

CITY OF LA VERNE
CITY COUNCIL AGENDA
SUCCESSOR AGENCY AGENDA

Don Kendrick, Mayor
Robin Carder, Mayor Pro Tem
Donna Redman, Council Member
Charlie Rosales, Council Member
Tim Hepburn, Council Member



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

Monday, June 01, 2015 - 6:30 p.m.

City Hall

Council Chamber

3660 D Street, La Verne, CA 91750

Attendance and participation at the City of La Verne Council meetings are welcomed and appreciated. Community engagement provides the City Council with valuable information. Regular Meetings are held on the 1st and 3rd Monday of every month. 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.

All items submitted for future agendas must be in writing to the City Clerk no later than 5 p.m. on the Monday prior to the first and third Monday of each month. Materials related to an item on this agenda, submitted to the Council after distribution of the agenda packet, are available for public inspection at the meeting or in the City Clerk's Office during normal business hours.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL:** Council Member Hepburn, Council Member Redman, Council Member Rosales, Mayor Pro Tem Carder, and Mayor Kendrick

4. **ANNOUNCEMENTS AND PRESENTATIONS**

- a. **Military Recognition Program** – Four individuals were recognized at the May 18th meeting. Due to an emergency situation, one family was unable to attend. The following member of the military member will be recognized at this meeting.

Zachary R. Olson - Marines

- b. **Military Recognition Program Sponsors** – This program has been supported by the generous donations from community members and businesses. To date, over \$54,370 has been raised from our community. Following is the most recent sponsor to be recognized:

La Verne Retired Senior Volunteer Patrol (RSVP)

- c. **Recognition of Phil Hawkey** – After a successful career in public service, Phil Hawkey joined the University of La Verne in 1998 as the Executive Vice President. Phil tackled many projects for the University including addressing organizational growth through strategic planning and master plan development. Phil was also successful in reinstating provisional national accreditation when he served as Interim Dean at the College of Law. The City Council commends Phil for 17 years of service to the University and to the greater La Verne community.

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.) ***NOTE: Mayor Pro Tem Carder will abstain from voting on item 5.e.5. Resolution No. 15-36 because she owns property within District No. 84-1M. Mayor Kendrick will abstain from voting on Item 5.d.6 Resolution No. 15-37 (intention to approve the annual report for the Old Town La Verne Business Improvement District and scheduling a public hearing) because he owns a business within the district boundaries.***

- a. **City Council Minutes** of the regular meeting of May 18, 2015, and special meeting of May 19, 2015, to be received and filed.
- b. **Registers of Audited Demands** in the amount of \$701,136.86 dated May 11, 2015, and in the amount of \$733,579.43 dated May 19, 2015; approval recommended by staff.
- c. **Appointment to Planning Commission** – The City Council is requested to consider appointment of Norman Smith as a new Planning Commissioner, to fill the seat and unexpired term of former Commissioner Tim Hepburn. Mr Hepburn's seat was vacated when he was elected to the City Council in March. The City Council recently interviewed ten (10) applicants for the open Planning Commission position at the adjourned meeting of May 19, 2015 and has recommended the appointment of resident Norman Smith to the Planning Commission. The Municipal Code provides for appointment of Planning Commission members "by the Mayor with the approval of the City Council." ***Staff recommends the Mayor appoint Norman Smith to the La Verne Planning Commission after approval by the City Council, in accordance with the Municipal Code. New Commissioner Smith's term would become effective June 1, 2015, with his first meeting being June 10, 2015, and extending until June 30, 2018, with the potential for reappointment by the City Council.***

- d. **Budget Appropriation Increase in Asset Forfeiture** - The police department previously submitted a budget appropriation increase in Asset Forfeiture, which was approved at the April 6, 2015, Council meeting. In submitting the request, all available information, as well as potential funding commitments were taken into consideration. Since the April meeting, several unanticipated expenditures from Asset Forfeiture have come to light that will exceed the recently approved budget and additional funds from asset forfeiture are requested to support personnel and operations for the remainder of the fiscal year. ***Staff is recommending that the City Council approve a \$300,000 budget appropriation increase to the fiscal year 2014-2015 Asset Forfeiture budget.***
- e. **Resolution(s)** passage and adoption recommended as follows:
1. **Resolution No. 15-32** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING EXECUTION OF A PUBLIC WORKS CONTRACT WITH GENRY BROTHERS, INC. FOR THE 2014-15 PMS GRIND AND OVERLY IMPROVEMENT PROJECT. ***Staff recommends that the City Council adopt Resolution No.15-32, which authorizes execution of a change order in the amount of \$152,380 or 25% of the total project awarded to Gentry Brothers Construction, Inc.***
 2. **Resolution No. 15-33** – A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE “ENGINEERS REPORT” FOR ANNUAL LEVY OF ASSESSMENTS FOR FISCAL YEAR 2015-16 IN THE EXISTING LANDSCAPING & LIGHTING MAINTENANCE DISTRICT WITHIN SAID CITY, DECLARING ITS INTENTION TO PROVIDE FOR ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR SAME DISTRICT PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON (LLMD #6). ***Staff is recommending that the City Council adopt Resolution No. 15-33, preliminarily approving the Engineer’s Report and setting the public hearing for the levying of assessment for Citywide District and the subject Zones for July 20, 2015.***
 3. **Resolution No. 15-34** – A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE “ENGINEERS REPORT” FOR ANNUAL LEVY OF ASSESSMENTS FOR FISCAL YEAR 2015-16 IN THE EXISTING LANDSCAPING & LIGHTING MAINTENANCE DISTRICT WITHIN SAID CITY, DECLARING ITS INTENTION TO PROVIDE FOR ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR SAME DISTRICT PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON (LLMD #7). ***Staff is recommending that the City Council adopt Resolution No. 15-34, preliminarily approving the Engineer’s Report and set the public hearing for levying a full year’s assessment for July 20, 2015.***

4. **Resolution No. 15-35** – A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE “ENGINEERS REPORT” FOR ANNUAL LEVY OF ASSESSMENTS FOR FISCAL YEAR 2015-16 IN THE EXISTING LANDSCAPING & LIGHTING MAINTENANCE DISTRICT WITHIN SAID CITY, DECLARING ITS INTENTION TO PROVIDE FOR ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR SAME DISTRICT PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON (LLMD #8). ***Staff is recommending that the City Council adopt Resolution No. 15-35, preliminarily approving the Engineer’s Report and setting the public hearing for July 20, 2015.***

5. **Resolution No. 15-36** – A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2014-16 IN A SPECIAL MAINTENANCE DISTRICT, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON (84-1M). ***Staff is recommending that City Council adopt the Resolution No. 15-36, approving the Engineer’s Report, setting the public hearing for July 20, 2015. NOTE: Mayor Pro Tem Carder will declare a conflict of interest and abstain from voting on Resolution No. 15-36 because she owns property within District No. 84-1M.***

6. **Resolution No. 15-37** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DECLARING ITS INTENTION TO APPROVE THE ANNUAL REPORT OF THE OLD TOWN LA VERNE BUSINESS IMPROVEMENT DISTRICT WHICH INCLUDES A BUDGET AND RE- ESTABLISHES THE BOUNDARIES AND ASSESSMENT FORMULA FOR THE 2015-2016 FISCAL YEAR AND SETS A PUBLIC HEARING ON THE MATTER. An annual public hearing is required to consider the Annual Report of the Old Town La Verne Business Improvement District (OTLVBID) and has been scheduled for June 15, 2015. At said hearing, the City Council will be requested to: 1) Receive and file a report of the OTLVBID prior year activities. 2) Approve the proposed OTLVBID 2015-2016 Annual Budget, and incorporate it into the overall City Budget. 3) Approve re-establishment of the District boundaries and assessment formula. ***Staff recommends the City Council adopt Resolution No.15-37, declaring its intention to approve the OTLVBID Annual Report and sets a public hearing on the matter for June 15, 2015. NOTE: Mayor Kendrick will declare a conflict of interest and abstain from voting on Resolution No. 15-37 because he owns a business within the district boundaries.***

7. **Resolution No. 15-38** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING ANNUAL SERVICE AGREEMENTS FOR FISCAL YEAR 2015-16. Each year the City Council considers the renewal or extension of certain service agreements. All agreements or agreement extensions presented to Council for fiscal year 2015-16 are either renewals or extensions of agreements previously approved by Council. All service agreements will be approved with one motion unless separate discussion is requested by Council. ***Staff recommends the passage and adoption of Resolution No. 15-38, which authorizes the Mayor and City Clerk to execute the annual service agreements.***

6. **PUBLIC HEARINGS**

Massage Establishments - On April 20, 2015, the City Council adopted two urgency ordinances relating to massage establishments. The first ordinance primarily amended Chapter 5.40 of the Municipal Code relating to the business of massage establishments. The second ordinance identified which zones massage establishments are allowed to operate in with a conditional use permit. Staff had recommended that the second ordinance be processed through the normal public hearing process to insure that there are no challenges to method of adoption. The Planning Commission voted 3-1 recommending that the City Council re-adopt the same language that was included in the urgency ordinance after the public hearing.

STAFF RECOMMENDATION:

Staff and the Planning Commission recommend approval of Ordinance No. 1056, as the permanent version of Urgency Ordinance 1055.

Ordinance No. 1056 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AMENDING THE FOOTHILL BOULEVARD SPECIFIC PLAN, THE OLD TOWN LA VERNE SPECIFIC PLAN, AND TITLE 18 OF THE LA VERNE MUNICIPAL CODE RELATING TO MASSAGE ESTABLISHMENTS.

The CITY COUNCIL will RECESS to meet as the LA VERNE SUCCESSOR AGENCY; following which, the LA VERNE SUCCESSOR AGENCY will ADJOURN and the CITY COUNCIL will IMMEDIATELY RECONVENE.

7. **SUCCESSOR AGENCY MATTERS**

- a. **Approval of Successor Agency Minutes** from the meeting of February 17, 2015, to be received and filed as submitted.
- b. **Development and Disposition Agreement Amendment with the University of La Verne** – The City and University of La Verne have met to discuss the proposed maintenance cost, wear and tear of the turf, electrical charges, and a proposal from the University to delay building the tennis courts of the Campus West Athletic Complex. Out of those meetings, the City and University discussed changes to the Disposition and Development Agreement (DDA) and the Joint Use and Maintenance Agreement. Staff and the City Liaison Committee members agreed to proposed changes to the DDA. The Fourth Amendment to the DDA and the Second Amendment to the Joint Use and Maintenance Agreement are presented for Council consideration. ***Note: Mayor Pro Tem Carder and Council Member Redman will declare a conflict of interest and abstain from voting on this item because they are employed by the University of La Verne.***

STAFF RECOMMENDATION:

Staff recommends that Successor Agency approve the amendments to the DDA and the Joint Use and Maintenance Agreement for the Campus West Athletic Complex.

The LA VERNE SUCCESSOR AGENCY will ADJOURN and the CITY COUNCIL will IMMEDIATELY RECONVENE.

8. **OTHER MATTERS**

Reinstatement of California Drought Penalty Surcharge - At its May 18 meeting, the City Council authorized Phase VII water conservation requirements, but maintained suspension of the California Drought Surcharge (CDS) on the advice of staff due to recent court rulings. Staff and legal counsel have determined that the City's CDS is defensible as a penalty. However, minor revisions to the municipal code are still suggested to strengthen the City's conservation ordinance relative to Proposition 218. Approval of the recommended actions will authorize these amendments and impose the CDS for excess water use effective immediately, which will be reflected on all Municipal Services bills prepared on or after August 1, 2015.

STAFF RECOMMENDATION:

Staff recommends that the City Council take the following actions:

1. Approve Urgency Ordinance No. 1057, which amends various sections of the City's conservation ordinance; and
2. Approve Resolution No. 15-39, which restates Phase VII as the active stage of the City's conservation program and lifts suspension of the California Drought Penalty Surcharge.

Ordinance No. 1057 - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, CLARIFYING PROVISIONS OF CHAPTER 13.15 OF THE LA VERNE MUNICIPAL CODE.

Resolution No. 15-39 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA IN COMPLIANCE WITH THE GOVERNOR'S EXECUTIVE ORDER REGARDING A WATER SHORTAGE EMERGENCY AND IMPLEMENTING PHASE VII WATER USE RESTRICTIONS AND IMPOSING THE CALIFORNIA DROUGHT SURCHARGE PENALTIES OF THE WATER CONSERVATION ORDINANCE

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 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. **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.

11. **CLOSED SESSION** - No matters scheduled.

12. **ADJOURNMENT** in memory of **Robert B. "Bob" Garcia** who passed away on May 8, 2015, at the age of 81. Bob was born in Los Angeles and became a resident of La Verne where he lived for the last 45 years. Bob served in the armed forces during the Korean War era. He attended Mt. SAC and Cal Poly, Pomona. He worked at in the Civil Engineering Department of the Metropolitan Water District where he retired after 34 years. He was also a longtime community activist, as a planning commissioner and a La Verne volunteer firefighter from 1974 -1988 where he played Santa many Christmas mornings. In Bob's memory, his family asks that you pay a compliment, tell a funny story, or perform an anonymous good deed, as Bob himself did so very often.

*This meeting of the La Verne City Council is
ADJOURNED to Monday, June 15, 2015, at 5:00 p.m. for a
Council Study Session on the 2015-16 Budget.*

THE NEXT REGULAR MEETING of the La Verne City Council is scheduled for
Monday, June 15, 2015, at 6:30 p.m.

ADVISORY STAFF

- ___ Robert Russi, City Manager
- ___ Robert Kress, City Attorney
- ___ Jeannette Vagnozzi, Assistant to the City Manager/City Treasurer/City Clerk
- ___ Dan Keeseey, Director Public Works
- ___ Hal Fredericksen, Director of Community Development
- ___ Richard Martinez, Finance Officer
- ___ Bill Aguirre, Director of Community Services
- ___ Scott Pickwith, Police Chief
- ___ Pete Jankowski, Fire Chief
- ___ Dominic Milano, City Engineer
- ___ Bill Elftman, Information Services Manager