

MINUTES

CITY COUNCIL
CITY OF CHINO HILLS

NOVEMBER 22, 2016
REGULAR MEETING

Mayor Bennett called the Meeting of the City Council of the City of Chino Hills to order at 6:00 p.m. and requested the City Clerk to call roll.

PRESENT: COUNCIL MEMBERS: ART BENNETT
RAY MARQUEZ
ED GRAHAM
CYNTHIA MORAN
PETER ROGERS

ABSENT: COUNCIL MEMBERS: NONE

ALSO PRESENT: KONRADT BARTLAM, CITY MANAGER
ELIZABETH CALCIANO, ASSISTANT CITY ATTORNEY
CHERYL BALZ, CITY CLERK
BENJAMIN MONTGOMERY, DEPUTY CITY MANAGER

PUBLIC COMMENTS

There were no public comments.

RECESS TO CLOSED SESSION

Mayor Bennett declared the meeting recessed at 6:01 p.m. for closed session.

ANTICIPATED LITIGATION

Conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(2) - Anticipated litigation related to Mexican American Legal Defense and Education Fund (MALDEF) demand that the city convert its at-large election system to a district-based electoral system in order to comply with the California Voting Rights Act

PROPERTY NEGOTIATIONS

Conference with real property negotiators pursuant to Government Code Section 54956.8 for price and terms for property located at Tract No. 13880-2 Lot A; APN: 1033331-42; Michael and Elizabeth O'Banion, Melvin and Michelle Hasseler, Jerry and Jerri Lynn Hunter, Majid Allyas and Bann Aboudi-Allyas, Stephen and Paulette Hawkins, David Bitzer, and Konradt Bartlam, Negotiators

CLOSED SESSION RECESS

Mayor Bennett recessed the Closed Session at 6:30 p.m.

CONVENE REGULAR MEETING AND ROLL CALL

Mayor Bennett called the Meeting of the City Council of the City of Chino Hills to order at 7:00 p.m. and requested the City Clerk to call roll.

PRESENT: COUNCIL MEMBERS: ART BENNETT
RAY MARQUEZ
ED GRAHAM
CYNTHIA MORAN
PETER ROGERS

ABSENT: COUNCIL MEMBERS: NONE

ALSO PRESENT: KONRADT BARTLAM, CITY MANAGER
ELIZABETH CALCIANO, ASSISTANT CITY ATTORNEY
CHERYL BALZ, CITY CLERK
DENISE CATTERN, PUBLIC INFORMATION OFFICER
DARREN GOODMAN, POLICE CHIEF, CHINO HILLS POLICE
JUDY LANCASTER, FINANCE DIRECTOR
JOANN LOMBARDO, COMMUNITY DEVELOPMENT DIRECTOR
NADEEM MAJAJ, PUBLIC WORKS DIRECTOR
JONATHAN MARSHALL, COMMUNITY SERVICES DIRECTOR
BENJAMIN MONTGOMERY, DEPUTY CITY MANAGER
SCOTT ATKINSON, DEPUTY FIRE CHIEF, CHINO VALLEY FIRE
DEPARTMENT
LYNNAE SISEMORE, ASSISTANT CITY CLERK

PLEDGE OF ALLEGIANCE TO THE FLAG

Led by the six Townsend Junior High Interview-a-Veteran Essay Contest Winners.

INVOCATION

Led by Dr. Dorothy Shepherd, Christ Trinity Ministries

ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

There was no reportable action taken in Closed Session.

CITY COUNCIL REORGANIZATION - SELECTION OF MAYOR

On motion made by Council Member Rogers and seconded by Council Member Graham, the City Council selected Ray Marquez as Mayor for a term of December 1, 2016 through November 30, 2017.

Motion carried as follows:

AYES: COUNCIL MEMBERS: BENNETT, MARQUEZ, GRAHAM, MORAN,
ROGERS

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

CITY COUNCIL REORGANIZATION - SELECTION OF VICE MAYOR

On motion made by Council Member Graham and seconded by Vice Mayor Marquez, the City Council selected Peter Rogers as Vice Mayor for a term of December 1, 2016 through November 30, 2017.

Motion carried as follows:

AYES: COUNCIL MEMBERS: BENNETT, MARQUEZ, GRAHAM, MORAN,
ROGERS

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

Mayor Bennett stated that it is time again to accept applications from Chino Hills residents who are interested in serving on City Commissions for terms ending on November 30, 2017. Commissioners will be appointed to the Healthy Cities Steering Committee, Parks and Recreation Commission, Planning Commission and the Public Works Commission. He added that current appointees must also complete an application if they wish to continue serving. The deadline to return an application is by 4:00 p.m. on Tuesday, January 3, 2017 to the City Clerk's Office.

RECOGNITION - CONTEST WINNERS

Mayor Bennett, together with Chino Hills Kiwanis Club President-Elect Bill Taylor, and current President Eldona Reasoner-Arns, presented Certificates of Recognition to the six Townsend Junior High winners of the Interview-a-Veteran Essay Contest.

PROCLAMATION - PURPLE HEART CITY

Mayor Bennett presented a Proclamation proclaiming the City of Chino Hills as a Purple Heart City to Leonard Tavernetti, Chapter 2929, Military Order of the Purple Heart.

Mr. Tavernetti commended the students that interviewed the Veterans that served this great nation and thanked the City for the recognition.

RECOGNITION - GOODEARTH MONTESSORI SCHOOL'S 25TH ANNIVERSARY

Mayor Bennett presented a Certificate of Recognition to Sofi Kasubhai and staff in honor of GoodEarth Montessori School's 25th Anniversary.

Ms. Kasubhai thanked Council for the acknowledgment.

INTRODUCTION – New City Employees: Mayor Bennett introduced the following new City employees:

- Letie Estrada, Account Technician, Finance
- Nisha Wells, Environmental Program Coordinator, Public Works

PUBLIC COMMENTS

Al Matta, resident, spoke against district based elections, dying trees and aircraft chem-trails.

Jim Gallagher, resident, stated that it was an honor to sit amongst heroes being recognized by the City and congratulated Art Bennett and Cynthia Moran for winning Council seats in the 2016 General Election.

CITY DEPARTMENT BUSINESS

CONSENT CALENDAR

Item No. 12, regarding the intent to transition from at-large to district based elections was unanimously pulled for discussion and separate vote.

Motion was made by Council Member Rogers and seconded by Council Member Graham to approve the following items on the Consent Calendar:

MINUTES

The City Council approved the November 8, 2016 City Council Meeting Minutes, as presented.

WARRANT REGISTERS

The City Council approved the Warrant Registers for the period of October 20 through November 2, 2016 in amount of \$1,742,524.17, as presented.

CITY OFFICIAL REPORTS

The City Council received and filed the City Official Reports pursuant to Travel, Training and Meetings Reimbursement Policy for period of October 25 through November 8, 2016, as presented.

2016 CALIFORNIA BUILDING CODES - ORDINANCE INTRODUCTION

The City Council (1) introduced an Ordinance entitled, "*An Ordinance of the City Council of the City of Chino Hills, California amending Chapter 15.04 of the City of Chino Hills Municipal Code by adopting by reference the 2016 editions of the California Building Code Volumes 1 & 2, the California Plumbing Code, the California Mechanical Code, the California Electrical Code, the California Residential Code, the California Energy Code and the California Green Building Standards Code with appendices and amendments thereto based on local conditions*"; and (2) set a public hearing to consider adoption of the ordinance for December 13, 2016.

FIRST QUARTER BUDGET REVIEW

The City Council (1) reviewed, received and filed the quarterly budget program review; (2) approved the appropriation budget amendments as outlined in the written staff report; and (3) approved the recommended changes to the Capital Improvement Program.

PURCHASE ORDER - CITY VEHICLE PURCHASE

The City Council authorized issuance of a purchase order to Lake Chevrolet in the amount of \$39,925.55 for the purchase of a 2017 Chevrolet Silverado 1500 half-ton pickup for the Public Works Sanitation Division.

LOS SERRANOS INFRASTRUCTURE IMPROVEMENTS - RESOLUTION ADOPTED

The City Council adopted **Resolution Number 2016R-055**, of the City Council of Chino Hills, approving program Supplement Agreement No. 007-N1 with the State of California Department of Transportation (Caltrans) regarding the Los Serranos Infrastructure Improvements - SRTS 3 Project.

Motion carried as follows:

AYES: COUNCIL MEMBERS: BENNETT, MARQUEZ, GRAHAM, MORAN,
ROGERS

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

DISCUSSION CALENDAR

INTENT TO TRANSITION FROM AT-LARGE TO DISTRICT-BASED ELECTIONS - RESOLUTION ADOPTED

The City Council unanimously pulled this item from the Consent Calendar for separate discussion and vote.

Council Member Graham stated that the Council is not in favor of district-based elections and that the Mexican American Legal Defense and Education Fund (MALDEF) demanded that the City convert its at-large electoral system to district-based elections in order to comply with the California Voting Rights Act. He stated that the law is the law, and that every entity faced with MALDEF's challenge has lost.

Council Member Rogers stated that he has not spoken with a single person that is in favor of this action. He added that although we all want to fight, the City cannot use public funds to fight a lawsuit that no one has won. He added that he is reluctantly voting in support as there is no other option.

Council Member Moran expressed that she is against the action; however she feels that it is not wise to spend taxpayers monies on something that cannot be won. She added that she is reluctantly voting in support as it is something that has to move forward.

Vice Mayor Marquez requested to clarify his term on the Council. He stated that the initial complaint by MALDEF reported that he has served on the Council since 1991 and that he has been the only Latino to serve. He clarified that the complaint is incorrect, that he has served since 2013 and that there has been one other Latino on the Council. He also requested clarification of the process to fight the action at the Supreme Court level and asked Assistant City Attorney Calciano if the Supreme Court ultimately has the option to refuse to hear the case.

Assistant City Attorney Calciano clarified that you have the right to petition the Supreme Court but they have the decision as to whether or not they would hear the case.

Mayor Bennett added that he is not in favor of the action but stressed that with a vote of the people, the City would still be forced to go to district-based elections. He added that it is the Council's fiduciary responsibility to not spend public funds on a losing battle.

Following discussion, a motion was made by Council Member Rogers and seconded by Council Member Graham to adopt **Resolution No. 2016R-054**, of the City Council of the City of Chino Hills, declaring its intent to transition from At-Large to District-Based Elections, outlining specific steps to be undertaken to facilitate the transition, and estimating a time frame for action.

Motion carried as follows:

AYES: COUNCIL MEMBERS: BENNETT, MARQUEZ, GRAHAM, MORAN, ROGERS

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

COMMERCIAL MARIJUANA ACTIVITY - URGENCY ORDINANCES ADOPTED - ORDINANCE INTRODUCED

Assistant City Attorney Calciano presented a staff report that is file in the City Clerk's office.

Luis Esparza, resident, inquired about the rights of citizens growing marijuana on personal property and use restrictions in public spaces.

Assistant City Attorney Calciano stated that marijuana can be grown in an outdoor enclosure such as a greenhouse or shed that is not in public view from the street and that is in compliance with all building codes. She added that citizens have to comply with the law and that use in public spaces including vehicles is prohibited.

Following discussion, a motion was made by Council Member Graham and seconded by Council Member Rogers to (1) adopt **Urgency Ordinance No. 303u**, of the City Council of the City of Chino Hills, amending Chapter 5.28 of the Chino Hills Municipal Code to prohibit all Commercial Marijuana Activity; (2) adopt **Urgency Ordinance No. 304u**, of the City Council of the City of Chino Hills, prohibiting permit issuance for Marijuana-related land uses within the City for a period of forty-five days to consider amending Title 16 of the Chino Hills Municipal Code; and (3) introduced an Ordinance entitled, "An Ordinance of the City of Chino Hills, Amending Chapter 5.28 of the Chino Hills Municipal Code to prohibiting all commercial marijuana activity and finding exempt from review under the California Environmental Quality Act", and waived further readings of the ordinances.

Motion carried as follows:

AYES: COUNCIL MEMBERS: BENNETT, MARQUEZ, GRAHAM, MORAN, ROGERS

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

PLANNING COMMISSION MATTERS

CUSTOM HOME DESIGN REVIEW NO. 432 - 15511 PAINTER DRIVE

Adopted a resolution finding that the project is exempt under the California Environmental Quality Act and approved Custom Home Design Review No. 432, for the construction of a two-story addition consisting of 5,707-square-feet of livable space with an attached 505-square-feet, two-car garage to an existing 2,124-square-foot single family residence located at 15511 Painter Drive on a lot approximately 1.02 acres.

There was no action taken on the foregoing Planning Commission item.

PUBLIC INFORMATION OFFICER REPORT

Public Information Officer (PIO) Denise Cattern announced that the City of Chino Hills 25th Anniversary Tree Lighting and Laser Light show will be held on Saturday, December 3rd from 5:00 p.m. to 8:30 p.m. at the Chino Hills Community Center. She stated that residents can enter a Holiday Home decorating contest to exhibit holiday cheer. She added that the top three contestants will receive \$50 gift certificates. The deadline to register is Friday, December 9th. For more information visit the City's website at: www.chinohills.org/HolidayHomeDecorating. PIO Cattern stated that the City supports local businesses with the Shop Chino Hills First Program and encouraged the community to shop and dine in Chino Hills. Lastly, she announced that a Public Outreach Meeting will be held on Wednesday, November 30th from 6:00 to 8:00 p.m. at the City Hall Council Chambers regarding the Hazard Mitigation Plan Update.

SAFETY UPDATES - Fire

Fire: Deputy Fire Chief Atkinson wished everyone a Happy Thanksgiving.

COUNCIL REPORTS

OMNITRANS

Council Member Graham announced that mass transit is down by 17% due to lower gas prices, along with Uber and Lift vehicle services.

WATER FACILITIES AUTHORITY

Vice Mayor Rogers stated that the Water Facilities Authority (WFA) provides some of the State water that is sourced in the City. He said that WFA is shutting down for three months during the winter for repairs. Council Member Rogers stated that WFA will collectively work with other local water agencies, such as the Santa Ana River Flood Protection Agency (SARFPA) to conserve water. Lastly, he explained that the Inland Empire Utilities Agency (IEUA) is committed to investing in water conservation.

COUNCIL COMMENTS

Graham: Council Member Graham congratulated Ray Marquez and Peter Rogers on their appointments.

Rogers: Council Member Rogers announced that all candidates from the recent election should pick up their political signs that have been placed throughout the City. He stated that the Chino Hills Community Foundation will host a first Jazz and

Blues Festival on April 22, 2017 at Big League Dreams. Lastly, he wished everyone a Happy Thanksgiving.

Moran: Council Member Moran announced that on January 1st there will be a group hiking in the Chino Hills State Park. She said that the event is free, but that parking is \$5.00. Council Member Moran inquired about the homeless activity on the south side of Chino Hills. Police Chief Goodman replied that homelessness is a complex issue and is not a crime. He said that the Sheriff's Department offers resources to the homeless and tries to assist them as much as they can. Council Member Moran asked that the City and the Sheriff's Department create a joint press release to educate the public about homelessness. Police Chief Goodman stated that there is a program called Homeless Outreach Proactive Enforcement (HOPE) Program that assists the homeless and helps with enforcement.

Marquez: Vice Mayor Marquez attended the Kaiser Permanente grand opening; Chino Mayor Denis Yates retirement party; and the Red Bucket Equine fundraiser event.

Bennett: Council Member Bennett commended former Chino Hills High School student Lonzo Ball for receiving The John Wooden Legacy, UCLA's multi collegiate basketball tournament's most valuable player recipient. Mayor Bennett acknowledged students from Diamond Bar High School that were in the audience attending the City Council Meeting for their school assignment. He also recognized Sarah Evinger, Wilbur Richardson and Ronnie Guyer in the audience. Mayor Bennett thanked Mr. Richardson for his sacrifices and wished him a belated 94th birthday. He thanked all of the Council candidate running mates and said the official results and swearing in of new Council Members will be held on December 13th.

ADJOURN IN MEMORIAM AND IN HOPE

Mayor Bennett adjourned the meeting in tribute and honor of those who serve and have currently serving in the Armed Forces at home and abroad; police officers and fire fighter protective services; and in honor of the 53rd Anniversary of John F. Kennedy assassination. Their sacrifice and strength protect the goals and ideals that have made this Country great.

ADJOURNMENT

Mayor Bennett adjourned at 8:24 p.m.

Respectfully submitted,



CHERYL BALZ, CITY CLERK

APPROVED: December 13, 2016