

**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, August 17, 2015

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 City Treasurer/City Clerk Jeannette Vagnozzi
Public Works Director Dan Keeseey
Community Development Director Hal G. Fredericksen
Community Services Director Bill Aguirre
Finance Richard Martinez
Police Chief Scott Pickwith
Fire Chief Pete Jankowski
Personnel Officer JR Ranells
Principal Planner Eric Scherer
Police Captain Nick Paz
Maintenance Manager Anthony Ciotti
Public Works Manager Tracy Costello
Deputy City Attorney Lisa Kranitz
3. Pledge of Allegiance was led by Mayor Kendrick.
4. Presentation/Introductions
& Announcements

Acknowledgment of Assistant to the City Manager/City Clerk Mayor Kendrick on behalf of the City Council, acknowledged Assistant to the City Manager/Clerk Jeannette A. Vagnozzi for her 24 years of service to the City of La Verne.

Badge Pinning of Officer Daniel Carrasco **Badge Pinning of Officer Daniel Carrasco** – Daniel Carrasco has followed the law enforcement tradition of his family: his mother and step-father, Diane and Steve Heinig, are both retired from La Verne Police Department and his two brothers currently work for the Maricopa County Sheriff's Department. Daniel began his career in La Verne as a parking enforcement officer in 2009 and then became a Reserve Officer in 2013. He was hired by Los Angeles County Sheriff's Department, completed the Academy and was assigned to the men's central jail in downtown Los Angeles. In 2015, he came back to the La Verne Police Department. His Father Ramiro Carrasco pinned his badge.

- Badge Pinning of Officer Bernice Ruvalcaba **Badge Pinning of Officer Bernice Ruvalcaba** – Bernice Ruvalcaba graduated from Sierra Vista High School in Baldwin Park in 2001. She worked as a Physical Education Instructor for Temple City, La Canada, and Alhambra Unified School Districts. In February of 2014, Bernice was hired as a contract parking officer for La Verne. She was hired as a Police Aide in July 2014. In February of 2015, Bernice was hired as a full time Police Officer for the City of La Verne and graduated from the Los Angeles County Sheriff's Academy class 406 in July 2015. Bernice's son, Jason pinned her badge.
- Presentation from the South Coast Air Quality Management District **Presentation from the South Coast Air Quality Management District** – Board Member Michael A. Cacciotti provided an update on the various programs provided by the District.
5. Consent Calendar It was moved by Rosales, seconded by Carder, and unanimously carried to accept, approve, or act on the Consent Calendar items), as presented ,as follows:
- City Council Minutes **City Council Minutes** of the regular meeting of July 20, 2015, and the adjourned meeting on August 3, 2015, ***received and filed*** as submitted.
- July 2015 Treasurer's Report **July 2015 Treasurer's Report**, ***approved as recommended by staff.***
- 2014-15 Registers of Audited Demands **2014-15 Registers of Audited Demands** in the amount of \$236,160.36 for July 13, 2015, the amount of \$428,198.72 for July 21, 2015, the amount of \$637,938.11 for July 27, 2015, and the amount of \$371, 287.11 for August 3, 2015; ***approved as recommended by staff.***
- 2015-16 Register of Audited Demands **2015-16 Register of Audited Demands** in the amount of \$593,238.83 for July 7, 2015, the amount of \$27,087.20 for July 14, 2015, the amount of \$574,038.67 for July 22, 2015, the amount of \$100,857.37 for July 28, 2015, and the amount of 449,051.44 for August 5, 2015; ***approved as recommended by staff.***
- Declaration of Surplus Property **Declaration of Surplus Property** - Certain vehicles have been depreciated through the equipment fund and/or are scheduled for replacement. Each is no longer useful or is ineffective for current operational requirements. Upon replacement, each will become surplus to the city's operational needs and should be disposed per Administrative Regulation No. 606. Staff recommended that the City Council declare the vehicles identified in Attachment A as surplus to the city's needs and further recommends that the staff be directed to sell each in a fair and equitable manner per Administrative Regulation No. 606. ***Approved as recommended by staff.***

Resolution (s) passed & adopted, as recommended, as follows:

Resolution No. 15-62,
Approving Professional
Services Agreement with
Kosmont Companies for
Preparation of an Enhanced
Infrastructure Financing District
(EIFD) Feasibility Study

Resolution No. 15-62 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH KOSMONT COMPANIES FOR PREPARATION OF AN ENHANCED INFRASTRUCTURE FINANCING DISTRICT (EIFD) FEASIBILITY STUDY. Staff recommended that the City Council adoption of Resolution No. 15-62 to enter into a professional services agreement with Kosmont Companies, Inc. for preparation of an Enhanced Infrastructure Financing District (EIFD) Feasibility Study for an undefined area in close proximity to the proposed Gold Line Light Rail Station planned for Arrow and E Street. Staff further recommended that the City Council approve an appropriations increase to the adopted budget (Community Development; Economic Development) in an amount not to exceed \$60,000. The City's \$20,000 portion of the total is eligible for and would be paid through Proposition C Transportation Funds. **Approved as recommended by staff.**

Resolution No. 15-69,
Approving An Amendment to
the Master Cooperative
Agreement for Metro Gold Line
Phase II (Phase 2B)

Resolution No. 15-69 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING AN AMENDMENT TO THE MASTER COOPERATIVE AGREEMENT FOR THE METRO GOLD LINE- PHASE II (PHASE 2B) BY AND BETWEEN METRO GOLD LINE FOOTHILL EXTENSION CONSTRUCTION AUTHORITY AND CITY OF LA VERNE. Staff recommended adoption of Resolution No. 15-69, approving a revision to Exhibit H of the Master Cooperative Agreement (MCA) for the proposed Metro Gold Line (Phase II) Light Rail project by and between the Metro Gold Line Foothill Extension Construction Authority and the City of La Verne. **Approved as recommended by staff.**

6. 2014-2015 Congestion
Management Program Report

City Manager Russi reported on the 2014-2015 Congestion Management Program Report. He stated that this is a request for consideration of the annual Congestion Management Program (CMP) mandated by the Los Angeles County Metropolitan Transportation Authority. The purpose of the CMP is to offset traffic generated as a result of new development by increasing road capacity and decreasing demand where possible. Metro has suspended some of the CMP reporting requirements while it studies the feasibility of a Congestion Mitigation Fee. This report briefly explains the program and includes the required Resolution of adoption and Local Development Report.

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 Redman and seconded Rosales, and unanimously carried to approve Resolution No. 15-66, stating that the City is in compliance with the Congestion Management Program and adopting the Local Development Report.

Resolution No. 15-66,
Finding the City to be in
Conformance with the
Congestion Management
Program (CMP) and Adopting
the CMP Local Development
Report

Resolution No. 15-66 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089. **Approved.**

7. Amendment to Fire Sprinkler Ordinance
- Fire Chief Jankowski reported on the Amendment to Fire Sprinkler Ordinance. He stated that the Fire Department is seeking to amend the existing fire sprinkler requirements for residential structures by adding language to include and define "significant remodels," and to extend the requirement city wide.
- 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 Carder seconded by Rosales, and unanimously carried to approve and adopt **Urgency Ordinance No. 1058**, amending City requirements for the installations of automatic fire sprinklers in residential construction.
- Urgency Ordinance No. 1058, Amending City Requirements for the Installation of Automatic Fire Sprinklers in Residential Construction
- Ordinance No. 1058** - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AMENDING CITY REQUIREMENTS FOR THE INSTALLATION OF AUTOMATIC FIRE SPRINKLERS IN RESIDENTIAL CONSTRUCTION.
Approved.
8. **Conflict of Interest/** ALDI Market
- City Attorney Kress declared a conflict of interest for Council Member Hepburn due to his work as electrical sub-contractor for ALDI. Council Member Hepburn left the Council Chambers.
- Appeal Hearing for Proposed ALDI Market – 2268 Foothill Boulevard
- Principal Planner Scherer reported on the Appeal for Proposed ALDI Market 2268 Foothill Boulevard - The applicant, Paul Cornejo, representing ALDI Inc., submitted an application to remodel the existing commercial building at 2268 Foothill Boulevard to accommodate an ALDI market. Two independent studies were prepared, a parking survey and a fiscal analysis, for the project. The studies found that with the proposed conditions of approval, a grocery store could be supported at the location. This data, along with other facts that were collected, led to Staff's recommendation that the proposal be approved with the proposed conditions of approval. The Planning Commission voted 5-0 to approve the proposal at their meeting on July 8, 2015. Specifically, the Planning Commission approved one resolution which approved conditional use permits for the operation of a market with off-site sales of beer and wine and modifications to a nonconforming structure and a second resolution which granted a variance from the parking requirements. An appeal of the Planning Commission's decisions was filed on July 20, 2015, requesting that the project be brought before the City Council. The City Council conducts a de novo review of the Planning Commission's approvals. No appeal was ever taken from the Development Review Committee's approval of the Precise Plan of Design on July 7, 2015. Staff recommended that the City Council affirm the Planning Commission's approval of the proposal based on the findings and conditions of approval found in Resolution Nos. 1152 and 1153 by adopting City Council Resolution No. 15-67.
- Joe Urzua, representative of LSA Associates, spoke about parking at shopping center.
- Ken Haro, representative of Kosmont Companies, spoke about this type of development.
- Paul Cornejo, ALDI representative, spoke about ALDI Markets.
The Mayor declared the public hearing opened and called for public testimony.

Mark Ramos spoke in opposition to the ALDI grocery store for various reasons.

Gene Detchemly stated he represents shopping center and spoke in support.

Teri Zenisek stated that she lived in a town with ALDI Market and is in favor of the proposal.

Rick Bowen stated he supports ALDI Market.

Chuck Zenisek stated that ALDI Market is a favorite and he supports it. The elderly at Mobile Home Parks on fixed incomes need lower options.

Isabel Umer stated she is concerned about traffic and that a signal is needed.

There were no further comments and Mayor Kendrick closed the public hearing.

Mayor Pro Tem Carder stated she did research in the shopping center, and feels this gives people a choice.

Council Member Rosales stated that the benefit to the center and other businesses is good and that seniors need options that are affordable.

Council Member Redman stated that the City conducted professional studies to address all concerns related to the development. The City can't turn away businesses every time someone doesn't like it.

Mayor Kendrick stated he doesn't feel parking is an issue base on his experience there. He supports ALDI Market because it fills a niche.

It was moved by Rosales, seconded by Carder and carried by a vote of 4-0 (Hepburn abstained) to affirm the Planning Commission's approval of the proposal based on the findings and conditions of approval found in Resolution Nos. 1152 and 1153 by adopting City Council Resolution No. 15-67.

Resolution No. 15-67,
Approving Appeal Case No. 2-15CUP, 3-15CUP, 26-15VAR, and 80-15CUP to allow the Operation of an ALDI Market at 2268 Foothill

Resolution No. 15-67 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA APPROVING ON APPEAL CASE NOS. 2-15CUP, 3-15CUP, 26-15VAR, and 80-15CUP TO ALLOW THE OPERATION OF AN ALDI MARKET AT 2268 FOOTHILL BOULEVARD, LA VERNE, CALIFORNIA

Council Member Hepburn returned to the Council Chambers and took his seat.

9. At 8:33 p.m., the La Verne City Council recessed to meet as the La Verne Public Financing Authority, and at 8:35 pm., the City Council immediately reconvened.

10. Update on the Fire Department Ladder Truck
- Fire Chief Jankowski gave an update on the status of the new Fire Department Aerial Ladder Truck. He reported that on June 2, 2014, the Fire Department received Council authorization to enter into a purchase agreement with Pierce Manufacturing, Inc. to purchase a 2014 Pierce Arrow XT 100' Tractor-Drawn Aerial Ladder Truck. Over the following 13 months, design and fabrication of the truck was initiated. In July 2015, "Truck 61" arrived in the City. This new apparatus will go into service in September and serve the community of La Verne for the next 20 years.

City Council received and filed Report.

11. Rooftop Solar Systems and Re-circulating Hot Water Systems
- Principal Planner Scherer reported on the proposed ordinances on Rooftop Solar Systems and Re-circulating Hot Water System and that Staff recommended that the City Council introduce Ordinance No. 1060, amending Chapter 18.106 to the Municipal Code, requiring an expedited, streamlined permitting process for small residential rooftop solar systems. The purpose of the Ordinance is to comply with stature requirements contained in Assembly Bill (AB 2188). In addition, per the City Council direction, Ordinance No. 1061 is introduced that would require all new residential units to include a re-circulating hot water system.

It was moved by Carder, seconded by Rosales, and unanimously carried to introduce and place on first reading Ordinance Nos. 1060 and 1061, amending the La Verne Municipal Code as it relates to small residential rooftop solar systems and re-circulating hot water system in new residential units.

Ordinance No. 1060,
Permitting Procedures for Small
Residential Solar Energy
Systems

Ordinance No. 1060 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE AMENDING CHAPTER 18.106 OF THE LA VERNE MUNICIPAL CODE PERMITTING PROCEDURES FOR SMALL RESIDENTIAL SOLAR ENERGY SYSTEMS. ***Approved and placed on first reading.***

Ordinance No. 1061,
Requiring all New Homes to
Include Re-Circulating Hot
Water Systems

Ordinance No. 1061 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE AMENDING CHAPTER 15.04 OF THE LA VERNE MUNICIPAL CODE REQUIRING ALL NEW HOMES TO INCLUDE RE-CIRCULATING HOT WATER SYSTEMS. ***Approved and placed on first reading.***

12. Extension to Waste Management Agreement

Assistant to the City Manager Vagnozzi reported on the Extension to Waste Management Agreement. She stated that the current franchise agreement with Waste Management for residential and commercial refuse and recycling services expires December 31, 2015. Waste Management has requested an extension of the agreement through December 31, 2020. Extending the franchise agreement will maintain cost-effective services for the next five years as well as provide waste diversion compliance assistance for the mandates set forth by the Integrated Waste Management Act of 1989 (AB 939) as well as the Mandatory Commercial Recycling Collection (AB 341) and Mandatory Commercial Organics Collection (AB 1826).

City Council commended Waste Management on excellent service, same day service and community commitment.

It was moved by Redman, seconded by Carder, and unanimously carried to adopt Resolution No.15-68, authorizing the execution of an agreement for collection and disposal of solid waste between the City of La Verne and Waste Management of San Gabriel/Pomona Valley (USA Waste of California, Inc.).

Resolution No. 15-68,
Contract Extension for
Collection and Disposal of Solid
Waste with Waste Management
San Gabriel/Pomona Valley
(USA Waste of California, Inc.)

Resolution No. 15-68 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING THE EXECUTION OF A CONTRACT EXTENSION FOR COLLECTION AND DISPOSAL OF SOLID WASTE BETWEEN THE CITY OF LA VERNE AND WASTE MANAGEMENT OF SAN GABRIEL/POMONA VALLEY (USA WASTE OF CALIFORNIA, INC.). **Approved.**

13. Utility Users Tax on Wireless Prepaid Mobile Telephone Service

City Manager Russi reported on the Utility Users Tax on Wireless Prepaid Mobile Telephone Service. He stated that with the recent passage of AB 1717, a process was created that enabled cities to collect utility users tax for prepaid phone services. In order to participate in the program cities with UUT's must execute the required agreement with the State Board of Equalization by September 1, 2015.

It was moved by Rosales, seconded by Hepburn, and unanimously carried to adopt Resolution No. 15-70, authorizing the City Manager and the City Attorney to execute certain documents required by the State Board of Equalization to collect the City's UUT on prepaid wireless service, including authorizing the City Manager to enter into an agreement with California State Board of Equalization; and Resolution No. 15-71, authorizing the examination of prepaid mobile telephony services surcharge and local charge records by the City and its consultant.

Resolution No. 15-70,
Authorizing the City Manager
and the City Attorney to
Execute Certain Documents
Required by the Board of
Equalization to Collect the
City's Utility User Tax on
Prepaid Wireless Service

Resolution No. 15-70 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO EXECUTE CERTAIN DOCUMENTS REQUIRED BY THE BOARD OF EQUALIZATION TO COLLECT THE CITY'S UTILITY USER TAX ON PREPAID WIRELESS SERVICE. **Approved.**

14. Public Comment

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

Gary Hunter, La Verne Resident, reported that two lights are out on Chelsea Bridge – City schedules with CALTRANS. He also inquired about dogs being permitted in Emerald Park.

Andrea Halberg thanked Assistant to the City Manager Vagnozzi for her service to the City of La Verne and wished her well in her new employment opportunity.

Gwen Carr, on behalf of the League of Women Voters, was grateful that the City has positively responded to the request for use of microphones at the Council dais.

15. Council Comments and Meeting/Conference Reports

Mayor Pro Tem Carder requested that Community Services Director Aguirre give an update on Special Olympics Host Town and presented gifts from Pakistan.

Community Services Director Aguirre recapped events and the great success and community partners who came together to organize this event. He thanked the University of La Verne, City Staff, Bonita Unified School District, LDS Church volunteers, and the event sponsors. City Council thanked Community Services Director Aguirre for all his work in making this venture successful.

Mayor Pro Tem Carder reported that she attended the Gold Line dedication in Duarte.

Council Member Hepburn stated that he wants to focus on Foothill Corridor development and filling the business vacancies.

16. Closed Session

It was the consensus of City Council to postpone Closed Session.

Public Employee Performance Evaluation - Performance review of the City Manager.

17. **ADJOURNMENT** at 9:09 p.m., to **Tuesday, September 8, 2015, at 5:00 p.m.**, for a Council Study Session for an update on proposed Claremont water operations service agreement; and

In honor of Assistant to the City Manager Jeannette Vagnozzi 's 24 years of service to the City of La Verne.

Respectfully submitted,



Jeannette A. Vagnozzi
City Clerk