

AMENDED
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, June 20, 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 Donna Redman
Council Member Robin Carder
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 Development Director Hal G. Fredericksen
Community Services Director Bill Aguirre
Finance Officer Richard Martinez
Police Chief Scott Pickwith
Fire Chief Pete Jankowski
Personnel Officer JR Ranells
Public Works Manager Tracey Costello
Principal Planner Eric Scherer
Police Captain Nick Paz
Acting Police Captain Elizabeth Garcia
Acting Police Captain Tom Frayeh
3. Pledge of Allegiance was led by Mayor Kendrick.
4. Status Report on the Reservoir Fire (Duarte & Azusa) Fire Chief Jankowski gave a status report on the Reservoir Fire near Duarte and Azusa, which began early today in the San Gabriel Canyon near Morris Dam; when a pick-up truck plunged off Highway 39 and burst into flames. He stated La Verne sent one fire engine to assist in protecting structures, and that there was no immediate danger of the fire reaching La Verne.
5. Presentation by the Old Town La Verne Business Improvement District to the La Verne Youth and Family Action Committee Craig Walters, Marianne Stark, and Delia Heredia, Board Members of the Old Town La Verne Business Improvement District presented a check for \$5,000 to Mayor Kendrick and Council Member Redman, representatives of the La Verne Youth and Family Action Committee (YFAC). The District selected YFAC as the 2016 designated Charitable Organization to receive proceeds from Old Town's "A Sip of La Verne" Wine Walk. The District wishes to honor the excellent programs for youth and at-risk youth provided by YFAC. Previous wine walk charity designees have included Meals on Wheels, Habitat for Humanity, the LeRoy Haynes Center, and the David and Margaret Home.

Presentation by Judy Nelson on the San Gabriel Valley Council of Government's Review of MS-4 Stormwater Permit Requirements and Impacts

Mayor Pro Tem Rosales introduced Judy Nelson, Glendora Council Member who gave a presentation on the San Gabriel Valley Council of Government's Review of MS-4 Stormwater Permit Requirements and Impacts.

6. 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 June 6, 2016, ***received and filed.***

Registers of Audited Demands

Register of Audited Demands in the amount of \$167,496.04, dated May 31, 2016, and in the amount of \$738,777.05, dated June 6, 2016. ***Approved as recommended by staff.***

Treasurer's Report for the Month of May 2016

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

Traffic Control Plan for the Fourth of July Parade

Traffic Control Plan for the Fourth of July Parade - Each year, the City hosts community events to celebrate our nation's independence. The largest event is the Fourth of July Parade on City streets through Old Town La Verne. The City Engineer prepared a traffic control plan for the parade route. Formal adoption of this plan by the City Council will limit the City's liability exposure by providing design immunity. Staff recommended that the Council should adopt the traffic control plan for the Fourth of July Parade. ***Approved as recommended by staff.***

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

Resolution No. 16-31, Authorizing Agreement with Rincon Consulting, Inc., for Environmental Consulting Services for the Preparation of the Environmental Document for the La Verne Wilderness Area Management Plan

Resolution No. 16-31 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING AN AGREEMENT WITH RINCON CONSULTING, INC. FOR ENVIRONMENTAL CONSULTING SERVICES FOR THE PREPARATION OF THE ENVIRONMENTAL DOCUMENT FOR THE LA VERNE WILDERNESS AREA MANAGEMENT PLAN. The City Council was requested to consider entering into an agreement with Rincon Consultants, Inc. for the preparation of the environmental document in conjunction with the update of the La Verne Wilderness Area Management Plan. Staff recommended that the City Council should adopt Resolution No. 16-31, approving the contract agreement with the supplemental letter (Attachment A) with Rincon Consultants, Inc. for \$75,000 for an Environmental Impact Report and updated Management Plan. ***Approved as recommended by staff.***

Resolution No. 16-37, Authorizing New and Annual (Fiscal Year 2016-17) and Multi-Year Service Agreements

Resolution No. 16-37 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING NEW AND ANNUAL (FISCAL YEAR 2016-17) & MULTI-YEAR SERVICE AGREEMENTS. Each year, the City Council considers new, annual and multi-year agreements. All the agreements presented to City Council are either renewals or extensions of agreements previously approved by City Council except for Tri County Pump Company which is a new agreement that provides services to repair and maintain pumps, wells, motors and controls. ***All service agreements were approved with one motion and no discussion was requested by Council***

Resolution No. 16-45,
Adopting a Budget for the
2016-17 Fiscal Year

Resolution No. 16-45 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADOPTING A BUDGET FOR THE 2016-17 FISCAL YEAR. A proposed budget was submitted and discussed at a Budget Study Session held just prior to this Council meeting. At that study session, the City Manager and each of the department heads presented their respective sections of the budget document for Council discussion and consideration. Adopting Resolution No. 16-45, will officially adopt the 2016-17 budget. Staff recommended that the City Council should adopt Resolution No. 16-45, adopting a budget for the 2016-17 fiscal year. **Approved as recommended by staff.**

Resolution No. 16-50,
Authorizing a Two-year
Agreement with Inland Valley
Humane Society for Animal
Care and Control Services

Resolution No. 16-50 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING A TWO-YEAR AGREEMENT WITH INLAND VALLEY HUMANE SOCIETY FOR ANIMAL CARE AND CONTROL SERVICES (2016-18). The current agreement for animal shelter and animal control services with the Inland Valley Humane Society (IVHS) will expire on June 30, 2016. IVHS has provided excellent animal control services to the City of La Verne for over 50 years. Staff recommended approval of a two year agreement with IVHS to continue providing animal control services be approved. **Approved as recommended by staff.**

7. Public Hearing to Determine
Necessity of Utility User's Tax

Finance Officer Martinez reported on the necessity of Utility User's Tax. He stated that the provisions of Ordinance No. 955, requires an annual hearing to determine whether it is necessary to continue the City's Utility User's Tax (UUT). The proposed 2016/17 budget contemplates utilizing all of the estimated \$3,150,000 in UUT revenue in an effort to have a balanced budget. Staff recommended that based upon fiscal policies previously established, City Council should maintain the City's UUT at their current voter approved rates.

Mayor Kendrick opened the public hearing on this matter and called for public comment. There was none.

It was moved by Carder, seconded by Hepburn, and unanimously carried to maintain the City's UUT at their current voter approved rates, based upon fiscal policies previously established.

8. Appropriation Limit for 2016-17

Finance Officer Martinez reported on the Appropriation Limit for 2016-17. He stated that each year the City adopts an annual appropriations limit that pertains to the appropriations financed by proceeds from taxes. Appropriations financed by service fees, non-taxes and other revenues are exempt. The City's current and proposed 2016/17 budgets reflect proceeds from taxes well under this limit.

Mayor Kendrick opened the public hearing on this matter and called for public comment. There was none.

It was moved by Rosales, seconded by Redman, and unanimously carried to approve Resolution No. 16-46, adopting an appropriation limitation for the 2016-17 fiscal year.

Resolution No. 16-46,
Adopting an Appropriations
Limitation for the 2016-17
Fiscal Year

Resolution No. 16-46 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADOPTING AN APPROPRIATIONS LIMITATION FOR THE 2016-17 FISCAL YEAR. *Approved.*

9. Annual Report and Public
"Protest" Hearing, Old Town
La Verne Business
Improvement District
(OTLVBID)

Mayor Kendrick declared a conflict of interest on this matter because he owns a business within the district boundaries and he left the Council Chambers.

Community Development Director Fredericksen reported on the Annual Report and Public "Protest" Hearing for Old Town La Verne Business Improvement District (OTLVBID). He stated that the annual public "protest" hearing is required in-order to comply with State Law, the Municipal Code, and By-Laws relative to OTLVBID. After the conduct of the annual "protest" hearing, staff recommended that the City Council consider the following: 1 Receive and file a report of the OTLVBID prior year activities; 2 Approve the proposed OTLVBID 2016-2017, annual budget by adopting Resolution No. 16-53, and incorporate it into the overall City budget; and 3 Approve re-establishment of the District boundaries and assessment formula. He stated that OTLVBID Board Member Craig Walters was present to answer any questions.

Mayor Pro Tem Rosales opened the public hearing on this matter and called for public comment. There was none.

It was moved by Carder, seconded Hepburn, and carried by a vote of 4-0 (Kendrick abstained) to adopt Resolution No. 16-53, approving the OTLVBID Annual report, and effectively receive and file the OTLVBID report of the prior year activities; approve the proposed OTLVBID 2016-17 annual budget; and approve re-establishment of the District boundaries and assessment formula.

Resolution No. 16-53,
Overruling Protests and
Approving the Annual Report of
the Old Town La Verne
Business Improvement District
for 2016-17

Resolution No. 16-53 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, OVERRULING PROTESTS AND APPROVING THE ANNUAL REPORT OF THE OLD TOWN LA VERNE BUSINESS IMPROVEMENT DISTRICT FOR 2016-2017 PURSUANT TO THE PROVISIONS OF SECTION 36500 ET SEQ. OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA. *Approved.*

Mayor Kendrick returned to the Council Chambers and took his seat.

10. Non-Conforming Structures and
Parking Requirements

Principal Planner Scherer reported on the proposed ordinance modifying the non-conforming structures and parking requirements. He requested that the City Council consider various modifications to Title 18 of the La Verne Municipal Code as it relates to non-conforming structures and parking requirements. He stated that staff is proposing these modifications to clarify the process of making modifications to non-conforming structures, and ensure that required modifications, such as Americans with Disabilities Act (ADA) projects, can occur without special approvals. In addition, staff is recommending that the parking requirements for restaurants be modified from the current ratio to a more simple and enforceable ratio. Staff, the Development Review Committee, and the Planning Commission recommended that the City Council introduce and place on first reading Ordinance No. 1068, amending various sections of Title 18 of the La Verne Municipal Code as it relates to non-conforming structures, uses, and parking requirements. Submitted to City Council was a draft copy of Ordinance No. 1068, showing the proposed modifications.

Mayor Kendrick commended the Community Development Department for doing a great job on modifying the non-conforming structure parking requirements.

Council Member Hepburn stated he scanned other cities parking issues, and he was pleased with the proposed modifications to the parking requirements for restaurants from the current ratio to a more simple and enforceable ratio, which will assist prospective restaurant businesses.

Mayor Kendrick opened the public hearing and called for public comment on this matter. There was none.

It was moved by Hepburn and seconded by Rosales, and unanimously carried to introduce and place on first reading Ordinance No. 1068, amending various Sections of Title 18 of the La Verne Municipal Code as it relates to non-conforming structures, uses, and parking requirements.

Ordinance No. 1068,
Amending Various Sections of
Title 18 of the La Verne
Municipal Code Relating to
Non-Conforming Structures and
Parking Regulations

Ordinance No. 1068 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AMENDING VARIOUS SECTIONS OF TITLE 18 OF THE LA VERNE MUNICIPAL CODE RELATING TO NON-CONFORMING STRUCTURES AND PARKING REGULATIONS. ***Approved.***

11. Protest Hearing for Proposed
Refuse Rate Increase

Assistant to the City Manager Baker reported on the protest hearing for the proposed refuse rate increase. She stated that pursuant to the terms of their existing agreement, Waste Management submitted a request for a rate adjustment for residential and commercial service. Despite the adjustment, the proposed rates remain near or below the median to those of local agencies in the immediate area. In compliance with measures associated with Proposition 218, this protest hearing has been scheduled to receive any protests regarding this rate increase and only one (1) protest was received by mail. Pending the outcome of the public hearing, Council is asked to authorize the proposed rate increase for commercial and residential refuse service provided by Waste Management. She stated that Terri Muse from Waste Management was present to answer any questions posed by the City Council or public.

Mayor Kendrick opened the public hearing and called for public comment or any protest on the proposed refuse rates. There was none.

Mayor Kendrick stated that Waste Management provides one day refuse pick-up services in the City of La Verne and they drive natural gas refuse trucks, which reduce greenhouse emissions. He thanked Waste Management for doing a great job.

It was moved by Carder, seconded by Rosales, and unanimously carried to adopt Resolution No. 16-47, declaring the results of the proceedings for adopting refuse fees; and

With no majority protests, adopted Resolution No. 16-48, approving a rate adjustment for refuse service provided by Waste Management of San Gabriel/Pomona Valley effective July 1, 2016.

Resolution No. 16-47,
Declaring the Results of the
Proceedings for Adopting
Refuse Collection Fees

Resolution No. 16-47 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DECLARING THE RESULTS OF THE PROCEEDINGS FOR ADOPTING REFUSE COLLECTION FEES IN ACCORDANCE WITH ARTICLE. *Approved.*

Resolution No. 16-48,
Approving Rate Adjustment for
Refuse Services Provided to
the City of La Verne by Waste
Management of San
Gabriel/Pomona Valley

Resolution No. 16-48 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING A RATE ADJUSTMENT FOR REFUSE SERVICES PROVIDED IN THE CITY OF LA VERNE BY WASTE MANAGEMENT OF SAN GABRIEL/POMONA VALLEY. *Approved.*

12. Resolution No. 16-49,
Agreement for Temporary
Employment

Personnel Officer James Ranells reported on the Resolution No. 16-49, agreement for temporary employment. He stated that Police Chief Scott Pickwith has submitted paperwork to retire at the end of this month after being employed by the City for more than 29 years. In order to minimize disruption to the Police Department resulting from this loss of institutional and operational knowledge, the City is interested in retaining his services until the end of the calendar year. In order to be compliant with the 2013 Pension Reform Act, it is necessary for the City Council to take an action affirming the execution of such employment arrangements. The resolution and agreement satisfies that.

City Manager Russi stated there is a budget saving, since the City will only be paying actual salary without the benefits.

It was moved by Hepburn, seconded by Redman, and unanimously carried to approve the Resolution No. 16-49, authorizing the City Manager to execute an agreement with Scott Pickwith to provide temporary, part-time employment.

13. Consider Approval of La Verne
Chamber of Commerce Annual
Report and Funding
Agreement for Fiscal Year
2016-2017

Community Development Director Fredericksen reported on the La Verne Chamber of Commerce - Annual Report and Funding Agreement for Fiscal Year 2016-2017. He stated that the La Verne Chamber of Commerce has submitted their annual Report of Accomplishments, Program of Work, and Partnership Agreement for the upcoming 2016-2017 fiscal year. The Chamber, following staff direction, is requesting funding in the amount of \$20,000 for a six-month term. The proposed Agreement also includes renewal of the Incentive-Subsidy Program for Business Recruitment and the previously approved line of credit. Newly-elected Chair of the Board of Directors, Luis Cetina, Mickey Rehm and Past Chair Arun Tolia were in attendance to answer questions. The Council Chamber Liaison Committee and staff recommended that the City Council approve Resolution No. 16-54, accepting the La Verne Chamber of Commerce's Annual Report and Partnership Agreement.

Mayor Kendrick asked if there was any public comment on this matter. There was none.

Arun Tolia, past Chair, La Verne Chamber of Commerce, thanked Mickey Rehm, Chamber of Commerce Board Member, Council Members Carder and Rosales and City staff for their continued support and good will. He and the Board look forward to achieving their goals and eventually hiring a CEO to replace Brian Mc Nerney, even though it will be difficult to replace him.

Mayor Pro Tem Rosales stated that he, along with Council Member Carder and staff wants to see the Chamber succeed.

Mayor Kendrick stated that the Chamber of Commerce is a fabulous organization and they do a great job, and they are just trying to survive in troubling times. They bring a lot to the community and businesses, and he wished them success.

Council Member Redman stated she was very pleased that key events will be staying in the City of La Verne.

It was moved by Carder, seconded by Rosales, and unanimously carried to adopt Resolution No. 16-54, accepting the La Verne Chamber of Commerce's Annual Report and Partnership Agreement, which includes programs and funding for a six-month term in the amount of \$20,000, an Incentive-Subsidy Program for Business Recruitment with a cost not to exceed \$5,000 subject to Agreement provisions, and continuance of the previously approved line of credit not to exceed \$10,000, from July 1 through December 31, 2016.

14. Revenue Measure Feasibility Survey

City Manager Russi reported on the proposed agreement with True North Research to conduct a Revenue Measure Feasibility Survey. He stated that on May 2, 2016, the City Council approved an agreement with TBWB Strategies to provide revenue measure services to address Strategic Plan Priority #1 - Addressing financial needs relative to operational, capital improvements, and infrastructure needs. As part of that agreement, TBWB will need to work with a polling expert to design and conduct a survey of voters to assess the feasibility of a local revenue measure. True North Research (TNR) is an expert polling firm that has conducted similar polls for La Verne in the past and provided excellent service.

Council Member Carder asked if the ½ cent sales tax being considered for transportation projects in November would have an effect on this effort. City Manager Russi acknowledged that it was possible, but pointed out that the State's ¼ cent sales tax directed toward schools is about to expire, and the City can look at replacing it with a city sales tax.

Mayor Kendrick stated it is important keep a balanced budget to continue services and hopefully not have to make any cutbacks.

Mayor Kendrick asked if there was any public comment on this matter. There was none.

It was moved by Redman, and seconded by Hepburn, and unanimously carried to authorize the City Manager to sign the letter of agreement with True North Research to conduct a revenue measure feasibility study and approve funding in the amount of \$24,950.

15. Planning Commission Appointment

Community Development Director Fredericksen reported on the Planning Commission Appointment. He requested City Council to consider an action relative to the appointment of a new Planning Commissioner to fill an unscheduled vacancy resulting from the recent resignation of Planning Commissioner Norman Smith. The La Verne Municipal Code provides for appointment of a new Planning Commissioner by the Mayor with the approval of the City Council.

Staff recommended that City Council should take one of the following actions in accordance with the Municipal Code:

1. Appoint a new Planning Commissioner from the presented list of interested candidates;
2. Consider conducting additional interviews, through an adjourned meeting; or
3. Provide further direction to staff

Should the City Council choose to appoint from the presented list of candidates at this meeting, the new Commissioner's term would become effective July 1, 2016, with his or her first meeting being July 13, 2016, and extending until June 30, 2018, with the potential for reappointment by the City Council.

Mayor Pro Tem Rosales and Council Member Redman recommended Steven Stepanian be appointed to the Planning Commission.

Council Members Carder and Hepburn recommended Jason Simison be appointed to the Planning Commission.

Mayor Kendrick stated that both applicants were excellent choices and both would do a great job on the Planning Commission and it was hard to decision to make. He recommended that Jason Simison be appointed to the Planning Commission.

It was moved by Kendrick, seconded by Carder, and carried by a vote of 4-1 (Redman voted No) to appoint Jason Simison to the Planning Commission effective July 1, 2016.

16. 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, Chelsea Drive, La Verne thanked the La Verne Fire Department for the excellent care they provided him when they were called out to his home and transported him.

Jason Simison, 4805 Saint Avenue, La Verne thanked the City Council for their support and his appointment to the Planning Commission. He looks forward to serving the community by making the best decisions possible.

17. Council Comments and Meeting/Conference Reports

Council Member Hepburn reported on the Metro link horns and the efforts being made to resolve the noise made by the loud horns. He reported on a recent trip to see the Nogales Street Railroad Tracks Grade Separation and said that it was amazing. He thanked the members of the audience for attending.

Mayor Pro Tem Rosales thanked Glendora Council Member Judy Nelson for her presentation on the San Gabriel Valley Council of Government's Review of MS-4 Stormwater Permit Requirements and Impacts. He congratulated Jason Simison on his appointment to the Planning Commission and thanked Steven Stepanian for his willingness to serve his community and encouraged him not to give up.

Mayor Kendrick also congratulated Jason Simison and thanked Steven Stepanian and also told him not be discouraged. He also thanked Glendora Council Member Judy Nelson for the presentation on the San Gabriel Valley Council of Government's Review of MS-4 Stormwater Permit Requirements and Impacts.

18. Cancellation of July 4, 2016 Council Meeting Mayor Kendrick stated that the next regular meeting of the La Verne City Council scheduled for **Monday, July 4, 2016, is CANCELED** in observance of the Fourth of July holiday.
19. Adjournment at 8:13 p.m., in memory of retired La Verne Fire Captain **Dale Thomas** and La Verne Police RSVP **Bob Delgado**.

Dale Thomas passed away on May 26, 2016. He was born in the City of San Dimas on June 30, 1939. He was a long time La Verne resident and attended the local schools and graduated from Bonita High School in 1957. Dale volunteered for the La Verne Fire Department while holding a full-time job in sales and in 1962, was hired as reserve firefighter by the La Verne Fire Department. In 1974, he was hired full-time by the fire department and was appointed Fire Captain in 1979. He worked for the La Verne Fire Department for thirty-two years, retiring in June of 1994. Dale loved to work on anything mechanical and was a "jack of all trades," never hesitating to offer his assistance. He is survived by his wife Linda of 58 years; a daughter Penny and son Jeff; four grandchildren; and one great grandchild.

Bob Delgado passed away on May 16, 2016. He was born in Los Angeles in 1939 and later his family moved to El Monte. After his high school graduation he played professional baseball with the Kansas City Athletics for three years. Bob worked in the trucking industry for many years and in 1985 was hired by Old Dominion Freight Line. He retired in 2001, and after retirement, he and his wife Sue joined the La Verne Police Department Retired Senior Volunteers Program (RSVP) volunteering countless hours for thirteen years. He was a very quiet man with a good sense of humor. Bob is survived by his wife Sue of 55 years; two daughters, Debi and Cyndi; and four grandchildren.

Respectfully submitted,



Lupe Gaeta Estrella, CMC
Deputy City Clerk