

**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF
LA VERNE HELD IN THE COUNCIL CHAMBERS
OF THE LA VERNE CITY HALL
Monday, June 1, 2015**

1. A regular meeting of the La Verne City Council was called to order by Mayor Kendrick at 6:30 p.m.
2. Council Members present: Mayor Don Kendrick
Mayor Pro Tem Robin Carder
Council Member Donna Redman
Council Member Charlie Rosales
Council Member Tim Hepburn

Absent: None.

Advisory personnel present: City Manager Robert Russi
City Attorney Robert L. Kress
Assistant to the City Manager City Treasurer/City Clerk Jeannette Vagnozzi
Public Works Director Dan Keeseey
Community Development Director Hal G. Fredericksen
Community Services Director Bill Aguirre
Finance Richard Martinez
Police Chief Scott Pickwith
Fire Chief Pete Jankowski
Personnel Officer JR Ranells
Public Works Manager Tracy Costello
Maintenance Manager Anthony Ciotti
3. Pledge of Allegiance was led by Mayor Kendrick.
4. Presentation/Introductions
& Announcements

Thank you Cards and Letter Mayor Kendrick read a thank you card from Habitat for Humanity for the City's support of the current Habitat house being built in La Verne.

Mayor Kendrick read letters thanking the Public Works Department, one for using goats for weed abatement and one for the street project in the Virginia neighborhood.

Council Member Rosales mentioned he met with Pastor McGill who walked 3,000 miles coast to coast to bring attention to the plight of homeless veterans.

Military Recognition Program Mayor Kendrick reported that four individuals were recognized at the May 18, 2015, City Council meeting. Due to an emergency situation, one family was unable to attend. On behalf, of the City Council, Mayor Kendrick recognized the following member of the military who was unable to attend last meeting.

Zachary R. Osborn - Marines

Military Recognition Program Sponsors

Mayor Kendrick reported that the Military Recognition Program has been supported by the generous donations from community members and businesses. To date, over \$54,370 has been raised from our community. Mayor Kendrick, on behalf of the City Council, thanked and recognized the most recent sponsor, as follows.

La Verne Retired Senior Volunteer Patrol (RSVP)

Recognition of Phil Hawkey

Mayor Kendrick, on behalf of the City Council, recognized Phil Hawkey and presented him with a Pride of La Verne Plaque and a commendation for his 17 successful years of service with the University of La Verne and to the greater La Verne Community. 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.

5. Consent Calendar

It was moved by Redman, seconded by Rosales and unanimously carried to accept, approve, or act on the Consent Calendar items, as presented, except for Item 5e5, Resolution No. 15-36, providing for annual levy for Assessment District 84-1M, Mayor Pro Tem Carder abstained because she owns property within District No. 84-1M, and 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, Mayor Kendrick abstained because he owns a business within the district boundaries, as follows:

City Council Minutes

City Council Minutes of the regular meeting of May 18, 2015, and special meeting of May 19, 2015, **received and filed.**

Registers of Audited Demands

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. **Approved as recommended by staff.**

Appointment to Planning Commission

Appointment to Planning Commission – The City Council was 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 recommended 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. Mayor Kendrick, on behalf of the City Council, welcomed and congratulated Mr. Smith. **Approved as recommended by staff.**

Budget Appropriation Increase
in Asset Forfeiture

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 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 recommended that the City Council approve a \$300,000 budget appropriation increase to the fiscal year 2014-2015 Asset Forfeiture budget. ***Approved as recommended by staff.***

Resolution (s) passed & adopted, as recommended, as follows:

Resolution No. 15-32,
Public Works Contract with
Gentry Brothers, Inc., for the
2014-15 PMS Grind and
Overlay Improvement

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 GENTRY BROTHERS, INC. FOR THE 2014-15 PMS GRIND AND OVERLAY IMPROVEMENT PROJECT. Staff recommended 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. ***Approved as recommended by staff.***

Resolution No. 15-33,
Approving Engineers Report for
Annual Levy of Assessments
for Landscaping and Lighting
Maintenance District No. 6,
Declaring its Intention to
Provide for Annual Levy and
Collection and Setting a Public
Hearing (LLMD #6)

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 recommended 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. ***Approved as recommended by staff.***

Resolution No. 15-34,
Approving Engineers Report for
Annual Levy of Assessments
for Landscaping and Lighting
Maintenance District No. 7,
Declaring its Intention to
Provide for Annual Levy and
Collection and Setting a Public
Hearing (LLMD #7)

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 recommended 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. ***Approved as recommended by staff.***

Resolution No. 15-35,
Approving Engineers Report for
Annual Levy of Assessments
for Landscaping and Lighting
Maintenance District No. 8,
Declaring its Intention to
Provide for Annual Levy and
Collection and Setting a Public
Hearing (LLMD #8)

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 recommended that the City Council adopt Resolution No. 15-35, preliminarily approving the Engineer’s Report and setting the public hearing for July 20, 2015. ***Approved as recommended by staff.***

Resolution No. 15-36,
Declaring its Intention to
Providing for an Annual Levy
and Collection of Assessments
for Special Maintenance District
No. 84-1M and Setting a Public
Hearing

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 recommended that City Council adopt the Resolution No. 15-36, approving the Engineer’s Report and setting the public hearing for July 20, 2015. ***Approved as recommended by staff by a vote of 4-0, Mayor Pro Tem Carder declared a conflict of interest and abstained from voting on Resolution No. 15-36 because she owns property within District No. 84-1M.***

Resolution No. 15-37,
Declaring its Intention to
Approve the Annual Report of
the Old Town La Verne
Business Improvement District
which Includes Budget and Re-
establishes the Boundaries and
Assessments Formula and Sets
a Public Hearing

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 recommended that 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. ***Approved as recommended by staff by a vote of 4-0, Mayor Kendrick declared a conflict of interest and abstained from voting because he owns a business within the district boundaries.***

Resolution No. 15-38,
Authorizing Annual Service
Agreements for Fiscal Year
2015-16

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 recommended the passage and adoption of Resolution No. 15-38, which authorizes the Mayor and City Clerk to execute the annual service agreements. ***Approved as recommended by staff.***

6. Message Establishments

Principal Planner Scherer reported on the Massage Establishments. He stated that 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 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 and the Planning Commission recommend approval of Ordinance No. 1056, as the permanent version of Urgency Ordinance 1055.

The Mayor declared the public hearing opened and called for public testimony on this matter. There being none, the Mayor declared the hearing closed.

It was moved by Carder, seconded by Hepburn, and unanimously carried to place on first reading Ordinance No. 1056, 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, as the permanent version of Urgency Ordinance 1055.

Ordinance No. 1056,
Amending the Foothill
Boulevard Specific Plan, the
Old Town La Verne Specific
Plan relating to Massage
Establishments as the
permanent version of Urgency
Ordinance No. 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. ***Approved as the permanent version of Urgency Ordinance 1055. and placed on first reading.***

At 6:58 p.m., the City Council recessed to meet as the La Verne Successor Agency and at 7:02 p.m., the La Verne Successor Agency adjourned and City Council immediately reconvened.

7. Reinstatement of California Drought Penalty Surcharge

Public Works Director Keesey reported on the Reinstatement of California Drought Penalty Surcharge. He stated that 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 recommended approval of Urgency Ordinance No. 1057, which amends various sections of the City's conservation ordinance and approval of 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.

City Attorney Kress confirmed that the penalty is not part of the water rate.

Mayor Pro Tem Carder stated she wants to meet with staff to discuss communication with Homeowners Associations.

Mayor Kendrick invited Metropolitan Water District Chief Administrative Officer Gil Ivey to comment on the water crisis.

It was moved by Rosales, seconded by Carder, and unanimously carried to approve Urgency Ordinance No. 1057, which amends various sections of the City's conservation ordinance; and

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.

Urgency Ordinance No. 1057, Clarifying Provision of Chapter 13.5 of the La Verne Municipal Code, which Amends Various Sections of the City's Conservation Ordinance

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 13.5 OF THE LA VERNE MUNICIPAL CODE. ***Approved as recommended by staff.***

Resolution No. 15-39, In Compliance with the Governor's Executive Order Regarding a Water Surcharge Emergency and Implementing Phase VII Water Use Restriction and Imposing the California Drought Water Conservation Ordinance

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.. ***Approved as recommended by staff.***

8. Public Comment

This was the time set aside for anyone wishing to address the City Council on items not listed in any other place on the agenda. Mayor Kendrick called for public comment.

There was none.

9. Council Comments and Meeting/Conference Reports Mayor Pro Tem Carder stated she was looking forward to graduation at local schools this week.

Council Member Rosales reported that the Memorial Day service was well attended and it is heartwarming to see the support.

Council Member Redman thanked Community Services Director Aguirre for working with the VFW Post to create a great Memorial Day Service.

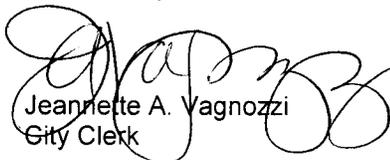
Council Member Hepburn reported that he attended the Bike Rodeo and it was fantastic and commended the Police Department for holding the event. He also reported that he attended Congresswoman Napolitano's Prayer Breakfast where Police Officer Chris Miranda and Firefighter James Wilfong were honored.

10. Possible Cancellation of First City Council Meetings of July and August City Manager reported that the first City Council meetings of July and August may be cancelled due to lack of business.

- 11 Meeting adjourned at 7:20 pm., 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 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; and

The City Council adjourned to Monday, June 15, 2015, at 5:00 pm., in the Council Chambers of La Verne City Hall for a Council Study Session on the 2015-16 Budget.

Respectfully submitted,


Jeannette A. Vagnozzi
City Clerk