

# CITY OF LA VERNE

## CITY COUNCIL AGENDA

Don Kendrick, Mayor

Charles Rosales, Mayor Pro Tem

Robin Carder, Council Member

Donna Redman, Council Member



[www.ci.la-verne.ca.us](http://www.ci.la-verne.ca.us)

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City Hall Council Chamber

3660 D Street

La Verne, CA 91750

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**Monday, July 15, 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 1<sup>st</sup> and 3<sup>rd</sup> 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 1<sup>st</sup> and 3<sup>rd</sup> 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. **Moment of Silence in Memory of Council Member Robert Rodriguez.**
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL:** Council Member Carder, Council Member Redman, Mayor Pro Tem Rosales, and Mayor Kendrick

5. **ANNOUNCEMENTS AND PRESENTATION** – No matters scheduled
  
6. **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. **Regular City Council Minutes of June 17, 2013** to be received and filed.
  
  - b. **2012-13 Registers of Audited Demands** in the amount of \$282,434.13 for 6-18-13, \$442,019.94 for 6-24-13, \$774,514.99 for 7-1-13 and \$686,565.42 for 7-9-13, approval recommended.
  
  - c. **2013-14 Registers of Audited Demands** in the amount of \$33,451.00 for 7-2-13, approval recommended.
  
  - d. **Treasurer’s Report for the Month of May and June 2013**
  
  - e. **Request for On-duty Members to Participate in a Fill-the-Boot Fundraiser for the 19 Fallen Prescott Arizona Hotshot Firefighters.** - The La Verne Firefighters’ Association is requesting permission to allow on-duty personnel and equipment to participate in the fill the boot for donations for the 19 fallen firefighters of Prescott Arizona. The activities will be held at the corner of Foothill Blvd/Fruit and Foothill/White on Saturday, July 20, 2013. ***Staff is recommending that the City Council approve the request for on-duty firefighters and equipment to participate in the fill the boot campaign on Saturday, July 20, 2013.***
  
  - f. **Resolution (s) passage & adoption, recommended as follows:**
    1. **Resolution No. 13-67** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DETERMINING SPECIAL TAX FOR THE 2013-14 FISCAL YEAR (COMMUNITY FACILITIES DISTRICT NO. 90-1 – LA VERNE INDUSTRIAL SPECIAL PLAN). In January 1991, the City Council approved Ordinance No. 817 authorizing the levy of a special tax for the Community Facilities District No. 90-1. The special taxes are to be levied each year on those properties contained in the District (La Verne Industrial Specific Plan) for the operation and maintenance of the public infrastructure. Exhibit “A” of the original Engineer’s Report and Exhibit “A” of the Resolution No. 13-67 are the properties which are to receive a levy. The formation of the district allowed for an annual increase not to exceed 5%. These taxes will fund public safety services, sewer pump maintenance, street maintenance, and related administrative costs for services provided to the District. The total square footage assessed this fiscal year is 1,723,006. ***Staff is recommending that the City Council adopt the Resolution 13-67, levying a special tax for the 2013-14 Fiscal Year per the schedule shown in Exhibit “A” attached to the Resolution, which increases the rate by 1.3 percent to address the cost of living increases based on the annual consumer price index ending March 2013.***

2. **Resolution No. 13-68** - A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DETERMINING SPECIAL TAX FOR THE 2013-14 FISCAL YEAR (**COMMUNITY FACILITIES DISTRICT NO. 11-1 – LA VERNE INDUSTRIAL SPECIFIC PLAN**)  
On May 16, 2011, the City Council approved Ordinance No. 1023 authorizing the levy of a special tax for the Community Facilities District No. 11-1. The special taxes are to be levied each year on those properties contained in the District for the financing of the fire suppression and prevention services necessary to serve the buildings determined to be taxable. The “Map of Proposed Boundaries of City of La Verne Community Facilities District No. 11-01” of the original rate and method of apportionment report shows these properties within the District. A copy of this exhibit is available for reference. The total square footage of permitted and/or developed property assessed this fiscal year is 165,664. ***Staff is recommending that the City Council adopt the Resolution No. 13-68, levying a special tax for the 2013-14 fiscal year per the schedule shown in Exhibit “A” Resolution No. 13-68***
  
3. **Resolution No. 13-69** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING THE EXECUTION OF AN ASSIGNMENT AGREEMENT WITH THE CITY OF INDUSTRY FOR THE EXCHANGE OF PROPOSITION A FUNDS FOR GENERAL FUND REVENUES. In June, the City of Industry approached the City of La Verne to say that they were interested in purchasing uncommitted Proposition A transportation funds in exchange for General Fund monies. The City of Industry said that they would give us the same rate as last year’s purchase. ***Staff is recommending City Council adopt Resolution No.13-69 authorizing an exchange of \$300,000 in Proposition A transportation funds for \$228,000 of General Funds with the City of Industry and authorize the City Manager to execute said agreement.***
  
4. **Resolution No. 13-72** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ESTABLISHING BENEFITS FOR EXECUTIVE MANAGEMENT EMPLOYEES (DEPARTMENT HEADS) AND REPEALING RESOLUTION NO. 12-47
  
5. **Resolution No. 13-73** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ESTABLISHING BENEFITS FOR MIDDLE MANAGEMENT, PROFESSIONAL AND CONFIDENTIAL EMPLOYEES AND REPEALING RESOLUTION NO. 12-48
  
6. **Resolution No. 13-74** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADOPTING A SALARY CHART FOR FULL-TIME EMPLOYEES AND REPEALING RESOLUTION NO. 13-02

7. **PUBLIC HEARINGS**

- a. **Public Hearing to Consider Issuance of a Tax-Exempt Obligations by California Municipal Finance Authority on behalf of the University of La Verne** - Pursuant to Federal law, the City Council must hold a public hearing when tax exempt obligations are proposed to be issued. The City of La Verne is not a party to the financing and would not be liable on the obligations. The obligations are being issued to finance and refinance the acquisition, construction, improvement and equipping of certain educational facilities located on the campus of the University of La Verne. Approval of the issuance of the obligations does not constitute approval of any of the proposed projects, each of which will be reviewed by the applicable development review process. ***NOTE: Three members of Council, Council Members Carder and Redman, and Mayor Kendrick have conflicts on this item (Council Members Carder and Redman are employed by the University of La Verne and Mayor Kendrick has a business within 500 feet of the project area). Since the majority of Council has a conflict, State law provides that when the Council cannot act because it does not have a quorum to take a valid vote, the Rule of Necessity can be invoked to permit the participation of a disqualified member in order to allow action. In order for the item to be considered, a quorum may be obtained by selecting two Council Members by lot. The Council Members selected to participate may vote on the item, and speak on it.***

**STAFF RECOMMENDATION:**

It is recommended that the City Council, after conducting the public hearing, adopt Resolution No. 13-70, approving the issuance of obligations (not to exceed \$15,000,000) by the California Municipal Finance Authority for the benefit of the University of La Verne.

**Resolution No. 13 -70** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE ISSUANCE OF THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY 2013 TAX EXEMPT LOAN (UNIVERSITY OF LA VERNE) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$15,000,000 FOR THE PURPOSE OF FINANCING AND REFINANCING THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF VARIOUS EDUCATIONAL AND ADMINISTRATIVE FACILITIES AND CERTAIN OTHER MATTERS RELATING THERETO

- b. **Confirmation of 2012-13 Weed Clearance Charges** - On March 4, 2013, the City Council authorized Los Angeles County Department of Agriculture to conduct weed clearance on specific parcels within the City. The purpose of this hearing is to approve the costs that will be passed on to property owners. A notice of this hearing has been sent to the affected property owners. ***Note: Council Member Carder will declare a conflict because she is a member of the Board of Directors for a homeowners' association that oversees property appearing on the weed abatement list.***

**STAFF RECOMMENDATION:**

At the conclusion of the hearing, the City Council should confirm the list of charges and direct the County Auditor to

enter the assessment against the parcels of land on the current assessment roll.

- c. **New Project Added for the Community Development Block Grant Program for 2013-2014 – Las Flores Park Pathway Improvements** – When the City Council originally approved the City's use of this year's allocation of the Community Development Block Grant funds on February 4, 2013 there was an unallocated fund balance of \$63,319. Since that time staff has been working with the County on other eligible projects. One project that has been identified is construction of ADA accessible pathways at Las Flores Park in the amount of \$30,000. As such, staff is now seeking Council concurrence with amending the City's requests to fund this project. Staff will also continue to work with the Community Development Commission on how best to allocate the remaining portion of the grant (\$33,319).

**STAFF RECOMMENDATION:**

The Community Development Department recommends the following amended allocation of the 2013-2014 Community Development Block Grant (CDBG) funds of \$141,890 as follows:

<b>2013-2014 CDBG Allocation</b>	<b>\$141,890</b>
Senior Hot Lunch Program	\$ 20,571
Sidewalk Repairs	\$ 58,000
Las Flores Park Pathway Improvements	\$ 30,000
Unallocated	\$ 33,319
<b>TOTAL</b>	<b>\$ 141,890</b>

This recommendation is made after consideration of the federal allocation requirements. The Community Development Department further recommends that the City Council approve Resolution No. 13-71 adding the Las Flores Park pathway project to the 2013-14 La Verne Community Development Block Grant Program with the County of Los Angeles, as follows:

**Resolution No. 13-71** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING AN ADDED PROJECT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM IN THE FISCAL YEAR 2013 – 2014

**8. OTHER MATTERS**

- a. **City Council Vacancy** - The untimely passing of Council Member Robert Rodriguez has created a vacancy on the La Verne City Council. State law requires that within 60 days of July 6, 2013 (September 3, 2013), the Council must fill the vacancy by appointment to the balance of the term or call a special election for that purpose.

**STAFF RECOMMENDATION:**

It is recommended that the City Council provide direction as to the Council's intent regarding filling the vacancy.

- b. **Planning Commission Appointment** - The City Council is requested to consider appointment of Philip May as a new Planning Commissioner, to fill the seat and unexpired term of existing Commissioner Ciriaco "Cid" Pinedo. Commissioner Pinedo has announced his resignation from the Planning Commission, effective August 1, 2013. The City Council recently interviewed ten (10) applicants for the open Planning Commission position at the adjourned meeting of July 8, 2013 and has recommended the appointment of resident Philip May 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 RECOMMENDATION:**

Staff recommends the Mayor appoint Philip May to the La Verne Planning Commission after approval by the City Council, in accordance with the Municipal Code. New Commissioner May's term would become effective August 1, 2013, with his first meeting being August 14, and extending until June 30, 2014.

- c. **Consider Approval of Extended Schedule and Posted No Parking for Old Town La Verne Farmers Market/Family Festival** - The City Council is requested to consider approval of an extended schedule to permit the Old Town La Verne Farmers Market and Family Festival to operate an additional 8 weeks through November 21, 2013. The Market is otherwise scheduled to end its operation this year on Thursday, September 26<sup>th</sup>, and not resume again until March 2014. The Old Town La Verne Business Improvement District and a majority of the Old Town businesses are in favor of the proposed extension. This request also includes a proposal for the posting of No Parking signs in the market area during the hours of setup and operation.

**STAFF RECOMMEN DATION:**

The Old Town La Verne Business Improvement District Advisory Board and staff recommend the City Council conceptually approve, subject to a final letter agreement, an extended schedule to permit the Old Town La Verne Farmers Market and Family Festival to operate through November 21, 2013, and to approve Resolution No. 13-75 for "No Parking" and "No Parking" signs in the market area, subject to the recommended conditions of approval 1-6.

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 –**

Conference with Real Property Negotiator (Government Code Section 54956.8). The City Council will meet in a closed session for the following:

Property: Parcels with APNs 8378-027-900 and 8378-027-901 (Tract 4560, Lots 1 & 2 - declared surplus property by LVRDA on 10/17/11).  
Agency Negotiators: City Manager, Community Development Director, City Attorney  
Negotiating Parties: City of La Verne and Argent LLC, Craig Silvers, Manager  
Under Negotiation: Price and terms of payment

12. **Adjournment in memory of La Verne City Council Member Robert Rodriguez.** Robert who was well known for his lifetime of service and joyful spirit, passed away on July 6, 2013, at the age of 83. A lifelong La Verne resident, Robert graduated from Lincoln Elementary School (later renamed Roynon Elementary School), Bonita High School, and earned both his bachelor's ('65) and master's degree ('90) from the University of La Verne. Robert's lifetime of public service began in the United States Army from 1951 to 1953. He served in the 2<sup>nd</sup> Infantry in the Korean Conflict. He earned the Korean Conflict Medal with one Bronze Star, the United Nations Service Medal, and the Combat Infantry Medal. In 1953, Robert became the first Mexican-American police officer hired by the Pomona Police Department. During his twenty-seven years of honorable service he worked patrol, gang detail, detective bureau, community liaison, and a variety of positions before retiring at the rank of Lieutenant. He then joined the University of La Verne as Director of Administrative Services from 1983 to 1996. In 1982, Robert was elected to the La Verne City Council. His continuous thirty-one years of service earned him the distinction of the longest serving elected official in the City's history. During his tenure on the City Council he helped guide the City through many key decisions that makes it the community it is today. His good natured spirit, wisdom, and love for the community will be missed by all. Robert is preceded in death by his parents, Eliseo and Concha Rodriguez, and two sisters, Betty and Alice. He is survived by his wife of 51 years, Fran; their five children, Jeff, Roberta, Jennifer, Lisa, and Lynda; eight grandchildren; and siblings Genevieve, Jay, and Richard.

**It is expected that the next regular meeting of the La Verne City Council scheduled for Monday, August 5, 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, August 19, 2013 at 6:30 p.m.**

**CITY STAFF**

City Manager. . . . . Robert Russi  
City Attorney. . . . . Robert Kress  
Asst. to the City Manager/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 Eftman