

# CITY OF LA VERNE

## CITY COUNCIL AGENDA

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



[www.cityoflaverne.org](http://www.cityoflaverne.org)  
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City Hall Council Chamber  
3660 D Street  
La Verne, CA 91750

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**Monday, July 20, 2020 - 6:30 p.m.**

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 would encourage public participation in our meeting and as such want to make residents aware of the following opportunities on how to participate:

1. Individuals can view the meeting live through the City's website at [www.cityoflaverne.org](http://www.cityoflaverne.org) by following the link titled "Council Meeting Live Stream" or on YouTube at [www.cityoflaverne.org/youtube](http://www.cityoflaverne.org/youtube).
2. Individuals can email their comments to the Assistant City Clerk at [cityclerk@cityoflaverne.org](mailto:cityclerk@cityoflaverne.org) up to noon on the day of the meeting. Those comments will be shared with City Council and included as part of the permanent record.
3. Individuals who wish to share their comments directly during the meeting may do so by emailing the Assistant City Clerk at [cityclerk@cityoflaverne.org](mailto:cityclerk@cityoflaverne.org) with their phone number and the item(s) they wish to speak on. Those requests will be accepted before and throughout the meeting and someone 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. Please note: A time limit of 3-minutes is set for all public comments.

In compliance with the Americans with 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 scheduled on the 1st and 3<sup>rd</sup> Mondays of every month.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Council Member Davis, Council Member Crosby, Council Member Lau, Mayor Pro Tem Carder 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 by emailing the Assistant City Clerk at [cityclerk@cityoflaverne.org](mailto:cityclerk@cityoflaverne.org) by 5:00 p.m. the day of the meeting with a phone number).

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 to be received and filed,** as follows:

- March 16, 2020
- March 24, 2020
- April 6, 2020
- April 13, 2020
- April 20, 2020
- April 23, 2020
- April 30, 2020

b. **Register of Audited Demands** for the following:

Fiscal Year 19-20

In the amount of \$1,810,754.36 dated June 24, 2020

In the amount of \$374,279.99 dated June 30, 2020

In the amount of \$412,860.70 dated July 7, 2020

Fiscal Year 20-21

In the amount of \$1,033,024.64 dated July 7, 2020

- c. **Street Closure for the Cool Cruise Car Show** - Tentative - The Old Town La Verne Business Improvement District (BID) is requesting the City Council consider a street closure for the Cool Cruise car show which has been rescheduled to be tentatively held on August 22, 2020. While it is recognized the car show may not occur due to State and County Health orders relating to COVID-19, the promoter has asked that this approval, in the unlikely event orders are revised before then, be granted provided a final decision can be made on August 3, 2020.

***Staff recommends that the City Council approve the street closure for portions of D and Third Streets in Old Town La Verne and to direct the Public Works Director to take the necessary steps to permit the temporary street closure. Approve to waive the administrative review fees necessary for the processing, permitting, management, promotion, and operations of the Cool Cruise Car Show; with exception of the payment to the La Verne Police Department Reserves.***

- d. **Extension of the Jack Huntington, Jim Scranton Pride of La Verne Awards, and the Older American Award through 2021** - The City Council salutes volunteers in the community every year. This year, at the February and April City Council meetings, Council approved the Jack Huntington and Jim Scranton Pride of La Verne award recipients and the Older American award recipient. Due to the COVID-19 pandemic, all award recipients were not recognized at the 4<sup>th</sup> of July parade and the La Verne Day at the Fair. Since they have not been recognized formally to the public, staff would like to extend their recognition by one year. The recipients are Denny Sharpe (Jack Huntington Award), Carolina Coppolo (Jim Scranton Award) and Diane Victor (Outstanding Older American).

***Staff is recommending the City Council extend the Jack Huntington, Jim Scranton Pride of La Verne and the Older American award winners for one year through 2021.***

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

1. **Resolution No. 20-56** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO A LAND LEASE AGREEMENT WITH LOS ANGELES SMSA LIMITED PARTNERSHIP (DBA VERIZON WIRELESS) property location: Mainiero Square (apn 8377-014-903) - ***In October 2019 the City Council authorized execution of a Land Lease Agreement with Verizon Wireless for the lease of a portion of Mainiero Square to operate a wireless communications facility. Verizon Wireless is requesting an amendment to the Land Lease Agreement, which was executed in December 2019, to accurately reflect the lease space to be utilized by the proposed new wireless facility, as well as account for the potential expansion of the lease area to accommodate a future co-location at the site.***

***Staff recommends that the City Council adopt Resolution No. 20-56, to authorize execution of a First Amendment to a Land Lease Agreement with Verizon Wireless for the lease of a portion of Mainiero Square to operate a wireless communications facility (Attachment A).***

2. **Resolution No. 20-57** - 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 AGREEMENT WITH THE SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS (SGVCOG) FOR THE DEVELOPMENT AND IMPLEMENTATION OF PROGRAMS TO PREVENT HOMELESSNESS - The San Gabriel Valley Council of Governments (SGVCOG) has allocated funding to cities for the development and implementation of programs to prevent homelessness in alignment with cities' adopted Homeless Plans and the County of Los Angeles' Homeless Initiative Strategies. ***The SGVCOG requires execution of a Memorandum of Agreement (MOA) to set forth provisions related to the programs and services to be implemented with the allocated funding. Staff has prepared a resolution to authorize execution of a MOA for this purpose.***

***Staff recommends that the City Council adopt Resolution No. 20-57, authorizing the City Manager to execute the Memorandum of Agreement (MOA) with the San Gabriel Valley Council of Governments (SGVCOG) for grant funds of \$365,000 for the following programs:***

***Implementation of the City's adopted "Plan to Prevent and Reduce Homelessness" (Homeless Plan) (\$150,000); Development and implementation of a Prevention and Diversion Program to prevent City residents from becoming homeless (\$15,000); Implementation of a Pilot Program to test innovative direct homeless solutions (\$200,000); and Participation in a regional landlord outreach and incentive program.***

3. **Resolution No. 20-58** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA REAFFIRMING THE ONGOING NEED FOR THE LOCAL EMERGENCY INITIALLY DECLARED ON MARCH 16, 2020 - ***Pursuant to Government Code 8630, the City Council must "review the need for continuing the local emergency at least every 60 days until the governing body terminates the emergency." The Council is asked to reaffirm the ongoing need for the local emergency that has been declared and reaffirmed by the Council.***

***Staff is recommending that the City Council adopt Resolution No. 20-58 reaffirming the ongoing need for the local emergency declared by Resolution No. 20-17.***

4. **Resolution No. 20-59** - A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING THE EXECUTION OF THE SAFE CLEAN WATER MUNICIPAL FUNDS TRANSFER AGREEMENT BETWEEN THE CITY OF LA VERNE AND THE COUNTY OF LOS ANGELES FLOOD CONTROL DISTRICT - ***Staff is seeking Council authorization to enter into an agreement with the Los Angeles County Flood Control District (LACFCD) for the transfer of funds coming from the Municipal portion of the Safe Clean Water Program. This agreement formalizes the details that include eligible expenditures, reporting requirements and timelines.***

***Staff recommends approval of Resolution 20-59, authorizing the City Manager to execute the attached Transfer Agreement Between the Los Angeles County Flood Control District and the City of La Verne to transfer funds from the Safe Clean Water Program-Municipal Program to the City of La Verne.***

5. **Resolution No. 20-60** - A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DETERMINING SPECIAL TAX FOR THE 2020-21 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.***

***Staff is recommending that the City Council adopt the Resolution No. 20-60, levying a special tax for Fiscal Year 2020-21 within CFD No, 11-1 per the schedule shown in Exhibit "A" attached to Resolution No. 20-60.***

6. **Resolution No. 20-61** - A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DETERMINING SPECIAL TAX FOR THE 2020-21 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*

*Staff is recommending that the City Council adopt Resolution No. 20-61, levying a special tax for the 2020-21 Fiscal Year per the schedule shown in Exhibit "A" attached to the Resolution, which increases the rate by 1.8 percent to address the cost of living increases based on the annual consumer price index ending March 2020.*

6. **PUBLIC HEARINGS**

- a. **Citywide Landscaping and Lighting District No. 6, 7, 8 and Assessment District 84-1M Public Hearings and Resolutions Providing for the Annual Levy.**

1. **Citywide Landscaping and Lighting District No. 6 and Zones 2, 3, 4 I, 4 II, 5 and 6** - On June 15, 2020, the City Council set July 20, 2020 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 15, 2020 meeting. No change in the assessment levy is being proposed for the subject benefit in zones, except for Zone 6 which the assessment proposed to increase by the CPI of 1.8% to \$277.98.

**Staff Recommendation:**

The City Council should adopt Resolution No. 20-62, providing for the annual levy and collection of assessment for the special zones in District No. 6 for Fiscal Year 2020-2021.

**Resolution No. 20-62** - 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).

2. **Citywide Landscaping and Lighting District No. 7** - On June 15, 2020, the City Council set July 20, 2020 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 assessments.

**Staff Recommendation:**

The City Council should adopt Resolution No. 20-63, providing for the annual levy for Fiscal Year 2020-2021.

**Resolution No. 20-63** - 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).

3. **Citywide Landscaping and Lighting District No. 8** - On June 15, 2020, the City Council set July 20, 2020 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. 20-64, providing for the annual levy for Fiscal Year 2020-2021.

**Resolution No. 20-64** - 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).

4. **Maintenance District No. 84-1M (Esperanza Slopes)** - On June 15, 2020, the City Council set July 20, 2019 at 6:30 p.m. as the date and time for the public hearing for the subject assessment district. The 2020-2021 assessment is proposed to remain at the same level since 1992. *(PLEASE NOTE: Mayor Pro Tem 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. 20-65, providing for the annual levy for Fiscal Year 2020-2021.

**Resolution No. 20-65** - 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).

- b. **Weed Abatement Charges** - On February 3, 2020, the City Council declared the list of properties that have been found by inspections to have noxious or dangerous weeds, rubbish, etc. growing upon or in front of said property and a protest hearing was held on February 18, 2020, for affected property owners to register objections to the abatement of said weeds. The purpose of this hearing is to approve the incurred costs of removing such weeds, rubbish, etc., on each parcel of land. A Notice was sent to each property owners notifying them that the list of clearance charges would be submitted to City Council for confirmation. The: Los Angeles County Department of Agriculture 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 2019-20 Weed Clearance Charges was posted at City Hall. *(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.

- c. **Appeal Hearing for an Application to allow the operation of an Amazon Retail, LLC grocery store with off-site sale of alcoholic beverages (Case Nos. 05-20CUP and 06-20CUP) and modifications to the existing parking lot (Case No. 31-20PPR) at 2229 Foothill Blvd., Ste. 200** - Permit Advisors and Kohl's Department Stores, on behalf of Amazon Retail, LLC, submitted a request for Conditional Use Permits to allow the operation of a grocery store and for the off-site sale of alcoholic beverages at 2229 Foothill Boulevard, Suite 200. The request for the Conditional Use Permits is in conjunction with a Precise Plan Review application to modify the existing parking lot at the project site in order to better accommodate the proposed new grocery store.

At their May 5, 2020 meeting staff recommended to the Development Review Committee that they review and conditionally approve Case No. 31-20PPR for the modification of the existing parking lot at the site of the proposed new grocery store. The Development Review Committee voted 3-0 to conditionally approve Case No. 31-20PPR, the approval of which is contingent upon the approval of Case Nos. 05-20CUP and 06-20CUP (Attachment A and Attachment J).

Both staff and the Development Review Committee recommended that the Planning Commission approve Resolution No. 1262 approving Case Nos. 05-20CUP and 06-20CUP to allow the operation of an Amazon Retail, LLC grocery store with the off-site sale of alcoholic beverages at 2229 Foothill Boulevard, Suite 200. At their meeting of May 13, 2020, the Planning Commission, after holding the public hearing, voted 4-0 to approve Resolution No. 1262 (Attachment C and Attachment K).

An appeal of the Planning Commission's approval of Case Nos. 05-20CUP and 06-20CUP, and the Development Review Committee's conditional approval of Case No. 31-20PPR, was filed on May 26, 2020. The appeal requests the approvals be set aside and that the project be brought before the City Council. The City Council conducts a de novo review of the Development Review Committee's and Planning Commission's approvals.

**Staff Recommendation:**

The City Council should affirm the Development Review Committee's conditional approval of Case No. 31-20PPR and the Planning Commission's approval of Case Nos. 05-20CUP and 06-20CUP based on this staff report, the findings and the conditions of approval found in the Conditional Approval Letter (Attachment A) and Resolution No. 1262 (Attachment C), and direct staff to draft and bring forth at the next regular City Council meeting a resolution denying the appeal and approving Case



7. OTHER MATTERS

- a. **Agreement for Temporary Employment (Dan Keesey)** - Assistant City Manager/Director of Public Works Dan Keesey has submitted paperwork to retire at the end of this month after serving the City for more than 34 years. In order to minimize disruption resulting from this loss of institutional and operational knowledge, the City is interested in retaining his services until at least the end of the calendar year. The arrangement provides a savings of approximately \$60,000 as Mr. Keesey will have his hourly rate reduced to Director of Public Works and will receive no benefits. In order to be compliant with California Law and the 2013 Pension Reform Act, it is also 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 attached resolution and agreement satisfy those requirements.

**Staff Recommendation:**

The City Council should approve Resolution No. 20-66, authorizing the City Manager to execute an agreement with Dan Keesey to provide temporary, part-time employment.

**Resolution No. 20-66** - 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" DAN KEESEY AS INTERIM DIRECTOR OF PUBLIC WORKS AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAME.

- b. **Request for Formal Recognition by Committee on Cultural Awareness and Social Inclusion** - At their last meeting, the City Council requested an item be agendaized pursuant to a request they had received by a group referred to as the Committee on Cultural Awareness and Social Inclusion. The following has been prepared in consultation with the group's organizers in accordance with that request. In early 2019 individuals began meeting informally with a focus on being a community of inclusivity for people of all backgrounds cultures and ethnicities. This group was comprised of Council, staff, representatives from ULV, Tri-City Mental Health and community members. During these initial meetings the group established a set of guiding principles and outline of goals.

**Staff Recommendation:**

If the Council's desire is to support the group's request, it is recommended that the City Council should adopt Resolution 20-67, confirming their intent to support and participate in the Committee on Cultural Awareness and Social Inclusion and direct staff to work with the Committee representatives to finalize their bylaws and designation of representatives for further Council action.

**Resolution No. 20-67** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA ACKNOWLEDGING THE CITY'S COMMITMENT TO EQUAL AND FAIR TREATMENT FOR ALL PERSONS CALLING FOR UNITY, DIALOGUE, AND ACTION TO ENSURE RESPECT FOR ALL MEMBERS OF OUR COMMUNITY

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 note: A time limit of 3-minutes is set for all 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**

**As authorized by Government Code Section 54957.1(a) (1) (A), the City Council will meet in a closed session to confer with its real property negotiators regarding:**

Property: Amherst southwest corner of Amherst Street and Williams Avenue, Parcel No. 8666-021-902 and 8666-021-904

CityNegotiators: City Manager, Assistant City Manager, Community Development Director and City Attorney

Negotiating parties: The City of La Verne and MW Investment Group

Under negotiation: Terms

**11. ADJOURNMENT**

**THE NEXT REGULAR MEETING OF THE LA VERNE CITY COUNCIL  
is scheduled for Monday, August 3, 2020, at 6:30 pm**

**The La Verne City Council thanks the residents  
for taking all precautions to prevent the spread of the COVID-19 virus.**

**ADVISORY STAFF**

\_\_\_\_ Robert Russi, City Manager  
\_\_\_\_ Dan Keeseey, Assistant City Manager/Director of Public Works  
\_\_\_\_ Robert Kress, City Attorney  
\_\_\_\_ Lupe Gaeta Estrella, Assistant City Clerk  
\_\_\_\_ Eric Scherer, Director of Community Development  
\_\_\_\_ Bill Aguirre, Director of Community Services  
\_\_\_\_ Mark Alvarado, Interim Finance Director  
\_\_\_\_ Nick Paz, Police Chief  
\_\_\_\_ Devin Leonard, Interim Fire Chief  
\_\_\_\_ Dominic Milano, City Engineer  
\_\_\_\_ Bill Elftman, Information Services Manager

<p><b>Posting Statement:</b> On July 14, 2020, 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 <a href="http://cityoflaverne.org">cityoflaverne.org</a>.</p>
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