacement project on the following streets: S. Canon, Colony Dr., Holdman Ave., Mt. Trail Ave., Oak Meadow Pl., Rancho Rd., San Gabriel Ct., and Santa Anita Ct. He commented that the job was done well, the contractor was excellent, communication was outstanding, and that the residents were treated with consideration and understanding.

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

In response to a question by Mayor Delmar, City Manger Engeland said the issue of electrified fencing will be on a future City Council Meeting.

AGENDA ACTION ITEMS:

1. CONSENT:

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

- a) ADOPTION OF RESOLUTION 19-05 OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE APPROVING CERTAIN DEMANDS - Recommendation that the City Council approve Resolution 19-05 for approval of payment of City warrants in aggregate amount of \$494,871.20; Library warrants in the aggregate amount of \$11,030.74, and payroll transfer in the aggregate amount of \$648,052.36 for the fiscal year ending June 2019.

Mayor Delmar asked if any Member of the Council had any questions about Consent Item 1a. No questions were asked.

Mayor Delmar opened the meeting for Public Comment on the Consent Item 1a. Seeing no one, Mayor Delmar closed Public Comment and brought the Consent Item 1a back to the Council for discussion. No discussion occurred.

Council Member Capoccia made a motion to approve Consent Item 1a as presented.

Mayor Pro Tem Harabedian seconded the motion for approval.

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

Absent: None

Abstain: None

The motion to approve Consent Calendar Item 1a as presented was passed unanimously.

2. DISCUSSION – CONSIDERATION OF APPOINTMENTS TO THE SENIOR COMMUNITY COMMISSION AND THE COMMUNITY SERVICES COMMISSION – Recommendation that the City Council provide direction.

Assistant City Clerk Aguilar gave a report on this item, stating that (1) currently both the Senior Community Commission and Community Services Commission each have two vacancies and (2) three applications have been submitted for each commission. It is recommended that the City Council provide Staff with direction regarding appointments to the Senior Community Commission and Community Services Commission.

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

In response to a question by Council Member Capoccia, Assistant City Clerk Aguilar said that the youth position on the Community Services Commission can be filled by an adult.

Mayor Delmar invited the applicants (in alphabetical order) for the Senior Community Commission to come to the podium to speak about their interest and qualifications as follows:

- Isabel Bronzina, Pasadena
- Marlene Enmark, Sierra Madre
- Patricia Krok, Sierra Madre

Mayor Delmar opened this item for Public Comment and asked if anyone would like to come forward to comment on this item.

- Anita Thompson, Sierra Madre, expressed her support for Marlene Enmark and Patricia Krok for the Senior Community Commission.

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

Discussion occurred and there was consensus that Sierra Madre residents Marlene Enmark and Patrick Krok be appointed to the Senior Community Commission. Council Members expressed that they were extremely impressed with Isabel Bronzina's extensive resume, experiences, and her volunteering at the Hart Park House, but that she is not a Sierra Madre resident.

Mayor Delmar invited the applicants (in alphabetical order) for the Community Services Commission to come to the podium to speak about their interest and qualifications as follows:

- Liza Kerrigan, Sierra Madre
- London Koprowski (youth) – Not Present
- Karen Rowinsky, Sierra Madre

Mayor Delmar opened this item for Public Comment and asked if anyone would like to come forward to comment on this item.

- Pat Alcorn, Sierra Madre, expressed her support for Karen Rowinsky for the Community Services Commission.

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

Discussion occurred and there was consensus that (1) Liza Kerrigan and Karen Rowinsky be appointed to the Community Services Commission, with Liza Kerrigan to a term ending 6/2022 and Karen Rowinsky to a term ending 6/2020 and (2) London Koprowski be appointed as a Youth Advisor to the Community Services Commission for a one-year term.

FUTURE AGENDA ITEMS:

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

Mayor Delmar stated that electrified fencing will be on a future meeting agenda.

ADJOURNMENT:

Mayor Delmar asked for a motion to adjourn.

Council Member Goss made a motion to adjourn the meeting.

The motion to adjourn was seconded by Mayor Pro Tem Harabedian.

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

Noes: None

Absent: None

Abstain: None

The motion to adjourn was passed unanimously.

THIS SIERRA MADRE CITY COUNCIL REGULAR MEETING WAS ADJOURNED at 8:14 p.m. to a Regular Meeting to be held on Tuesday, February 26, 2019, in the Sierra Madre City Hall Council Chambers.

Denise Delmar, Mayor

Minutes taken and prepared by:

Sue Spears, City Clerk

RESOLUTION NUMBER 19-06

**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 \$143,966.59; Sierra Madre Library Warrants in aggregate amount of \$2,299.11 and Payroll Transfer in the aggregate amount of \$324,047.90 for the fiscal year ending June 30, 2019.

APPROVED AND ADOPTED this 26th day of February, 2019.

Mayor, City of Sierra Madre, California

I hereby certify that the foregoing Resolution Number 19-06 was adopted by the City Council of the City of Sierra Madre at a regular meeting held on the 26th day of February, 2019.

AYES:

NOES:

ABSTAIN:

ABSENT:

City Clerk, City of Sierra Madre, California

FOR CITY COUNCIL AGENDA _____

AGENDA ITEM# 1A

**City of Sierra Madre
Department of Finance
Warrant Register Recap
City Council Meeting of February 26, 2019**

CITY OF SIERRA MADRE AND SIERRA MADRE LIBRARY

City of Sierra Madre Warrants	\$143,966.59
Sierra Madre Library Warrants	\$2,299.11
Payroll Transfer.....	\$324,047.90

Warrant Register 2/26/19**Attachment 1A**

Fiscal Year	Description	Amount	Page #
FY 1819	Manual Warrants	144.12	1
FY 1819	General Warrants - Utility Bills	46,560.31	2
FY 1819	General Warrants	97,262.16	3-5
	Total	143,966.59	

FY 1819	Library Warrants	2,299.11	6
	Total	2,299.11	

Date: 2/21/19	Payroll #4 Electronic Tansfer From: City of Sierra Madre-General Acct. To: City of Sierra Madre-Payroll Acct.	324,047.90	
	Total	470,313.60	



City of Sierra Madre, CA

Check Approval Register

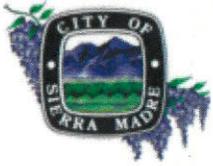
Page 1

Packet: APPKT04439 - MAN20719

Check Date: 02/07/2019

Vendor Set: 02 - Vendor Set 02

Vendor Number	Vendor Name				Vendor Total
Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
VEN03246	ELISABETH VEGA				144.12
APBWEST	Check	INV024058	Refund/duplicate Waer Payment	71000.00000.47001	144.12
				Report Total:	144.12



Packet: APPKT04448 - UB22619
Vendor Set: 01 - Vendor Set 01

Check Date: 02/19/2019

Vendor Number	Vendor Name	Invoice #	Invoice Description	Account Number	Vendor Total
Bank Code	Payment Type				Distribution Amount
VEN02792	FRONTIER CALIFORNIA INC				2,795.30
APBWEST	Check	209-188-3575-03070	209-188-3575-030707-5 Service 2/04 - 3/03	60003.30000.55005	1,759.47
				71000.81100.55005	52.03
		INV024071	626-355-1414-092017-5 Service 2/01 - 2/28	60003.30000.55005	575.52
		INV024072	626-355-0264-012498-5 Service 1/04 - 03/03 (2	10000.50000.55005	408.28
VEN03086	GC PIVOTAL LLC				1,557.52
APBWEST	Check	INV1911809	Service 3/01 - 3/31	60003.30000.52200	1,557.52
0384	SOUTHERN CALIF. EDISON CO.				41,072.67
APBWEST	Check	2-20-476-5291	Service 12/01/18 - 01/02/19	60001.83200.55003	519.83
		INV024073	2-01-194-2312 Service 1/01 - 2/01	32005.83500.55003	140.03
				32006.83000.55003	242.64
				32007.83000.55003	1,032.28
				38005.83500.55003	4,141.75
				60001.83200.55003	163.51
		INV024074	2-03-752-0756 Service 1/07 - 2/06	32008.83000.55003	362.60
				38005.83500.55003	49.19
				60001.83200.55003	5,251.09
				71000.81100.55003	29,169.75
0216	THE GAS COMPANY				919.06
APBWEST	Check	INV024067	135 119 3500 2 Service 1/09 - 2/07	60001.83200.55004	117.44
		INV024068	166 518 7700 9 Service 1/08 - 2/06	60001.83200.55004	101.56
		INV024069	195091807100 9 Servid 1/08 - 2/06	60001.83200.55004	35.65
		INV024070	168 6187 7700 5 Service 1/08 - 2/06	60001.83200.55004	144.61
		INV024084	Natural Gas Vehicle Fuel Bill 01/01 - 2/01	60000.83100.55001	519.80
1439	TIME WARNER CABLE				215.76
APBWEST	Check	0164625020219	Service 2/12 - 3/11	10000.50000.55005	215.76
Report Total:					46,560.31



Packet: APPKT04447 - GEN22619
Vendor Set: 01 - Vendor Set 01

Check Date: 02/19/2019

Table with columns: Vendor Number, Bank Code, Vendor Name, Payment Type, Invoice #, Invoice Description, Account Number, Distribution Amount, Vendor Total. Rows include vendors like AIRGAS USA, ARNOLD'S FRONTIER HARDWARE, BLUE DIAMOND MATERIALS, CALIFORNIA PARK & RECREATION SOCIETY, and CITY OF PASADENA.

Vendor Number	Vendor Name				Vendor Total
Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
APBWEST	Check	37964	Water & Utilities	71000.81100.52201	235.00
		37965	Gardena v. RWQCB	10000.81201.52202	1,010.50
1167	COMMUNITY MEDIA OF THE FOOTHILLS				2,331.01
APBWEST	Check	363	FY 18-19 SIERRA MADRE PRODUCTION SERVICE	60003.30000.52100	2,331.01
VEN01482	COPWARE				85.00
APBWEST	Check	INV024076	Cal.Peace Officers Legal Sourcebook Renewal	10000.50000.53406	85.00
VEN02871	CYBERREEF SOLUTIONS INC				299.78
APBWEST	Check	2900	Service 2/01 - 2/28	10000.50000.52200	299.78
VEN03080	CYRUS SKIDMORE				121.20
APBWEST	Check	INV024066	EMT Recertification Reimbursement	10000.61000.52205	121.20
0185	D. F. POLYGRAPH				175.00
APBWEST	Check	2019/1	Dispatcher Polygraph	60007.70100.52100	175.00
1428	DAN GINTER				356.50
APBWEST	Check	INV024062	March Medical Retiree Reimbursement	60007.70100.51302	356.50
0507	DIRECT CONNECTION				1,060.50
APBWEST	Check	74052	Water Bills letterhead	71000.32000.53102	1,060.50
VEN01935	DIVISION OF THE STATE ARCHITECT				209.60
APBWEST	Check	INV024082	Disability Access & education Fee 10/18 - 12/18	10000.00000.23400	209.60
VEN02997	DYNAMIC BUILDING MAINT INC				2,919.00
APBWEST	Check	21	FY18-19 DYNAMIC BUILDING MAINTENANCE	60001.83200.52200	2,919.00
VEN01613	GANAHL LUMBER COMPANY				1,139.35
APBWEST	Check	141111500	Building Supplies	10000.83500.53205	9.84
		141121589	Building Supplies	10000.83500.53205	971.18
		141122951	Building Supplies	10000.83500.53205	119.19
		141124169	Building supplies	10000.83500.53205	81.83
		CM141091927	Return Unibit Step Bit 3/16-7/8	10000.83500.53205	-42.69
1639	GMS ELEVATOR SERVICES INC				175.00
APBWEST	Check	95495	FY 18-19 ELEVATOR MAINTENANCE	60001.83200.52200	175.00
0833	HOME DEPOT				16.10
APBWEST	Check	6100404	Facilities Maintenance Supplies	60001.83200.53200 60002.30000.54703	11.74 4.36
0398	HONG L. TAM				10,044.58
APBWEST	Check	Through 2-31-2018	Residential structural plan check	10000.40000.52100	10,044.58
VEN01969	INLAND EMPIRE STAGES				919.50
APBWEST	Check	53179	Regan Museum Senior Excursion	37006.72000.52200	919.50
0913	IRWINDALE INDUSTRIAL CLINIC				630.00
APBWEST	Check	2130-862465	Fire Paramedic PT Physical	60007.70100.52106	630.00
0584	J.C. WESTERN FENCE CO., INC.				300.00
APBWEST	Check	21021	Installed 2 - 8' x 4" high chain link panels	60001.83200.53200	300.00
1044	JESSE TORIBIO				178.25
APBWEST	Check	INV024063	March Medical Retiree Reimbursement	60007.70100.51302	178.25
1156	JOHN FORD				249.55
APBWEST	Check	INV024060	March Medical Retiree Reimbursement	60007.70100.51302	249.55
0397	KEVORK TCHARKHOUTIAN				2,040.00
APBWEST	Check	2019-01D	FY 18-19 CITY ENGINEER SERVICES	10000.82000.52100	1,240.00
		2019-01R	CITY ENGINEER RETAINER	10000.82000.52100	800.00
0515	LANDSCAPE WAREHOUSE				53.81
APBWEST	Check	2583106	FY 18-19 IRRIGATION SUPPLIES	10000.83300.53001	49.18
		2583470	FY 18-19 IRRIGATION SUPPLIES	10000.83300.53001	4.63
0274	LEAGUE OF CALIFORNIA CITIES				5,990.00
APBWEST	Check	189506	2019 Membership - Leaeue of California Cities	60002.30000.53409	5,990.00
0640	LIFE-ASSIST INC.				7,224.57
APBWEST	Check	898998	Paramedic Medical Supplies	10000.64000.53300	6,798.83
		901035	Paramedic Medical Supplies	10000.64000.53300	425.74
VEN01660	LISA VOLPE				285.20
APBWEST	Check	INV024061	March Medical Retiree Reimbursement	60007.70100.51302	285.20
1065	MAIL BOX & POSTAL				17.30
APBWEST	Check	12523	Phones returned to Phoenix	10000.50000.53101	17.30
VEN02976	MEDICO PROFESSIONAL LINEN SERVICE				52.00
APBWEST	Check	2336592	Medical Waste	10000.64000.53300	52.00
VEN03247	MEGHAN GILLESPIE				519.00

Vendor Number	Vendor Name				Vendor Total	
Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount	
	APBWEST	Check	2003593.001	Return Security Deposit	10000.00000.23200	519.00
1690			MERCHANTS LANDSCAPE SVC INC			12,000.00
	APBWEST	Check	53476	Exterior Landscape Maintenance	10000.81201.52200	212.40
					10000.83300.52200	6,810.00
					32002.83000.52200	560.40
					32003.83000.52200	172.80
					32005.83000.52200	524.40
					32006.83000.52200	105.60
					32007.83000.52200	655.20
					32008.83000.52200	992.40
					38005.83500.52200	595.20
					60001.83200.52200	1,371.60
VEN03248			MICHELLE SALEGIO			84.00
	APBWEST	Check	INV024081	Return of Payment for Recreation Classes	10000.77000.47020	84.00
1613			MUNICIPAL CODE CORPORATION			4,600.00
	APBWEST	Check	00322572	Municode Meeting Subscription	10000.12000.52204	4,600.00
VEN02260			MV CHENG & ASSOCIATES INC			5,275.00
	APBWEST	Check	1/31/2019	Interim Finance Manager Services	60002.30000.52100	5,275.00
0312			NEOPOST			1,055.84
	APBWEST	Check	INV024083	Acct. 7900 0440 8053 03890	60002.30000.53101	1,055.84
0786			OFFICE DEPOT, INC			100.17
	APBWEST	Check	268171542001	FY 18-19 BLANKET PO	10000.50000.53100	22.15
			268173562001	FY 18-19 BLANKET PO	10000.50000.53100	78.02
0321			PARKHOUSE TIRE, INC.			809.41
	APBWEST	Check	1010653578	Tires #4000 & 3389	60000.83100.53208	809.41
0323			PASADENA HUMANE SOCIETY			2,464.08
	APBWEST	Check	FEB2019CtySM	FY 18-19 BPO- ANIMAL CONTROL	10000.50000.52004	2,464.08
0336			POST ALARM SYSTEMS			183.73
	APBWEST	Check	1139045	FY 18-19 ALARM MONITORING	60001.83200.52200	48.92
			1141925	FY 18-19 ALARM MONITORING	60001.83200.52200	43.26
			1144806	FY 18-19 ALARM MONITORING	60001.83200.52200	52.40
			1144959	FY 18-19 ALARM MONITORING	60001.83200.52200	39.15
VEN02937			RCI IMAGE SYSTEMS			1,765.94
	APBWEST	Check	76039	FY 18-19 Document Scanning Services	10000.40000.52200	1,721.85
			76040	FY 18-19 Document Scanning Services	10000.40000.52200	44.09
1485			RED SUPPLY INC			125.38
	APBWEST	Check	68231	Plumbing supplies	60001.83200.53200	125.38
VEN02829			RINGCENTRAL INC			4,924.13
	APBWEST	Check	CD 12137	FY18-19 BPO -VOIP TELEPHONE SVCS	60003.30000.55005	4,924.13
1113			RUBEN ENRIQUEZ			356.50
	APBWEST	Check	INV024075	March Medical Retiree Reimbursement	60007.70100.51302	356.50
1294			SAN GABRIEL VALLEY WATER ASSOCIATION			100.00
	APBWEST	Check	INV024065	2019 Association Dues	71000.81100.53409	100.00
2016			STEVE POCK			356.50
	APBWEST	Check	INV024059	March Medical Retiree Reimbursement	60007.70100.51302	356.50
VEN03051			T A RIVARD INC			6,000.00
	APBWEST	Check	IN#6-1567a	2018-19 Water Main replacement Project Spc #171000.81100.56011		6,000.00
0399			TELETRONIC ALARM SYSTEMS			62.00
	APBWEST	Check	2/01/2019	FY 18-19 LIBRARY ALARM MONITORING SERVICE	60001.83200.52200	62.00
0410			UNDERGROUND SERVICE ALERT			123.35
	APBWEST	Check	120190669	Ticket Charges/Monthly Data Base Maintenance	71000.81100.52200	79.30
			18dsbfee502	California State Fee for Recovery Costs	71000.81100.52200	44.05
0158			VULCAN MATERIALS COMPANY			484.95
	APBWEST	Check	72088496	Cold Mix	71000.81100.53206	484.95
0429			XEROX CORPORATION			1,200.06
	APBWEST	Check	095943227	BPO- COPIER LEASE	60003.30000.53210	518.40
			095943228	BPO- COPIER LEASE	60003.30000.53210	301.76
			095943229	BPO- COPIER LEASE	60003.30000.53210	379.90

Report Total: 97,262.16



Packet: APPKT04450 - LIB22619
Vendor Set: 01 - Vendor Set 01

Check Date: 02/19/2019

Vendor Number	Vendor Name				Vendor Total
Bank Code	Payment Type	Invoice #	Invoice Description	Account Number	Distribution Amount
<u>0132</u>	BAKER & TAYLOR, INC.				2,173.63
APBWEST	Check	4012446414	BOOKS & REFERENCE, PROCESSING FEES & MED	10000.90000.53406	206.84
		4012446415	BOOKS & REFERENCE, PROCESSING FEES & MED	10000.90000.52200	8.51
		4012447407	BOOKS & REFERENCE, PROCESSING FEES & MED	10000.90000.53406	47.02
		4012447408	BOOKS & REFERENCE, PROCESSING FEES & MED	10000.90000.52200	0.53
		4012448508	BOOKS & REFERENCE, PROCESSING FEES & MED	10000.90000.53406	95.83
		4012448509	BOOKS & REFERENCE, PROCESSING FEES & MED	10000.90000.52200	3.81
		4012451821	BOOKS & REFERENCE, PROCESSING FEES & MED	10000.90000.53406	382.07
		4012451822	BOOKS & REFERENCE, PROCESSING FEES & MED	10000.90000.52200	18.13
		4012454270	BOOKS & REFERENCE, PROCESSING FEES & MED	10000.90000.53406	495.89
		4012454271	BOOKS & REFERENCE, PROCESSING FEES & MED	10000.90000.52200	12.98
		4012455541	BOOKS & REFERENCE, PROCESSING FEES & MED	10000.90000.53406	191.00
		4012455542	BOOKS & REFERENCE, PROCESSING FEES & MED	10000.90000.52200	5.76
		4012456897	BOOKS & REFERENCE, PROCESSING FEES & MED	10000.90000.53406	601.38
		4012456898	BOOKS & REFERENCE, PROCESSING FEES & MED	10000.90000.52200	21.02
		T97992860	BOOKS & REFERENCE, PROCESSING FEES & MED	39006.90000.53406	20.50
		T98353850	BOOKS & REFERENCE, PROCESSING FEES & MED	39006.90000.53406	11.49
		T98353851	BOOKS & REFERENCE, PROCESSING FEES & MED	39006.90000.53406	32.82
		T98353852	BOOKS & REFERENCE, PROCESSING FEES & MED	39006.90000.53406	18.05
<u>0598</u>	DEMCO, INC.				125.48
APBWEST	Check	6543668	Library Supplies	10000.90000.53100	125.48
Report Total:					2,299.11



City of Sierra Madre Agenda Report

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

Sue Spears, City Clerk
Michael Amerio City Treasurer

TO: Honorable Mayor and Members of the City Council

FROM: Gabriel Engeland, City Manager 

DATE: February 26, 2019

SUBJECT: Consideration to Convey Conservation Easements on City-Owned Properties to the Sierra Madre Mountain Conservancy

STAFF RECOMMENDATION

Staff recommends Council provide staff with direction.

Please see the attached documents, which include information directly from the Sierra Madre Mountain Conservancy (SMMC).

Exhibit A: Request for conveyance of easement to SMMC
Exhibit B: Deed of conservation easement
Exhibit C: Map of properties in question

ALTERNATIVES

1. The City Council may place a conservation easement on the properties and convey the easement to the Sierra Madre Mountain Conservancy
2. The City Council may choose to provide staff with direction to develop a policy for the type(s) of properties and easements the City should accept and/or convey and evaluate this proposal under the new policy

SUMMARY

The Sierra Madre Mountain Conservancy is requesting the City Council of the City of Sierra Madre place a conservation easement over City-owned properties and convey the conservation easement to the Sierra Madre Mountain Conservancy.

ANALYSIS

The City-owned properties in question are inaccessible and unbuildable. The conveyance of a conservation easement to the Sierra Madre Mountain Conservancy will continue and further the City Council's goals of open space preservation. The City does not contemplate any additional risk or liability by placing and conveying a conservation easement on these properties.

FINANCIAL REVIEW

There is no financial impact related to the discussion item. Staff time was incurred in the preparation of this staff report.

CEQA / ENVIRONMENTAL

n/a

PUBLIC NOTICE PROCESS

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

Attachments: (3)

Sierra Madre Mountain Conservancy

Established 1989

A California 501 © (3) Non-profit Corporation

P.O. Box 614, Sierra Madre, CA 91025-1414

e-mail: madresierra@earthlink.net website: www.sierramadremc.org

February 19, 2019

City Council of Sierra Madre: Mayor Denise Delmar, Mayor Pro Tem John Harabedian, Council Members Rachelle Arizmendi, John Capoccia, and Gene Goss

Over the course of 30 years, the Sierra Madre Mountain Conservancy has obtained land through donation and purchase which it has deeded to the City, while keeping the conservation easements. In 2002, the City conveyed easements to the Conservancy over historic open space that the City purchased in 1945 and designated as Wilderness in 1968. The Conservancy also has one parcel with a conservation easement for which the property owner retains the deed.

In keeping with the goals of protecting open space in Sierra Madre's foothills, the Conservancy is now requesting that the City convey conservation easements for 10 City-owned parcels in the Yucca Trail area of the Canyon.

The City has owned these parcels for a number of years. They were a part of the canyon development in the 1920s and have always been unbuildable. There is no exact record of why they were acquired, but logic suggests that they were let go for back taxes and the City picked them up for flood control. Three lots remain in private ownership. The City-owned lots are in the area where the Conservancy already holds the conservation easements on five parcels that were purchased with Proposition A grant funding and were deeded to the City in 1997.

In 2011, the Conservancy received a donation of a lot on Yucca Trail and deeded it to the City. The City conveyed the conservation easement to the Conservancy as before.

Conveying conservation easements to the Conservancy for the remaining lots owned by the City will further the effort to preserve open space, and it would be in keeping with the 2015 City General Plan update, Policy L44.1, supporting the acquisition of hillside property by the Sierra Madre Mountain Conservancy. Objective 45 lists acquiring additional natural open space areas as a goal.

*Sierra Madre Mountain Conservancy Board: Caroline Brown, President;
Albert Metzger, Vice-president; Marguerite Shuster, Secretary; Scott Hood, Treasurer;
Board Members Marcia Bent, Lynne Collmann, Kevin Moore, Sharon Pevsner and David Williams*

RECORDING REQUESTED BY
SIERRA MADRE MOUNTAIN CONSERVANCY

WHEN RECORDED MAIL TO

Caroline Brown
PO Box 614
Sierra Madre, Ca 91025

AND MAIL TAX STATEMENTS TO

NAME:
ADDRESS:
CITY:
STATE & ZIP:

5764-030-900; -902; -903; -904; -905; -906; -907; -908; -909; -911;

Re:

TITLE ORDER NO. _____ ESCROW NO. _____ AP NO. _____

DEED OF CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT (the "Deed") is made by the City of Sierra Madre ("Grantors"), to the SIERRA MADRE MOUNTAIN CONSERVANCY a California nonprofit public benefit corporation ("Grantee").

WITNESS THAT:

WHEREAS, Grantors are the owners in fee simple of certain real property in Los Angeles County, California, more particularly described in Exhibit A attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, the Property possesses open-space, recreational and scenic values of great importance to Grantors, the people of Sierra Madre, the people of Los Angeles County, and the people of the State of California; and

WHEREAS, Grantors intend that the Property be maintained as open-space, that access to the rugged foothills above the City of Sierra Madre be available to the public in perpetuity, that the land remain available for recreation, and as view-shed, and that these current uses be preserved;

WHEREAS, Grantors intend, as owners of the Property, to convey to Grantee the right to preserve and protect the open-space, recreational, trail access, and scenic values of the Property in perpetuity; and

WHEREAS, Grantee is a publicly supported, tax-exempt nonprofit organization qualified under Sections 501(c)(3) and 170(h) of the *Internal Revenue Code*, whose primary purpose is the preservation and protection of open space, recreational, trail access, and scenic lands in and above the City of Sierra Madre, California; and

WHEREAS, Grantee intends, by acceptance of the grant made hereby, forever to honor the intentions of Grantors to preserve and protect in perpetuity the open space, recreational trail access and scenic values of the Property;

NOW, THEREFORE, for good and valuable consideration, and in consideration of the mutual covenants, terms, conditions, and restrictions contained herein, and pursuant to the laws of the State of California including, inter-alia, Sections 815-816 of the *California Civil Code*, Grantors do hereby

voluntarily grant to Grantee a Conservation Easement in gross in perpetuity over the Property of the nature and character and to the extent hereinafter set forth (the "Easement"). Grantors also grant to Grantee certain development rights associated with the Property as hereinafter described.

1. Purpose. It is the purpose of this Easement to enable the Property to remain in its natural, scenic, historic and open-space condition.

2. Affirmative Rights and Interests Conveyed. To accomplish the purpose of this Easement, the following rights and interests are conveyed to Grantee by this Easement:

(a) To identify, preserve, and protect in perpetuity the open-space, scenic, and recreational values, character, use, and utility of the Property (the "protected values").

(b) To enter on, inspect, observe, and study the Property for the purposes of (1) identifying the current uses and practices thereon and the baseline condition thereof, and (2) monitoring the uses and practices regarding the Property to determine whether they are consistent with this Easement. Such entry shall be permitted on prior notice to Grantors, and shall be made in a manner that will not unreasonably interfere with Grantors' use and quiet enjoyment of the Property.

(c) To prevent any activity on or use of the Property that is inconsistent with the purpose of this Easement and to require the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use. However, it is the intention of this Easement not to limit Grantors' discretion to maintain temporary water lines or engage in activity reasonably necessary to the protection of the City from brush fires or mudslides.

(d) The development rights referred to in Paragraph 11 below.

3. Uses and Practices. Grantee and Grantors intend that this Easement shall confine the uses of the Property to hiking, recreation, and preservation of open space and view-shed. Uses and practices consistent with the purpose of this easement are improving recreational use of the Property and reasonable fire suppression, mud slide and earth movement control. Inconsistent uses would include erection of buildings, fences, water tanks, or other manmade structures for any purpose other than recreational use as described above. It is also an inconsistent use to operate motorized vehicles on the Property unless directly related to a permitted use as described above, and only on a temporary basis. The uses and practices set forth herein are not necessarily exhaustive recitals of consistent and inconsistent activities, respectively. They are set forth both to establish specific permitted and prohibited activities, and to provide guidance in determining the consistency of other activities with the purpose of this Easement.

4. Current Practices and Conditions. Grantee acknowledges by acceptance of this Easement that the present uses of the Property are compatible with the purpose of this Easement. In order to establish the present condition of the Property's protected values, Grantee may prepare an inventory of the Property's relevant features and conditions.

5. Reserved Rights. Grantors reserve to themselves all right, title, and interest in and to all tributary and non-tributary water, water rights, and related interests in, on, under, or appurtenant to the Property, provided that such water rights are used on the Property in a manner consistent with the purpose of this Easement.

6. Arbitration. If a dispute arises between the parties concerning the consistency of any proposed use or activity with the purpose of this Easement, and Grantors agree not to proceed with the use or activity pending resolution of the dispute, either party may refer the dispute to arbitration by request made in writing upon the other. Within 30 days of the receipt of such a request, the parties shall select a single arbitrator to hear the matter. If the parties are unable to agree on the selection of a single arbitrator, then each party shall name one arbitrator and the two arbitrators thus selected shall select a third arbitrator; provided, however, if either party fails to select an arbitrator, or if the two arbitrators selected by the parties fail to select the third arbitrator within 14 days after the appointment of the second arbitrator, then in each such instance a proper court, on petition of a party, shall appoint the second or third arbitrator or both, as the case may be. A judgment on the arbitration award may be entered in any court having jurisdiction thereof. The prevailing party shall be entitled, in addition to such other relief as may be granted, to a reasonable sum as and for all its costs and expenses related to such arbitration, including, without limitation, the fees and expenses of the arbitrator(s) and attorneys' fees, which shall be determined by the arbitrator(s) and any court of competent jurisdiction that may be called on to enforce or review the award.

7. Grantee's Remedies. If Grantee determines that Grantors are in violation of the terms of this Easement or that a violation is threatened, Grantee shall give written notice to Grantors of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use or activity inconsistent with the purpose of this Easement, to restore the portion of the Property so injured. If Grantors fail to cure the violation within 30 days after receipt of notice thereof from Grantee, or under circumstances where the violation cannot reasonably be cured within a 30-day period, fail to begin curing such violation within the 30-day period, or fail to continue diligently to cure such violation until finally cured, Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Easement, to enjoin the violation by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the terms of this Easement or injury to any protected values, including damages for any loss thereof, and to require the restoration of the Property to the condition that existed prior to any such injury. If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the protected values of the Property, Grantee may pursue its remedies under this paragraph without waiting for the period provided for cure to expire. Grantee's rights under this paragraph apply equally in the event of either actual or threatened violations of the terms of this Easement, and Grantors agree that Grantee's remedies at law for any violation of the terms of this Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in this paragraph, both prohibitive and mandatory, in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this paragraph shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

7.1. Costs of Enforcement. Any costs incurred by Grantee in enforcing the terms of this Easement against Grantors, including, without limitation, costs of suit and attorneys' fees, and any costs or restoration necessitated by Grantors' violation of the terms of this Easement shall be borne by Grantors. If Grantors prevail in any action to enforce the terms of this Easement, Grantors' costs of suit, including, without limitation, attorneys' fees, shall be borne by Grantee.

7.2. Grantee's Discretion. Enforcement of the terms of this Easement shall be at the discretion of Grantee, and any forbearance by Grantee to exercise its rights under this Easement in the event of any breach of any term of this Easement by Grantors shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Easement or of

any of Grantee's rights under this Easement. No delay or omission by Grantee in the exercise of any right or remedy on any breach by Grantors shall impair such right or remedy or be construed as a waiver.

7.3. Acts Beyond Grantors' Control. Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantors for any injury to or change in the Property resulting from causes beyond Grantors' control, including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by Grantors under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.

8. Costs and Taxes. Grantors retain all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property. Grantors shall pay any and all taxes, assessments, fees, and charges levied by competent authority on the Property or on this Easement. It is intended that this Easement constitute an enforceable restriction within the meaning of Article XIII, Section 8 of the California Constitution and that this Easement qualify as an enforceable restriction under the provisions of *California Revenue and Taxation Code* Section 402.1.

9. Hold Harmless. Grantors shall hold harmless, indemnify, and defend Grantee and its directors, officers, employees, agents, and contractors and the heirs, personal representatives, successors, and assigns of each of them (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' fees arising from or in any way connected with: (1) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, regardless of cause, except to the extent of the adjudicated proportionate fault of any of the Indemnified Parties; (2) the obligations specified in Paragraph 8.

10. Access. Access by the general public shall remain in its current state.

11. Development Rights. The Grantors retain no rights of development which are inconsistent with the current practices and conditions of this easement as set forth in paragraph 3.

12. Extinguishment. If circumstances arise in the future that render the purpose of this Easement impossible to accomplish, this Easement can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction, and the amount of the compensation to which Grantee shall be entitled from any sale, exchange, or involuntary conversion of all or any portion of the Property subsequent to such termination or extinguishment, shall be determined by a court of competent jurisdiction.

13. Assignment of Grantee's Interest. Grantee may assign its interest in this Easement only to an organization that is a "qualified organization," within the meaning of Section 170(h) of the *Internal Revenue Code*, as amended, or any successor provision, and that is authorized to acquire and hold conservation easements under California law, on obtaining the prior written consent of Grantors. Any assignment without such consents shall be void and of no effect. Such consents shall not be unreasonably withheld by Grantors.

14. Executory Limitation. If Grantee shall cease to exist, or to be a qualified organization under Section 170(h) of the *Internal Revenue Code* of 1954, as amended, or is not authorized to acquire and hold conservation easements under California law, then Grantee's rights and obligations under this Easement shall become immediately vested in another qualified organization within the meaning of

170(h) of the *Internal Revenue Code*, which has goals similar to those of the Sierra Madre Mountain Conservancy. Preference shall be given to such organizations whose primary activities take place in the City of Sierra Madre.

15. General Provisions.

(a) **Controlling Law.** The interpretation and performance of this Easement shall be governed by the laws of the State of California.

(b) **Liberal Construction.** Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the purpose of this Easement and the policy and purpose of the California Conservation Easement Act of 1979, as amended. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

(c) **Severability.** If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

(d) **Entire Agreement.** This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged herein.

(e) **No Forfeiture.** Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

(f) **Joint Obligation.** The obligations imposed by this Easement on Grantors shall be joint and several.

(g) **Successors.** The covenants, terms, conditions, and restrictions of this Easement shall be binding on, and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.

(h) **Termination of Rights and Obligations.** A party's rights and obligations under this Easement terminate on transfer of the party's interest in the Easement or Property, except that liability for acts or omissions occurring before transfer shall survive transfer.

(i) **Future Conveyance.** Grantors agree that reference to this Deed will be made in any subsequent deed or other legal instrument by means of which they convey any interest in the Property (including but not limited to a leasehold interest).

IN WITNESS WHEREOF, Grantors have executed this Deed of Easement this _____ day of _____, 2019

Grantors

Denise Delmar
MAYOR, City of Sierra Madre

Accepted: Sierra Madre Mountain Conservancy

CAROLINE BROWN
President, Sierra Madre Mountain Conservancy

STATE OF CALIFORNIA,
COUNTY OF _____ Los Angeles _____ } S.S.

On _____ before me, _____
(here insert name and title of the officer), personally appeared XXXXXXXXXXXXXXXX personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

STATE OF CALIFORNIA,
COUNTY OF _____ } S.S.

On _____ before me, _____
(here insert name and title of the officer), personally appeared CAROLINE BROWN personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

EXHIBIT C

Usage of Assessor Maps requires the Adobe Acrobat Reader. To download and install this free software, visit [Adobe's website](#) and follow the instructions provided.
Assessor Maps are produced for property assessment purposes, and are NOT surveys.
No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

5764 30
SCALE 1" = 60'

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11

Yucca Trail Parcels:

Proposal for Conservation Easements to be Conveyed by City of Sierra Madre to Sierra Madre Mountain Conservancy, 2019:

5764-030-900 (1961) city
5764-030-902 (1963) city
5764-030-903 (1955) city
5764-030-904 (1966) city
5764-030-905 (1966) city
5764-030-906 (1963) city
5764-030-907 (1970) city
5764-030-908 (1970) city
5764-030-909 (1973) city (1/2 lot)
5764-030-911 (2002) city

Private ownership—contacted for possible donation:

5764-030-031 (2005)
5764-030-016 (1992)
5764-030-043 (1969) (1/2 lot)

Conservation Easements on the following Yucca Trail parcels:

5764-030-910 (1997) city (Marjorie Shick) Proposition A Purchase
5764-030-912 (2011) city (Anderson/Symington donation)

Nature Friends ownership:

5764-030-034
5764-030-035

Caroline Brown, January 17, 2019



City of Sierra Madre Agenda Report

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

*Sue Spears, City Clerk
Michael Amerio City Treasurer*

TO: Honorable Mayor and Members of the City Council
FROM: Gabriel Engeland, City Manager *GE*
DATE: February 26, 2019
SUBJECT: State and District Sales Tax Measure(s) and Statutory Limits

STAFF RECOMMENDATION

Staff recommends Council provide direction.

SUMMARY

State law limits the ability of Districts to directly assess sales tax measures on residents in excess of 2%. Currently Los Angeles County, which is considered a District for state taxing purposes, imposes the following taxes on all residents of Los Angeles County, including Sierra Madre residents:

<i>Tax Purpose</i>	<i>Amount</i>
<i>LA County Transportation Commission (Prop A)</i>	0.50%
<i>LA County Transportation Commission (Prop C)</i>	0.50%
<i>LA County Metro Transportation Authority (Measure R)</i>	0.50%
<i>LA County Traffic Improvement Plan (Measure M)</i>	0.50%
<i>LA County Homeless Services Tax (Measure H)</i>	0.25%
<i>District Total (Tax Rate% and Amounts)</i>	2.25%

The total amount of 2.25% exceeds the State limit on District taxes, however, the State granted exemptions to the District limit for Measure R and Measure M, leaving the total tax percentage applicable under the District limit at 1.25%.

The South Coast Air Quality Management District announced it will pursue a 0.5% sales tax measure as early as November of 2020. If approved, this will bring the total District tax to 2.75% and the tax applicable to the District limit to 1.75%.

Once the 2% threshold for direct District sales tax is reached, no new additional sales tax measures will be eligible for collection within the District, without an exemption from the State. In this example, if the AQMD tax is approved, the City of Sierra Madre will be permanently limited to 0.25% in additional sales tax authority, should a sales tax measure be adopted by the voters.

The following cities proposed and successfully adopted a local sales tax in 2018: Burbank (0.75%), Covina (0.75%), Cudahy (0.75%), Culver City (0.25%), El Segundo (0.75%), Glendale (0.75%), Huntington Park (1.0%), La Puente (0.5%), Lawndale (0.75%), Pasadena (0.75%), Pomona (0.75%, 10 year sunset), Santa Fe Springs (1.0%). Each of the cities had unique local factors in the proposal and adoption of the sales tax measures, but many included the fact that the County would be able to permanently foreclose on their ability to collect sales tax in the future as a reason to support the sales tax proposals.

In addition to this, in November of 2018, the City of Glendora declared a financial emergency and will hold a special election on a 0.75% sales tax in March of 2019. The City of Arcadia declared a financial emergency in February and will hold a special election for a sales tax in 2019. The Cities of Duarte, Monrovia, San Gabriel and other San Gabriel Valley Cities are also considering declaring financial emergencies in 2019 in order to propose a sales tax. Each of these Cities is explicitly stating the County's ability to foreclose permanently on all future sales tax initiatives as a reason to support the local sales tax.

ANALYSIS

Sierra Madre is not in a financial emergency. Through prudent financial management the City has been able to maintain services, manage increases to employee obligations, and reduced future year liabilities, most notably, the unfunded accrued liability for CalPERS pension obligations and the refinancing of the Water Bond debt.

Sierra Madre is a "donor" City to the District of Los Angeles County as well as the State of California. In total, Sierra Madre receives only 33.6% of sales tax revenues that are collected at the local level. This means, for every \$1.00 in sales tax collected in Sierra Madre, only \$0.33 is retained by Sierra Madre, with the rest being sent to the County, State, or Special Districts. Please see the attached exhibit for more information.

The proposed AQMD sales tax, as well as previous taxes passed by Los Angeles County, have raised the prospect of Sierra Madre losing its ability to collect and invest local sales tax revenues permanently.

The City Council should discuss the possibility of the County permanently foreclosing on the City's ability to collect new revenues through sales tax measures and provide direction.

FINANCIAL REVIEW

There is no financial impact related to the discussion item. Staff time was incurred in the preparation of this staff report.

CEQA / ENVIRONMENTAL

n/a

PUBLIC NOTICE PROCESS

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

Attachment:

- Attachments:
- 1) State and District Sales Tax Collections in Sierra Madre
 - 2) LA County Ballot Measures 2004 Through 2018

ATTACHMENT 1

Taxing District	Sales Tax Description	Amounts		Percentage		Subject to	
		Collected in Sierra Madre	Sierra Madre Revenue to	Sierra Madre Revenue to	Sierra Madre Revenue to	District Limit	% District Tax Included in 2% Limit
State	State General Fund	3.9375%	\$ 1,240,313	\$ -	0.0%	N/A	N/A
State	County Services (Health, Social Services, Public Safety)	1.5625%	\$ 492,188	\$ -	0.0%	N/A	N/A
State	Sierra Madre General Fund	1.0000%	\$ 315,000	\$ 315,000	100.0%	N/A	N/A
State	County Public Safety (Prop 172)	0.5000%	\$ 157,500	\$ 133,000	84.4%	N/A	N/A
State	Countywide Transportation Fund	0.2500%	\$ 78,750	\$ 8,874	11.3%	N/A	N/A
State Total (Tax Rate% and Amounts)		7.25%	\$ 2,283,750	\$ 456,874	20.0%		
District	LA County Transportation Commission (Prop A)	0.5000%	\$ 157,500	\$ 157,500	100.0%	Yes	0.50%
District	LA County Transportation Commission (Prop C)	0.5000%	\$ 157,500	\$ 157,500	100.0%	Yes	0.50%
District	LA County Metro Transportation Authority (Measure R)	0.5000%	\$ 157,500	\$ 128,000	81.3%	No	0%
District	LA County Traffic Improvement Plan (Measure M)	0.5000%	\$ 157,500	\$ 106,000	67.3%	No	0%
District	LA County Homeless Services Tax (Measure H)	0.2500%	\$ 78,750	\$ -	0.0%	Yes	0.25%
District Total (Tax Rate% and Amounts)		2.25%	\$ 708,750	\$ 549,000	77.5%		1.25%
Grand Total (Tax Rate% and Amounts)		9.50%	\$ 2,992,500	\$ 1,005,874	33.6%		

State Tax Cap = 10.25%

State Tax Cap Remaining = 3%

District Tax Cap = 2.0%

District Tax Cap Remaining = 0.75%

ATTACHMENT 2

LA County Ballot Measures 2004 Through 2018

	Measure Name	Description	Year	Pass/Fail?	Yes	No
Measure R	LA County Sales Tax	Impose 1/2 cent sales tax for transportation projects (30 years)	Nov 2008	Pass	67.93	32.07
Measure J	LA County Sales Tax for Transportation	Impose 1/2 cent sales tax for transportation projects	Nov 2012	Fail	66.11	33.89
Measure H	LA County Hotel Tax	Increase hotel tax from 10% to 12%	June 2012	Pass	60.69	39.31
Measure L	LA County Landfill Tax	Impose a 10% landfill tax on landfill operators	June 2012	Pass	63.08	36.92
Measure P	LA County Parks and Recreational Facilities Special Parcel Tax	Impose a \$23 per parcel tax (30 Years)	Nov 2014	Fail	37.11	62.89
Measure A	LA County Parks & Open Space	Impose a parcel tax of 1.5 cents per sq. ft. of structural improvements	Nov 2016	Pass	74.90	25.10
Measure M	LA County Sales Tax	Impose 1/2 cent sales tax for transportation and indefinite extension on Measure R 1/2 cent sales tax	Nov 2016	Pass	71.15	28.85
Measure H	LA County Sales Tax for Homeless Services and prevention	Impose 1/4 cent sales tax for homeless services & prevention (10 years)	March 2017	Pass	69.34	30.66
Measure W	LA County Flood Control District Parcel Tax	Impose a parcel tax of 2.5 cents per sq ft of impermeable space	Nov 2018	Pass	67.53	32.47



City of Sierra Madre Agenda Report

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

Sue Spears, City Clerk
Michael Amerio, City Treasurer

TO: Honorable Mayor Delmar and Members of the City Council

FROM: Gabe Engeland, City Manager 

INITIATED BY: Laura M. Aguilar, Assistant City Clerk 

DATE: February 26, 2019

SUBJECT: CONSIDERATION OF AMENDMENT TO SIERRA MADRE MUNICIPAL CODE SECTION 2.04.000 "GENERAL MUNICIPAL ELECTION" MOVING THE CITY'S GENERAL MUNICIPAL ELECTIONS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY OF EACH EVEN-NUMBERED YEAR BEGINNING NOVEMBER 2020

RECOMMENDATION

It is recommended that the City Council read by title only, and adopt Ordinance 1409 amending Section 2.04.000 "GENERAL MUNICIPAL ELECTION" of the Sierra Madre Municipal Code (SMMC) moving the date of the City's General Municipal Elections to the first Tuesday, after the first Monday in November of each even-numbered year, beginning in November 2020.

ALTERNATIVES

1. The Council may approve the first reading, by title only, of Ordinance 1409 amending SMMC 2.04.000 "General Municipal Elections", moving the City's General Municipal Elections to the first Tuesday, after the first Monday in November of each even-numbered year, beginning in November 2020.
2. The Council may choose to leave the City's General Municipal Election, consolidated with the County in November 2022.
3. The Council may request additional information and direct that this matter be placed on a future agenda.

**AMENDMENT TO SMMC SECTION 2.04.000 "GENERAL MUNICIPAL ELECTION"
MOVING THE CITY'S GENERAL MUNICIPAL ELECTIONS TO THE FIRST
TUESDAY AFTER THE FIRST MONDAY OF EACH EVEN-NUMBERED YEAR
BEGINNING NOVEMBER 2020**

February 26, 2019

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SUMMARY

At the February 14, 2017 City Council meeting, the Council adopted Ordinance 1387 to consolidate the City's General Municipal Election to the first Tuesday, after the first Monday of even-numbered years, beginning November 2022 in accordance with State Bill (SB) 415 signed into law by Governor Brown on September 1, 2015. In an effort to "encourage greater voter participation", SB 415 prohibits local governments from holding an election on any date other than on a statewide election date if doing so has resulted in voter turnout being at least 25% below the average turnout in the jurisdiction in the previous four statewide general elections.

ANALYSIS

In accordance with SB 415 the City Council adopted Ordinance 1387 consolidating the City's General Municipal Elections to the first Tuesday, after the first Monday in November of each even-numbered year, beginning in November 2022.

Since SB 415 was enacted most cities throughout the State have gradually consolidated within their respective counties. This has caused many election consultants to go out of business, including Martin and Chapman, which the City has used for election services for over 20 years. Martin and Chapman's services included printing the Voter Information Guide, vote-by-mail and election day ballot printing, assistance with County and State filings, guidance with legal publications, ballot tabulation, and poll worker training, to name a few. A third-party election consultant would be necessary for any future municipal elections; however, most have gone out of business since SB 415 was enacted.

Staff is recommending the City Council amend SMMC 2.04.000 to consolidate the City's General Municipal Elections to the first Tuesday, after the first Monday in November of each even-numbered year, beginning in November 2020, two years earlier than previously approved.

FINANCIAL REVIEW

The fiscal impacts associated with this item are unknown at this time. Election costs vary based on the number of agencies consolidating in a particular election, number of candidates, number of polling sites, etc. It is possible that elections costs could decrease as more jurisdictions have consolidated with statewide elections.

**AMENDMENT TO SMMC SECTION 2.04.000 "GENERAL MUNICIPAL ELECTION"
MOVING THE CITY'S GENERAL MUNICIPAL ELECTIONS TO THE FIRST
TUESDAY AFTER THE FIRST MONDAY OF EACH EVEN-NUMBERED YEAR
BEGINNING NOVEMBER 2020**

February 26, 2019

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PUBLIC NOTICE PROCESS

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Attachments

1. Draft Ordinance 1409

ORDINANCE NO. 1409

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SIERRA MADRE, CALIFORNIA, AMENDING
SIERRA MADRE MUNICIPAL CODE SECTION 2.04.000
“GENERAL MUNICIPAL ELECTION” MOVING THE
CITY’S GENDERAL MUNICIPAL ELECTIONS TO THE
FIRST TUESDAY AFTER THE FIRST MONDAY OF
EACH EVEN-NUMBERED YEAR BEGINNING
NOVEMBER 2020**

WHEREAS, the City of Sierra Madre’s (City) general municipal elections are held in the month of April of alternating even-numbered years to elect five members of City Council, one City Treasurer, and one City Clerk (hereinafter “City Officers”); and

WHEREAS, State Bill 415 (SB 415) “Voter Participation” prohibits local governments, from holding an election on any date other than a statewide election date if doing so has resulted in voter turnout being at least 25% below the average turnout in that jurisdiction in the previous four statewide general elections, except as specified; and

WHEREAS, Sections 1301 and 10403.5 of the California Elections Code authorizes the City Council to reschedule its general municipal election and to increase or decrease any terms of office by not more than 12 months; and

WHEREAS, in accordance with SB 415, the City Council determined a adopted a transition plan to consolidate its general municipal elections with a statewide election to occur on November 8, 2022; and

WHEREAS, the City Council has determined it is necessary to amend the transition plan to consolidate its general municipal elections with a statewide election to occur on the first Tuesday after the first Monday of each even-numbered year beginning November 3, 2020.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Change of Election Day. Pursuant to Sections 1000 and 1301 of the California Elections Code, as of November 2020, the City’s general municipal election shall be moved from April of even-numbered years to the first Tuesday after the first Monday of each even-numbered year beginning November 3, 2020 to coincide with the statewide general elections.

SECTION 2. Code Amendment. Section 2.04.000 of the Sierra Madre Municipal Code is hereby added to read:

“2.04.000 General Municipal Election.

Pursuant to Section 36503 of the California Government Code and Sections 1000 and 1301 of the California Elections Code, the general municipal election of the City of Sierra Madre, commencing with the 2020 election, shall be on the first Tuesday after the first Monday in November of even-numbered years to coincide with statewide general elections.

SECTION 3. Adjustment to Terms of Office. In accordance with Sections 1301 and 10403.5 of the California Elections Code, the term of any elected City Officer that would have expired in April 2022 and 2024 shall, instead expire in the same manner, but after the occurrences of the November 2022 and 2024 general municipal elections as established by this Ordinance..

SECTION 4. Consolidated Elections. Pursuant to Sections 1301 and 10403.5 of the California Elections Code, the City of Sierra Madre hereby requests the County of Los Angeles approve this ordinance and allow for consolidation of the City’s general municipal election with the statewide general election conducted by the County in November of each even-numbered year beginning in November 2022.

SECTION 5. Effective Date. This Ordinance shall become operative upon approval by the Los Angeles County Board of Supervisors as provided by California Elections Code Sections 1301(b)(1) and 10403(a)(1).

SECTION 6. Notice to Voters. Pursuant to Sections 10403.5(e) of the California Elections Code, within 30 days after this Ordinance becomes operative, the City Elections Official shall cause notice to be mailed to all registered voters informing the voters of the change in the election date made by this Ordinance and that, as a result of the change in election date, the terms of the office of City Officers will be extended by not more than 12 months.

SECTION 7. Request to the County. The City Clerk shall forward a copy of this Ordinance to the Los Angeles County Board of Supervisors with a request that it be approved pursuant to Sections 1301 and 10403.5 of the California Elections Code.

SECTION 8. Certification. Within fifteen (15) days after its passage of this Ordinance, the City Clerk of the City of Sierra Madre shall certify to the passage and adoption of this Ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

PASSED, APPROVED, AND ADOPTED ON this 26th day of February, 2019.

Denise Delmar, Mayor

I HEREBY CERTIFY the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Sierra Madre held on the 26th day of February, 2019, and was adopted at its regular meeting on the ____ day of _____, 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sue Spears, City Clerk