

**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, October 2, 2017**

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 Tim Hepburn
Council Member Robin Carder
Council Member Charlie Rosales
Council Member Muir Davis

Absent: None.

Advisory personnel present: City Manager Robert Russi
City Attorney Robert L. Kress
Assistant to the City Manager Teri Ledoux
Assistant City Clerk Lupe Gaeta Estrella
Public Works Director Dan Keeseey
Acting Community Development Director Eric Scherer
Community Services Director Bill Aguirre
Police Chief Nick Paz
Fire Chief Pete Jankowski
City Engineer Dominic Milano
Personnel Officer JR Ranells
Police Lieutenant Sam Gonzales
Senior Planner Candice Bowcock
Community Services Coordinator Chad Peterson
Finance Consultant Yolanda Karraa
3. Pledge of Allegiance was led by Mayor Kendrick.
4. Presentation to Gilead Sciences
Mayor Kendrick, on behalf of the City Council, presented Gilead Sciences with a certificate of recognition welcoming them to the City of La Verne. Gilead Sciences is a worldwide leader in biopharmaceutical manufacturing and 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. Amend Agenda to Include Closed Session
It was moved by Carder, seconded by Rosales, and unanimously carried to amend the Agenda to include a closed session as recommended by the City Attorney. The need for a closed session arose after the Agenda was posted.

The City Council will meet in a closed session, pursuant to Government Code Section 54956.9 (a)(d)(1), to discuss Sullivan v. City of La Verne, et al. LASC BC 624655, for the following purpose:

Conference with Legal Counsel – Existing Litigation

6. Consent Calendar
- It was moved by Carder, seconded by Davis, and unanimously carried to accept, approve, or act on the Consent Calendar, as presented, except for Item 5d, Canterwood Odor Update, and Item 5e.4, Resolution No. 17-70, Exchange of Proposition A Funds, were pulled from Consent Calendar, as follows:
- City Council Minutes **City Council Minutes** of August 21, 2017 and September 5, 2017, ***received and filed.***
- Registers of Audited Demands **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. ***Approved as recommended.***
- La Verne Youth and Family Action Committee Minutes **La Verne Youth and Family Action Committee Minutes** of August 22, 2017, ***received and filed.***
- Resolution (s)** passed & adopted, as recommended, as follows:
- Resolution No 17, 67, 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
- 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 recommended that the City Council approve Resolution 17-67, authorizing the City Manager to execute the agreement with an 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. ***Approved as recommended by staff.***

Resolution No. 17-68,
Public Works Contract with
Gentry Brothers Inc., for the
Winterhaven Et Al Grind, Aram
and Overlay Improvement
Project

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 recommended 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. **Approved as recommended by staff.**

Resolution No. 17-69,
Authorizing an Agreement with
HF & H Consultants, LLC to
Conduct a Cost Allocation
Study

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 recommended 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. **Approved as recommended by staff.**

7. Pulled from Consent Calendar
for Further Discussion -
Canterwood Odor Update

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.

Senior Planner Bowcock presented an update and the steps taken by staff regarding the Canterwood Odor. She stated that the sewer lift station has been installed by Meritage Homes but complaints are still coming in about the odor. The South Coast Air Quality Management District is (SCAQMD) looking into the possibility of acquiring equipment that can track the source of the odor. Staff will continue monitoring the sewer pump station, log complaints, and work with SCAQMD. No new permits will be issued for occupancy.

City Manager Russi stated that this was just a status update and that it will come back to Council until the problem is resolved.

Mayor Kendrick called for public comment on this matter.

The following individuals complained about the continued problem of the odor, that they are unable to sell their homes because of the smell, and they are unable to enjoy their homes because of it. They pleaded with City Council to do something to resolve odor problem.

Bryon Morales, 1605 Victoria Place
Nora Stofila, 6601 Canterwood Road
Mitesh Shah, 6529 Canterwood Road
Cynthia Hurtado, 6515 Canterwood
Richard Villescas, 6633 Canterwood, stated he wished he never had allowed a sewage line run through his property.
Cheryl Mortenson, Remax Realtor, stated she has confidence in the City Council that they would do the right thing and resolve the problem.
Christina, new resident on Canterwood
Rick Bowen. Eagle Court

Council Member Rosales stated he was upset that the residents have to endure such a problem, understood their plight, and pledged to keep working on resolving this problem.

Council Member Carder stated that staff is working on this matter continuously. She stated she felt their pain and that something needed to be done.

Mayor Pro Tem Hepburn stated that Staff was doing a good job and he understands the resident's frustration, but it has to through the process. The developer will not be about to sell any new homes until the issue of the odor is resolved.

Council Member Davis stated he agreed with Council and the problem needs to be fixed.

Mayor Kendrick stated it was not acceptable what the residents were going through and that the City Council was on their side and the problem will be resolved.

8. Pulled from Consent Calendar - Resolution No. 17-70, Authorizing the Execution of an Assignment Agreement with the City of Industry for the Exchange of Proposition A Funds for General Fund Revenues
- Pulled from Consent Calendar per the request of a La Verne resident for further discussion – Proposition A Funds Exchange.
- City Manager Russi reported that in in June, the City of La Verne approached the City of Industry and asked them if they were interested in exchanging uncommitted Proposition A transportation funds for General Fund monies. The City of Industry agreed to the exchange and informed the City that they would give the City of La Verne the rate of .72 per dollar in general fund monies per \$1.00 in Proposition A Funds.

Mayor Kendrick called for public comment

Rick Bowen, Eagle Court, La Verne, asked if funding for City transit programs are jeopardized by the exchange and can Proposition A funds be used for street repairs, etc.

City Manager Russi replied that all transit programs are fully funded and only the uncommitted Proposition A Transportation funds are being exchanged. He stated that Proposition A funds can only be used for transit programs...

It was moved by Rosales, seconded by Carder, and unanimously carried to approve Resolution No. 17-70, authorizing the execution of an Assignment Agreement with the City of Industry for the exchange of \$275,000 in Proposition A Funds for \$198,000 in general funds and authorize the City Manager to execute said Agreement.

Resolution No. 17-70,
Authorizing the Execution of an
Assignment Agreement with the
City of Industry for the
Exchange of Proposition A
Funds for General Fund
Revenues

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. **Approved.**

9. Ordinance No. 1077,
Amendment to Medical and
Recreational Marijuana

Acting Community Development Director Scherer reported on the amendment to Ordinance 1077, Medical and Recreational Marijuana. He stated that on September 5, 2017, City Council placed on first reading of 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, and was pulled from the agenda due to changes in State Law. Since then, the Ordinance has 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.

It was moved by Hepburn, seconded by Davis, and unanimously carried to 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,
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

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. **Approved and placed on first reading.**

10. Conflict of Interest/Kendrick & Davis

Mayor Kendrick and Council Member Davis declared a conflict of interest because they live in the vicinity of the applicant's house and they left the Council Chambers. Mayor Pro Tem Hepburn chaired the meeting.

Appeal for the Denial of Case No. 56-17PPR – 2353 2nd Street – Façade Change

Senior Planner Candice Bowcock reported on the Appeal for the Denial of Case No. 56-17PPR – 2353 2nd Street – Façade Change. She stated that 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.

Applicant Tina Duffield, 2353 Second street, and stated she has lived in La Verne for nineteen years and loves La Verne. She apologized that she did not contact the City before making the façade change to her home. She felt that the change is a positive improvement to her home. She presented photos of other homes in the vicinity with the same type of façade. She also stated that she would be planting bushes in front of her home that would cover the façade.

Mayor Pro Tem Hepburn called for public comment

Kathy Windsor, La Verne, stated she owns a condondium in south La Verne and the applicant does not live in a Homeowner Association where there are restrictions, but regardless the façade change looks good.

Sherry Best, La Verne Historical Society President, stated that the change of the façade does look different from the original façade of the historic home.

It was the consensus of the City Council that it is very important to preserve and protect the historic character of La Verne's businesses and resident core. However, they also agreed that the façade did not look bad and that bushes will be planted in front to cover most of the façade. They advised the Applicant she would have to pull the appropriate building permits and pay all associated fees if they approved the façade change.

It was moved by Carder, seconded by Rosales, and unanimously carried by a vote of 3-0 (Kendrick and Davis abstained) to approve the façade change as is, and that the applicant pulls and pays for all applicable building permits.

Mayor Kendrick and Council Member Davis returned to the Council Chambers and took their seats.

11. 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.

Rick Bowen, Eagle Court asked why the City was hiring a consultant to do a water rate audit since the water rate increase was approved. He stated that the City needed to be more transparent, and he made reference to the staff report presented to City Council at its last meeting where there was a change in the employee benefits.

City Manager Russi replied that the last water audit was done by staff and Council felt it would be more appropriate to have to have an outside consultant do another water audit.

Sherry Best, President of the La Verne Historical Society, reported there will be a video presentation of the mock wedding of Miss Lordsburg to Mr. La Verne and a "Sneak Peek" of the Gallery of the Galen & Doris Berry collection on Monday, October 9, 2017, at 7pm., at Hillcrest.

Jody Gmeiner, Pomona Habitat for Humanity invited the Council to their annual gala and Board Installation on Friday, November 3, 2017.

George Mary, La Verne Library Manager, reported on library events and programs being held in October. He thanked Community Services Director Aguirre, Assistant to the City Manager Ledoux, City Manager Russi, and Public Works Director Keesey, for the four extra parking spaces at the La Verne Library and for the quick response in replacing a sign that was knocked down by a vehicle.

Kathy Windsor, President of La Verne Land Conservancy reported on the meeting of the Rivers and Mountains Conservancy and that the Conservancy was awarded a grant to conduct a study across the Foothills to link properties to coordinate trail access. She also reported on of a survey conducted by the La Verne Land Conservancy of trail users. She stated that Marshall Canyon is a big draw. In addition, she suggested that Council meetings be televised for the City to be more transparent.

Matt Lyons, Arbor Circle, La Verne, thanked the City Council for providing the Council packet before Council meetings.

8. Council Comments and Meeting/Conference Reports

Mayor Pro Tem Hepburn thanked staff for all their efforts on the Canterwood odor problem.

Council Member Rosales reported that he attended an appreciation lunch held for Bonita Unified School District volunteers. He also reported on a Talk Group meeting which stands for "To Advocate Local Knowledge". He stated that at the meeting they talked about the possibility of Measure M funds being used to upgrade roads, bridges, and highways instead of the construction of the extension of the Gold Line project.

Council Member Carder reported there was some talk about Measure M funding being used for other projects, but it was not final and that Metro is moving forwarding with the Gold Line extension.

Mayor Kendrick invited the public to attend the event honoring Galen and Doris Berry and recognized the La Verne Historical Society for their participation in the Hands on History Program.

9. Closed Session

At 8:26 pm, the City Council recessed to closed session for the following purpose.

Conference with Legal Counsel – Existing Litigation

Pursuant to Government Code Section 54956.9 (a)(d)(1), to discuss Sullivan v. City of La Verne, et al. LASC BC 624655.

10. Adjournment at 9:30 p.m. with no announcement of any reportable action from the Closed Session

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