

**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, March 19, 2018**

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 Keeseey
Community Development Director Eric Scherer
Community Services Director Bill Aguirre
Police Chief Nick Paz
Police Captain Colleen Flores
Police Lieutenant Sam Gonzalez
Fire Chief Pete Jankowski
Personnel Officer JR Ranells
Senior Planner Candice Bowcock
Recreation Supervisor Yvonne Duran
Accountant Christy Lopez
Finance Consultant Mark Alvarado
3. Pledge of Allegiance was led by Mayor Kendrick.
4. Consent Calendar It was moved by Rosales, seconded by Hepburn and unanimously carried to accept, approve, or act on the Consent Calendar items, except for Item No. 4c, Mid-Year Reports, Item No. 4d Rotation of Mayor Pro Tem, Item No. 4h, Approval of Pension Obligation Bond Financing Legal and Professional Agreements, and Item 4i, Retainer Agreement with Renne Public Law Group, was pulled from the Consent Calendar at the request of resident Richard Bowen for further discussion.

Registers of Audited Demands **Register of Audited Demands** in the amount of \$248, 884.41, dated March 6, 2018; and in the amount of \$1,147,305.18, dated March 13, 2018. **Approved as recommended by staff.**

Treasurer's Report Treasurer's Report for the Month of February, 2018, **received and filed.**

Pulled from Consent Calendar for Further Discussion by La Verne Resident Richard Bowen, Mid-Year Reports **Mid-year Fiscal Status Report** - concerning the financial activities of the City for the period ending December 31, 2017. The report includes budget to actual comparisons for revenues and expenditures along with other financial information.

Richard Bowen, 2340 Eagle Court, La Verne, requested that this item be pulled from the Consent Calendar for further discussion. He stated that last year the former Finance Director Richard Martinez gave a presentation and he requested that a detailed presentation be given. He also complained that this item should have not been placed on the Consent Calendar. He also requested that the information be placed on the website to make it available to all residents.

City Manager Russi gave a detailed presentation of the budget amendments that adjusted the revenues and the appropriations for fiscal year 2017-18 budget as outlined in Staff Report dated March 19, 2018 from Acting Finance Director Nathan Statham.

It was moved by Hepburn, seconded by Davis, and unanimously carried to approve the budget amendments that adjust revenues and appropriations for the fiscal year 2017/18 budget. The Council should also receive and file the December 31, 2017 mid-year financial report.

Pulled from Consent Calendar for Further Discussion by La Verne Resident Richard Bowen, Rotation of Mayor Pro Tem

Rotation of Mayor Pro Tem - The City Council has followed a formal procedure for the rotation of the office of Mayor Pro Tem since 1993, and reaffirmed that policy annually. According to Resolution No. 17-17, the current established rotation policy, the office of Mayor Pro Tem rotates to Council Member Muir Davis for a one-year term or until the second Council meeting in March 2019.

Richard Bowen, 2340 Eagle Court, La Verne, requested that this item be pulled from the Consent Calendar for further discussion. He asked if the rotation of Mayor Pro Tem to Council Member Davis was appropriate, since he is allegedly under investigation with the District Attorney for a Brown Act Violation.

City Attorney Kress stated that there is no investigation by the District Attorney of Council Member Davis and the rotation is appropriate. He recommended that the City Council approve the rotation.

It was moved by Carder, seconded by Rosales, and unanimously carried to approve Resolution No. 17-17, appointing Muir Davis as Mayor Pro Tem for a one-year term, or until the second Council meeting in March 2019.

La Verne Community Center Heating/Air Conditioning Units

La Verne Community Center Heating/Air Conditioning Units - It has been determined that the two heat/air conditioning units at the Community Center are damaged and repairing them has no guarantee. The units are over 28 years old and they heat the large meeting room and the entrance to the west side of the facility. Community Services staff, as well as the Director of Public Works, have reviewed the problem and concluded that the units need to be replaced.

Staff recommended that the City Council approve the appropriation of funds in the amount of \$50,000 for the purchase of two heating/air conditioning units for the La Verne Community Center. The funds will be allocated from the Parks Development fund. ***Approved as recommended by staff.***

Request for Temporary Street Closures for CicLAvia Event-

Request for Temporary Street Closures for CicLAvia Event- Staff is seeking approval for temporary street closures of Bonita Avenue, Fulton Road, and partial street closures for D Street and Third Street for the CicLAvia event on Sunday, April 22, 2018. The Police, Fire, and Public Works Departments have all approved these closures and the traffic plan put forward by CicLAvia.

Staff recommended that the City Council approve the temporary closure of Bonita Avenue from San Dimas Canyon Road to Fulton Road, Fulton Road from Bonita to Arrow Highway and partial closures of D Street from Bonita to 2nd Street, and Third Street from alley to alley for the CicLAvia event on Sunday, April 22, 2018, from 6 am to 5:30 pm. ***Approved as recommended by staff.***

Comments for Los Angeles County Property Tax Measure to Fund Stormwater

Comments for Los Angeles County Property Tax Measure to Fund Stormwater - The City of La Verne is mandated to meet numerous, costly requirements enacted under the 2012 Municipal Separate Storm Sewer System (MS4) permit. Existing funding is provided through the City's general and sewer funds, however, these sources will not be sufficient to meet future milestone requirements. Los Angeles County Flood Control District is seeking comment to draft a countywide parcel tax measure to fund stormwater capture and reduce stormwater runoff pollution.

Staff recommended that the Council comment on necessary components of the funding measure and direct staff to send a letter to the Los Angeles County Board of Supervisors detailing requested framework to be incorporated in the measure. ***Approved as recommended by staff.***

Pulled from Consent Calendar for Further Discussion by La Verne Resident Richard Bowen, Approval of Pension Obligation Bond Financing Legal and Professional Agreements

Approval of Pension Obligation Bond Financing Legal and Professional Agreements .

Richard Bowen, 2340 Eagle Court, La Verne, requested that this item be pulled from the Consent Calendar for further discussion. He stated that this item should have not been placed on the Consent Calendar, but listed as an open hearing for a detailed presentation on this matter.

City Manager Russi summarized actions taken per the direction of the City Council. He stated that on February 5 the City Council gave formal direction to the City Manager to assemble the necessary bond financing team and prepare the legal documents necessary to proceed with the issuance of a pension obligation bond. The three key financial services that are required for a bond issuance are the legal services, the financial advisory services, and the underwriter services. Staff has assembled the three firms that will provide the professional services needed. Their service contracts are ready for Council approval.

Richard Bowen, 2340 Eagle Court, La Verne disputed the financing of the bond.

City Manager Russi reported that there would be detailed presentation at a future City Council meeting once the bonds are issued.

It was moved by Davis, seconded by Rosales and unanimously carried to approve the professional services agreement with Quint & Thimmig LLP for bond counsel and disclosure counsel services, approve the agreement for advisor services with Harrell & Company, and to approve the selection of Hilltop Securities as underwriter.

Pulled from Consent Calendar for Further Discussion by La Verne Resident Richard Bowen, Retainer Agreement with Renne Public Law Group

Retainer Agreement with Renne Public Law Group - The City needs to engage counsel to defend the FLSA lawsuit brought by members of the Firefighters Association.

Richard Bowen, Eagle Court Drive, La Verne, requested that this item be pulled from the Consent Calendar for further discussion. He questioned the \$50,000 retainer fee.

City Attorney Kress stated that that the \$50,000 is not a retainer fee, the agreement is just to retain an attorney and appropriation of \$50,000 is to provide funding for the defense of the lawsuit.

It was moved by Carder, seconded by Davis, and carried by a vote of 4-1 (Hepburn No) to approve the retainer agreement with Renne Public Law Group and authorize the appropriation of \$50,000 from the General Fund Reserve.

Continued to the April 16, 2018 Council Meeting, Comprehensive Annual Financial Report for June 30, 2017 Presentation

Comprehensive Annual Financial Report for June 30, 2017 - Presented each year, the City completes a Comprehensive Annual Financial Report (CAFR), which has been audited by our outside independent audit firm - Rogers, Anderson, Malady & Scott, LLP (RAMS). The CAFR reflects the financial position and operating activities of the City for the fiscal year ended June 30, 2017. As part of the audit, RAMS has issued their Report on Internal Control over Financial Reporting and on Compliance. RAMS Partner Brad Welebir will provide Council with a summary of the audit and answer any questions.

The Comprehensive Annual Financial Report for June 30, 2017 presentation was continued to the April 16, 2018, Council Meeting to allow City Council more time to review the report which was inadvertently left out of their Agenda Packet.

General Plan Update

Amanda Tropiano with the De Novo Planning Group gave an update on the General Plan activity including an overview of the resident survey results and the status of the General Plan Advisory Committee (GPAC).

After the General Plan presentation, it was moved by Davis and seconded by Hepburn to approve the 15 member General Plan Advisory Committee (GPAC) and the schedule for the General Plan workshops.

General Plan Update was received and filed by City Council. They thanked Amanda Tropiano for her presentation and work on the General Plan.

Request from La Verne Resident Fred Faught to be placed on the Agenda to discuss "Cuts to the City Fiscal Budget".

Fred Faught, 2196 Virginia Lane, stated he had several budget concerns and he was also concerned about the La Verne Firefighters' lawsuit. He stated that \$50,000 is a lot of money to retain an attorney and he complained of the proposed cuts to the Fire Department.

City Manager Russi answered his budget concerns. He explained that the cuts and strategies were discussed and approved at the February 5, 2018, Council meeting and the cuts were made to help finance the escalating payments to CALPERS.

Mayor Kendrick called for public comment on this matter.

John Murphy, spoke about trying to resolve the conflict with the La Verne Firefighter's Association. He stated that the dispute with the Firefighters' Association was union driven. He also spoke about the huge cost to residents to meet the numerous, costly requirements enacted under the 2012 Municipal Separate Storm Water Sewer System (MS-4) permit.

David Bonanno, La Verne Firefighters' Association, asked if City Council would consider dropping the elimination of the fire engineer assignment in lieu of doing the proposed remodel and bathroom construction project at Fire Station 2. He stated it would help lift employee morale in the department.

Council Member Carder stated that Council has already voted on this matter and she stated that residents want their own fire department and do not want to go with the County of Los Angeles for fire services.

Mayor Pro Tem Hepburn stated that residents feel that the Fire and Police provide excellent service. He stated he would like to look at other resources available to the City and that transparency is very important. He hated the cost of the lawsuit.

Jane, Wheeler Avenue, La Verne, spoke about Mills Park improvements and that one side of the park still needs improvement. She complained about the speeding cars on Wheeler Avenue and that 40 MPH was not safe for Wheeler Avenue. She stated she fully supports the La Verne Fire Department.

Aaron Stubbe, 1944 Greenview Lane, La Verne, stated he has lived in La Verne for 33 years and was outraged when he saw the cartoon depicting President Trump as Nazi and an officer wearing KKK garb while aiming a gun at a black child.

Ryan Koscielski, 2850 Norland Avenue, La Verne also expressed outrage over the cartoon printed in the Bonita High School "The Paw Print" magazine.

Karen Crockrell, La Verne resident was also very unhappy with the Bonita High School cartoon printed in the "The Paw Print" magazine. She stated that she called the school and that they should have communicated with the parents.

City Manager Russi reported that the matter was discussed with the School District and the effect on the community. He stated that the Police did meet with the school to minimize the effect on the community.

Gary Hunter, Chelsea Drive, La Verne, suggested that the Fire Department could use the training tower in Ontario.

Richard Bowen, Eagle Court Drive, La Verne, asked how many fire employees have left the city in the last two years. In addition, he stated that health care benefits for retirees were outrageous and that the employee vacation payouts were high. He stated that City employees have extremely generous benefits and they need to be cut. He asked about his request for a public forum and complained about the Misty Chang agreement, Chase's' loan and the lawsuits faced by the City.

Tom, La Verne resident thanked the City Council for their commitment and service to the City of La Verne. He stated that the cost of complying with the numerous, costly requirements enacted under the 2012 Municipal Separate Storm Water Sewer System (MS-4) permit is an urgent matter.

7. 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.

8. Council Comments and Meeting/Conference Reports

Council Member Carder also expressed disappointment with the Bonita High School Bearcat Newspaper inappropriate cartoon. She stated that La Verne has a good school system and that the Bonita Unified School District School Board is very responsive. She spoke with the Superintendent about the matter, and she too was very disappointed and apologetic. She stated that Bonita High School has an excellent Principal. She advised that parents to stay involved with their children.

Council Member Rosales reported on the numerous, costly requirements enacted under the 2012 Municipal Separate Storm Water Sewer System (MS-4) permit and the huge cost to the residents.

Mayor Pro Tem Davis stated it was important to keep open communication with our children and to work together.

Council Member Hepburn stated that the City of La Verne has a good school district, and high school principal. He reported on the La Verne Little League Opening Day event held on March 19, 2018.

Mayor Kendrick stated he too was upset when he saw the cartoon. He commended Police Chief Paz for his quick response to the incident involving the cartoon. He also stated it was very important to stay involved with your children. He also reported on the Casa Colina Tribute to Courage Gala held on March 10, 2018, honoring Las Vegas shooting victim La Verne resident Katrina Hannah.

At 9:01 pm., the City Council recessed to Closed Session.

Closed Session

The City Council met in Closed Session for the following:

Continuation of Closed Session on Conference with Labor Negotiator (Government Code Section 54957.6).

Negotiators: City Manager, Personnel Officer, and City Attorney

Employee Organization(s): La Verne City Employees Association, La Verne Police Officers' Association, La Verne Firefighters' Association, La Verne Police Middle Management Association and all unrepresented employees.

Conference with Legal Counsel to discuss 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- GW (AFMx)

Meritage Homes of California, Inc., v City of La Verne, LASC No. B5172622

9. Adjournment at 10:15 pm to Monday, April 2, 2018, at 5 p.m. in the Conference Room of City Hall for a Council Study Session on Compensation and Classification

Respectfully submitted,



Lupe Gaeta Estrella, CMC
Assistant City Clerk