

CITY OF LA VERNE

CITY COUNCIL AGENDA

Tim Hepburn, Mayor
Muir Davis, Mayor Pro Tem
Robin Carder, Council Member
Rick Crosby, Council Member
Wendy M. Lau, Council Member



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City Hall Council Chamber
3660 D Street
La Verne, CA 91750

Monday, July 19, 2021 - 6:30 p.m.

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. Regular Meetings are held on the 1st and 3rd Monday of every month.

Tonight's Council Meeting will again be closed to the public in compliance with Governor Newsom's Executive Order to minimize the spread of the COVID-19 Virus. However, the City encourages public participation and as such wants to make residents aware of the following opportunities on how to participate:

- 1) View the meeting through the City's website at www.cityoflaverne.org and click on the green "Council Meeting Live Stream" button.
- 2) Individuals can email their comments to the Assistant City Clerk at cityclerk@cityoflaverne.org up to noon on the day of the meeting. Those comments will be shared with City Council in advance of the City Council meeting and included as part of the permanent record. **Please be advised that public comments submitted by emails or any other format to the City are public records that will be made available for public viewing.**
- 3) Individual who wish to share their comments directly during the meeting may do so by emailing the Assistant City Clerk at cityclerk@cityoflaverne.org with their phone number and the item(s) they wish to speak on. Requests will be accepted before and throughout the meeting and staff will call you back at the appropriate time. Once items are considered by the City Council, no further public comment on that matter will be accepted. A time limit of 3-minutes is set for all public comments.
- 4) If you wish to participate via Zoom, you will need to register at https://us02web.zoom.us/webinar/register/WN_6-r0SZBtSiKH5LMUrTwHCg before 5:00 p.m. on Monday, July 19, 2021, and please be aware that space is limited. You will have the ability to watch the meeting in real time and raise your hand to request to comment as appropriate on the current agenda item(s). Once it is your turn to speak, you will be brought into the meeting and have the ability to turn your video on when called upon.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

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

4. **ANNOUNCEMENTS OF UPCOMING COMMUNITY EVENTS** (Any person who wishes to make a brief announcement of a future community event that is open to the general public may do so at this time)

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 July 6, 2021, ***to be received and filed.***

b. **Registered of Audited Demands** in the amount of \$1,558,560.74 dated June 24, 2021, and in the amount of \$357,334.45 dated June 30, 2021, ***approval recommended by Interim Finance Director Alvarado.***

c. **City Treasurer's Report** for the Month of April, 2021, ***to be received and filed.***

d. **Type I Fire Engine Replacement** - The Fire Department is recommending the replacement of the Department's 1998 Type 1 Fire Engine during the 2021-22 fiscal year. The expected lead-time for the new fire engine is currently 13-14 months. This timeframe will ensure our ability to replace the 1998 engine just prior to reaching 25 years of service. This is in keeping with National Fire Protection Association (NFPA) recommendations for in service fire apparatus .

Interim Fire Chief Waterhouse recommends that the City Council authorize the City Manager to execute a purchase order with Pierce Manufacturing Inc. in the amount of \$826,554.89 for the purchase of a Type I Fire Engine; as well as an additional \$23,500 for necessary equipment; Tag onto a competitively awarded contract by the City of Los Angeles for Type I Engines; and authorize the transfer from the specified funds outlined in the report to support purchase.

e. **Police Conducted Energy Weapon (CEW) Replacement** - On June 21, 2021, the 2021/2022 budget was adopted and the City Council approved the funding for CEW (Also known as Taser) replacement. Taser is a proprietary product only produced by Taser International which is owned by Axon Inc. The Department is seeking authority to execute a five-year contract with Axon Inc. to provide the equipment and services listed within this report.

Police Chief Paz recommends that the City Council provide the City Manager the authority to enter into a five-year contract with Axon Inc. and accept the terms and conditions. The contract total is \$210,993 which is divided into five annual payments.

f. **Staff recommends approval and passage of the following Resolutions:**

1. **Resolution No. 21-48** - A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DETERMINING SPECIAL TAX FOR THE 2021-22 FISCAL YEAR (COMMUNITY FACILITIES DISTRICT NO. 90-1 - LA VERNE INDUSTRIAL SPECIFIC PLAN) - *Operation and Maintenance Community Facilities District No 90-1 (O&M CFD 90-1), a special tax district within the La Verne Industrial Specific Plan, requires the City Council to authorize the levy annually. Exhibit "A" of the attached resolution lists the properties and their levy's included in the district.*

Interim Finance Director Alvarado recommends that the City Council adopt Resolution No. 21-48 levying a special tax for the 2021-22 Fiscal Year per the schedule shown in Exhibit "A" attached to the Resolution, which increases the rate by 2.2 percent to address the cost of living increases based on the annual consumer price index ending March 2021.

2. **Resolution No. 21-49** - A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DETERMINING SPECIAL TAX FOR THE 2021-22 FISCAL YEAR (COMMUNITY FACILITIES DISTRICT NO. 11-1) - *The City Council on an annual basis must authorize the tax levy for Community Facilities District No. 11-1 (CFD No. 11-1), a special fire tax for buildings three stories (thirty-five feet) and above*

Interim Finance Director Alvarado recommends that the City Council adopt the attached Resolution No. 21-49 levying a special tax for Fiscal Year 2021-22 within CFD No, 11-1 per the schedule shown in Exhibit "A" attached to the Resolution.

3. **Resolution No 21-50** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING THE EXECUTION OF AMENDMENT NO. 3 TO AN AGREEMENT WITH LSA ASSOCIATES, INC. FOR EXPANSION OF ENVIRONMENTAL CONSULTING SERVICES FOR A PROPOSED RESIDENTIAL DEVELOPMENT AT 3717 FRUIT STREET AND AT 1874, 1876, AND 1878 WALNUT STREET. - *The Community Development Department is currently processing applications submitted by Brandywine Homes for a proposed residential development at 3717 Fruit Street (APN 8666-017-028) and at 1874, 1876, and 1878 Walnut Street (APN 8378-007-907, 8378-007-908, and 8378-007-909). LSA Associates, Inc. has submitted Amendment Request No. 3 for revision of the Noise Technical Study per City Attorney recommendations.*

Staff recommends that the City Council adopt Resolution No. 21-50 to authorize execution of Amendment Request No. 3 to the Agreement with LSA Associates, Inc. for revision of the Noise Technical Study related to the preparation of CEQA documents for the proposed residential development at 3717 Fruit Street and 1874, 1876, and 1878 Walnut Street.

4. **Resolution 21-51, Resolution 21-52, Resolution 21-53 and Resolution No. 21-54 - The Memorandum of Understanding (MOU) with the La Verne City Employees' Association (LVCEA), La Verne Police Officers' Association (LVPOA), and La Verne Police Middle Management Association (LVPMMMA) expired on December 31, 2020. Staff and association representatives have been meeting since the fall of 2020 on respective successor agreements. At this time, an agreement has been reached with these three represented employee groups and staff is seeking City Council's formal approval. Additionally, staff is updating the benefits resolution for Middle Management, Professional and Confidential Employees.**

Assistant to the City Manager Ranells recommends the City Council adopt Resolution 21-51, Resolution 21-52, and Resolution 21-53 authorizing the City Manager to execute an MOU between the City of La Verne and LVCEA, the City of La Verne and LVPOA, and the City of La Verne and the LVPMMMA. Staff also recommends the City Council adopt Resolution No. 21-54, establishing benefits for Middle Management, Professional and Confidential Employees; and repeal Resolution No. 20-82.

Resolution No. 21-51 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE LA VERNE CITY COUNCIL AND THE LA VERNE CITY EMPLOYEES' ASSOCIATION (LVCEA) THROUGH JUNE 30, 2022.

Resolution No. 21-52 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE LA VERNE CITY COUNCIL AND THE LA VERNE POLICE OFFICERS' ASSOCIATION (LVPOA) THROUGH JUNE 30, 2022.

Resolution No. 21-53 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE LA VERNE CITY COUNCIL AND THE LA VERNE POLICE MIDDLE MANAGEMENT ASSOCIATION (LVPMMMA) THROUGH June 30, 2022.

Resolution No. 21-54 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ESTABLISHING BENEFITS FOR MIDDLE MANAGEMENT, PROFESSIONAL AND CONFIDENTIAL EMPLOYEES AND REPEALING RESOLUTION NO. 20-82.

5. **Resolution No. 21-55 and No. 21-56 Adopting a Salary Chart for Full-Time and Part-time Employees and Repealing Resolution No. 20-83 and No. 20-84 - The Resolutions and salary tables reflect adjustments in compensation resulting from increases agreed to in negotiations with represented employee groups. Similarly, Middle Management and Executive Management employees are also being adjusted as directed by the City Council. Hourly positions tied to full-time equivalent positions are being adjusted at this time as well.**

Assistant to the City Manager Ranells recommends that the City Council adopt Resolution No. 21-55 and Resolution No. 21-56, amending both full-time and part-time salary tables.

Resolution No. 21-55 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADOPTING A SALARY CHART FOR ALL FULL-TIME EMPLOYEES AND REPEALING RESOLUTION NO. 20-83.

Resolution No. 21-56 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADOPTING A SALARY CHART FOR ALL PART-TIME EMPLOYEES AND REPEALING RESOLUTION NO. 20-84.

6. **PUBLIC HEARINGS**

- a. **Citywide Landscaping and Lighting District No. 6 and Zones 2, 3, 4-1, 411, 5 and 6; Public Hearing; Resolution Providing for the Annual Levy** - On June 21, 2021, the City Council set July 19, 2021 at 6:30 p.m. as the date and time for the public hearing for the subject assessment district and its zones. Attached is the Engineer's Report and the cover report from the June 21, 2021 meeting. No change in the assessment levy is being proposed for the subject special benefit in Zones 2, 3, 4-I, and 4-II. Zone 5 is proposed to have the levied assessment reduced below the maximum assessment amount to draw down reserves. The formation of Zone 6 allowed for CPI increases which with the March 2021 CPI of 2.2% allows for a maximum assessment per parcel of \$284.09. A levy of \$242.26 is proposed in this zone.

STAFF RECOMMENDATION:

The City Council should adopt Resolution No. 21-57, providing for the annual levy and collection of assessment for the special zones in District No. 6 for Fiscal Year 2021-2022.

Resolution No. 21-57 - A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, OVERRULING PROTESTS AND PROVIDING FOR THE ANNUAL LEVY AND COLLECTING OF ASSESSMENTS FOR CERTAIN LANDSCAPING MAINTENANCE IN AN EXISTING DISTRICT, ESTABLISHED PURSUANT TO VOTER APPROVAL. (LLMD #6).

- b. **Citywide Landscaping and Lighting District No. 7; Public Hearing; Resolution Providing for the Annual Levy** - On June 21, 2021, the City Council set July 19, 2021 at 6:30 p.m. as the date and time for the public hearing for the subject assessment district. There is a proposed increase to the assessment amount levied for this Fiscal Year to address increased maintenance costs. The proposed assessment amount of \$630.00 is below the maximum allowable assessment of \$693.26.

STAFF RECOMMENDATION:

The City Council should adopt Resolution No. 21 -58, providing for the annual levy for Fiscal Year 2021-2022.

Resolution No. 21-58 - A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, OVERRULING PROTESTS AND PROVIDING FOR THE ANNUAL LEVY AND COLLECTING OF ASSESSMENTS FOR CERTAIN LANDSCAPING MAINTENANCE IN AN EXISTING DISTRICT, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA (LLMD #7).

- c. **Citywide Landscaping and Lighting District No. 8; Public Hearing; Resolution Providing for the Annual Levy** - On June 21, 2021, the City Council set July 19, 2021 at 6:30 p.m. as the date and time for the public hearing for the subject assessment district. There is no proposed increase in the assessment from last year's levy.

STAFF RECOMMENDATION:

The City Council should adopt Resolution No. 21-59, providing for the annual levy for Fiscal Year 2021-2022.

Resolution No. 21-59 - A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, OVERRULING PROTESTS AND PROVIDING FOR THE ANNUAL LEVY AND COLLECTING OF ASSESSMENTS FOR CERTAIN LANDSCAPING MAINTENANCE IN AN EXISTING DISTRICT, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA (LLMD #8).

- d. **Maintenance District No. 84-1M (Esperanza Slopes); Public Hearing; Resolution Providing for the Annual Levy** - On June 21, 2021, the City Council set July 19, 2021 at 6:30 p.m. as the date and time for the public hearing for the subject assessment district. The 2021-2022 assessment is proposed to remain at the same level since 1992. ***(PLEASE NOTE: Council Member Carder will declare a conflict of interest and abstain from voting on this matter, because she owns property within the boundaries of Maintenance District 84-1M.)***

STAFF RECOMMENDATION:

The City Council should adopt Resolution No. 21-60, providing for the annual levy for Fiscal Year 2021-2022.

Resolution No. 21-60 - A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE LEVY OF THE ANNUAL ASSESSMENT IN A SPECIAL MAINTENANCE DISTRICT (84-1M).

7. OTHER MATTERS

- a. **Confirmation of Weed Abatement Clearance Charges for 2020-21** - The Los Angeles County Department of Agricultural Commissioner/Weights and Measures has prepared a report for City Council consideration for weed clearance costs for appropriate parcels within the City. Pursuant to law, a copy of the 2020-21 Weed Clearance Charges was posted on the City's website. ***(Mayor Pro Tem Carder will declare a conflict of interest because she is a member of the Board of Directors for a homeowners' association that oversees property appearing on the weed abatement list).***

STAFF RECOMMENDATION:

The City Council should confirm the list of charges and direct the County Auditor to enter the assessment against the parcels of land on the current assessment roll.

- b. **D Street Reopening** - In response to State orders related to COVID, on July 1, 2020, the portion of D Street between Bonita Avenue and Third Street was closed to vehicles to allow the restaurants on that block to expand their outdoor dining options. Since the State lifted most restrictions for all businesses on June 15, 2021, there has been a decline in the use of this expanded area. The Old Town La Verne Business Improvement District Board is now recommending that the street be reopened to vehicles for the foreseeable future unless restrictions are placed back on businesses. The Old Town La Verne Business Improvement District Board (BID) and staff recommends that the City Council agree to reopen D Street to vehicular traffic, allowing for individual businesses to apply to have extended outdoor dining in the adjacent parking spaces if desired for the foreseeable future.

STAFF RECOMMENDATION:

The City Council should agree to reopen D Street to vehicular traffic, allowing for individual businesses to apply to have extended outdoor dining in the adjacent parking spaces if desired for the foreseeable future.

- c. **Ordinance No. 1100 - Flavored Tobacco Ban and Expanded Definition of "Smoking"** - In 2020 Senate Bill 793 was passed and signed by the Governor banning the sale of flavored tobacco. However, due to sufficient petition signatures being obtained, SB 793 was placed on hold pending a referendum to be placed on the November, 2022 statewide ballot. In order to ensure protections are in place at the local level, the Youth and Family Action Committee requested that the City amend its ordinance to incorporate this prohibition rather than await the outcome in 2022. This item would ban the sale of flavored tobacco (as defined) in La Verne through a local ordinance. This item also creates a definition of "smoking" to include electronic smoking devices and vaping devices.

STAFF RECOMMENDATION:

The City Council should introduce and waive further reading of Ordinance No.1100, amending Chapter 5.37 (Tobacco Retailers) of Title 5 (Business Tax Licenses and Regulations) of the La Verne Municipal Code to prohibit the sale of flavored tobacco products and amending Chapter 1.08 (Definitions) of Title 1 (General Provisions).

Ordinance No. 1100 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AMENDING CHAPTER 5.37 (TOBACCO RETAILERS) OF TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) OF THE LA VERNE MUNICIPAL CODE TO PROHIBIT THE SALE OF FLAVORED TOBACCO PRODUCTS AND AMENDING CHAPTER 1.08 (DEFINITIONS) OF TITLE 1 (GENERAL PROVISIONS).

- d. **Proposed Memorial Garden and Peace Pole at Mills Park, Case No. 57-21PPR - 5601 Wheeler Avenue** - The La Verne Rotary organization has filed an application to construct a small memorial garden and peace pole within the southern section of Mills Park, located at Wheeler Ave. and Old Wheeler Rd. The project would include a new sidewalk, benches, and a 6' metal pole with engravings placed in the memory of long-time La Verne resident, University of La Verne professor, and Rotary Member Dr. Garbis Der-Yeghiayan. As the City does not have an official policy for non-city initiated memorials, and as the project would occur in a public park, the City Council is asked to approve the request. Staff and the Development Review Committee recommend that the City Council approve the installation of the proposed memorial garden and peace pole at Mills Park.

STAFF RECOMMENDATION:

The City Council should approve the installation of the proposed memorial garden and peace pole at Mills Park.

- e. **Consideration of Proposed Resolution No. 21-61, No "Vote of Confidence Against Los Angeles County District Attorney Gascon"** - Council Member Carder has requested that the City Council consider taking action on Resolution No. 21-61 for a "Vote of No Confidence" against LA District Attorney Gascon.

STAFF RECOMMENDATION:

If the City Council chooses to take action, the City Council should approve Resolution No. 21-61, as follows:

Resolution No. 21-61 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, EXPRESSING A VOTE OF NO CONFIDENCE IN LOS ANGELES COUNTY DISTRICT ATTORNEY GEORGE GASCÓN FOR HIS ATTEMPT TO UNDERMINE LEGISLATION AND THE BALLOT INITIATIVE PROCESS AND PLACE THE SAFETY OF THE GENERAL PUBLIC AT RISK.

8. **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. Please email your public comment to the Assistant City Clerk at cityclerk@cityoflaverne.org. Your public comment will be shared with the City Council and included as part of the permanent record. If you wish to speak, email your phone number and staff will call you back. There is a 3-minute time limit on public comments.

9. **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.

10. **CLOSED SESSION:**

City Council will be meet in Closed Session for the following:

Conference with Labor Negotiator (Government Code Section 54957.6). There will be no announcement.

City Negotiators: City Manager, Assistant to the City Manager, City Attorney and Senior Management Analyst

Employee Organization(s): La Verne Firefighters' Association

11. **ADJOURNMENT**

**THE NEXT REGULAR MEETING of the La Verne City Council
is on Monday, August 2, 2021**

ADVISORY STAFF

____ Robert Russi, City Manager
____ JR Ranells, Assistant to the City Manager
____ Robert Kress, City Attorney
____ Lupe Gaeta Estrella, Assistant City Clerk
____ Shawn Igoe, Public Works Director
____ Eric Scherer, Director of Community Development
____ Marla Pendleton, Finance Director
____ Mark Alvarado, Interim Finance Director
____ Nick Paz, Police Chief
____ Lawrence Waterhouse, Interim Fire Chief
____ Yvonne Duran, Community Services Manager
____ Cody Howing, Deputy City Engineer

Posting Statement: On July 13, 2021, a true and correct copy of this Agenda was posted on the bulletin board at La Verne City Hall, 3660 D Street, La Verne, and on the City's website at cityoflaverne.org.