



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

SIERRA MADRE CITY COUNCIL  
SUCCESSOR AGENCY AND  
PUBLIC FINANCE AUTHORITY

**Tuesday, February 26, 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 6:31 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  
Holly Whatley, Assistant City Attorney  
Laura Aguilar, Assistant City Clerk  
Chris Cimino, Director of Public Works  
Edward Delcoure, Police Lieutenant  
Vincent Gonzalez, Planning & Community Preservation Director  
Miguel Hernandez, Human Resources Manager  
Joe Ortiz, Police Chief  
Rebecca Silva-Barrón, Community Services Manager  
Sue Spears, City Clerk

**PLEDGE OF ALLEGIANCE AND INVOCATION/INSPIRATION:**

Mayor Delmar led the Pledge of Allegiance, spoke about today being "National Tell a Fairy Tale Day", and wished everyone a happy ever after.

**APPROVAL OF AGENDA AS PRESENTED:**

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

Council Member Goss 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, Council Members Rachele Arizmendi, John Capoccia, and Gene Goss

Noes: None

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

**REPORT ON THE CLOSED SESSION SPECIAL MEETING**

Assistant City Attorney Whatley reported 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 February 12, 2019.

Council Member Arizmendi moved to approve the Minutes of the Regular Council Meeting of February 12, 2019 as presented.

Mayor Pro Tem Harabedian 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 February 12, 2019 as presented was passed unanimously.

#### **MAYOR AND CITY COUNCIL REPORTS:**

- A. Mayor Denise Delmar did not make a report.
- B. Mayor Pro Tem John Harabedian reported that he attend the Little League Opening last Saturday and that it was a great event.
- C. Council Member Rachelle Arizmendi reported that she also attended the Little League Opening and that there were over 300 participants this year, which includes close to 80 Tee Ball participants, and almost all are Sierra Madre residents.
- D. Council Member John Capoccia reported that (1) he is the SM representative to Collaborate Pasadena (includes Altadena, Pasadena, and Sierra Madre), which is dedicated to improving outcomes for children, and that it is now run by Pacific Oaks College, (2) he attended an event today at John Burroughs High School in Pasadena to help students prepare resumes, and (3) there will be a Mission Match Job Fair this Friday involving companies that are actively hiring.
- E. Council Member Gene Goss did not make a report.

#### **PRESENTATION – SIERRA MADRE POLICE DEPARTMENT ANNUAL REPORT**

Police Chief Ortiz introduced Police Lieutenant Delcoure who reported on this item, which included a PowerPoint titled, "Sierra Madre Police Department 2018." The main topics were as follows:

- Burglaries & Thefts – Comparing - 2017 to 2018, there was an increase in the following: Residential Burglaries (20/23) and Automobile Burglaries from Locked Vehicles (5/13). There was a decreased in the following: Commercial Burglaries (4/2) and Thefts from Unlocked Vehicles (18/17).
- Community Engagement – Increased community outreach initiatives include a stronger presence on social media, neighborhood watch programs, "Coffee/Cookies with a Copy" programs, visiting area businesses, and being more engaging in the community.
- Employee Accountability – Multiple measures are used to maintain a high level of service performance, including Leadership Training, tactical Skills, Active Shooter Simulation Training, a Drug and Alcohol Recognition Program, and implementation of a Homeless Assistance Resource Team. Officers are equipped with the latest video equipment for their vehicles and receive monthly trainings and annual evaluations.
- Investigations – In 2018, 786 cases were investigated with the following results: Active 4%, Cleared 42%, Closed 30%, Inactive (no new leads, but case still open) 19%, and Unfounded 5%.
- Productivity – Fully staffed & equipped department. The National Council for Home Safety and Security recently conducted a study and determined that Sierra Madre is the 5<sup>th</sup> safest city in California.
- Response Time – In 2018, there were 716 Priority Calls with an average response time of 2 minutes 28 seconds (23 seconds quicker than in 2017). There were 14,416 Non-Priority Calls with an average response time of 3 minutes 23 seconds (10 seconds quicker than in 2017).
- Traffic – Comparing 2017 to 2018, traffic collisions decreased from 85 to 36 (a 72% reduction), due to increased traffic enforcement, especially in "hotspots" for collisions and traffic violations. There was an increase in citations from 613 (2017) to 1,450 (2018).

- 2019 Department Goals – Include (1) becoming a model for 21<sup>st</sup> Century small town policing by operating more efficiently and effectively, (2) increasing the professional development of all SMPD personnel, (3) increasing employee retention, (4) reducing Part 1 crimes and decrease the number of traffic collisions that occur within the entire city limits, and (5) improving efforts of community engagement, along with internal and external communication.

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

In response to a question by Council Member Capoccia, Lieutenant Delcours said that the number of burglaries are sporadic and that Sierra Madre's slight increase in 2018 (20 to 23) is similar to what has occurred in neighboring cities.

Council Member Capoccia commended the SMPD on reducing the response times for both Priority and Non-Priority calls.

Council Member Goss concurred and thanked Lieutenant Delcours for his 15 years of service to the SMPD.

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

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

- David Gordon, Sierra Madre Playhouse, said that (1) the Sierra Madre Playhouse's latest production, "Tuesdays with Maury," is running until the end of March, (2) "Stuart Little" opens March 11 as part of the Playhouse's Field Trip Series, and (3) the program is specially tailored for children, there will be 40 performances, and 3,100 will attend.
- Steve Stafford, Temple City, said that (1) he suggests that Sierra Madre explore fire response service from Pasadena and (2) burglaries are up in Temple City as well.
- Darlene Papa, Sierra Madre, expressed her concern with the traffic on Montecito Avenue (between Auburn, Windsor, and Baldwin).

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.

**AGENDA ACTION ITEMS:**

**1. CONSENT CALENDAR:**

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

- a) 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.

Mayor Delmar asked if any Member of the Council had questions on Consent Item 1a. Council Members did not ask any questions.

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

Council Member Arizmendi made a motion to approve Consent Items 1a as presented.

Council Member Capoccia 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 TO CONVEY CONSERVATION EASEMENTS ON CITY-OWNED PROPERTIES TO THE SIERRA MADRE MOUNTAIN CONSERVANCY – Recommendation that the City Council provide direction.**

City Manager Engeland reported on this item, which is that the Sierra Madre Mountain Conservancy is requesting the City Council to place a conservation easement on 10 City-owned properties and convey the conservation easement to the Sierra Madre Mountain Conservancy. He said that (1) the properties are inaccessible and unbuildable, (2) 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, and (3) the City does not contemplate any additional risk or liability by placing and conveying a conservation easement on these properties. Staff is recommending that the City Council provide Staff with direction. Alternative actions included the following:

- a. The City Council may place a conservation easement on the properties and convey the easement to the Sierra Madre Mountain Conservancy.
- b. 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.

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

Council Member Capoccia requested clarification regarding which 10 properties are being considered. Caroline Brown, President, Sierra Madre Mountain Conservancy, attempted to explain which lots were included in viewing the map included in the Staff Report.

Council Member Capoccia expressed that he does not fundamentally understand the value of creating this conservation easement and granting that easement to the Sierra Madre Mountain Conservancy, given that these lots have not been touched since eternity. Ms. Brown said that it shows, going forward, the stewardship mission statement on the part of the SM Conservancy and the City.

Council Member Capoccia asked why this proposal is coming now, given that the City has owned this property forever and the Conservancy has been in existence since 1989. Ms. Brown said that this is a work in progress.

In response to a question by Council Member Capoccia regarding the property zoning, City Manager Engeland said that the property is in the Canyon Zone and that it is a debris basin for flood management.

In response to a question by Council Member Capoccia as to why this is not already zoned as open space, given that none of this is unbuildable, City Manager Engeland said (1) that the property is inaccessible through a road that dead ends, then goes through a fence through private property and (2) a debris basin is not considered open space when considering the General Plan, which is speculation on his part as this was done before his time with Sierra Madre.

Ms. Brown stated that the reason why the SM Conservancy maintains a separation from the City of Sierra Madre is that people can not get tax benefits by giving land to the City, but that they can get tax benefits by giving the property to a 501(c)(3) organization, which the SM Conservancy is.

In response to a question by Mayor Pro Tem Harabedian regarding the easement after the conveyance to the Conservancy, Asst. City Attorney Whatley confirmed that there is an easement on City-owned land that the Conservancy holds, it gets recorded against the property, the Conservancy holds the easement and they hold the rights to enforce that easement.

In response to a question by Mayor Pro Tem Harabedian regarding City liability after the easement, Asst. City Attorney Whatley said that there would be no change in the City's liability. City Manager Engeland added that (1) the liability would remain with the City, (2) the no public access is to remain as is, (3) this essentially gives away any development rights on the property, and (4) any type of construction on the property that is not in the form of public safety communications or the like would have to go through the conservancy for approval.

Council Member Capoccia asked whether there is any potential to have open space access to that area that is useful. City Manager Engeland responded that the City would not under any circumstances allow general public access to this area, as this is a debris basin.

Council Member Goss asked to hear more about how the SM Conservancy and those living in the City benefits when the SM Conservancy can make the case that it is actively participating in conservation activities and not dormant. Ms. Brown explained that (1) having the SM Conservancy allowed it to receive \$3.1M in grant monies in 1966, (2) the SM Conservancy's current activity is stewardship and that is the case for the pieces of property being discussed, (3) a conservancy can falter by not seeing that the conservation easement is adhered to, and (4) the SM Conservancy conducts yearly surveys of all these pieces of property and conduct tours for City Staff

Mayor Delmar asked if anyone 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.

In response to a question from Council Member Capoccia as to why there was no Staff recommendation for this issue, City Manager Engeland said that (1) the City does not have a written policy with established criteria that Staff can use to make a recommendation and (2) is viewing this request as the Sierra Madre Mountain Conservancy appealing directly to the City Council.

Council Member Capoccia expressed that he sees no compelling argument to do this and asked if there was one. City Manager Engeland said (1) there is a need to create a policy and then rate this request under the new policy, (2) it really depends on what the City Council feels the overarching goals is, (3) that he does not see a negative in putting conveyance on the property, and (4) the property is inaccessible, unbuildable, and this will not change.

Discussion occurred and there was consensus (1) to approve the request as presented, as there is no downside at this time, (2) that there is a need for the City to have a written policy with which to evaluate such easement requests and, (3) of the City Council's support of the Sierra Madre Conservancy in its work.

Mayor Delmar provided Staff with direction to create an Easement Policy.

Council Member Arizmendi made a motion to convey the conservation easements on City-owned properties as presented to the Sierra Madre Mountain Conservancy.

Council Member Goss seconded the motion.

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 convey the conservation easements on City-owned properties as presented to the Sierra Madre Mountain Conservancy was passed unanimously.

### **3. DISCUSSION – STATE AND DISTRICT SALES TAX MEASURE(S) AND STATUTORY LIMITS – Recommendation that the City Council provide direction.**

City Manager Engeland reported on this item regarding whether the City Council should consider a sales tax in order to stop the LA County (District) from permanently foreclosing on all future sales tax initiatives that included a PowerPoint presentation, titled "District Sales Tax Collection." A summary of which follows:

- **Sales Tax Limit**
  - State Tax Cap = 10.25%
  - District Tax Cap = 2.0%
- **Current Collections**
  - State = 7.25% (3% remaining)
  - District = 2.25% (.75% remaining, 1% exempted by State – Measures M & R)
- **LA County (District) Tax History**
  - Since 2008, LA County voters have passed 10 of 11 proposed taxes.
  - Meaning that, when LA County puts a tax forward for vote, it passes.
- **Current Sales Tax Collection**
  - Sierra Madre is a donor to both the State and LA County

For every dollar collected at the State level, Sierra Madre retains 20 cents.  
For every dollar collected at the LA County level, Sierra Madre retains 77.5 cents.  
Overall, for every dollar collected locally, only 33.6 cents is retained locally.

- Sierra Madre Sales Tax Collection – Sierra Madre retains:
  - 33.6% of all sales tax collected in City
  - 20.0% of all sales tax collected at the State level
  - 77.5% of all sales tax collected at the LA County (District) level

City Manager cited that some cities are declaring a financial emergency in order to get a tax proposal on the ballot. He said that Sierra Madre is not currently in a financial emergency and that is not something that Staff would recommend. City Manager Engeland declared that, based on the history of LA County and how frequently and successfully it is with passing tax initiatives, the mantra that Staff is adopting is “that we all hate taxes, but that we hate local taxes the least”. He said that, without this option (local sales tax increase on the ballot), this and future Sierra Madre City Councils will no longer have it as an option to pass to retain a local sales tax.

Mayor Delmar clarified that the issue before the City Council today is to consider putting a sales tax on a future ballot that Sierra Madre does not really need now but might in the future. City Manager Engeland added that it would be a sales tax to stop the LA County machine from taking more sales tax monies from Sierra Madre.

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

In response to a question from Council Member Capoccia regarding other cities that have passed a sales tax and are at the 10.25% limit, City Manager Engeland said that there are cities that are at the 10.25% limit but that he does not have a list at this time. He said that Pasadena is already at the 10.25% limit and that Arcadia, Duarte, Glendora, Monrovia, and San Gabriel are all currently considering putting a sales tax initiative on the ballot and that.

City Manager Engeland added that Staff considered having a sales tax and not collecting it, but that the City Attorney reviewed the matter and said that would not be advisable or legal. He said that the question is really “when the tax rate goes up (which it will), where does the tax dollars go – LA County or locally?”

In response to a question from Mayor Delmar regarding whether Sierra Madre residents pay the Homeless Tax, City Manager Engeland said yes, but that none of those dollars are retained in Sierra Madre.

In response to a question by Mayor Pro Tem Harabedian as to how soon this could be on the ballot, City Manager Engeland said that there are two options under State law, (1) an act of government putting the sales tax measure on ballot, then it has to be an election when local representatives are being elected, currently this is April 2020, but could be November 2020 if Agenda Item #4 passes or (2) citizen initiative, which could be a special election or coordinate with a State or LA Countywide election prior to 2020, the earliest date would be November 2019.

In response to a question by Mayor Pro Tem Harabedian regarding what happens if two tax initiatives on a ballot both pass, City Manager Engeland stated that if both pass and the total tax rate exceeds the District limit, both parties have to get together to negotiate who is going to collect what percentage. He said that if the parties do not agree, then it is determined by a higher authority.

In response to a question by Council Member Arizmendi regarding coordinating with other cities that may be having a special election, City Manager Engeland said that coordination would be done to bring down the costs, which would be done through LA County.

Council Member Capoccia had questions regarding the intent of the South Coast Air Quality Management District (South Coast AQMD) regarding having a tax proposal on a future ballot. Derrick Alatorre, Deputy, Executive Officer, Legislative, Public Affairs & Media, South Coast AQMD, said that the South Coast AQMD does not currently have a voting district and that the CA Legislature (with Governor signature) would have to give the authority to the South Coast AQMD to form/create a voting district (from four neighboring counties). Once the voting district is created, the South Coast AQMD can give those voters the opportunity to vote on whether they want to support funding for clean air projects.

In response to a question from Mayor Delmar regarding the South Coast AQMD's intent to put a .5% sales tax initiative to the voters in the future, Mr. Alatorre implied that the answer is yes, though it may be from a citizen initiative. He said that the proposed legislation is to exempt that sales tax initiative from the newly formed voting district from the cap.

City Manager Engeland said that there is information that a second homeless initiative will be on a future ballot.

In response to a question from Mayor Pro Tem Harabedian regarding the test for a city to declare a fiscal emergency, City Manager Engeland that there is no such test or independent audit/review of the books required, it is the unanimous vote of the City Council that makes that determination. He said that, absent a physical test, it would be difficult for Staff to make a recommendation that the City is having a fiscal emergency. City Manager Engeland added that every city has fiscal pressures and that Sierra Madre chooses to respond to them differently. He said that some tax payer watch groups have indicated that they will challenge cities who declare a fiscal emergency.

In response to a question by Council Member Arizmendi, City Manager Engeland affirmed that a special election for a local tax can only be put on the ballot in the case of a declaration of fiscal emergency or a citizens' initiative of the voters.

Mayor Delmar opened the meeting for Public 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 Council Members concurred with having Staff explore this issue further and bring back options to the City Council for consideration. Council Members expressed frustration that sales tax monies paid in Sierra Madre are benefitting other government agencies.

Mayor Delmar provided Staff with direction to come back to the City Council with options.

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 IN NOVEMBER 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.**

Assistant City Clerk Aguilar reported on this item. The City Council has already approved consolidation with LA County beginning in November 2022. Staff is requesting that the City Council 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. Asst. City Clerk Aguilar said that the reason for this is that the election consultant used by the City (as well as other election consultants) have gone out of business and that it would be cost prohibitive moving forward regarding ballot printing, ballot tabulation, poll worker training, guidance with legal filing, and other related items to the conduction of an election.

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

Council Member concurred that moving the date up to November 2020 is better because they are all affected.

In response to a question by Council Arizmendi regarding 3<sup>rd</sup> party election consultants and the associated costs, Asst. City Clerk Aguilar said that no additional 3<sup>rd</sup> party election consultants have been identified and that the amount paid in the April 2018 election was approximately \$56,000.

Mayor Delmar noted that she and Council Members Arizmendi and Goss have already agreed to extend their terms and asked if Mayor Pro Tem Harabedian or Council Member Capoccia would agree to have their terms extended as well. Both responded in the affirmative. Asst. City Clerk Aguilar added that conducting the election alone would be cost prohibitive, require the City to hire additional staff and buy the necessary, and would far exceed what is paid to LA County if Sierra Madre consolidates its elections.

Mayor Delmar opened the meeting for Public Comment on this item.

- Steve Stafford, Temple City, said that Temple City voted to consolidate its elections that is better.

Mayor Delmar asked if anyone else would like to come forward to speak 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 among the Council that there was no other option other than to approve the ordinance and move forward. The issue of the terms of Mayor and Mayor Pro Tem will be brought up at a future City Council Meeting. Mayor Delmar said that the City Council is not discussing the issue tonight, but that she is recommending that the City Council reorganization meeting be held on April 9, 2019, so that all City Council members can attend.

Council Member Capoccia made a motion to read by title only and adopt Ordinance 1409 as presented.

Council Member Goss seconded the motion to adopt.

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 read by title only and adopt Ordinance 1409 as presented was passed unanimously.

**NEW ITEMS PLACED FOR FUTURE AGENDA:**

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

Council Members did not suggest any new items. Mayor Delmar asked that the Montecito Avenue traffic issue be on a future 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 Council Member Capoccia.

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 8:26 p.m. to a Regular Meeting to be held on Tuesday, March 12, 2019, in the Sierra Madre City Hall Council Chambers.

  
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Denise Delmar, Mayor

Minutes taken and prepared by:

  
\_\_\_\_\_  
Sue Spears, City Clerk