

CORRECTED

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LA VERNE HELD IN THE COUNCIL CHAMBERS OF THE LA VERNE CITY HALL

Monday, March 21, 2016

1. A regular meeting of the La Verne City Council was called to order by Mayor Kendrick at 6:30 p.m.

2. Council Members present: Mayor Don Kendrick
Mayor Pro Tem Robin Carder
Council Member Donna Redman
Council Member Charlie Rosales
Council Member Tim Hepburn

Absent: None.

Advisory personnel present: City Manager Robert Russi
City Attorney Robert L. Kress
Assistant to the City Manager Teri Baker
Deputy City Clerk Lupe Gaeta Estrella
Public Works Director Dan Keeseey
Community Services Director Bill Aguirre
Finance Officer Richard Martinez
Police Chief Scott Pickwith
Police Captain Nick Paz
Acting Police Captain Elizabeth Garcia
Acting Police Captain Tom Frayeh
Personnel Officer JR Ranells
Principal Planner Eric Scherer
Assistant Planner Rafferty Wooldridge
Public Works Manager Tracy Costello
Fire Battalion Chief Mike Thompson

3. Pledge of Allegiance was led by Mayor Kendrick.

4. Presentation/Introductions
& Announcements

Youth and Family Action
Committee Logo Contest
Winners

The La Verne Youth and Family Action Committee (YFAC) recently held a contest for local students to help create a new logo for use on outreach and educational materials. Tommy Anderson, Sara Joromat, and Sabrina Finn were named the finalists and they were recognized and thanked by Mayor Kendrick and Council Member/ YFAC Chair Redman, on behalf of the City Council, for their participation, and they were awarded their prizes.

Mayor Kendrick and Council Member/YFAC Chair Redman displayed the new YFAC logo created by first place winner Sabrina Finn.



5. Consent Calendar It was moved by Redman, seconded by Carder, and unanimously carried to accept, approve, or act on the Consent Calendar, as presented, as follows:
- City Council Minutes City Council Minutes of the regular and adjourned meetings of March 7, 2016, received and filed.
- Registers of Audited Demands **Register of Audited Demands** – in the amount of \$541,755.55 dated February 29, 2016; and in the amount of \$366,937.15 dated March 7, 2016. **Approved as recommended.**
- Treasurer's Report for the Month of February 2016 **Treasurer's Report for the Month of February 2016**, **received and filed.**
- Resolution (s)** passed & adopted, as recommended, as follows:
- Resolution No. 16-20, Consenting to the Inclusion of Properties within the Territory of the City of La Verne in CSCDA Open PACE Programs **Resolution No. 16-20** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE CITY OF LA VERNE IN THE CSCDA OPEN PACE PROGRAMS; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE CITY OF LA VERNE; AND AUTHORIZING RELATED ACTIONS. The City Council was requested to authorize participation in the California Statewide Communities Development Authority (CSCDA) Open PACE Program. The Open PACE Program gives qualified residential and commercial property owners the ability to finance the installation of renewable energy, energy and water efficiency improvements, seismic strengthening improvements and electric vehicle charging infrastructure on their property. Financing will be made possible by the issuance of bonds by CSCDA; owners will repay the bonds through a voluntary contractual assessment collected together with their property taxes. The program has no cost to the City of La Verne. Staff recommended that City Council adopt Resolution No. 16-20, authorizing the City of La Verne's participation in CSCDA Open PACE Program, which will enable property owners to finance permanently fixed renewable energy, energy and water efficiency improvements, seismic strengthening improvements and electric vehicle charging infrastructure. **Approved as recommended.**

Resolution No.16-21,
Award of Contract with
California Professional
Engineering, Inc., for the Bonita
Avenue and B Street and Bonita
Avenue and White Avenue
Signal Improvements

Resolution No.16-21 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING EXECUTION OF A PUBLIC WORKS CONTRACT WITH CALIFORNIA PROFESSIONAL ENGINEERING, INC., FOR THE BONITA AVENUE AND B STREET AND BONITA AVENUE AND WHITE AVENUE SIGNAL IMPROVEMENTS, FEDERAL PROJECT NO HSIPL-5149(017). Bids were received and opened for the Bonita Avenue and B Street and Bonita Avenue and White Avenue Traffic Signal Improvement Project on March 8, 2016. There were three (3) bids received. Staff recommended that the City Council approve Resolution No. 16-21, awarding a public works contract to California Professional Engineering, Inc., the lowest bidder, in the amount of \$306,453.00 for the Bonita Avenue and B Street and Bonita Avenue and White Traffic Signal Improvement Project, and authorize staff to approve change orders of up to 10% of the award amount. This project is categorically exempt from the California Environmental Quality Act, Section 15301 – Existing Facilities, and City of La Verne environmental guidelines. **Approved as recommended.**

6. Proposed Development
Agreement with Gilead
Sciences, Inc.

Principal Planner Scherer reported on the proposed Development Agreement with Gilead Sciences, Inc. He stated that the Planning Commission and Development Review Committee previously approved a pharmaceutical manufacturing facility for Gilead Sciences, Inc. located at 1800 Wheeler Avenue. The first phase of the facility is currently under construction, and the applicant has proposed a development agreement with the City that would allow the second phase to remain entitled for up to 15 years.

Following staff presentation, questions and discussion followed regarding the future construction of a traffic signal at Wheeler Avenue and Puddingstone Drive and the widening of Puddingstone Bridge; the required payment of fair share payments and the modified conditions of approval, that now requires a refund of the amount of the traffic signal if necessary warrants cannot be made within 20 years of approval of the development agreement. The amount paid for the Puddingstone Drive Bridge would be refunded.

The Mayor declared the public hearing opened and called for public testimony. There being none, he declared the public hearing closed.

It was moved by Rosales, seconded by Redman, and unanimously carried to approve the proposed Development Agreement (Case No. 79-14DA) and place on first reading Ordinance No. 1067, approving the development agreement.

Ordinance No. 1067,
Approving a Development
Agreement with Gilead
Sciences, Inc. for the
Development of a
Pharmaceutical Manufacturing
Facility at 1800 Wheeler
Avenue, Case No. 79-14DA.

Ordinance No. 1067 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING CASE NO. 79-14DA, A REQUEST BY GILEAD SCIENCES, INC. TO ENTER INTO A DEVELOPMENT AGREEMENT WITH THE CITY OF LA VERNE FOR THE DEVELOPMENT OF A PHARMACEUTICAL MANUFACTURING FACILITY AT 1800 WHEELER AVENUE. **Approved and placed on first reading.**

7. Consideration of a Public Hearing Regarding the Formation of an Underground Utility District on White Avenue between Towne Center Drive and First Street

Public Works Manager Costello reported on the formation of an Underground Utility District on White Avenue between Towne Center Drive and First Street. She also reported on the past City Council actions on this matter and the required public hearing. She stated that the California Public Utilities Commission (CPUC) Rule 20A establishes program funding for the undergrounding of overhead utilities by municipalities. To formally initiate the project, Southern California Edison (SCE), requires the City Council adopt a resolution declaring the proposed project area an underground utility district. Per City of La Verne Municipal Code §13.36, the City must hold a public hearing before establishing an underground utility district. To satisfy this requirement, the City Council is asked to set a public hearing for Monday, April 18, 2016.

Mayor Pro Tem Carder inquired on the completion date of the proposed project. Public Works Manager Costello replied by April of 2019.

It was moved by Carder, seconded by Hepburn, and unanimously carried to approve Resolution 16-18, calling a public hearing on April 18, 2016, to determine whether public necessity, health, safety, or welfare requires the formation of an Underground Utility District on White Avenue between Towne Center Drive and First Street.

Resolution No.16-18,
Calling a Public Hearing to
Determine Whether Public
Necessity, Health, Safety, or
Welfare requires the Formation
of an Underground Utility
District on White Avenue
between Towne Center Drive
and First Street

Resolution No. 16 –18 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, CALLING A PUBLIC HEARING TO DETERMINE WHETHER PUBLIC NECESSITY, HEALTH, SAFETY, OR WELFARE REQUIRES THE FORMATION OF AN UNDERGROUND UTILITY DISTRICT ON WHITE AVENUE BETWEEN TOWNE CENTER DRIVE AND FIRST STREET.
Approved as recommended by staff.

This project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15302 (d) – conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to undergrounding.

8. Rotation of Mayor Pro Tem

City Manager Russi reported on the rotation of Mayor Pro Tem. He stated that the City Council has followed a formal procedure for the rotation of the office of Mayor Pro Tem since 1993 and reaffirmed that policy annually. According to the established rotation policy, the office of Mayor Pro Tem rotates to Council Member Charles Rosales for a one-year term or until the second Council meeting in March 2017.

Mayor Pro Tem Rosales thanked the City Council and stated that on his very first term as Mayor Pro Tem, he covered for Mayor Kendrick when he was ill and he did not fully appreciate the amount of work, dedication, and time Mayor Kendrick puts in as Mayor. He commended Mayor Kendrick for all his hard work and his dedication to the citizens and the City of La Verne. He stated that it is an honor and a privilege to serve with Mayor Kendrick and that he can now use that experience as Mayor Pro Tem to better serve the City of La Verne.

It was moved by Carder, seconded by Redman, and unanimously carried to adopt Resolution No. 16-19, updating the list of office holders and appointing Charles Rosales as Mayor Pro Tem for a one-year term, or until the second Council meeting March 2017.

Resolution No. 16-19,
Selecting a Mayor Pro Tem and
Repealing Resolution No. 15-14

Resolution No. 16-19 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ESTABLISHING PROCEDURES FOR SELECTING A MAYOR PRO TEM PURSUANT TO THE PROVISIONS OF CALIFORNIA GOVERNMENT CODE SECTION 26801 AND REPEALING RESOLUTION NO. 15-14. **Approved as recommended.**

9. Resident Request for
Invocations at City Council
Meetings

On March 7, 2016, during public comments, La Verne city resident Mike Noriega spoke to the City Council regarding his desire to have invocations at City Council Meetings.

Mike Noriega, 3751 Helena Circle, La Verne, addressed the City Council why he felt it was important to have invocations at City Council meetings and regarding the importance of prayer.

Mayor Kendrick thanked Mr. Noriega for coming and speaking on this matter.

Council Member Hepburn also thanked Mr. Noreiga for coming and speaking on this matter. He stated that religion is very personal to him and he was not really opposed to an invocation.

Council Member Redman also thanked Mr. Noregia. She commended him for being well prepared on this matter. *She stated she opposed having an invocation and if Council were to undertake this they would be excluding a fifth of the City's population who may not be religious.* She added that she prays before each Council meeting. Under the Constitution's protection of freedom of religion, and as an elected official, the City would have to represent the entire religious community.

Mayor Pro Tem Rosales stated his religion is very important to him and it is very dear to his heart. He stated as a war veteran, prayer is constant in the field. He stated he prays before each Council meeting, but the entire religious community would have to be represented. He did not feel an invocation was needed.

Council Member Carder stated she was very proud of Mr. Noregia for coming and speaking on this matter. She stated she has mixed feelings on this matter and that the City of La Verne is a very religious community and made up of many churches. She stated that at all the veterans memorial events, they have an opening prayer. She reported on the sub-committee that will be redesigning the insignia behind the Council Dais and "In God We Trust", will be on the insignia. She did not feel an invocation was needed.

Mayor Kendrick stated that La Verne was formed by church leaders and the City is better because of it. When he was in the Navy, he prayed constantly and still does. He recommended the matter be turned over to staff to evaluate the matter and as to how the City Council should proceed.

10. Resident Keith Reeves Request

Mr. Keith Reeves, 2811 Pineland Avenue, La Verne had requested to be placed on the Agenda to present the Council his issues regarding the City's current position on the issuance of Concealed Carry Weapons Permits.

Mr. Reeves stated he applied for a concealed carry weapons permit in 2014 and he was denied for insufficient cause. He spoke about his two-year struggle to obtain one. He stated that his family is being threatened and fears for their safety and that was sufficient cause. He has met with Mayor Kendrick, City Manager Russi, and City Attorney Kress on this matter and they stood in support of the Police Chief Pickwith's decision to deny his application. He stated that he has no criminal record, he's a university professor, a father of three daughters, and he and his wife have lived in La Verne for 23 years. He stated he is a certified pistol instructor and a certified range safety officer and teaches classes on firearms safety. He referred to California State laws regarding the issuance of concealed permits and the right of citizens under the Second Amendment. He stated that the County of San Bernardino is not as restrictive on issuing permits. He spoke on how a person is issued a permit in San Bernardino and is permitted to carry a firearm in Los Angeles. He introduced several individuals who were present at the meeting in support of issuing concealed carry weapons permits to residents. Mr. Reeves also volunteered to participate in the selection of a new police chief upon the retirement of Police Chief Pickwith.

John Hackworth, 6573 Shemiran, La Verne resident and retired La Verne Police Officer and former Planning Commissioner stated that a concealed weapons permit should only be issued for sufficient cause. He stated it is far more likely that an accident would occur when carrying a concealed weapon. He stated he fully supported Police Chief Pickwith's policy on issuing concealed carry weapons permits. He stated he was police officer for twenty-two years and does not carry a concealed weapon.

Mike Noriega, 3751 Helena Circle, stated that under the second amendment every citizen has the right to carry arms not just a chosen few.

Police Chief Pickwith stated that as of April, 2016, the Los Angeles County Sheriff's Department will assume all processing of concealed carry weapon permits. This move will be beneficial to the City and to the cities of San Gabriel Valley. Since the *Peruta vs. San Diego* decision, he has received many applications for concealed carry weapon permits and the lack of staff makes it difficult to process the permits. He stated that other cities such as Claremont, Pomona, and Glendora have contracted with the Los Angeles County Sheriff's Department. The Los Angeles County Sheriff's Department has the staff to handle the additional work and he has confidence they will do a good job. He stated that Police Department can take the processing of concealed carry permits back at anytime and he reserves the right to review and issue, if warranted, concealed weapon permits to reserve and retired police officers.

Council Member Carder stated that now that the City will be contracting with Los Angeles County Sheriff's Department that means Mr. Reeves will need to reapply with the Los Angeles County Sheriff's Department. She stated that residents love La Verne because it is a safe environment. She stated that we have an excellent Police Department and strongly supported the Chief of Police.

Mayor Pro Tem Rosales stated he was pleased that the Police Chief would be able to take back processing of concealed carry weapon permits and agreed with the decision to contract with the Los Angeles County Sheriff's Department.

Council Member Redman asked when a concealed carry weapon permit is issued by the Los Angeles County Sheriff's Department, will the Police Chief be notified. Chief Pickwith replied yes. She also agreed and supported his decision to contract with the Los Angeles County Sheriff's Department.

Council Member Hepburn asked if a permit is approved, and the Police Chief did not agree, can the Police Chief VETO. Police Chief Pickwith replied that Los Angeles Sheriff's Department has the final approval. He stated the Los Angeles Sheriff's Department is very strict and believes there will be no issues. Council Member Hepburn stated he fully supported the Police Chief and agreed with his decision to contract with Los Angeles County Sheriff's Department.

Mayor Kendrick also agreed with Police Chief's decision to contract with the Los Angeles County Sheriff's Department to process the concealed carry weapon permits applications for the City of La Verne.

11. City Council Assignments

City Manager Russi reported on the City Council Assignments. He stated that each year at this time, the Council evaluates whether changes in the council committee assignments are warranted. Staff has prepared the list of assignments with the recommended changes for Council consideration.

It was moved by Rosales, seconded by Hepburn to approve the list of assignments, as modified, as follows:

- New Committee – Bonita Education Foundation – Carder, (Kendrick Alternate)
- Fairplex Liaison Committee – Elric Boardman (Replaces Frick)
- Mobile Home Park Liaison – Kendrick & Hepburn (Carder Alternate)

12. Timeline and Action Items to Evaluate Revenue Measure

City Manager Russi reported on the Timeline and Action Items to evaluate Revenue Measure. He stated that during the strategic planning workshop in January, it was determined that the City should explore the feasibility of pursuing a revenue measure during the March 2017 election. As a result of that decision, the Finance Subcommittee has put together a proposed timeline of steps and budget that would be needed to initiate this effort.

The City Council commented on the timeline and gave conceptual approval and directed staff to proceed as described in timeline.

13. Public Comment

This was the time set aside for anyone wishing to address the City Council on items not listed on any other place on the agenda. Mayor Kendrick called for public comment.

Keith Reeves, 2811 Pineland Avenue, La Verne suggested that the City Council create a citizen/staff committee to assist in the selection of a new Police Chief upon Chief's Pickwith retirement

Glenn Carr, La Verne resident, stated she is strongly opposed to having invocations at Council Meetings. She stated that her religion is private and that is why there is a separation of religion and government.

Mike Noriega, 3751 Helena Circle, La Verne, spoke again in favor of invocations and he stated that only in court matters is there a separation of religion and government.

Mr. Noriega asked that his public comment be corrected, as follows:

Mr. Noriega stated that he is in favor of invocations and stating that that the idea for separation of church and state is not found in anywhere in the constitution, but was originated by Thomas Jefferson.

Colleen Bennett, 2235 Pattiglen Avenue, La Verne, stated that her religious beliefs are private and opposed invocations. She commended Mr. Noriega for coming forward and speaking on this issue, but there are many religions in the community and they would all have to be included. She stated had she known, she too, would had invited individuals to the Council meeting opposing the issuance of concealed carry weapons permits.

Jane Riggs, 4852 St. Andres Avenue, La Verne invited City Council to take walk in the open space area on Golden Hills Road.

14. Council Comments and Meeting/Conference Reports

Council Member Hepburn reported that the Farmers Market held on Saturdays, in downtown La Verne was getting bigger and nicer. He reported on Bonita High School Car Show held on Saturday, March 19, 2016 and on the upcoming Cool Cruise Car Show and Easter egg hunt on Saturday, March, 26, 2016.

15. Adjournment at 7:56 p.m., **to Monday, April 4, 2016, at 5:00 p.m.**, for a City Council Study Session on the City's 5-year Capital Improvement Plan in the Conference room of La Verne City Hall, 3660 D Street, La Verne.

Respectfully submitted,



Lupe Gaeta Estrella, CMC
Deputy City Clerk