

CITY OF LA VERNE

CITY COUNCIL AGENDA

Don Kendrick, Mayor

Donna Redman, Mayor Pro Tem

Robin Carder, Council Member

Charlie Rosales, Council Member

Ron Ingels, Council Member



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City Hall Council Chamber

3660 D Street

La Verne, CA 91750

Monday, June 16, 2014 - 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 Carder, Council Member Ingels, Council Member Rosales, Mayor Pro Tem Redman, and Mayor Kendrick

4. **ANNOUNCEMENTS AND PRESENTATIONS**

a. **Women Mean Business Award** – Senator Carol Liu honors local women whose exceptional abilities have contributed to the vitality and diversity of the 25th Senate District. These women have contributed to the greater good while serving as role models for their community. Jody Gmeiner, CEO of the Pomona Valley Habitat for Humanity, has been awarded the Outstanding Nonprofit Executive Director Award for the 25th Senate District. In addition to exemplary work with Habitat for Humanity, Jody is also actively involved in various community events and organizations including serving as a past President of the Chamber of Commerce.

b. **Small Business of the Year Nominations** – Assembly Member Chris Holden honors small businesses each for their contributions to the economy and communities in the 41st Assembly District. In 2014, nominations were received for 23 businesses with two of those businesses located in La Verne.

Dr. Steven A. Takamatsu, DDS – Dr. Takamatsu has been practicing family dentistry in La Verne since 2006. In addition to supporting and sponsoring several community events, Dr. Takamatsu has provided free dental screenings for kindergartners in the Bonita Unified School District since 2007.

Investors Team Realty – Owner Arun Tolia has been a business owner in La Verne since 2000 and opened Investors Team Realty in 2012. Mr. Tolia has been very active with the Chamber of Commerce as an ambassador and chairing and/or sponsoring many community events. In addition, he also chairs the Hillcrest Business Steering Committee and serves on the Board of Directors for Pomona Valley Habitat for Humanity and David and Margaret Youth and Family Services.

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 Kendrick will declare a conflict of interest on item 5.e.6. (historical property designation and agreement) and will not act on this matter because he owns property within 500 feet of the project area.***

a. **City Council Minutes** of the regular meeting of June 2, 2014, to be received and filed as submitted.

b. **May 2014 Treasurer's Report**, approval recommended by staff.

c. **Registers of Audited Demands** in the amount of \$957,917.71, for May 27, 2014, and \$126,473.39, for June 2, 2014, approval recommended by staff.

d. **Rental Agreement with Xerox** - The current high-volume copier used for the majority of copying at City Hall has become antiquated and maintenance agreements are no longer available. Staff is seeking Council approval of a three-year rental agreement with Xerox for the rental of a high-volume copier. ***Staff recommends that Council authorize the City Manager to enter into a three-year agreement with Xerox for the rental of a high-volume copier.***

e. **Resolution(s)** passage & adoption, recommended as follows:

1. **Resolution No. 14-35** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADOPTING 2014-15 APPROPRIATION LIMIT. Each year the City adopts an annual appropriation 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 2014-15 budget reflect proceeds from taxes well under this limit. ***Staff recommends that the City Council approve Resolution No. 14-35 adopting the 2014-15 Appropriation Limit.***

2. **Resolution No. 14-36** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADOPTING A BUDGET FOR THE 2014-15 FISCAL YEAR. A proposed budget was submitted and discussed at a Budget Study Session held just prior to this Council meeting. At that study session, the City Manager and each of the department heads presented their respective sections of the budget document for Council discussion and consideration. Adopting Resolution No. 14-36 will officially adopt the 2014-15 budget. ***Staff recommends that City Council approve Resolution No. 14-36 adopting a Budget for Fiscal Year 2014-15.***

3. **Resolution No. 14-37** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA APPROVING THE 2014-15 CAPITAL IMPROVEMENT PROGRAM AND THE 2015-20 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 21, 2014, with consensus to finalize and present it for adoption during the regular budget hearing. ***Staff recommends City Council approval of the Resolution No.14-37 approving the 2015-2020 Capital Improvement Program.***

4. **Resolution No. 14-38** - A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DETERMINING SPECIAL TAX FOR THE 2014-15 FISCAL YEAR (COMMUNITY FACILITIES DISTRICT NO. 90-1). 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. 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 Resolution No. 14-38 levying a special tax for the 2014-15 Fiscal Year per the schedule shown in Exhibit "A," which increases the rate by 1.0 percent to address the cost of living increases based on the annual Consumer Price Index ending March 2014.***

5. **Resolution No. 14-39** - A RESOLUTION OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA DETERMINING SPECIAL TAX FOR THE 2014-15 FISCAL YEAR (COMMUNITY FACILITIES DISTRICT 11-1). On May 16, 2011, the City Council approved Ordinance No. 1023 authorizing the levy of a special tax for Community Facilities District 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 total square footage of permitted and/or developed property assessed this fiscal year is 1,675,664. **Staff is recommending that the City Council adopt Resolution No. 14-39 levying a special tax for the 2014-15 fiscal year per the schedule shown in Exhibit "A."**

6. **Resolution No. 14-41** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESIGNATING THE DAVID BLICKENSTAFF HOUSE AS A LOCAL LANDMARK; APPROVING A HISTORICAL PROPERTY AGREEMENT; AND AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT WITH THE OWNERS OF THE LANDMARK PROPERTY. William and Bonnie Moro, owners of 2236 Third Street request: (1.) Recognition of the home, the David Blickenstaff House, as a local cultural landmark, and (2.) Approval of a Historical Property Agreement, also known as a "Mills Act" contract, which commits the Moros and future owners to maintain their historic property in an exemplary manner and to retain or, where appropriate, restore historic features. The Agreement will result in lower property taxes for the owners. **Staff recommends approval of Resolution No. 14-41 designating 2236 Third Street as a local landmark and approving the Historical Property Agreement. NOTE: Mayor Kendrick will declare a conflict of interest because he owns property within 500 feet of this location and will not act on this matter.**

7. **Resolution No. 14-48** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING A CLASS SPECIFICATION MODIFICATION AND APPROVING A CLASS SPECIFICATION FOR ACCOUNTANT/PAYROLL SPECIALIST The City's Finance Officer will be officially retiring on June 30th of this year. In anticipation of this retirement, Staff has been evaluating future staffing needs for the Finance Department and is recommending a change in authorized positions. In accordance with the City's personnel rules and regulations, such changes require City Council approval. **Staff recommends that the City Council adopt Resolution No. 14-48 approving a class specification modification for Accountant and approving a class specification for Accountant/Payroll Specialist.**

6. PUBLIC HEARINGS

- a. **Brethren Hillcrest Homes Refinancing** - Hillcrest has requested that the City participate, as an Issuer, in the refinancing of its indebtedness. The City has done so in previous financings. Under federal tax law relating to tax-exempt bonds, the City Council must conduct a noticed public hearing prior to approval of the issuance of bonds (certificates of participation). The City is not at risk and is not liable for Certificates of Participation to be issued. ***NOTE: Mayor Kendrick will declare a conflict of interest because he conducts business with Brethren Hillcrest Homes and will not act or participate in this matter. Mayor Pro Tem Redman will chair the meeting for this item.***

STAFF RECOMMENDATION:

Staff recommends that the Council, after conducting the public hearing, approve Resolution No. 14-47 authorizing the execution of certain documents in connection with the installment sale financing of the renovation, expansion and equipping of senior living facilities, the refinancing of certain previously issued certificates of participation, and providing the terms and conditions for the issuance of the certificates of participation and other matters relating thereto.

Resolution No. 14-47 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION WITH THE INSTALLMENT SALE FINANCING OF THE RENOVATION, EXPANSION AND EQUIPPING OF SENIOR LIVING FACILITIES AND THE REFINANCING OF CERTAIN PREVIOUSLY ISSUED CERTIFICATES OF PARTICIPATION AND PROVIDING THE TERMS AND CONDITIONS FOR THE ISSUANCE OF THE CERTIFICATES OF PARTICIPATION AND OTHER MATTERS RELATING THERETO.

- b. **Old Town La Verne Business Improvement District Annual Report and Public “Protest” Hearing-Old Town La Verne Business Improvement District (OTLVBID)** - The City Council at its meeting of June 2, 2014, set the hearing for OTLVBID for the June 16, 2014, meeting. This annual public “protest” hearing is required in order to comply with State Law, the Municipal Code, and By-Laws relative to the OTLVBID. ***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 Redman will chair the meeting for this item.***

STAFF RECOMMENDATION:

Staff recommends, following conduct of the annual “protest” hearing, the City Council adopt Resolution No.14-40 to approve the OTLVBID Annual Report and effectively:

1. Receive and file a report of the OTLVBID prior year’s activities.
2. Approve the proposed OTLVBID 2014-15 Annual Budget.
3. Approve re-establishment of the District boundaries and assessment formula.

Resolution No. 14-40 - 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 2014-2015 PURSUANT TO THE PROVISIONS OF SECTION 36500 ET SEQ. OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA.

- c. **Hearing to Determine the Necessity of the UUT** - 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 2014/15 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 the current voter-approved rates.

- d. **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 19, 2014, the City Council set June 16, 2014, at 6:30 p.m. as the date and time for the public hearing for the subject assessment district and its zones. Submitted is the Engineer's Report and the cover report from the May 19, 2014, 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 increased by \$29.00 to \$279.00 per parcel which is less than the maximum levy of \$305.71. ***NOTE: Council Member Carder will declare a conflict of interest because she owns property within the boundaries of LLMD No. 6 and will not act or participate in this matter.***

STAFF RECOMMENDATION:

Staff is recommending that the City Council adopt Resolution No. 14-42 providing for the annual levy and collection of assessment for the special zones in District No. 6 for Fiscal Year 2014-15.

Resolution No. 14-42 - 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 NO. 6).

- e. **CITYWIDE LANDSCAPING AND LIGHTING DISTRICT NO. 7; PUBLIC HEARING AND RESOLUTION PROVIDING FOR THE ANNUAL LEVY** - On May 19, 2014, the City Council set June 16, 2014, 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 19, 2014, 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. 14-43 providing for the annual levy and collection of assessment for the special zones in District No. 7 for Fiscal Year 2014-15.

Resolution No. 14-43 - 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 NO. 7).

- f. **CITYWIDE LANDSCAPING AND LIGHTING DISTRICT NO. 8; PUBLIC HEARING AND RESOLUTION PROVIDING FOR THE ANNUAL LEVY** - On May 19, 2014, the City Council set June 16, 2014, 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 19, 2014 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. 14-44 providing for the annual levy and collection of assessment for the special zones in District No. 8 for Fiscal Year 2014-15.

Resolution No. 14-44 - 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 NO.8).

- g. MAINTENANCE DISTRICT 84-1M (ESPERANZA SLOPES); PUBLIC HEARING; AND RESOLUTION PROVIDING FOR THE ANNUAL LEVY** - On May 19, 2014, the City Council set June 16, 2014, 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 19, 2014, meeting is also submitted for Council's review. The 2014-15 assessment is proposed to remain at the same level as the last seventeen years. ***NOTE: Council Member Carder will declare a conflict of interest because she owns property within the boundaries of Maintenance District 84-1M and will not act or participate in this matter.***

STAFF RECOMMENDATION:

Staff is recommending that the Council adopt Resolution No. 14-45 providing for the annual levy for Fiscal Year 2014-2015.

Resolution No.14-45 - 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).

- h. Refuse Rate Adjustment Protest Hearing** - City Council is asked to consider adjustments to the refuse rates. The primary factor for adjusting the refuse rates is the contractual obligation with Waste Management to adjust the rate annually based on landfill tipping fees, changes in fuel costs, and the Consumer Price Index. Despite the adjustments, the proposed rates remain at or below the median to those of local agencies in the immediate area. The refuse rate adjustments are subject to protest hearings per Proposition 218.

STAFF RECOMMENDATION:

Staff recommends that Council:

1. Open and conduct the protest hearing;
2. Adopt Resolution No. 14-33 certifying the refuse rate protest hearing; and
3. Adopt Resolution No. 14-34 approving the refuse rate adjustment.

Resolution No. 14-33 - 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. 14-34 - 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.

7. OTHER MATTERS

- a. **Consider Approval of La Verne Chamber of Commerce Annual Report and Funding Agreement for Fiscal Year 2014-2015** - The La Verne Chamber of Commerce has submitted their annual Report of Accomplishments, Program of Work, and Partnership Agreement for the upcoming 2014-2015 fiscal year. The Chamber is requesting funding with a \$5,000 increase to \$40,000 annually, and the proposed Agreement also includes an Incentive/subsidy Program for Business Recruitment with a potential cost of \$2,500. Newly-elected Chair of the Board of Directors Nikki Hoar and President/CEO Brian Mc Nerney will be available for questions.

STAFF RECOMMENDATION:

The Council Chamber Liaison Committee and staff recommend the City Council approve Resolution No. 14-46 accepting the La Verne Chamber of Commerce's Annual Report and Partnership Agreement, which includes annual funding in the amount of \$40,000 and an Incentive/subsidy Program for Business Recruitment with a potential cost of \$2,500, for the 2014-2015 fiscal year.

Resolution No. 14-46 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING A PARTNERSHIP AGREEMENT WITH THE LA VERNE CHAMBER OF COMMERCE (FISCAL YEAR 2014-2015).

- b. **Request for Special Event Permit for Lordsburg Cigar Lounge** - The City Council is requested to provide direction and grant conceptual approval for a restricted outdoor beer garden in conjunction with a Special Event Permit for a classic car show at Lordsburg Cigar Lounge at 1249 Foothill Boulevard in the Gateway Pointe shopping center. The proposed event would be held on Saturday, July 26, 2014.

STAFF RECOMMENDATION:

Staff recommends the City Council grant conceptual approval for a controlled, fenced beer garden as part of a Special Event Permit for Lordsburg Cigar Lounge at 1249 Foothill Boulevard on Saturday, July 26, 2014, subject to conditions as recommended by staff.

8. **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.

9. **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.

10. **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 Organizations: La Verne Firefighters' Association
Unrepresented Employees - Middle/Executive Management

11. **ADJOURNMENT** to Monday, June 30, 2014, at 3:00 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 7, 2014, will be CANCELED due to a lack of business.

THE NEXT REGULAR MEETING of the La Verne City Council is scheduled for Monday, July 21, 2014, 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 Keesey, Public Works Director
___ Hal Fredericksen, Community Development Director
___ Ron Clark, Finance Officer
___ Bill Aguirre, Community Services Director
___ Scott Pickwith, Police Chief
___ Pete Jankowski, Fire Chief
___ Dominic Milano, City Engineer
___ Bill Elftman, Jr., Information Services Manager