

**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 18, 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 City Clerk Lupe Gaeta Estrella
Public Works Director Dan Keesey
Acting Community Development Director Eric Scherer
Community Services Director Bill Aguirre
Police Chief Nick Paz
Fire Chief Pete Jankowski
Personnel Officer JR Ranells
Fleet Superintendent Dave Johnson
Fire Battalion Chief Mark
Police Lieutenant Sam Gonzalez
Deputy Fire Marshal Rafaela Giles
Assistant Planner Maia McCurley
3. Pledge of Allegiance was led by Mayor Kendrick.
4. Presentation of "10851 Award Pins" to Officers David Weaver and Carlos Flores
Mayor Kendrick, on behalf of the City Council, recognized and congratulated Officers David Weaver and Carlos Flores for receiving the California Highway Stolen Vehicle Award 10851 Award Pins. Officers Weaver and Flores qualified for the California Highway Patrol Recovered Stolen Vehicle award. The Statewide award program is named after the California Vehicle Code Section for vehicle theft, 10851. Awards are given to officers who have during a 12-month period, achieved one of the following criteria:
 1. Made six (6) separate arrests of alleged thieves who were in the process of driving the cars, or
 2. Recovered a total of 12 stolen vehicles of which a minimum of three are mobile, or
 3. Developed information resulting in the identification of a vehicle theft ring, subsequent arrest of two or more suspects, and the recovery of at least ten vehicles.

Officer David Weaver, between May 18, 2016 and March 7, 2017, recovered six (6) occupied stolen vehicles resulting in the arrests and prosecution of seven (7) suspects. This is David's first 10851 Award.

Officer Carlos Flores, between October 29, 2016 and June 18, 2017, recovered six (6) occupied stolen vehicles resulting in the arrests and prosecution of ten (10) suspects. This is Carlos' first 10851 Award.

Mayor Kendrick commended the La Verne Police Department for their great job in keeping La Verne safe, especially with the passage of AB 109 and Proposition 57, which adds more crime on the street with the early release of prisoners.

5. Consent Calendar

It was moved by Davis, seconded by Rosales, and unanimously carried to accept, approve, or act on the Consent Calendar items, as presented, as follows:

City Council Minutes

City Council Minutes of November 6, 2017, **received and filed.**

Register of Audited Demands

Register of Audited Demands in the amount of \$339,262.90, dated November 28, 2017, and in the amount of \$431,633.21, dated December 5, 2017. **Approved as recommended.**

Treasurer's Report

Treasurer's Report for the Month of November, 2017, **received and filed.**

Bonita Avenue Pavement Rehabilitation Change Order

Bonita Avenue Pavement Rehabilitation Change Order - The original contract to rehabilitate the pavement on Bonita Avenue from Wheeler Avenue to White Avenue was authorized by the City Council on January 17, 2017 in the amount of \$284,304.00. As the project progressed additional quantities of asphalt pavement overlay were needed and the removal and replacement of curb, gutter and spandrel to correct reverse flow and improve drainage issues where needed. This change order amount was \$55,128.00. Total adjusted contract amount is \$339,432.00.

Staff recommended that the City Council authorize the additional expense required to complete the pavement and drainage improvements included in the Bonita Avenue Pavement Rehabilitation contract. This project is funded through the Public Works Department's approved Fiscal year 16 - 17 Capital Improvement Budget utilizing Proposition "C" funds. No additional appropriation is needed. **Approved as recommended by staff.**

Appropriation Extending Salary Continuation to Permanent Employees Called to Active Duty

Appropriation Extending Salary Continuation to Permanent Employees Called to Active Duty - The City has previously extended veteran leave benefits for permanent employees called to active duty in support of United States military operations Enduring Freedom or the Iraq War. The City was informed that one of its public safety personnel has been called to active duty beginning in January in support of military operations overseas and we now need to appropriate necessary funds to provide the extension of benefits and cover staffing needs.

Staff recommended that the City Council approve a budget appropriation in the amount of \$85,000 from the General Fund Reserves to fund the extension of benefit and salary continuation for the employee being called to active duty in support of military operations overseas. The requested appropriation will also allow for full staffing levels in the Police Department.
Approved as recommended by staff.

Ordinances second reading, approved as recommended, as follows:

Ordinance No. 1080,
Moving the City's General
Elections to the First Tuesday
After the First Monday in March
of Even Numbered Years
Beginning in March, 2020

Ordinance No. 1080 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, MOVING THE CITY'S GENERAL ELECTIONS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN MARCH OF EVEN-NUMBERED YEARS BEGINNING IN MARCH, 2020 - *Senate Bill (SB) 415, also known as the California Voter Participation Rights Act, amended the State Elections Code pertaining to municipal election dates. The bill requires cities that currently hold standalone municipal elections to change their election dates to coincide with statewide election dates, unless voter turnout rates for past standalone elections meet a certain threshold. La Verne's past voter turnout rates are lower than the threshold established by SB 415, so the City must move its election date to coincide with a statewide election date.*
Approved.

Ordinance No. 1081,
Reauthorizing the Public,
Educational, or Governmental
Access Channel Fee

Ordinance No. 1081 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES REAUTHORIZING THE PUBLIC, EDUCATIONAL, OR GOVERNMENTAL ACCESS CHANNEL FEE - *In 2006, the State Legislature passed the Digital Infrastructure and Video Competition Act, which created a process for cable video providers to apply for a State franchise permit in lieu of entering local franchise agreements to provide video services. State law allows the City to collect a PEG fee from video subscribers to help fund the City's access channel. The City needs to adopt a new ordinance to allow for that continued authorization.* **Approved**

6. Case No. 118-17 PPR – 2333
Foothill Blvd.– A request to
Approve Public Art for
Pomona Valley Hospital
Medical Center

Assistant Planner McCurley reported on the proposed Public Art for Pomona Valley Hospital Medical Center, Case No. 118-17 PPR, 2333 Foothill Blvd. She stated that StoneCreek Company is requesting to install a public art component at Pomona Valley Hospital Medical Center located at 2333 Foothill Boulevard. The proposed public art is a ceramic mural that will be located on the southern wall, or front façade of the building. The design of the public art arranges the ceramic tiles in a unique pattern that will be an abstracted ribbon that connects and ties together the sides of the building. Each half of the "ribbon" will reflect and commemorated the respective histories' of City of La Verne and Pomona Valley Hospital. The ceramic tile mural was designed and created by Architect and Artist Cha-Rie Tang. Staff is supportive of the proposed ceramic mural, which will be consistent with the Public Art Standards within the Foothill Boulevard Specific Plan.

City Council agreed that with the medical center is an asset to the community and the ceramic tile mural will look really nice.

It was moved by Carder, seconded by Davis, and unanimously carried to concur with the Development Review Committee's approval of Case No. 118-17PPR for the proposed artwork.

7. Naming of South Softball Field at Wheeler Avenue Park
- Naming of South Softball Field at Wheeler Avenue Park - At the last City Council meeting, the Mayor proposed to name the south softball field at Wheeler Avenue Park in memory of resident Jordyn Rivera. Jordyn was one of the 58 people who died in the Las Vegas shooting on October 1, 2017. Jordyn played softball in the City's youth leagues at Wheeler Avenue Park and at Bonita High School and loved playing.
- The City Council agreed that naming the south softball field in memory of La Verne resident Jordyn River is an appropriate tribute to a young lady who loved the game of softball.
- It was moved by Carder, seconded by Kendrick, and unanimously carried to approve naming the south softball field at Wheeler Avenue Park to "**Jordyn Rivera field**" in her honor and memory.
8. Conflict of Interest/Mayor Kendrick
- Mayor Kendrick declared a conflict of interest on this matter, because his business is located in downtown La Verne, and left Council Chambers.
- Old Town La Verne Farmers Market Contract
- Mayor Pro Tem Hepburn chaired the meeting on this matter.
- Acting Community Development Director Scherer reported on the Old Town La Verne Farmers Market Contract. He stated that the City, on the recommendation of the Old Town La Verne Business Improvement District, entered into an agreement with the non-profit organization Xela Aid in February of 2015, to operate a certified Farmers Market. The term of the contract was for three years, with an automatic renewal for another three years, unless there is a request not to renew. Based on the performance of the market over the last 3 years, the Old Town La Verne Business Improvement District Board voted to recommend that the City issue a letter of non-renewal.
- Mayor Pro Tem Hepburn called for public comment on this matter. There was none.
- The City Council were saddened by closure of the Farmers Market but understood that sales were not good. They spoke of the future events being planned in downtown La Verne.
- It was moved by Carder, and seconded by Davis, and carried by a vote of 4-0 (Kendrick Abstained) to direct staff to send a letter of non-renewal to Xela Aid for the Farmers Market, as recommended by Old Town La Verne Business Improvement District Board with the expectation that the final farmers market will occur on Saturday, December 30, 2017.
- Mayor Kendrick returned to the Council Chambers and took his seat.

9. Temporary Employment Agreements with Dave Johnson and Rafaela Giles

Personnel Officer Ranells reported on the Agreements for Temporary Employment for Dave Johnson and Rafaela Giles. He stated that Fleet Superintendent Dave Johnson has submitted paperwork to retire at the end of December 2017, after 32 years of employment. In order to minimize disruption to the Public Works Department resulting from this loss of institutional and operational knowledge, the City is interested in retaining his services until the end of the fiscal year. The arrangement also provides a savings of \$30,000 over a six-month period as no benefits will be paid to Mr. Johnson. In order to be compliant with California Law and the 2013 Pension Reform Act, it is necessary for the City Council to certify there is an urgent need to waive the 180-day waiting period as well as take an action affirming the execution of such employment arrangements. The resolution and agreement satisfy those requirements.

Personnel Officer Ranells also reported that Deputy Fire Marshal Rafaela Giles has also submitted paperwork to retire at the end of December 2017, after 23 years of employment. In order to minimize disruption to the Fire Department resulting from this loss of institutional and operational knowledge, the City is interested in retaining her services until the end of the fiscal year. The arrangement also provides a savings of \$20,000 over a six-month period as no benefits will be paid to Ms. Giles. In order to be compliant with California Law and the 2013 Pension Reform Act, it is necessary for the City Council to certify there is an urgent need to waive the 180-day waiting period as well as take an action affirming the execution of such employment arrangements. The resolution and agreement satisfy those requirements.

Mayor Kendrick called for public comment on this matter.

Rick Bowen, Eagle Court, La Verne, stated he just wished there was more transparency when negotiating these types of employment agreements and asked why succession planning was not done before they retired.

Council Member Rosales stated it was a great bargain for the City and we were getting two great employees.

Mayor Pro Tem Hepburn also agreed with Council Member Rosales, and that succession planning is important.

City Manager Russi stated there will be a saving to the City and City operations will not be disrupted.

It was moved by Rosales, and seconded by Davis, and unanimously carried by approve Resolution No. 17-82 and 17-83, authorizing the City Manager to execute agreements with Dave Johnson to provide temporary, part-time employment as interim Fleet Superintendent and with Rafaela Giles to provide temporary, part-time employment as interim Deputy Fire Marshal.

Resolution No. 17-82,
Authorizing an Agreement with
"Retired Annuitant" Dave
Johnson as Interim Fleet
Superintendent

Resolution No. 17-82 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING AN AGREEMENT WITH "RETIRED ANNUITANT" DAVE JOHNSON AS INTERIM FLEET SUPERINTENDENT.
Approved.

Resolution No. 17-83,
Authorizing an Agreement with
"Retired Annuitant" Rafaela
Giles as Interim Deputy Fire
Marshal

Resolution No. 17-83 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING AN AGREEMENT WITH "RETIRED ANNUITANT" RAFAELA GILES AS INTERIM DEPUTY FIRE MARSHAL. **Approved.**

10. Mobilehome Rent Review
Ordinance Amendments

Personnel Officer Ranells reported on the proposed Mobilehome Rent Review Ordinance Amendments. He stated that the proposed Ordinance No. 1082 reflects amendments to the City's existing Mobilehome Rent Review Ordinance to better protect residents who live in mobilehome parks.

Mayor Kendrick called for public comment. There was none.

It was moved by Carder, seconded by Hepburn, and unanimously carried to introduce and place on first reading Ordinance No. 1082, amending the La Verne Municipal Code relating to permitted rent increases in mobilehome parks, as follows:

Ordinance No. 1082,
Amending Chapter 9.16 of Title
9 of the La Verne Municipal
Code Relating to Permitted
Rent Increase in Mobilehome
Parks

Ordinance No. 1082 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AMENDING CHAPTER 9.16 OF TITLE 9 OF THE LA VERNE MUNICIPAL CODE RELATING TO PERMITTED RENT INCREASES IN MOBILEHOME PARKS. **Approved and placed on first reading.**

11. Gold Line and Arrow Highway
Bike Path Conflicts

City Manager Russi stated there has been a lot of controversy over the weekend regarding this matter and he needed to clarify that the City Council is only addressing the Gold Line conflict with the proposed Arrow Highway Bike Path. The only goal of the City Council was addressing this issue and preserving the Bicycle Gap Closure Grant.

Public Works Director Keesey reported on the conflicts of the Gold Line and Arrow Highway Bike Path. He stated that the City and Gold Line staff has been diligently working to coordinate the City's proposed Arrow bike path with the planned Gold Line light rail system. Both projects were initially pursued several years ago, without the other in mind. Unfortunately, as design requirements for both projects have progressed, spacing conflicts have become apparent, particularly between D and E Streets. To maintain their project schedule commitments, Gold Line is now pursuing the California Public Utilities Commission for approval of grade crossings that reflect Gold Line's original layout without the bike path.

City staff has been in contact with Caltrans, the fund manager for the "Bicycle Gap Closure" project, to review the conflicts. Caltrans has maintained that a bike route on Arrow is necessary to satisfy the terms of the grant or the full grant award will be forfeited. City staff is continuing discussions with Caltrans to modify the "Bicycle Gap Closure" grant.

Given the design coordination issues of the two projects and Caltrans' insistence that a bike route be maintained on Arrow Highway, Staff requested Council's consensus to pursue one of the following options, listed in order of priority:

Option 1. Eliminate the Arrow Bike Path due to unresolvable conflicts with proposed Gold Line improvements provided that funding for remaining improvements contained within the "Bicycle Gap Closure" project remain intact; and

Option 2. Per Caltrans' direction, drop the third lane in both the east and west directions of Arrow and install a Class II bike lane in both directions, thereby avoiding conflicts with Gold Line and maintaining full grant funding.

Mayor Kendrick called for public comment on this matter.

Robert Duran, 2768 Sylvian Lane, La Verne stated he's lived in La Verne for nineteen years and drives Arrow Highway frequently. He was against the City dropping a lane on Arrow Highway which would impede traffic flow and redirect traffic to Bonita Avenue.

Sarah Svob, 2167 Damien Avenue, La Verne, asked if it was safe to put in a bike path on Arrow Highway with the amount of traffic generated by the commuters and the Fairplex and it will be worse when the Gold Line comes in.

Brian Bennett, 2235 Pattiglen, La Verne, did not understand why the City was focusing on Arrow Highway bike lanes and that the grant was a ploy for the City to use funds for roadwork. He felt that the City was not being honest and there was no disclosure or public input on this matter. He stated there should be an active transportation committee to consider public transportation issues.

Council Member Carder stated that a lot of what Mr. Bennett said was not true. The Grant can only be used to develop a Bicycle Master Plan. It cannot be used for roadwork. In addition, the City already has an Active Transportation Committee. The Public Works Department is coordinating street projects to coincide with bike lane projects. It would not be feasible to put in bike lanes before the planned roadwork.

Council Member Davis stated that the Council at this time needs to address the Gold Line conflict. He stated that the Gold Line is important and he agreed that dropping the Class I Arrow Highway Bike Path is the right option provided that the funding for remaining improvements contained within the "Bicycle Gap Closure" project remain intact. In addition he stated that the City needs to be pro-active with the community and have lots of conversation before the Council makes a final decision regarding Arrow Highway bike path and public transportation matters.

Mayor Pro Tem Hepburn agreed that the Gold Line is very important and we should not hold the project up, but he also did not want to lose the grant. He also agreed that it is very important to keep the community informed and engaged in further public transportation matters.

Council Member Rosales stated he had three issues, bicycle safety, restricting east and west traffic on Arrow Highway and more planning in bike lane design. for City and these issues need to be addressed before a decision is made.

Mayor Kendrick also was concerned for the safety of bicycle riders riding Arrow Highway. He also supported dropping the Class 1 Arrow Highway Bike Path and preserving the grant.

It was moved by Davis, seconded by Carder, and unanimously carried to authorize staff to eliminate the Class 1 Arrow Highway Bike Path due to unresolvable conflicts with the proposed Gold Line improvements provided that funding for remaining improvements contained within the "Bicycle Gap Closure" project remain intact and to engage the community regarding future transportation issues.

12. Christmas Parade Designation and Staffing

Fire Chief Janksoksi reported on the Christmas Parade designation and Staffing. He stated that for 91 consecutive 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 the growth in the City since 1925, it now requires nearly 100 volunteers to complete this worthy task. This year, we have experienced a decrease in volunteers willing to assist with the Christmas Morning tradition. Additionally, questions have been raised by some individuals that the methods and vehicles used to carry out this annual event violate the California Vehicle Code and should not be allowed. The Police Chief has assured Staff that he disagrees with this assessment, but Staff is requesting a "Parade Route" designation to eliminate any question about the ability to continue this event and authorization to bring in additional paid staff to facilitate the Christmas Morning program.

Mayor Kendrick called for public comment.

Andy Glaze, President of the La Verne Firefighters; Association stated they supported the annual Christmas run, but have many safety concerns that have not been addressed.

Rick Bowen stated it was a great Christmas tradition but was concerned we were spending money to run the event. He stated it was obvious why the Firefighters were not volunteering because of problems with the leadership. He stated that the City Council should open up to the citizens to what is happening.

The City Council discussed the Christmas tradition event in La Verne, and it was the consensus of the City Council that they will continue supporting this event, now and in the future.

It was moved by Carder, seconded by Davis, and unanimously carried to designate the submitted maps as a parade route on December 25, 2017 from 7:00 am until 5:00 pm and direct the Fire Chief to expend overtime funds to call in full-time staff as drivers, and recruit additional volunteers as required to complete the La Verne Christmas Day program.

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.

Rick Bowen, Eagle Drive, La Verne, asked about the allocation of \$500 for overtime for the Christmas run and spoke about the money generated when the City sends out Police or Fire personnel to assist other agencies during an emergency event.

14. Council Comments

The City Council wished everyone a Merry Christmas and a Happy New Year.

Council Member Carder recognized Matt Lyons who was appointed to the Bonita Unified School District Board on December 6, 2017.

Mayor Kendrick reported on Winter Wonderland event. He stated that it was an amazing event and thanked the Community Services Staff for all their hard work that day.

15. Closed Session

At 8:11 pm, the City Council recessed to Closed Session for the following:

Conference with Labor Negotiator (Government Code Section 54957.6).

City Negotiators: City Manager, Personnel Officer, and City Attorney

Employee Organization(s): La Verne City Employees Association, La Verne Police Officers' Association, La Verne Police Middle Management, La Verne Firefighters' Association

Conference with Legal Counsel – Pending Litigation (Government Code Section 54956.9 (d) (1)).

La Verne Firefighters Association v. City of La Verne, Civil Action No. 2:17-cv-08743 MRW.

16. Cancellation of the January 2, 2018 Council Meeting.

The next regular meeting of the La Verne City Council scheduled for Tuesday, January 2, 2018, was **CANCELLED** due to limited need.

17. Adjournment at 9:00 pm, with no announcement of any reportable action from the Closed Session

Respectfully submitted,



Lupe Gaeta Estrella, CMC
Assistant City Clerk