



**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, December 3, 2018

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1. At 6:30 p.m., Mayor Kendrick kicked off the season with a holiday message at the tree lighting ceremony.
2. A regular meeting of the La Verne City Council was called to order by Mayor Kendrick at 6:47 p.m.
3. Council Members present: Mayor Don Kendrick  
Mayor Pro Tem Muir Davis  
Council Member Robin Carder  
Council Member Charlie Rosales  
Council Member Tim Hepburn  
  
Absent: None.  
  
Advisory personnel present: City Manager Robert Russi  
City Attorney Robert L. Kress  
Assistant City Manager/Public Works Director Dan Keesey  
Assistant City Clerk Lupe Gaeta Estrella  
Community Development Director Eric Scherer  
Police Chief Nick Paz  
Fire Battalion Chief Robert Russell  
Personnel Officer JR Ranells  
Police Captain Colleen Flores  
Police Lieutenant Sam Gonzalez
4. Pledge of Allegiance was led by Mayor Kendrick.
5. Presentation to Dr. Robert Neher Mayor Kendrick, on behalf of the City Council, thanked and presented Dr. Robert Neher with a plaque for serving on the San Gabriel Valley Mosquito and Vector Control Board since 1991, representing the City of La Verne. Dr. Neher has served the La Verne Community for the past 60 years including being a Planning Commissioner from 1967-1972 and a La Verne City Council Member from 1976-1984. Since 1958, Dr. Neher has been a prestige faculty member of the University of La Verne. He was referred to as a "La Verne Treasure" by former La Verne Mayor Jon Blickenstaff.
6. At 6:59 pm, the City Council recessed and reconvened at 7:00 pm.

7. Rules of Decorum Mayor Kendrick, before starting the meeting, reminded everyone to respect everyone's right to participate in the public comment and to keep two words in mind two "Respect and Civility". He stated there will be no name calling and disruptive behavior will no longer be allowed. He stated that the City Council is severely limited on what they can say pertaining to the La Verne Fire Association lawsuit against the City and that is why they cannot respond or address the matter.

8. Consent Calendar It was moved by Carder, seconded by Davis, and unanimously carried to accept, approve, or act on the Consent Calendar items, except for the following items which were pulled by La Verne resident Richard Bowen.

- City Council Minutes of November 19, 2018;and
- Register of Audited Demands

Pulled from the Consent Calendar by Richard Bowen/City Council Minutes

**City Council Minutes** of November 5, 2018.

Richard Bowen, Eagle Drive, La Verne, questioned a statement made by the City Attorney in the minutes regarding his public records request and he stated he stood 100% behind his statements in the minutes regarding Council Member Carder. In addition, he disputed Carder's allegation that he called her house several times.

He was advised to reserve his comments for the public comment section of the meeting.

It was moved by Carder, seconded by Davis, and unanimously carried to receive and file the minutes of November 5, 2018, as submitted.

Pulled from the Consent Calendar by Richard Bowen/ Registers of Audited Demands

**Register of Audited Demands** in the amount of \$320,356.27, dated November 14, 2018; in the amount of \$927,070.12, dated November 21, 2018, and in the amount of \$290,233.42, dated November 28, 2018.

Fred Faight, Virginia Avenue, La Verne, spoke on behalf of Richard Bowen. Mr. Faight questioned the following expenditures on the Register of Audited Demands:

- Barry Aninag Investigations
- Dammeier Law Firm
- Water Refunds
- Norman A. Traub Associates
- Superior Court of CA, County of Los Angeles
- Wilmington Trust Company
- Rogers, Anderson, Malody & Scott
- De Novo Planning Group
- Kittleson & Associates

City Manager Russi responded to Mr. Faight's questions.

It was moved by Davis, seconded by Rosales and unanimously carried to approve the Register of Demands as recommended by staff.

Development Impact Fees  
Fund Report

**Development Impact Fees Fund Report** - Under State law, information on certain fees collected by the City from various development activities is to be made available to the public. The City Manager's Office is providing an informational report regarding Development Impact Fees for the fiscal year ending June 30, 2018.

Staff is recommended that the City Council review the report and make the information available to the public pursuant to Government Code Section 66006. ***The report was reviewed and to make information available to public.***

**Christmas Parade Route Designation** - For 92 years, the La Verne Fire Department has continued the community tradition of delivering bags of candy, nuts, and fruit to every street in La Verne on Christmas Morning. With growth in the City since 1925, it now requires nearly 100 volunteers to complete this worthy task. Last year some questions were raised regarding the methods and vehicles used to carry out this annual event. It was suggested that the process used violates the California Vehicle Code. After consultation with the Police Chief and in an abundance of caution, it is being requested that the Council authorize a "Parade Route" designation throughout the City for the Christmas Morning program.

Staff recommended that the City Council designate the streets in the City of La Verne as a parade route on December 25, 2018 from 7:00 am until 5:00 pm to complete the Christmas Morning program. ***Approved as recommended by staff.***

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

Resolution No. 18-69,  
Authorizing an Agreement with  
MOTIV Sports for the Holiday  
Half Marathon

**Resolution No. 18-69** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MOTIV SPORTS FOR THE HOLIDAY HALF MARATHON - The City Council was requested to consider a street closure for the 2018 Holiday Half Marathon. Motiv Sports has submitted a request to use portions of Puddingstone Drive for the purpose of a half marathon race on Sunday, December 9, 2018. The request specifically involves the closure of the eastbound lanes of Puddingstone Dr. from Van Dusen Rd. to Fairplex Dr. between the hours of 4:00 a.m. and 2:00 p.m. the day of the event. The race is expected to draw up to 6,000 participants. Recent policy has been to prepare individualized agreements for street closure events. Staff has therefore developed a standard agreement outlining the traffic control plan requirements, locations, schedule, estimated fees, applicant's responsibilities, and insurance and indemnification requirements.

Staff recommended that the City Council adopt Resolution No. 18-69 authorizing the City Manager to execute the Agreement with Motiv Sports permitting the half marathon on specified streets. ***Approved as recommended by staff.***

Resolution No. 18-70,  
Approving a Class Specification  
and Hourly Rate for Police  
Cadet and Approving a Class  
Specification for Police  
Services Coordinator

**Resolution No. 18-70** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING A CLASS SPECIFICATION AND HOURLY RATE FOR POLICE CADET AND APPROVING A CLASS SPECIFICATION FOR POLICE SERVICES COORDINATOR - The Police Department wishes to make two changes associated to their staffing component. These changes will add a Police Cadet classification and formally adopt a job description for Police Services Coordinator. In accordance with the City's personnel rules and regulations, such changes require City Council approval.

Staff recommended that the City Council adopt Resolution No. 18-70, approving a class specification and hourly rate for Police Cadet and approving a class specification for Police Services Coordinator. **Approved as recommended by staff.**

9. Water and Sewer Utility Rate Adjustments

Assistant City Manager/Public Works Director Keesey reported on the Water and Sewer Utility Rate Adjustments along with a slide presentation. He stated that at the October 15<sup>th</sup> Council meeting, the City Council authorized issuance of the public notice to consider proposed water and sewer rate adjustments. Staff recommendations include a \$0.37 cent increase on the water volumetric rate and a \$4.43 increase on the bimonthly sewer rate. The principal factor compelling the water rate adjustment is full reimbursement to the general fund for support services such as accounting, payroll, information technology, and administration as identified in the **2018 Cost Allocation Study** prepared by an outside, independent consultant, HF&H Consultants. The cost of water treatment chemicals and general maintenance needs also contribute to the proposed increase. The primary factors driving the sewer rate adjustment are regulatory compliance, supported by the addition of a management analyst position, and full general fund reimbursement. Despite these increases, both proposed utility rates will remain at or below the median of nearby local agencies for the average residential customer. Tonight's protest hearing is conducted in accordance with the requirements of Proposition 218 (Right to Vote on Taxes Act 1996), which requires a noticed public hearing on the matter. A total of 8,888 notices were mailed to customers of record and as of November 26, 2018, four (4) lawful protests were received.

Staff recommended that the City Council should accept the staff report; open the protest hearings, consider the sewer rates; and water rates, adopt Resolution No. 18-71, certifying the water rate protest hearing; and adopt Resolution No. 18-72, certifying the sewer rate protest hearing.

Mayor Kendrick opened the protest hearing to consider water rates.

Richard Bowen, Eagle Drive, La Verne, questioned the acreage fee usage and the protest hearing notice that was that mailed to water customers.

Raymond Swain, 7365 Alta Vista, La Verne, asked that since the current budget has been approved, and with the additional revenue from the increased water and sewer rates will residents get a rebate.

Pam Berry, 2117 Durango Court, La Verne, also questioned the protest hearing notice and suggested that a response card be used that can be mailed back for the next mailing.

Terry Prentice asked about the City's cost and liability of underground water pipes.

Brian Bowcock, La Verne resident and retired La Verne Public Works Director explained the how the Water Enterprise Fund works and that it was not a tax. He stated that the residents should pay their fair share of the water operations.

Gene Quinn, La Verne asked about where La Verne gets its water.

Matt Lyons, La Verne, stated that the City of La Verne needs to recoup expenses now, so not to burden future generations.

Mayor Kendrick opened the protest hearing to consider sewer rates.

Tom Skahill, 2618 Hanawalt, La Verne, referred to the cost of flushing toilet and stated he was good with the increase of the sewer rates.

City Council agreed that the increase was necessary and liked the idea of using a response card for the next mailing. In addition, it was suggested by Council Member Hepburn that the City Council see the protest letters or petitions before the Council meeting.

It was moved by Rosales, seconded by Davis, and unanimously carried, to accept staff report and to take the following actions:

Adopt Resolution No. 18-71, certifying the water rate protest hearing. Adopt Resolution No. 18-72, certifying the sewer rate protest hearing; and Adopt Resolution No. 18-73 establishing revised water and sewer rates.

Resolution No. 18-71,  
Declaring the Results of the  
Proceedings for Adopting Water  
Fees in Accordance with Article  
XIIID of the California  
Constitution

**Resolution No. 18-71** - 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 WATER FEES IN ACCORDANCE WITH ARTICLE XIIID OF THE CALIFORNIA CONSTITUTION. **Approved. (Results: No more than 20 valid protests).**

Resolution No. 18-72,  
Declaring the Results of the  
Proceedings for Adopting  
Sewer Fees in Accordance with  
Article XIIID of the California  
Constitution

**Resolution No. 18-72** - 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 SEWER FEES IN ACCORDANCE WITH ARTICLE XIIID OF THE CALIFORNIA CONSTITUTION. **Approved. (Results: No more than 20 valid protests).**

Resolution No. 18-73,  
Establishing Certain Water  
Sewer Fees, Effective for  
Applicable to all Municipal  
Service Billings Prepared on or  
After January 1, 2019

**Resolution No. 18-73** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA ESTABLISHING CERTAIN WATER AND SEWER FEES, SAID RATES AND CHARGES TO BE EFFECTIVE FOR AND APPLICABLE TO ALL MUNICIPAL SERVICE BILLINGS PREPARED ON OR AFTER JANUARY 1, 2019. **Approved.**

10. Mayor Kendrick announced it was Council Member Carder's Birthday and wished her a Happy Birthday.

11. Mobile Home Park Relocation Impact Reports - Amending Chapter 9.18 of Title 9 of the La Verne Municipal Code, Ordinance No. 1084
- Personnel Officer Ranells reported on Ordinance No. 1084, amending Chapter 9.18 of Title 9 of the La Verne Municipal Code Relating to Mobile Home Park Relocation Impact Reports. He stated that the City Council took action to add Chapter 9.18 at their April 16, 2018, meeting and the proposed amendments are the recommendations of the comments by interested parties.

Mayor Kendrick called for public comment on this matter.

There was none.

It was moved by Davis, seconded by Carder, and unanimously carried to place on first reading Ordinance 1084, amending Chapter 9.18 of the La Verne Municipal Code relating to mobile home park relocation impact reports.

Ordinance No. 1084, Amending the Chapter 9.18 To Title 9 of the La Verne Municipal Code Relating to Mobile Home Park Relocation Impact Reports and Adding Section 18.36.085 Relating to Mobile Homes in Residential Zones.

**Ordinance No. 1084** - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AMENDING CHAPTER 9.18 TO TITLE 9 OF THE LA VERNE MUNICIPAL CODE RELATING TO MOBILE HOME PARK RELOCATION IMPACT REPORTS AND ADDING SECTION 18.36.085 RELATING TO MOBILE HOMES IN RESIDENTIAL ZONES. **Approved and placed on first reading.**

12. La Verne Firefighters' Association Grievance Appeal to City Council
- City Attorney Kress reported on the La Verne Firefighters' Association Grievance Appeal to City Council. He stated that on November 5, 2018, the City Council heard from the La Verne Firefighters' Association (LVFA) on the points of an appeal of a Grievance that had been previously denied by the City Manager. The Grievance was related to a member's vacation request being delayed one hour as a result of a mandatory training the member was required to attend. The City Council directed staff to provide additional information relating to the Fire Department's "force hire" policy. Staff has confirmed with LVFA representatives that the attached are the documents they were referring to during the November 5<sup>th</sup> Council meeting.

City Attorney Kress advised that after City Council considers all of the facts related to this matter, the City Council should vote to approve or deny the LVFA's appeal of the City Manager's decision and direct the City Attorney to record their decision at the next City Council Meeting.

Caleb Mason, Attorney representing the La Verne Firefighters' Association stated that this appeal was more than just the loss of one vacation day or hours, but a matter of principle and of the ongoing retaliation against the La Verne Firefighters' Association. He requested on behalf of his client Firefighter/Paramedic Tim Marino, that the City Council acknowledge that Firefighter/Paramedic Tim Marino was treated badly and that it was wrong and inappropriate by the Fire Chief to use the force hire policy. He referred to Council Member Hepburn's recommendation at the November 5, 2018; Council meeting that the City Council admit that the Fire Chief made a big error pertaining to the vacation request and acknowledge he misused the force hire policy.

Mayor Kendrick called for public comment on this matter.

Jim Murphy, La Verne, stated that after reading the whole packet on the Grievance Appeal, he felt it was really a personnel matter and should have been handled within the department. He stated that it was clear to him it was mistake in scheduling and the Fire Department did tried to fix it. He saw no abuse of power by the Fire Chief. He spoke about the Firefighter's Association lawyer being on the Claremont Police Commission.

Richard Bowen, Eagle Drive, La Verne, spoke about the deposition of Fire Chief Jankowski and his comment regarding a report written by Fire Battalion Chief Horine.

Anna Anderson, Sloan, La Verne, urged the City Council to do something to resolve this conflict with Firefighters' Association.

There was no further public comment.

City Manager Russi stated he wished to clarify that the force hire policy was not applied and it was an inadvertent approval of a vacation leave.

After considering the facts, and discussing the grievance appeal, it was moved by Kendrick, seconded by Carder, and carried by a vote of 4-1 (Hepburn voted no) to deny the LVFA's appeal of the City Manager's decision.

Council Member Hepburn stated he wished to file a minority supplement report stating that the Fire Chief overstepped his authority in this matter. He was advised his opposition would be put on record, when received.

13. 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.

Hugh Kelly, 7235 Monterey, La Verne, spoke in support of Council Member Hepburn and about the "Save La Verne" Group.

Anna Anderson, 2486 Sloan, La Verne, stated that the Fire Chief should have handled the grievance.

Steve Cooper, 542 Valley View Drive, Fullerton, commended the La Verne Fire Department. He shared memories of waking up on Christmas morning to the Fire Department sirens and hoped that a resolution can be found.

Yolanda, stated she was happy La Verne has its own Police and Fire Department and she commended them for their service.

Richard Bowen, Eagle Drive, La Verne, asked if it was the Assistant City Clerk who decides what can be placed on the Agenda. In addition, he strongly complained about the public comment procedure accusing the City Council of showing preference.

14. It was moved by Rosales, seconded by Davis, and carried by a vote of 4-1 (Hepburn voted no) to recess at 9:15 pm and at 9:18 pm. reconvened.

15. Public Comment /Continued

Mayor Kendrick stated it was not appropriate to attack or badger someone.

Mike Riggs, 2468 Third Street, La Verne, stated that the community needs to hear the facts.

Matt Lyons, La Verne, commended Administrative Secretary Adella Reyes and Community Development Director Scherer for going above and beyond in resolving a noise issue by his home.

Chris Gendreau, La Verne Old Town Business Improvement District, reported on the Holiday Stroll event and that it was a huge success.

City Manager Russi stated that the Assistant City Clerk does not make the decision on what goes on the Agenda and explained why City Council cannot respond during public comment.

16. Council Comments and Meeting/Conference Reports

Council Member Carder stated that she felt that La Verne resident Richard Bowen was bullying her and the Assistant City Clerk Lupe Gaeta Estrella. She stated that his bullying and harassment needs to stop.

She also reported on the Old Town La Verne Downtown Business Improvement District Holiday Stroll Event and wished everyone a happy holiday.

Council Member Rosales wished everyone a happy holiday.

Council Member Davis reported on the car show and that the annual Fire Department annual Christmas run holds good memories for him. He wished everyone a happy holiday.

Council Member Hepburn also reported on the Old Town La Verne Downtown Business Improvement District Holiday Stroll Event and wished everyone a happy holiday.

Mayor Kendrick reported on the following:

- Hillcrest CERT Team
- Retirement of Bonita Unified School Board Member Patti Latourelle.
- Pappas Restaurant Ribbon Cutting Ceremony
- Pink Patch Fundraiser
- Chamber of Commerce Holiday Luncheon
- Upcoming La Verne's Winter Wonderland Event

17. At 9:35 pm., City Council adjourned and the City Council recessed to closed session.

18. Closed Session

The La Verne City Council met in closed session to pursuant to Government Code Section Code Section 54956.8 for the following

**Conference with Real Property Negotiators**

Property: Parcel Nos. 8378-007-907, 8378-007-908 and 8378-007-909, Walnut Street, La Verne

City Negotiators: City Manager, Community Development Director, City Attorney, and Deputy City Attorney

Negotiating party: Lewis Homes

Under Negotiation: Price and terms of payment



19. Adjournment at 10:15 pm., to Monday, December 17, 2018, at 4:30 pm., for a Council Study Session on the Amherst Property, 2898 Amherst, La Verne, CA and on Meetings Rules & Procedures.

Respectfully submitted,

A handwritten signature in black ink that reads "Lupe Gaeta Estrella". The signature is written in a cursive, flowing style.

Lupe Gaeta Estrella, CMC  
Assistant City Clerk