

**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, November 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 Charlie Rosales
Council Member Robin Carder
Council Member Tim Hepburn

Absent: Council Member Donna Redman

Advisory personnel present: City Manager Robert Russi
City Attorney Robert L. Kress
Assistant to the City Manager Teri Baker
Assistant City Clerk Lupe Gaeta Estrella
Public Works Director Dan Keesey
Community Development Director Hal G. Fredericksen
Community Services Director Bill Aguirre
Finance Director Richard Martinez
Police Chief Scott Pickwith
Personnel Officer JR Ranells
Police Captain Nick Paz
Acting Police Captain Tom Frayeh
Principal Planner Eric Scherer
Senior Planner Candice Bowcock
3. Pledge of Allegiance was led by Mayor Kendrick.
4. Consent Calendar It was moved by Rosales seconded by Carder, and carried by a vote of 4-0, (Redman absent) to accept, approve, or act on the Consent Calendar, as presented, as follows:

City Council Minutes **City Council Minutes** of November 7, 2016, and revised minutes of October 17, 2016, ***received and filed as submitted.***

Registers of Audited Demands **Register of Audited Demands** in the amount of \$1,348,269.91 dated October 31, 2016, and in the amount of \$822,328.04 dated November 7, 2016, ***approved as recommended.***

Treasurer's Report Treasurer's Report for the Month of October 2016, ***received and filed.***

Fire Sprinkler Permit Fee Reduction

Fire Sprinkler Permit Fee Reduction - Following the approval by La Verne City Council of Urgency Ordinance No. 1058 on August 17, 2015, residential fire sprinklers became mandatory in homes in La Verne that undergoes a "substantial remodel." Two homes in La Verne currently fall under the significant remodel definition. Although plans for both homes were approved, staff became aware that both structures exceeded the 50% threshold and fire sprinklers are required. In an effort to assist the homeowner in meeting this requirement, fire staff recommends a one-time reduction of the fire sprinkler permit fees by \$550.00 for each project.

Staff recommended that the City Council approve a one-time, \$550.00 reduction of the fire sprinkler permit fees for 2432 Third Street and 2024 Sixth Street, La Verne, CA 91750. **Approved as recommended by staff.**

Appropriation for Aquatic Center Filtration System

Appropriation for Aquatic Center Filtration System - A budget amendment is requested to increase the amount in the Parks Development Capital Fund to replace the filtration system at the Aquatic Center. \$75,000 is currently budgeted for the replacement. After receiving bids for the project the amount came in higher than was budgeted. The total cost of the project is \$101,300. An additional \$26,300 will be needed to complete the project.

Staff recommended that the City Council authorize an appropriation from the Parks Development Reserve Fund to the Parks Development Capital Fund in the amount of \$26,300 for a total of \$101,300 to replace the filtration system at the Aquatic Center. **Approved as recommended by staff.**

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

Resolution No. 16-85,
Adopting Regulations for
Candidates for Elective Office
Pertaining to Candidates
Statements Submitted to the
Voters an Election to be Held
on Tuesday, March 7, 2017

Resolution No. 16-85 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATE FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, MARCH 7, 2017, AND RESCINDING RESOLUTION NO. 16-76. At the October 17, 2017, Council Meeting, several resolutions were adopted pertaining to the March 2017 Election, which included authorization to allow the County of Los Angeles to conduct election. Since that time, staff has been made aware that the County's fees vary from those that were adopted in Resolution 16-76, Regulations for Candidates for Elective Office. Therefore, it is recommended that the City Council adopt Resolution 16-85, which establishes the correct fees and rescinds Resolution 16-76.

Staff recommended that the City Council adopt Resolution No. 16-85, adopting regulations for candidates for elective office and establishes the correct fees and rescinds Resolution 16-76, March 7, 2017, Election. **Approved as recommended by staff.**

5. Proposed Residential Subdivision (Sage Canyon) – 1977 Golden Hills Road Case Nos. 35-15TTM, 36-15ZC, 37-15ZA, and 38-15TR

Principal Planner Scherer reported on the proposed residential subdivision (Sage Canyon), 1977 Golden Hills Road, Case Nos. 35-15TTM, 36-15ZC, 37-15ZA, and 38-15TR along with a power point presentation. He stated that the applicant, Sage Canyon Development, LLC, has submitted an application to change the zoning of the property known as 1975 Golden Hills Road from planned residential one unit per five detached, to plan residential, two units per acre, detached for the development of single-family homes on the north side of Golden Hills Road, west of Monterey Street. The project site currently has two single-family homes, and the proposed subdivision would include 12 new homes on properties that exceed 20,000 square feet in size. In addition, the applicant has also submitted an application requesting to modify the La Verne Municipal Code in regard to access and street design within the Hillside Development Overlay Zone. The project would be a gated single-family development with a single cul-de-sac design with a private street. The homes will be placed on the north, preserving the view of the property from Golden Hills Road, while also preserving the majority of the existing oak trees. The private street would also double as a levee to control some of the run-off storm water from the man-made channel on the City's open space property.

Principal Planner Scherer stated that several staff meetings and a neighborhood workshop were held to discuss the project in detail. The most significant issue that came out of those meetings was the fuel modification requirement. Principal Planner Scherer explained that for the applicant to be able to meet the fuel modification requirement he would need acres of open space property and privately owned property, but before the City can address this matter, the applicant needs to meet and work with the State of California Department of Fish and Wildlife (DFW) on the issues relative to their Rule 1600 permit process. The applicant decided to move forward with project through the City's entitlement process with the assumption that they will be able to obtain a permit from DFW.

Kent Norton, LSA Associates, reported that a detailed assessment study of the project was prepared and it was determined that a Mitigated Negative Declaration was the appropriate CEQA document for this project. The study found that with mitigation measures, the project would have a less than significant impact on the environment.

An environmental document was prepared and completed and it was made available to the public for review on December 4, 2015, and the Development Review Committee and the Planning Commission continued their review in January of 2016 based on staff's recommendation as a result of the comments that were received about the project.

Since then, it has been determined by staff and the environmental consultant, LSA Associates, that the prepared environmental document is complete and adequately addresses the concerns that were raised with the proposed mitigation measures. The applicant has requested that staff continue to process the application so that the applicant may then work with the State of California on the issues relative to their Rule 1600 permit process.

City Council asked if the Fire Department was supportive of the proposed project and the proposed modifications to the ordinance.

Fire Battalion Chief Russell reported that they reviewed the proposed project and the proposed modifications to the ordinance in regard to access and street design within the Hillside Development Overlay Zone and the associated Mitigated Negative Declaration. After meeting with staff, and the applicant, the Fire Department was satisfied with modified access requirements and street design. He stated that the proposed requirement for the cul-de-sac streets will be consistent with the County of Los Angeles standards; and the turnaround requirement will provide better fire access in the case of an emergency. He added that there will more fire hydrants, and increased sprinkler density and coverage.

Principal Planner Scherer stated that letters and emails have been received from residents Katherine Winsor, Jane Riggs, Brian Bennett, Sabina Sullivan, Michelle Ingram opposing the proposed project and one from Mike and Sue Hart in support of the proposed project the letters were presented to Council.

Mayor Kendrick opened the public hearing and called for public comment on this matter.

Eric Simison, Applicant, Sage Canyon Development stated he and his family have lived in La Verne for the past 40 years, and they love La Verne. He reported that only a few trees were removed and that an arborist tree report was prepared. In addition, he reported on the past flooding which occurred in the area. He gave a power point presentation pointing to photos and drawings indicating the scope of the project, historical events that have happened near the site and the topography of the area. City aerials from 1985, 1999, and 2015 were displayed to show that very little visible change has occurred at the site in the past 30 years, with the exception of the removal of the lemon grove. Mr. Simision asked for Council approval of the proposed ordinances, which will only be the first step in a very long process to develop the proposed project.

John Tyre, 7115 Monterey, La Verne, stated the proposed project was next to his property and if the City approves the zone amendments, it will open it up to others who wanted to develop in La Verne. He was concerned about the construction, topography, and how the water flow will affect residents on Monterey Street.

Jeannette Ziolkowski, 7195 Via Dicha, stated she was in support of the Sage Canyon Development and felt it will be a great addition to North La Verne. She stated that the environmental and fire safety matters have been addressed and urged the City Council to approve the amendments to the La Verne Municipal Code to allow the applicant to continue with the application process.

Gary Lockhart, 2811 Forester Drive, stated he has lived in La Verne for 35 years, and has worked for Los Angeles County Fire for 34 years and he has a lot of fire safety experience. He felt that the access, egress requirements have been addressed.

Kathy Windsor, 7151 Monterey Street, and President of the La Verne Land Conservancy stated she was opposed to the City giving away open space to allow the applicant to meet fuel modifications. She stated that this proposed project is receiving preferential treatment. In addition she did not understand why the City had a Mitigated Negative Declaration instead of a full Environmental Impact Report.

Jane Riggs, 4852 St. Andres Avenue, stated that she opposed the proposed project and that the design of the 14 homes does not fit on the site. In addition, she stated that the present design depends on fuel modification being done on open space and the City of La Verne as the caretaker should uphold their role and not allow a private developer to use public land for the benefit of his development.

Travis Simison, 2158 6th Street, stated that the subject of fuel modification is not being considered by City Council at this meeting. In addition, he spoke of the benefits of fuel modification and that it not only protects the homes, but the wildlife too. He stated that the open space property is ten times larger than the applicant's property and that's why a full Environmental Impact Report was warranted for the open space property.

Tom Skahill, 2618 Hanawalt, stated he was more concerned with the cost to the City of La Verne pertaining to the proposed MS-4 requirements mandated by the State.

Steve Johnson, 5763 Glen Oak, stated he is in support of the proposed project. He's known the applicant for many years and that they are very sensitive to the environment. In addition, he stated that the applicant and City staff did an excellent job on this proposed project listening to the resident's concerns. He also stated that it is a good project that it meets all the requirements, and that the environmental consultant did a very good job on the report.

Eric Ford, 1883 Golden Hills Road, stated he has lived on Golden Hills for sixteen years. He appreciated the design of the private street that would also double as a levee to control some of the run-off storm water from the man-made channel on the City's open space property since his home is in harm's way. In addition, he stated that it was a good project; the applicant will do an excellent job, and will continue living there.

Austin Riggs, grandson of Jane Riggs, also opposed the use of open space for the applicant to meet fuel modification requirements and that the rules should not be changed for one person. No one should be allowed to build on public land.

Suzane Whitaker, 7184 Melinda Lane, stated she was concerned about fuel modification on the open space property, because there are city channel drains on her property, and the clearance of the underbrush, plants, etc., would cause excess water flow.

Sabina Sullivan, Mountain Springs Road, questioned how a private person is allowed to enter a private property to do fuel modification without prior approval from the City or the affected property owner.

Gary Hunter, Chelsea Drive, asked about flood control in the area.

Monte Beesley, 7127 Monterey Street, 30-year resident, stated he was worried that his view from his home would change if the project were developed. He understands the applicant needs the additional acres to develop his project and it's economically beneficial to the applicant.

The City Council recessed at 8:26 p.m., and reconvened at 8:35 p.m.

Mayor Kendrick closed the public hearing and called for Council comments.

Mayor Pro Tem Rosales stated he spent a lot of time researching this project. He was concerned with the proposed zone change and that it might open the door to allow rezoning of other areas, especially the golf course, but he was assured the zoning for the golf course would not change. He also walked the open space area to better understand the situation. He was satisfied the fire safety issues were fully addressed and that the private street in the proposed development will serve as a levee to catching water run-offs off Golden Hills Road. He stated he was in favor of the amendments to the ordinances and commended the staff for the excellent detailed job they did on the proposed project.

Council Member Carder stated that the City Council takes their duties seriously. They do their research, read the material, meet with staff, and listen to the concerns of the residents. She stated that the matter before City Council for consideration is the amendments to the ordinances, not the fuel modification. In addition, she personally took offense to a resident's comment that the Council is giving preferential treatment to the applicant. That is not the way she works or the City Council. They love La Verne and they represent everyone equally. She reported that she walked the open space area and proposed development site and did not see a problem. She stated she is supportive of the proposed project and that staff has done an excellent job in addressing every issue.

Council Member Hepburn stated that City Council took a stance against the exchange of Marshall Canyon Golf Course and it remains a golf course. He stated the applicant has the right to develop on his property. He stated that staff did an excellent job and that LSA Associates rebutted a lot of the residents' concerns. In addition, this is just the first step in a long application process for the applicant. He felt this project would enhance the open space property and help with flood control. He stated he was in favor of the proposed project. He stated that the Simisons are close friends of his, but his decision was based on facts.

Mayor Kendrick reported that the Hillside Development Overlay Ordinance was adopted to prevent overbuilding and create low density. He stated he is satisfied that with the modifications to the access requirements that address the matter of fire safety. In addition, he was pleased with the flood control measures. He clarified that nothing is being built on public land and the proposed project will make it a lot better. He also walked the open space property and the proposed development site. He stated that the applicant is sensitive to the environment. He stated that the project will be difficult and there is still a big road ahead for the applicant. He asked that the City Council be kept updated on the progress being made between the applicant and the State of California on the issues raised relative to their Rule 1600 permit process.

It was moved by Kendrick, seconded by Hepburn, and carried by a vote of 4-0 (Redman absent) as recommended by Staff, the Development Review Committee, and the Planning Commission to approve the zoning change and zoning code modifications for the Sage Canyon project and placed on first reading: Ordinance Nos. 1069 and 1070.

Ordinance No. 1069,
Changing the Zoning
Designation of A.P.N. 8678-
022-015 from PR1 to PR2D

Ordinance No. 1069 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADOPTING ZONE CHANGE CASE NO. 36-15ZC, CHANGING THE ZONING DESIGNATION OF A.P.N. 8678-022-015 FROM PR1/5D TO PR2D. ***Approved as recommended and placed on first reading.***

Ordinance No. 1070,
A Request to Modify the
Municipal Code in Regards to
Access and Street Design within
the Hillside Development
Overlay Zone and the
Associated Mitigated Negative
Declaration

Ordinance No. 1070- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING CASE NO. 37-15ZA, A REQUEST TO MODIFY SECTION 18.68.030 OF THE LA VERNE MUNICIPAL CODE IN REGARDS TO ACCESS AND STREET DESIGN WITHIN THE HILLSIDE DEVELOPMENT OVERLAY ZONE AND THE ASSOCIATED MITIGATED NEGATIVE DECLARATION. ***Approved as recommended and placed on first reading.***

The City Council recessed at 8:52 p.m., and reconvened at 8:58 p.m.

6. Potential Revenue Measure
2017

Mayor Kendrick reported on the potential revenue measure and the reason for the measure. He reported that for the past few years has been short by approximately \$1 million in balancing the City's budget. The City has been able to balance the budget because of one-time funds from special development projects. However, the City cannot continue to depend on the one-time funding each budget year. He stated that he and Council Member Redman are on the Finance Sub-Committee and addressed this issue by trying to find other ways to generate funds. Closing the gap was important to continue to service and preserve the quality of life in La Verne, so the City Council looked at bringing a revenue measure to the voters.

Mayor Kendrick stated he is of the opinion, that the revenue measure should not be brought forward at this time. He stated that because of the passage of Measure M and Proposition A at the November 8, 2016 election, the City of La Verne will be receiving funds of up to \$500,000 per year for streets, infrastructure, park maintenance and development, which will help in balancing the budget. It will still leave the City short, but the City will be able to manage for some time to come. He stated that La Verne residents have responded in a positive way every time in supporting the City financially and thanked the community. He recommended that the City Council not move forward with revenue measures at this time.

Council Member Carder stated she was pleased and surprised that Measure M and Proposition A passed. It was good that the City will be receiving funding for street repairs, infrastructure and funding for parks. She was happy not to have to ask the voters for an additional sales tax. She recommended that the City Council not move forward with the potential revenue measure at this time.

Mayor Pro Tem Rosales stated there was no need to rush the tax measure due to the passage of Measure M and Proposition A, since communities like La Verne will be receiving much needed funding. He expressed concern over the future and safety of the community with the passage of Proposition 57, the early release of prisoners, which he felt will spur crime. He agreed that the City Council should not move forward with the potential revenue measure at this time and instead to wait and see.

Council Member Hepburn stated he also was surprised and pleased when Measure M and Proposition A passed. In addition, he stated that San Gabriel Valley Council of Governments was also pleased that Measure M passed, since it meant the continuance of the construction of the Goldline to Claremont. He agreed with Mayor Kendrick that the additional monies from the Measure M and Proposition A will not fill the gap, but he also felt it was not the right time to move forward with the revenue measure. He also agreed with Mayor Pro Tem Rosales regarding the early release of prisoners and the safety of the community.

Mayor Kendrick called for public comment.

Rick McGuern, 2358 Tricking Creek, thanked the City Council for not moving forward with the revenue measure. He stated he lived in La Verne for 28 years and loves La Verne. He stated that since hearing about the potential revenue measure he did some research on the City's budget and noticed that a large amount of the budget is going to pay personnel wages and pensions compared to other cities.

Jim Murphy, 4940 Raymond Drive, stated he too did some research on the City's budget and found that pensions and payouts of vacation time, and sick leave at the time of retirements are excessive.

Arun Tolia, Chamber of Commerce Board Member and 20-year resident, reported on the ongoing partnership between the City and the Chamber of Commerce and that the City Council has the Chamber's full support.

Claire Fits, asked if a sunset date was placed on the proposed revenue measure and how much it was it expected to raise.

The matter was tabled due the general consensus of the City Council not to move forward with revenue ballot measure at this time.

7. 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. There was none.

8. Council Comments and Meeting/Conference Reports

Council Member Hepburn thanked the audience for attending and that it was nice to see people show concern and that it meant a lot to him. He wished everyone a Happy Thanksgiving.

Council Member Carder also wished everyone a Happy Thanksgiving and to enjoy time with their family. She invited the public to the City's annual Christmas Tree Lighting Ceremony on Monday, December 5, 2016, at 6:30 p.m., which is to be held prior to the City Council meeting. She stated this was a wonderful City tradition.

Mayor Pro Tem Rosales also wished everyone a Happy Thanksgiving and to stay safe and not to eat too much.

Mayor Kendrick reported on the solar panel project at the Public Safety Facility and also wished everyone a happy and safe Thanksgiving and to enjoy their families. He also invited the public to attend the City's Annual Christmas Lighting Ceremony and that the Bonita High School Chamber Singers along with Santa Claus who will be there.

9. Closed Session
- At 9:24 p.m., the City Council met in closed session for a Conference with Labor Negotiator (Government Code Section 54957.6)
- City Negotiators: City Manager, Personnel Officer, & City Attorney
- Employee Organization(s) La Verne City Employees, La Verne Police Officers, and La Verne Police Middle Management Associations.

10. Adjournment at

Respectfully submitted,



Lupe Gaeta Estrella, CMC
Assistant City Clerk