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**SPECIAL MEETING
CITY OF LA VERNE
CITY COUNCIL AGENDA**

Don Kendrick, Mayor
Charlie Rosales, Mayor Pro Tem
Robin Carder, Council Member
Muir Davis, Council Member
Tim Hepburn, Council Member



www.cityoflaverne.org
(909) 596-8726 - Phone
(909) 596-8740 - Fax
City Hall Council Chamber
3660 D Street
La Verne, CA 91750

**Tuesday, March 24, 2020, 2:00 pm
City Hall
Council Chambers
3660 D Street, La Verne, CA 91750**

In order to minimize the spread of the COVID 19 Virus, Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act. Please be advised that the Council Chambers are closed to the public and La Verne City Council Members may attend this meeting telephonically.

You are strongly encouraged to observe the City Council meeting through the City's website at www.cityoflaverne.org and following the link titled "Council Meeting Live Stream" or on YouTube at www.cityoflaverne.org/youtube.

If you wish to make a comment on a specific agenda item, please submit your comments via email to the Assistant City Clerk at cityclerk@cityoflaverne.org. Comments will be accepted continuously during the meeting. Every effort will be made to read your comment into the records, but some comments may not be read due to time limitations.

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.

The City of La Verne thanks you in advance for taking all precautions to prevent the spread of the COVID 19 virus.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Council Member Carder, Council Member Davis, Council Member Hepburn, Mayor Pro Tem Rosales and Mayor Kendrick.

4. **City Manager and Department Heads will give City Council an Update on the City Response, Activities, and Changes in Services related to COVID-19.**

5. **Urgency Ordinance No. 1093 - Temporarily Prohibiting the Eviction of Residential and Commercial Tenants for Non-Payment of Rent Caused by the Coronavirus** - As a result of the Novel Coronavirus (COVID-19), the Governor of California issued Executive Order N. 28-20 which moved to protect the public by allowing local governments to exercise its police power to impose substantial limitations on residential and commercial evictions. In an effort to assist La Verne residents and business owners an Urgency Ordinance has been drafted which would temporarily prohibit evictions for non-payments.

STAFF RECOMMENDATION:

The City Council should adopt Urgency Ordinance No. 1093, temporarily prohibiting residential and commercial evictions in the City of La Verne until April 30, 2020, unless further extended by the City Council.

Ordinance No. 1093 - AN UNCODIFIED URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF LA VERNE PROHIBITING THE EVICTION TEMPORARILY OF RESIDENTIAL AND COMMERCIAL TENANTS FOR NON-PAYMENT OF RENT CAUSED BY THE CORONAVIRUS.

6. **COVID-19 Emergency Appropriation Request** - In response to the health threat posed by COVID-19, City departments have begun to incur or expect to incur emergency related operational and personnel costs. There is currently a need to request additional appropriations for operational supplies and services specific to COVID-19.

STAFF RECOMMENDATION:

The City Council should appropriate \$50,000 for COVID-19 emergency supplies and services from the City's General Fund emergency contingency reserve.

7. **Moratorium on Water Service Disconnections and Late Fees in Response to the COVID-19 Pandemic** - Governor Newsom requested the California Public Utilities Commission (CPUC) to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone and cell phone service in response to COVID-19

STAFF RECOMMENDATION:

The City Council should authorize via minute motion a moratorium on water service disconnections and late fees for non-payment of municipal services bills between March 4, 2020 to April 30, 2020 in response to the COVID-19 pandemic.

In addition to the aforementioned, staff further recommends that a moratorium also be imposed on 1) late fees on business licenses and 2) late fees and penalty interest for transient occupancy tax returns for the 1st quarter of 2020 due by April 30th.

- 8. **Extension of Pay and Benefits for Employees Designated as Non-Essential in Compliance with Los Angeles County’s Safer at Home Order** - The County of Los Angeles Health Officer issued a revised Safer at Home Order (Order) on March 21, 2020, requiring all individuals to stay home or in their place of residence, except as needed to maintain continuity of operations of critical infrastructure sectors. To be in compliance with the Order, Department Heads have identified “Essential” and “Non-Essential” employees. Staff is requesting the City Council to confirm the extension of pay and benefits for Non-Essential employees requested to work a modified schedule or be on-call as needed.

STAFF RECOMMENDATION:

The City Council should confirm the extension of pay and benefits for employees designated as Non-Essential who are requested to work a modified schedule or be on-call in compliance with Los Angeles County’s Safer at Home Order.

- 9. **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. Any person desiring to speak should complete a ‘Speaker Card,’ located at the podium, and hand it to the Assistant City Clerk. When addressing the Council, please go to the podium and state your name and address for the record. The Mayor reserves the right to place limits on duration of comments.

10. **ADJOURNMENT**

THE NEXT REGULAR MEETING of the La Verne City Council
is on Monday, April 06, 2020, at 6:30 pm

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
- _____ Nathan Statham, Finance Manager
- _____ Nick Paz, Police Chief
- _____ Devin Leonard, Interim Fire Chief
- _____ Dominic Milano, City Engineer
- _____ Bill Elftman, Information Services Manager

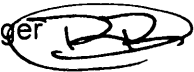
Posting Statement: On March 23, 2020, a true and correct copy of this Agenda was posted on the bulletin board at La Verne City Hall, 3660 D Street, La Verne, and on the City’s website at cityoflaverne.org.

Agenda Report

CITY OF LA VERNE
City Manager's Office

DATE: March 24, 2020

TO: Honorable Mayor and City Council

FROM: Bob Russi, City Manager 

SUBJECT: Urgency Ordinance No. 1093 – Temporarily Prohibiting the Eviction of Residential and Commercial Tenants for Non-Payment of Rent Caused by the Coronavirus

AGENDA SUMMARY

As a result of the Novel Coronavirus (COVID-19), the Governor of California issued Executive Order N. 28-20 which moved to protect the public by allowing local governments to exercise its police power to impose substantial limitations on residential and commercial evictions. In an effort to assist La Verne residents and business owners an Urgency Ordinance has been drafted which would temporarily prohibit evictions for non-payments.

RECOMMENDATION

Staff recommends the City Council adopt Urgency Ordinance No. 1093 temporarily prohibiting residential and commercial evictions in the City of La Verne until April 30, 2020, unless further extended by the City Council.

BACKGROUND

On March 4, 2020, the State of California declared a State of Emergency to exist in California as a result of the threat of COVID-19. The Los Angeles County Board of Supervisors and the Department of Public Health declared a local and public health emergency on March 4, 2020 in response to increased spread of COVID-19 across the country and additional cases in Los Angeles County. The World Health Organization, on March 11, 2020, declared the outbreak a pandemic.

As proclaimed by the Governor on March 12, 2020, despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus, to reduce and minimize the risk of infection, are needed. As further proclaimed, the State of California and local governments, in collaboration with the Federal government, continue sustained efforts to minimize the spread and mitigate the effects of COVID-19.

On March 16, the Governor issued Executive Order N. 28-20 wherein he found as follows:

- A. The economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses.

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Urgency Ordinance No.
March 24, 2020
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- B. Many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills.
- C. Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19.
- D. Because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health.
- E. Promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19.

As such, the City's ordinance would prohibit landlords from evicting tenants for non-payment of rent due to a substantial decrease in household or business income and out-of-pocket medical expenses. Tenants still are obligated to pay any lawfully charged rent, but will have up to six (6) months following the expiration of the local emergency to pay back any rent due.

Prepared by: Eric Scherer, AICP, Community Development Director

Attachment: Urgency Ordinance No. 1093

ORDINANCE NO. 1093

AN UNCODIFIED URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PROHIBITING THE EVICTION TEMPORARILY OF RESIDENTIAL AND COMMERCIAL TENANTS FOR NON-PAYMENT OF RENT CAUSED BY THE CORONAVIRUS

The Council of the City of La Verne finds:

1. On March 4, 2020, the State of California declared a State of Emergency to exist in California as a result of the threat of COVID-19.
2. The Los Angeles County Board of Supervisors and the Department of Public Health declared a local and public health emergency on March 4, 2020 in response to increased spread of COVID-19 across the country and additional cases in Los Angeles County.
3. The World Health Organization, on March 11, 2020, declared the outbreak a pandemic.
4. As proclaimed by the Governor on March 12, 2020, despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus, to reduce and minimize the risk of infection, are needed.
5. As further proclaimed, the State of California and local governments, in collaboration with the Federal government, continue sustained efforts to minimize the spread and mitigate the effects of COVID-19.
6. On March 16, the Governor issued Executive Order N. 28-20 wherein he found as follows:
 - A. The economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses.
 - B. Many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills.
 - C. Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19.
 - D. Because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health.

E. Promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19.

7. As part of this Executive Order the Governor ordered "Any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below-including, but not limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et seq.-is hereby suspended to the extent that it would preempt or otherwise restrict such exercise."

8. On March 16, 2020, the City Council adopted RESOLUTION 20-17 declaring the existence of an emergency based on the Coronavirus entitled:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE,
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PROCLAIMING EXISTENCE
OF A LOCAL EMERGENCY REGARDING NOVEL CORONAVIRUS (COVID-19)**

9. The existence of this emergency is expected to continue into the foreseeable future.

The Council of the City of La Verne does ordain as follows:

1. No property owner or landlord shall evict a residential or commercial tenant in the City of La Verne if:

A. The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and

B. The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (A) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

2. Nothing in this ordinance shall be construed to mean that the tenant will not still be obligated to pay lawfully charged rent. Tenants will have up to six months following the expiration of the local emergency declared by La Verne to repay any back due rent.

3. Tenants may use the protections afforded in this ordinance as an affirmative defense in an unlawful detainer action.

4. The City Council urges financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

5. The Council declares this Ordinance is necessary as an emergency measure to preserve the public peace, health, safety and welfare. As such, this ordinance shall be introduced and passed at one and the same meeting, and shall become effective immediately upon a 4/5ths vote of the Council.

6. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

7. The Council declares this Ordinance is necessary as an emergency measure to preserve the public peace, health, safety and welfare. As such, this ordinance shall be introduced and passed at one and the same meeting, and shall become effective immediately upon a 4/5ths vote of the Council.

8. This ordinance shall terminate on April 30, 2020 unless further extended by action of the City Council through adoption of an Urgency Ordinance extending this ordinance.

APPROVED and ADOPTED this 24th day of March, 2020.

Don Kendrick, Mayor

Lupe Gaeta Estrella, CMC
Assistant City Clerk

CERTIFICATION

I, Lupe Gaeta Estrella, Assistant City Clerk, City of La Verne, California, do hereby certify that the foregoing **Urgency Ordinance No. 1093** was adopted as an urgency action at a special meeting of the City Council duly held on the **24th day of March, 2020**, and duly passed and adopted by said City Council and thereupon duly signed by the Mayor and attested the Assistant City Clerk and passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lupe Gaeta Estrella, CMC
Assistant City Clerk

Agenda Report

CITY OF LA VERNE
Finance Division

DATE: March 24, 2020
TO: Honorable Mayor and City Council
FROM: Nathan Statham, Finance Manager *NS*
SUBJECT: COVID-19 Emergency Appropriation Request

AGENDA SUMMARY:

In response to the health threat posed by COVID-19, City departments have begun to incur or expect to incur emergency related operational and personnel costs. There is currently a need to request additional appropriations for operational supplies and services specific to COVID-19.

RECOMMENDATION:

Staff recommends that City Council appropriate \$50,000 for COVID-19 emergency supplies and services from the City's General Fund emergency contingency reserve.

BACKGROUND:

Since the City's declaration of an emergency at the March 16, 2020 meeting, City departments have been assessing related emergency supply and service needs. The current estimate for additional supplies and services is roughly \$50,000. This estimate primarily consists of sanitation supplies for public safety first responders and other City facilities along with increased contract custodial services for more frequent and thorough cleaning to combat the surface contact spread of COVID-19.

Personnel costs are being incurred specifically to address the COVID-19 threat, but additional appropriations are not being requested at this time. Currently the hours being worked were budgeted for normal operations. Staff expects that a personnel related appropriation increase will be necessary, but an accurate estimate has not been developed and will depend on ongoing changes and the ultimate duration of the emergency order.

The City is tracking all COVID-19 related expenditures and has begun the process of requesting reimbursement from Federal, State and/or County emergency funding sources as they are made available. These requests are at a very preliminary stage currently as Federal, State and County agencies continue to make funds available and develop program guidelines. City staff expects these expenditures to be at least partially reimbursed in the future.

It is expected that further appropriations may be needed to address loss of revenue and other unexpected response activities.

The City maintains an emergency reserve calculated each year as 15% of the upcoming year budgeted operating expenditures. The City's current emergency contingency reserve balance is \$5,243,681.

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Agenda Report

CITY OF LA VERNE

Public Works Department

DATE: March 23, 2020

TO: Mayor and City Council

FROM: Daniel W. Keeseey, Assistant City Manager / Director of Public Works 

SUBJECT: Moratorium on Water Service Disconnections and Late Fees in Response to the COVID-19 Pandemic

AGENDA SUMMARY

Governor Newsom requested the California Public Utilities Commission (CPUC) to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone and cell phone service in response to COVID-19.

RECOMMENDATION:

Staff recommends that the City Council authorize via minute motion a moratorium on water service disconnections and late fees for non-payment of municipal services bills between March 4, 2020 to April 30, 2020 in response to the COVID-19 pandemic.

In addition to the aforementioned, staff further recommends that a moratorium also be imposed on 1) late fees on business licenses and 2) late fees and penalty interest for transient occupancy tax returns for the 1st quarter of 2020 due by April 30th.

BACKGROUND:

On March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency in California in response to COVID-19. Then on March 16, 2020 the Governor issued Executive Order N-28-20 (Executive Order) to assist those Californians experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills. The Executive Order requests that the CPUC monitor "measures undertaken by public and private utility providers to implement customer service protections for critical utilities," including water utilities. It also requests that the CPUC report those measures publicly on a weekly basis, and the CPUC is fulfilling these requests and will begin reporting soon.

Moratorium on Water Service Disconnections and Late Fees, March 23, 2020
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While the CPUC does not regulate public water agencies, many agencies have taken the lead in suspending water service shutoffs to assist the communities they serve during this difficult situation. Sharing information about such actions will assist the state in gaining a more complete understanding of how many public water agencies are proactively protecting customers.

In addition to the Governor's response, the City received an Outreach Alert from the Association of California Water Agencies (ACWA) urging its member agencies to implement customer service protections, and suggested such steps should be shared with the CPUC.

FISCAL:

For the current 2019/2020 budget year, the utility service late fees average \$7,700 monthly. Without any way of knowing the actual impact of COVID-19 on our community the total fiscal impact is unknown at this time, but expected to be negligible based upon current information.

Staff will encourage those customers, who are able, to continue to pay all, or a portion of, their utility bills on schedule. Regular billing will continue to accrue while shutoffs are suspended. Those who are unable to pay can contact Customer Service to work out individual payment plans.

Respectfully submitted by:




Tracy L. Costello
Public Works Manager

Agenda Report

CITY OF LA VERNE
City Manager's Office

DATE: March 24, 2020

TO: Honorable Mayor and City Council

FROM: JR Ranells, Personnel Officer 

SUBJECT: Extension of Pay and Benefits for Employees Designated as Non-Essential in Compliance with Los Angeles County's Safer at Home Order

SUMMARY

The County of Los Angeles Health Officer issued a revised Safer at Home Order (Order) on March 21, 2020, requiring all individuals to stay home or in their place of residence, except as needed to maintain continuity of operations of critical infrastructure sectors. To be in compliance with the Order, Department Heads have identified "Essential" and "Non-Essential" employees." Staff is requesting the City Council to confirm the extension of pay and benefits for Non-Essential employees requested to work a modified schedule or be on-call as needed.

RECOMMENDATION

Staff recommends the City Council confirm the extension of pay and benefits for employees designated as Non-Essential who are requested to work a modified schedule or be on-call in compliance with Los Angeles County's Safer at Home Order.

BACKGROUND

At the March 16, 2020, meeting, Resolution No. 20-17 was approved by the City Council proclaiming the existence of a local emergency regarding Novel Coronavirus (COVID-19). On March 21, 2020, the County of Los Angeles Health Officer issued a revised Order requiring all individuals to stay at their place of residence. To be in compliance, Department Heads have analyzed their respective operations and have identified what is critical as well as "Essential" and "Non-Essential" staff. All 95 public safety (Police and Fire) employees are considered Essential and there are 48 non-public safety related staff identified as Essential. There are 36 employees who have been identified as Non-Essential.

The attached matrix provides a summary of what public services are continuing under the Order and which ones will be suspended. Additionally, there are behind the scene services such as information technology system support, fleet maintenance services, financial reporting, and human resource functions that enable employees to provide services but is not directly utilized by residents.

Essential employees will continue to work their normal hours and be paid accordingly. Non-Essential employees have been directed to stay home and remain ready to report for duty if called in. Staff is seeking confirmation from the City Council, that Non-Essential employees will still receive full pay and any associated benefits for their normal schedule for working a modified schedule and remaining in on-call status.

Attachments: Services Matrix

PUBLIC SERVICES MATRIX

Department	Continuing Public Services	Suspended Services
Police	<ul style="list-style-type: none"> • Patrol • Citation sign offs • Non-emergency reports taken telephonically or over the internet • Property released through appointments • Copies of reports can be obtained by calling department's business line 	<ul style="list-style-type: none"> • No overnight parking enforcement or annual permit issuance • No Public Live Scan Services
Fire	<ul style="list-style-type: none"> • Fire & emergency medical response • Daily preparedness & associated training 	<ul style="list-style-type: none"> • Regular business inspections • Station tours
Public Works	<ul style="list-style-type: none"> • Customer service functions available via phone from 8 a.m. –noon & from 2 p.m. to 5 p.m. • Water production & distribution • Street sweeping & trash services • Permitting and inspection services by appointment • Traffic signal & street lighting maintenance 	<ul style="list-style-type: none"> • No in person services • Street maintenance activities except emergencies • All City playground equipment use
City Hall	<ul style="list-style-type: none"> • Phone receptionist duties • Utility payments & other cashiering services • Business Licenses and permits done via phone/electronically • Plan checks, applications, building permits, & inspections • Case files, grant applications, CDBG, & General Plan activities 	<ul style="list-style-type: none"> • City Hall closed to public
Community Services	<ul style="list-style-type: none"> • Get About and transportation through PVTA • Refund Issuance for recreation programs and rentals • Modified senior lunch program • Future class registration 	<ul style="list-style-type: none"> • Community Center closure and associated classes, senior programs and third party rental cancelation

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