

CITY OF LA VERNE
CITY COUNCIL AND
SUCCESSOR AGENCY AGENDA

Don Kendrick, Mayor

Charlie Rosales, Mayor Pro Tem

Robert Rodriguez, Council Member

Donna Redman, Council Member

Robin Carder, Council Member



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City Hall Council Chamber

3660 D Street

La Verne, CA 91750

Monday, June 17, 2013 - 6:30 p.m.

City Hall

Council Chamber

3660 D Street, La Verne, CA 91750

The City of La Verne appreciates your attendance. Citizens' interest provides the Council with valuable information regarding issues of the community. 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 1st and 3rd 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 Carder, Council Member Redman, Council Member Rodriguez, Mayor Pro Tem Rosales, and Mayor Kendrick

4. **ANNOUNCEMENTS AND PRESENTATION** – No Matters Scheduled.

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** of the meeting of June 3, 2013, to be received and filed.

 - b. **Register of Audited Demands** in the amount \$439,317.15, dated May 29, 2013; in the amount of \$325,786.59, dated June 4, 2013; and in the amount of \$2,429,971.27, dated June 11, 2013, approval recommended.

 - c. **Surplus Property** - Recent inventory of 10 patrol bikes that were originally purchased in the early 1990's revealed the bicycles are in need of extensive repair and upgrading. Upgrading of the components will prove costly and not feasible to maintain. ***Staff recommends City Council approve the disposition of these bicycles so they may be sent to auction or sold as surplus property.***

 - d. **Resolution (s) passage and adoption, recommended by staff**
 1. **Resolution No. 13-37** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING AN AGREEMENT WITH INLAND VALLEY HUMANE SOCIETY FOR ANIMAL CARE AND CONTROL SERVICES (July 1, 2013 – June 30, 2016).

 2. **Resolution No. 13-55** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADOPTING 2013-14 Appropriation Limit. Each year the City adopts an annual appropriations limit that is concerned with the appropriations financed by proceeds from taxes. Appropriations financed by service fees, non-taxes and other revenues are exempt. The City's current and proposed 2013/14 budgets reflect proceeds from taxes well under this limit. ***It is recommended that the City Council approve Resolution 13-55.***

 3. **Resolution No. 13-56** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADOPTING A BUDGET FOR THE 2013-14 FISCAL YEAR.

4. **Resolution No. 13-57** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AUTHORIZING APPROVING THE 2013/14 CAPITAL IMPROVEMENT PROGRAM AND THE 2014-19 CAPITAL IMPROVEMENT PROGRAM. The Capital Improvement Program (CIP) is a five year planning document intended to program funding for various public infrastructure and equipment needs. The document includes a current year program of projects as well as a five year look ahead at project needs. Although the CIP evaluates funding needs and availability, it does not provide funding authority. Appropriations for the current year program are included within the regular budget document. The draft CIP was presented to the City Council during its study session on April 1, 2013, with consensus to finalize and present it for adoption during the regular budget hearing. ***Staff recommends City Council approval of the attached resolution approving the 2013-2018 Capital Improvement Program.***

5. **Resolution No. 13-66** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AMENDING MEASUREMENT STANDARDS AS PERMITTED UNDER THE PATIENT PROTECTION AFFORDABLE CARE ACT AND RESCINDING RESOLUTION NO. 13-18. **At** its April 15 meeting, the City Council approved Resolution 13-18 establishing the parameters for ensuring the City's compliance with the Affordable Health Care Act as it pertains to hours and eligibility for its employees. After the resolution was adopted it was discovered that one of the periods was incorrect and needed to be expanded from three to six months. As such, staff is providing Resolution No. 13-66, correcting that aspect. **Staff recommends the City Council approve Resolution 13-66 amending the measurement standards for the Safe Harbor provision of the PPACA.**

6. PUBLIC HEARINGS

- a. **CITYWIDE LANDSCAPING AND LIGHTING DISTRICT NO. 6 AND ZONES 2, 3, 4 I, 4 II, 5 AND 6; PUBLIC HEARING AND RESOLUTION PROVIDING FOR THE ANNUAL LEVY** - On May 20, 2013, the City Council set June 17, 2013 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 May 20, 2013 meeting. No change in the assessment levy is being proposed for the subject benefit in the zones, except for Zone 5 which is proposed to be reduced by \$55.71.

STAFF RECOMMENDATION:

Staff is recommending that the City Council adopt Resolution No. 13-58, providing for the annual levy and collection of assessment for the special zones in District No. 6 for Fiscal Year 2013-2014.

Resolution No. 13-58 - 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)

- b. **CITYWIDE LANDSCAPING AND LIGHTING DISTRICT NO. 7; PUBLIC HEARING AND RESOLUTION PROVIDING FOR THE ANNUAL LEVY** - On May 20, 2013, the City Council set June 17, 2013 at 6:30 p.m. as the date and time for the public hearing for the subject assessment district. The Engineer's Report and the cover report from the May 20, 2013 meeting is also submitted for Council's review. There is no proposed increase in the assessment from last year's levy, which was set at the maximum level.

STAFF RECOMMENDATION: Staff is recommending that the City Council adopt Resolution No. 13-59, providing for the annual levy and collection of assessment for the special zones in District No. 7 for Fiscal Year 2013-2014.

Resolution No. 13-59 - 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.)

- c. **CITYWIDE LANDSCAPING AND LIGHTING DISTRICT NO. 8; PUBLIC HEARING AND RESOLUTION PROVIDING FOR THE ANNUAL LEVY** - On May 20, 2013, the City Council set June 17, 2013 at 6:30 p.m. as the date and time for the public hearing for the subject assessment district. The Engineer's Report and the cover report from the May 20, 2013 meeting is also submitted for Council's review. There is no proposed increase in the assessment from last year's levy.

STAFF RECOMMENDATION: Staff is recommending that the City Council adopt Resolution No. 13-60, providing for the annual levy and collection of assessment for the special zones in District No. 8 for Fiscal Year 2013-2014.

Resolution No. 13-60 - 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)

- d. **MAINTENANCE DISTRICT 84-1M (ESPERANZA SLOPES); PUBLIC HEARING; AND RESOLUTION PROVIDING FOR THE ANNUAL LEVY** - On June 3, 2013, the City Council set June 17, 2013 at 6:30 p.m. as the date and time for the public hearing for the subject assessment district. The Engineer's Report and the cover report from the June 3, 2013 meeting is also submitted for Council's review. The 2013-2014 assessment is proposed to remain at the same level as the last sixteen years. **NOTE: Council Member Carder will abstain from voting on Resolution No. 13-61 because she owns property within District No. 84-1-M.**

STAFF RECOMMENDATION:

Staff is recommending that the Council adopt Resolution No. 13-61, providing for the annual levy for Fiscal Year 2013-2014.

Resolution No. 13-61 - 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).

- e. **Public Hearing – Report and Recommendations of the Factfinding Panel Regarding Impasse with the La Verne Firefighters Association** - The City and the La Verne Firefighters' Association (LVFA) commenced negotiations on November 5, 2012. After numerous meetings, and months of negotiations, the parties were unable to reach agreement and impasse was declared. Required impasse procedures have been completed without any final agreement. In accordance with Section 3505.7 of the California Government Code, the City is holding a Public hearing on the Report and Recommendations of the Factfinding Panel regarding an impasse between the City of La Verne and the LVFA. It is recommended that the City Council hold a public hearing on the Report and Recommendations of the Factfinding Panel regarding impasse with the LVFA.

STAFF RECOMMENDATION: That the City Council hold a public hearing on the Report and recommendations of the Factfinding Panel regarding impasse with the LVFA.

- f. **Refuse, Water, and Sewer Utility Rate Adjustments** - City Council is asked to consider refuse, water, and sewer rate adjustments. The primary factor for adjusting the refuse rate is the contractual obligation with Waste Management to adjust the rate annually based on landfill tipping fees and the Consumer Price Index. The factors considered for the water rate adjustment include the rate increase for the wholesale water from the Metropolitan Water District (MWD). The sewer rate adjustment includes increases relative to compliance measures for environmental regulations. Despite the adjustments, the proposed rates remain below the median to those of local agencies in the immediate area.

The refuse and sewer rate adjustments are subject to protest hearings per Proposition 218; however, the water rate is an adjustment based solely on the imported water costs based upon a previously approved formula and is exempt from the protest hearing process.

STAFF RECOMMENDATION:

1. Accept staff report;
Open and conduct the protest hearings to consider refuse and sewer rates;
2. Adopt **Resolution No. 13-62** certifying refuse rate protest hearing;
3. Adopt **Resolution No. 13-63** certifying sewer rate protest hearing;
4. Adopt **Resolution No. 13-64** approving the refuse rate adjustment;
5. Adopt **Resolution No. 13-65** amending the utility fee resolution and approving water and sewer rate adjustments.

Staff further recommends that all rate adjustments become effective for all bills prepared on or after July 1, 2013 (as noted within the resolutions). This action is statutorily exempt from the California Environmental Quality Act, Section 15273 – Rates, Tolls, Fares, and Charges and City of La Verne environmental guidelines.

Resolution No. 13-62 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DECLARING THE RESULTS OF THE PROCEEDINGS FOR ADOPTING REFUSE COLLECTION FEES IN ACCORDANCE WITH ARTICLE XIID OF THE CALIFORNIA CONSTITUTION.

Resolution No. 13-63 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DECLARING THE RESULTS OF THE PROCEEDINGS FOR ADOPTING SEWER FEES IN ACCORDANCE WITH ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION.

Resolution No. 13-64 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING A RATE ADJUSTMENT FOR REFUSE SERVICES PROVIDED IN THE CITY OF LA VERNE BY WASTE MANAGEMENT OF SAN GABRIEL/POMONA VALLEY.

Resolution No. 13-65 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RESTATING CERTAIN WATER AND SEWER FEES AND POLICIES FOR SERVICES PROVIDED BY THE CITY OF LA VERNE AND RESCINDING RESOLUTIONS NO. 10-31 AND NO. 12-62.

- g. **Hearing to Determine Necessity of Utility User's Tax** - The provisions of Ordinance No. 955, require an annual hearing to determine whether it is necessary to continue the City's Utility User's Tax (UUT). The proposed 2013/14 budget contemplates utilizing all of the estimated \$ 3,100,000 in UUT revenue in an effort to have a balanced budget. Based upon fiscal policies previously established, staff recommends that the City Council maintain the City's UUT at their current voter approved rates and that the reduced rate payers that are assessed a flat dollar amount each month be lowered by \$ 0.30 to \$ 3.97.

The provisions of Ordinance No. 955, require an annual hearing to determine whether it is necessary to continue the City's Utility User's Tax (UUT). The proposed 2013/14 budget contemplates utilizing all of the estimated \$ 3,100,000 in UUT revenue in an effort to have a balanced budget.

STAFF RECOMMENDATION:

Based upon fiscal policies previously established, staff recommends that the City Council maintain the City's UUT at their current voter approved rates and that the reduced rate payers that are assessed a flat dollar amount each month be lowered by \$ 0.30 to \$ 3.97.

- h. **Annual Report and Public “Protest” Hearing-Old Town La Verne Business Improvement District** - This annual public “protest” hearing is required in order to comply with State Law, the Municipal Code, and By-Laws relative to the Old Town La Verne Business Improvement District (OTLVBID). The City Council is requested to consider: ***NOTE: Mayor Kendrick will declare a conflict of interest because he owns a business within the district boundaries and will not act or participate in this matter. Mayor Pro Tem Rosales will chair the meeting for this item.***

STAFF RECOMMENDATION:

Staff recommends, following conduct of the annual “protest” hearing, the City Council adopt the attached Resolution No.13-53 to approve the OTLVBID Annual Report and effectively:

- 1) Receive and file a report of the OTLVBID prior year activities.
- 2) Approve the proposed OTLVBID 2013-2014 Annual Budget.
- 3) Approve re-establishment of the District boundaries and assessment formula.

Resolution No. 13-53 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, OVERRULING PROTESTS AND APPROVING THE ANNUAL REPORT OF THE OLD TOWN LA VERNE BUSINESS IMPROVEMENT DISTRICT FOR 2013-2014 PURSUANT TO THE PROVISIONS OF SECTION 36500 ET SEQ. OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA

7. 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**.

8. **MEETING OF THE LA VERNE SUCCESSOR AGENCY**

- a. **Successor Agency Minutes** of November 19, 2012, February 19, 2013, and June 3, 2013, to be received and filed.
- b. **Resolution (s) passage and adoption, recommended by staff**

Resolution No. SA 2013-02 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE AS SUCCESSOR AGENCY TO THE CITY OF LA VERNE REDEVELOPMENT AGENCY ADOPTING A BUDGET FOR THE 2013-14 FISCAL YEAR.

9. **OTHER MATTERS**

- a. **Establishing Terms and Conditions for La Verne Firefighter Association Members** - The City has been unsuccessful in coming to an agreement on a successor Memorandum of Understanding (MOU) with the La Verne Firefighters Association (LVFA). As a result, the City has followed the applicable impasse procedures including factfinding in accordance with Section 3505.4 of the California Government Code. Since at this time there has been no change in either party's position, it is permissible for the City Council, to consider unilaterally implementing the terms and conditions of employment for LVFA members.

STAFF RECOMMENDATION: That the City Council unilaterally implement the attached terms and conditions of employment for LVFA members as outlined in the City's Last, Best, and Final Offer (LBFO) by adopting Resolution No. 13-54.

Resolution No. 13-54 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ESTABLISHING TERMS AND CONDITIONS OF EMPLOYMENT FOR THE LA VERNE FIREFIGHTERS' ASSOCIATION FOR A ONE-YEAR PERIOD FROM JULY 1, 2013 THROUGH JUNE 30, 2014

- b. **Consider Approval of La Verne Chamber of Commerce Annual Report and Funding Agreement for Fiscal Year 2013-2014** - The La Verne Chamber of Commerce has submitted their annual Report of Accomplishments, Program of Work, and Partnership Agreement for the upcoming 2013-2014 fiscal year. The Chamber is requesting funding at the existing level of \$35,000, and is prepared to provide the Chamber's Annual Report to the City Council. Newly-elected Chair of the Board of Directors Micky Rehm and President/CEO Brian McNerney will be in attendance and available for questions. The Council Chamber Liaison Committee and staff recommend the City Council approve Agreement No.13-13, accepting the La Verne Chamber of Commerce's Annual Report and Partnership Agreement, and authorize annual funding in the amount of \$35,000 for the 2013-2014 fiscal year.

STAFF RECOMMENDATION: It is recommended that the City Council approve Agreement No.13-13, accepting the La Verne Chamber of Commerce's Annual Report and Partnership Agreement, and authorize annual funding in the amount of \$35,000 for the 2013-2014 fiscal year.

- c. **Request Concurrence for Fire Department Aerial Ladder Truck Replacement** - The Fire Department is seeking Council concurrence on the replacement option for a new aerial ladder truck.

STAFF RECOMMENDATION: The City Council should approve Option #2 to secure a manufacturer for replacement of the City's aerial ladder truck.

10. **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.

11. **MAYOR/COUNCIL & SCHOOL DISTRICT ITEMS**

12. **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.

13. **CLOSED SESSION**

The City Council will meet in a closed session for the following purpose: Conference with Labor Negotiator (Government Code Section 54957.6)

City Negotiator:	City Manager, and Senior Management Analyst
Employee Organization:	La Verne Firefighters' Association

14. **ADJOURNMENT** to Monday, July 8, 2013, at 5:00 p.m., to conduct Planning Commission Interviews.

It is expected that the next Regular meeting of the La Verne City Council scheduled for Monday, July 1, 2013, will be CANCELED due to a lack of business.

THE NEXT REGULAR MEETINGS of the La Verne City Council and the La Verne Successor Agency are scheduled for Monday, July 15, 2013 at 6:30 p.m.

CITY STAFF

City Manager. Robert Russi
City Attorney. Robert Kress
Acting City Clerk Lupe Estrella
City Treasurer. Jeannette Vagnozzi
Public Works Director. Dan Keeseey
Community Development Director. Hal Fredericksen
Finance Officer. Ron Clark
Community Services Director. Bill Aguirre
Police Chief. Scott Pickwith
Fire Chief. Pete Jankowski
City Engineer. Dominic Milano
Information Services Manager Bill Elftman