

AGENDA
REGULAR MEETING
SIERRA MADRE CITY COUNCIL &
COMMUNITY REDEVELOPMENT AGENCY
Closed Session – 5:00 PM
Open Session – 6:30 PM
Tuesday, January 12, 2010
City Hall Council Chambers
232 W. Sierra Madre Boulevard

MaryAnn MacGillivray, Mayor
Don Watts, Mayor Pro-Tem
John Buchanan, Council Member
Joe Mosca, Council Member
Kurt Zimmerman, Council Member

Nancy Shollenberger, City Clerk
George Enyedi, City Treasurer

PUBLIC COMMENT

The Council will listen to the public on any item on the agenda. The City Council cannot legally take action on any item not scheduled on the agenda. Such items may be referred for administrative action or scheduled on a future agenda. Comments will generally be limited to three minutes per speaker.

PUBLIC COMMENT FOR ITEMS ON THE AGENDA:

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

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Time shall be devoted to audience participation early on the agenda. If additional time is needed, the Mayor will allow for same at the end of the agenda.

CLOSED SESSION 5:00 PM

CALL TO ORDER/ROLL CALL

Council Member/Board Members of the Community
Redevelopment Agency

PUBLIC COMMENT

Regarding Closed Session Items

RECESS TO CLOSED SESSION REGARDING:

CONFERENCE WITH LEGAL COUNSEL: INITIATION OF LITIGATION

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

Pursuant to Calif. Government Code Section 54956.9(c)

Number of Potential Cases – One (1)

CONFERENCE WITH LEGAL COUNSEL: EXISTING LITIGATION

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

Pursuant to Calif. Government Code Section 54956.9 (a)

Case Name: Stonehouse Homes LLC v. Sierra Madre et al

Case #'s: BC355516, (Appellate Case No. B195552) BS105493, BS105770, BC361569, BS108294, BS106081, and BC362808

CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION

A point has been reached where, in the opinion of the City Council/Agency on advice from its legal counsel, based on the below-described existing facts and circumstances; there is a significant exposure to litigation against the City Council/Agency.

Pursuant to Calif. Government Code Section 54956.9b (3) (A)

Number of Potential Cases – One (1)

Facts and circumstances that might result in litigation but which the City/Agency believes are not yet known to potential plaintiffs or plaintiffs.

OPEN SESSION 6:30 PM

PLEDGE OF ALLEGIANCE & INVOCATION/INSPIRATION

Mayor MaryAnn MacGillivray

APPROVAL OF AGENDA

Majority vote of the Council to proceed with City business.

APPROVAL OF MINUTES

Approval of Minutes from the closed session, Community Redevelopment Agency session, and the regular City Council meeting of December 8, 2009.

MAYOR AND CITY COUNCIL REPORTS

Brief reports of individual Council Member activities relating to City business occurring since the last City Council meeting.

PUBLIC COMMENT

Regarding items not on the Agenda.

ACTION ITEMS

CONSENT CALENDAR

1. a) **ADOPTION OF RESOLUTION NO. 10-03 OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE APPROVING CERTAIN DEMANDS**

Recommendation that the City Council approve Resolution No. 10-03 for payment of City Warrants #25283 - #25393 in aggregate amount of \$559,042.82; Sierra Madre Library warrants #25396 - #25402 in the aggregate amount of \$3,846.48 and Payroll Transfer in the aggregate amount of \$308,287.73 for the fiscal year ending June 30, 2010.

b) **RATIFICATION OF PAYMENTS ON BEHALF OF CRA**

Recommendation that the City Council ratify the \$7,685.00 addition to the revolving note for the demands paid by the City on behalf of the Community Redevelopment Agency.

- c) **ADOPTION OF RESOLUTION NO. 10-04 OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE APPROVING CERTAIN DEMANDS**
- Recommendation that the City Council approve Resolution No. 10-04 for payment of City Warrants #25277 - #25282; #25403-#25404; #25407-#25501 in aggregate amount of \$348,571.13; Sierra Madre Library warrants #25506 - #25561 in the aggregate amount of \$6,724.00 and Payroll Transfer in the aggregate amount of \$601,769.08 for the fiscal year ending June 30, 2010.
- d) **AUTHORIZATION OF PAYMENTS ON BEHALF OF CRA**
- Recommendation that the City Council approve the \$10,061.60 addition to the revolving note for the demands paid by the City on behalf of the Community Redevelopment Agency.
- e) **DESIGNATION OF FIRE DEPARTMENT VEHICLE AS SURPLUS EQUIPMENT**
- Recommendation that the City Council declare the 1987 Mack Fire Engine surplus.
- f) **RESOLUTION NO. 10-05 REGARDING UTILIZATION OF ENERGY EFFICIENCY BLOCK GRANT (EECBG)**
- Recommendation that the City Council adopt Resolution No. 10-05 regarding Energy Efficiency Block Grant (EECBG).
- g) **AWARD REQUEST FOR QUOTE UP TO \$1,657,713.51 FINANCING OF EQUIPMENT ACQUIRED UNDER MASTER LEASE AGREEMENT AND APPROVE EQUIPMENT MASTER LEASE AGREEMENT BY RESOLUTION NO. 10-02**
- Recommendation that the City Council enter into a 10 year master lease financing agreement at a rate quoted by Municipal Finance Corporation of 4.63%, paid annually beginning January 1, 2011. The total amount to be funded is \$1,657,713.51, with an expected total interest owed on the loan of \$450,697.39. Staff also recommends authorization of appropriations to pay the loan from the Fleet Internal Services Fund, Sewer Fund, and the General Fund. These costs were included in the FY 2009-2011 biennial budget.
- h) **QUARTERLY FINANCIAL STATEMENTS, FIRST QUARTER AS OF SEPTEMBER 30, 2009 AND SECOND QUARTER AS OF DECEMBER 31, 2009**
- Recommendation that the City Council receive and file this report.
- i) **NOTICE OF COMPLETION**
- Recommendation that the City Council accept the improvements at Bailey Canyon Park done by Romtec, Inc., and B&H Sign Company and direct staff to file the necessary Notice of Completion.
- j) **PURCHASE OF AMBULANCE GURNEY**
- Recommendation that the City Council authorize the purchase of the Stryker Power-Pro XT 6500 Gurney in the amount of \$10,800.00 and authorize an appropriation from general fund reserves.
- k) **AWARD OF PROFESSIONAL SERVICES CONTRACT TO BUCKNAM AND ASSOCIATES FOR THE UPDATE OF THE CITY'S STREET INVENTORY**
- Recommendation that the City Council make an additional appropriation from Prop C Fund Reserves in the amount of \$13,000.00 and award a contract to Bucknam and Associates in an amount not-to-exceed \$13,000.00

l) AWARD OF A CONSTRUCTION CONTRACT FOR REPLACEMENT OF A RETAINING WALL AT THE CITY MAINTENANCE YARD

Recommendation that the City Council award the contract to the low bidder, G Coast Construction, Inc., to replace a retaining wall located at the City's Maintenance Yard in the amount of \$74,555.00

m) AWARD OF PROFESSIONAL SERVICES CONTRACT TO CITY ENGINEER KEV TCHARKHOUTIAN FOR ASSESSMENT ENGINEERING RELATIVE TO THE CITY'S EXISTING ASSESSMENT DISTRICTS

Recommendation that the City Council award a professional services agreement to City Engineer Kev Tcharkhoutian to provide assessment engineering for the City's existing assessment districts.

n) PURCHASE OF WATER VALVE OPERATING MACHINE

Recommendation that the City Council approve the purchase of a valve operator trailer from Pacific Tek in the amount of \$34,850.75.

o) RESOLUTION NO. 10-06 GRANTING A TEMPORARY USE PERMIT (TUP 10-01) TO CLOSE EAST CARTER AVENUE FOR THE APPLICATION OF ASPHALT SLURRY SEAL

Recommendation that the City Council approve Resolution No. 10-06 authorizing TUP 10-01, a Temporary Use Permit to close East Carter Avenue for the application of asphalt slurry seal.

p) SETTLEMENT OF LITIGATION REGARDING STONEHOUSE AND ONE CARTER PROPERTIES

Recommendation that the City Council authorize the Mayor and City Manager to execute the Settlement Agreement between CS Stonehouse Homes, LLC, CS One Carter LLC, and the City based upon the City Attorney's confirmation that the Agreement conforms to the terms and conditions approved by the City Council and approval as to form.

2. DISCUSSION – STRATEGIC PLAN FROM THE NOVEMBER 30, 2009 RETREAT

Recommendation that the City Council receive and file this report.

3. DISCUSSION – REVIEW OF RESIDENTIAL SOLAR PERMIT FEES

Recommendation that the City Council direct staff to keep the current fixed fee for solar permit plan checks.

4. DISCUSSION – CONSIDERATION OF ORDINANCE NO. 1304 PROHIBITING USE OF EMINENT DOMAIN FOR PRIVATE PURPOSES IN THE CITY OF SIERRA MADRE

Recommendation that the City Council introduce Ordinance No. 1304, waive full reading and direct staff to place the Ordinance on the January 26, 2010 agenda for adoption.

5. DISCUSSION – CONSIDERATION OF CONTRACT AMENDMENTS FOR ARAKELIAN ENTERPRISES, INC. (DBA ATHENS SERVICES)

Recommendation that the City Council authorize the City Manager and City Attorney to sign the contract amendment with Arakelian Enterprises, Inc. (DBA Athens Services).

PUBLIC COMMENT

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 HEARING

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

ACTION ITEMS

Regardless of a staff recommendation on any agenda item, the City Council will consider such matters, including action to approve, conditionally approve, reject, or continue such item. Further information on each item may be procured from the Office of the City Manager.

AVAILABILITY OF AGENDA MATERIALS

Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet, are available for public inspection at the public counter at City Hall, 232 W. Sierra Madre Blvd., and at the Library, 440 W. Sierra Madre Blvd., during normal business hours.

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

The City Hall Council Chamber is physically accessible and assistive listening devices are available at the meeting. If you require special assistance to participate in this meeting, please call the City Manager's office at (626) 355-7135 at least 48 hours prior to the meeting.

ADJOURNMENT

The City Council/CRA will adjourn to a Regular Meeting at this same place on Tuesday, January 26, 2010.

As a courtesy to others, we ask that cellular phones be turned off during the meeting.