

CITY OF LA VERNE

CITY COUNCIL AGENDA

Don Kendrick, Mayor

Tim Hepburn, Mayor Pro Tem

Robin Carder, Council Member

Charlie Rosales, Council Member

Muir Davis, Council Member



www.cityoflaverne.org

(909) 596-8726 - Phone

(909) 596-8740 - Fax

City Hall Council Chamber

3660 D Street

La Verne, CA 91750

Monday, October 02, 2017 - 6:30 p.m.

City Hall

Council Chambers

3660 D Street, La Verne, CA 91750

Attendance and participation at the City of La Verne Council meetings are welcomed and appreciated. Community engagement provides the City Council with valuable information. Regular Meetings are held on the 1st and 3rd Monday of every month. In compliance with the American Disabilities Act, any person with a disability who requires a modification or accommodation in order to participate in a meeting should contact the City Clerk's Office at (909) 596-8726 at least 48 hours prior to the meeting.

All items submitted for future agendas must be in writing to the Assistant City Clerk no later than 5 p.m. on the Monday prior to the first and third Monday of each month. Materials related to an item on this agenda, submitted to the Council after distribution of the agenda packet, are available for public inspection at the meeting or in the City Clerk's Office during normal business hours.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL:** Council Member Carder, Council Member Rosales, Council Member Davis, Mayor Pro Tem Hepburn, and Mayor Kendrick

4. **ANNOUNCEMENTS AND PRESENTATIONS**

Presentation to Gilead Sciences - Gilead Sciences, a worldwide leader in biopharmaceutical manufacturing, recently opened a state-of-the-art Southern California Campus in La Verne at 1800 Wheeler Avenue. The 320,000 square foot building will house 500 employees once fully operational, and will become one of La Verne's top employers. Gilead has invested nearly \$500 million into this facility, which will primarily focus on the production of 5 million vials of AmBisome a year.

5. **CONSENT CALENDAR** (All items on the Consent Calendar are considered to be routine and will be enacted by one motion unless a member of the City Council or member of the audience requests separate discussion.)

- a. **City Council Minutes** of August 21, 2017 and September 5, 2017, ***to be received and filed.***

- b. **Register of Audited Demands** in the amount of \$427,375.44, dated September 5, 2017, and in the amount of \$837,310.79, dated September 13, 2017, ***approval recommended.***

- c. **La Verne Youth and Family Action Committee Minutes** of August 22, 2017, ***to be received and filed.***

- d. **Canterwood Odor Update** - This is an update in regards to the petition that was received from homeowners/residents at Canterwood Road experiencing a bad odor coming from inside and outside of their homes which they believe is a product from the sewer lift station that is part of the Creekside residential project (22 new homes) under construction off of San Dimas Canyon Road. Staff continues to work with the developer of Creekside, Meritage Homes, to try and identify where the odor is originating from so it can be stopped.

Staff is requesting that City Council allow time for staff to work with Air Quality Management District (AQMD) to track the odor at Canterwood Road. Staff is also awaiting a report from a third party engineer for their review of the newly installed pump and the overall systems performance. The City will continue not to issue any final permits or building permits, until at least the next Council meeting.

e. **Resolution(s) passage and adoption recommended, as follows:**

1. **Resolution No. 17-67-** A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING THE EXECUTION OF AN AMENDMENT OF A MEMORANDUM OF UNDERSTANDING FOR A STORM WATER PROGRAM BETWEEN THE CITIES OF LA VERNE, CLAREMONT, POMONA AND SAN DIMAS. *The City of La Verne is mandated to meet numerous requirements enacted under the Municipal Separate Storm Sewer System Permit (MS4). There are several facets of compliance; and partnering with surrounding communities to achieve compliance in mandatory monitoring is expected to be the most cost effective approach. On July 20, 2015 the City of La Verne entered into an agreement with the cities of Claremont, Pomona and San Dimas, with Claremont as the lead agency, to implement the requirements of three years of Coordinated Integrated Monitoring Plan (CIMP) activities. Claremont is now resigning as the lead agency and Pomona has taken on the role of lead agency. Staff is seeking Council concurrence to agree to an amendment of the original agreement, making Pomona the lead agency and authorizing them to manage a contract to conduct compliance activities on behalf of our four city group until December of 2018. The contracted tasks include project management, permitting, construction and acquisition of monitoring equipment, monitoring, data management and reporting. Currently, the estimated costs to the City of La Verne are \$92,693 during this fifteen-month period. Additionally, the agreement and amendment will establish the guidelines that all participating parties are expected to follow throughout the duration of the contract in regards to CIMP implementation.*

Staff recommends that the City Council approve Resolution 17-67, authorizing the City Manager to execute the agreement with amendment between the cities of Claremont, Pomona and San Dimas to jointly implement our CIMP in compliance with the requirements set forth in the MS4 permit.

2. **Resolution No. 17-68** - 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 GENTRY BROTHERS INC. FOR THE WINTERHAVEN ET AL GRIND, ARAM AND OVERLAY IMPROVEMENT PROJECT. *The Public Works Department recently solicited bids for street maintenance in the Winterhaven Drive neighborhood. The planned maintenance will include the removal and replacement of two inches of asphalt with the addition of an asphalt-rubber aggregate membrane (ARAM). The project was advertised on August 25 and September 1 and bid proposals were received and opened on September 19, 2017. This project is categorically exempt from the California Environmental Quality Act, Section 15301 – Existing Facilities, and City of La Verne environmental guidelines.*

Staff recommends that the City Council approve Resolution No.17-68, which awards a Public Works contract to Gentry Brothers Inc., the lowest, responsible bidder, in the amount of \$570,524.35.

3. **Resolution No. 17-69** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING AN AGREEMENT WITH HF&H CONSULTANTS, LLC TO CONDUCT A COST ALLOCATION STUDY. *HF&H Consultants submitted a proposal to conduct a cost analysis to evaluate the existing direct and indirect charges to the water and sewer enterprise funds for reasonableness and to identify potential reimbursements that are not currently taking place. The study will include reimbursements due to the General Fund from these enterprise funds related to administrative overhead, public safety, governmental facilities, and right-of-way maintenance.*

Staff recommends that the City Council approve Resolution No. 17-69 authorizing an agreement with HF&H Consultants to conduct a cost allocation study pertaining to the Water and Sewer Enterprise Funds. It is further recommended that the City Council approve a budget appropriation in the amount of \$34,914 (includes 15% contingency) from the General Fund Reserves to fund such work.

4. **Resolution No. 17-70** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING THE EXECUTION OF AN ASSIGNMENT AGREEMENT WITH THE CITY OF INDUSTRY FOR THE EXCHANGE OF PROPOSITION A FUNDS FOR GENERAL FUND REVENUES - *In June, the City approached the City of Industry saying that we were interested in exchanging uncommitted Proposition A transportation funds for General Fund monies. The City of Industry said that they would give us the rate of .72 per dollar in general fund monies per \$1.00 in Proposition A Funds.*

Staff recommends that the City Council approve Resolution No.17-70, authorizing an exchange of \$275,000 in Proposition A transportation funds for \$198,000 of General Funds with the City of Industry and authorize the City Manager to execute said Agreement.

6. **OTHER MATTERS**

- a. **Amendment to Ordinance 1077 – Medical and Recreational Marijuana** - On September 5, 2017, City Council placed on first reading Ordinance No. 1077, which would delete and readopt Chapter 18.82 of the La Verne Municipal Code relating to personal cultivation of marijuana and all commercial marijuana activities. The Ordinance was scheduled for second reading on September 18, 2017, although, the item was pulled from the agenda due to changes in State law. The Ordinance was since amended to account for the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). The MAUCRSA was signed by the California Governor on June 27, 2017 and repealed the previous provisions of law relating to medical cannabis, including certain provisions of the Adult Use of Marijuana Act. The revised Ordinance makes no amendments to the land use provisions contained in the previous Ordinance. The revision contains references to the newly adopted law to ensure the City of La Verne regulations regarding marijuana are consistent with State law. Development Review Committee and staff recommend approval of Ordinance No. 1077.

Staff Recommendation:

That the City Council should place on first reading, Ordinance No. 1077, authorizing Municipal Code amendments relating to medical cannabis, personal cultivation of marijuana, and all commercial marijuana activities.

Ordinance No. 1077 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, CALIFORNIA DELETING CHAPTER 18.82 OF THE LA VERNE MUNICIPAL CODE IN ITS ENTIRETY AND ADDING A NEW CHAPTER 18.82 RELATING TO MEDICAL AND ADULT USE CANNABIS AND ADOPTING A PROHIBITION OF ALL COMMERCIAL CANNABIS ACTIVITIES IN THE CITY AND IMPOSING REGULATIONS FOR PERSONAL CULTIVATION OF CANNABIS

- b. **Appeal for the Denial of Case No. 56-17PPR – 2353 2nd Street – Façade Change** - Staff and the Development Review Committee have denied the request from the applicants/homeowners, Kevin and Tina Duffield of their proposed façade change to their historic home located at 2353 2nd Street. The applicants have filed an appeal of the denial to the City Council. Staff and the Development Review Committee recommend that the City Council uphold staffs original denial of Case No. 56-17PPR for the façade change.

Staff Recommendation:

The City Council should uphold staffs original denial of Case No. 56-17PPR for the façade change, based on the fact that the material used is not consistent with the historic nature of the home.

7. **PUBLIC COMMENTS/ORAL COMMUNICATIONS** - This is the time set aside for anyone wishing to address the City Council on items not listed in any other place on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from talking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion at a later date. Any person desiring to speak should complete a 'Speaker Card,' located at the podium, and hand it to the Assistant City Clerk. When addressing the Council, please go to the podium and state your name and address for the record. The Mayor reserves the right to place limits on duration of comments.

8. **COUNCIL COMMENTS AND CONFERENCE/MEETING REPORTS** - Each Council Member may address the Council and public on matters of general information and/or concern. This is also the time for Council Members to report on conferences and/or meetings they have attended.

9. **CLOSED SESSION** - No matters scheduled.

10. **ADJOURNMENT**

***THE NEXT REGULAR MEETING** of the La Verne City Council
is scheduled for **Monday, October 16, 2017, at 6:30 p.m.***

ADVISORY STAFF

- ___ Robert Russi, City Manager
- ___ Teri Ledoux, Assistant to the City Manager
- ___ Robert Kress, City Attorney
- ___ Lupe Gaeta Estrella, Assistant City Clerk
- ___ Dan Keesey, Director of Public Works
- ___ Eric Scherer, Acting Director of Community Development
- ___ VACANT, Director of Finance
- ___ Bill Aguirre, Director of Community Services
- ___ Nick Paz, Police Chief
- ___ Pete Jankowski, Fire Chief
- ___ Dominic Milano, City Engineer
- ___ Bill Elftman, Information Services Manager