

CITY OF LA VERNE

CITY COUNCIL 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, January 04, 2016 - 6:30 p.m.

City Hall

Council Chambers

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** – 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 December 7 & 21, 2015, to be received and filed.

 - b. **Register of Audited Demands** in the amount of \$737,703.81, dated 12-14-15, in the amount of \$859,690.95, dated 12-21-15, and in the amount of \$343,354.12, dated 12-28-15, approval recommended.

 - c. **Authorize Use of Youth Sports Organization Capital Improvement Funds** – The Youth Sports Committee has approved the use of \$2,616 from the Youth Sports Capital Improvement Fund. The Community Services Department is requesting the funds to pay for a 10x10 container in order to store portable baskets for the City's Youth Basketball program at Lutheran High School. ***It is recommended that the City Council appropriate \$2,616 to the Sports Programs Cost Center 101-60-06-45-2 to pay for the 10x10 container. The funds will be provided by the Youth Sports Capital Improvement Fund as revenue in our Sports Programs account 101-0000-346-10-20.***

 - d. **Confirming City Council's Direction of 12-21-15 regarding the Agreement between the City of La Verne and University of La Verne for the Purchase of Carpooling Spaces** - The University of La Verne is building a new parking structure on their campus that will have approximately 940 spaces for students and faculty. The City feels this would be an opportunity to purchase spaces dedicated for carpooling purposes due to its proximity to the downtown area and the future Gold Line Station. Based on the cost to build the parking structure, the cost per space is estimated at \$16,932. Since they will be dedicated for carpool, these spaces will be paid through Proposition C Transportation Funds. ***Staff recommends that the City Council approve an agreement to purchase 15 parking spaces dedicated for carpooling in University of La Verne's parking structure for community use using Proposition C Transportation funds at a total cost of \$253,980. Note: Council Member Redman and Mayor Pro Tem Carder have conflicts of interest on this item due to their employment with the University. They will not vote on this item. At the December 21, 2015, City Council meeting when this agreement was conceptually considered. Mayor Kendrick was selected through the Rule of Necessity to participate.***

e. **Resolutions (s)** passage and adoption recommended, as follows:

1. **Resolution No. 16-01** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AUTHORIZING THE AWARD OF A PUBLIC WORKS CONTRACT TO WRIGHT CONSTRUCTION ENGINEERING CORPORATION FOR THE EXPANSION OF THE FRANKLIN LIFT STATION WETWELL AND APPROPRIATION OF FUNDING.

The Franklin Sewer Lift Station was constructed to provide sewer service to the very southwest areas of the city. The lift station was originally designed with basic land uses and wastewater demands in mind. However, the arrival of Gilead Sciences' campus will require more system capacity than is presently available. Staff has therefore designed a project to expand the capacities of the lift station with three-fourths of the cost paid by Gilead. **Staff recommends that the City Council approve the attached resolution appropriating \$613,440 for the construction of the project and awarding a public works contract to Wright Construction Engineering, Corp., the lowest responsible and responsive bidder, in the amount of \$613,439.37 and further authorize staff to approve change orders up to 10% of the contract amount. Approval of the resolution also affirms the City Council's concurrence to allow the apparent low bidder to withdraw its bid due to a clerical error. Staff has determined that this project is categorically exempt from the California Environmental Quality Act (CEQA), Section 15301 and City of La Verne environmental guidelines.**

f. **Ordinance (s)**, second reading, passage and adoption recommended, as follows:

1. **Ordinance No. 1062** - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE EMERALD COLLECTION SPECIFIC PLAN.

6. PUBLIC HEARINGS

- a. **Urgency Ordinance No. 1063 to Consider Extending Ordinance No. 1049 Establishing a Moratorium on New Tobacco- Related Uses** - The City Council is requested to consider adoption of Urgency Ordinance No. 1063, extending a moratorium on new tobacco-related uses. The proposed moratorium extension would extend the provisions of Urgency Ordinance No. 1049 for a period of one (1) year (through January 20, 2017). This Ordinance requires adoption by a 4/5 vote.

Staff Recommendation:

The City Council should conduct the public hearing; adopt Urgency Ordinance No. 1063, extending a moratorium on new tobacco-related uses for an additional period of one (1) year (through January 20, 2017).

ORDINANCE NO. 1063 - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA EXTENDING ORDINANCE NO. 1049 ESTABLISHING A MORATORIUM ON NEW TOBACCO-RELATED USES

- b. **Medical Marijuana Regulations** - The Medical Marijuana Regulation and Safety Act consists of three separate bills that were all dependent upon each other passing, with two other previous laws in place relating to medical marijuana. The City had previously adopted an ordinance that prohibited medical marijuana dispensaries in the city. The new bills provide a permitting process for the cultivation and delivery of medical marijuana, allowing local agencies to allow these acts or prohibit them, with a specific ordinance. If such an ordinance is not in place, then the State law and permitting system applies, and there is no local control over these activities. Staff recommends that the City Council introduce Ordinance No. 1064, repealing Chapter 18.82 of the La Verne Municipal Code and replacing it with a new ordinance which would prohibit medical marijuana dispensaries, the cultivation of medical marijuana, and the delivery of medical marijuana throughout the City.

Staff Recommendation:

The City Council should conduct the public hearing and introduce and place on first reading Ordinance No. 1064, repealing Chapter 18.82 of the La Verne Municipal Code and replacing it with a new ordinance which would prohibit medical marijuana dispensaries, the cultivation of medical marijuana, and the delivery of medical marijuana throughout the City.

Ordinance No. 1064 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA DELETING AND READOPTING CHAPTER 18.82 OF THE LA VERNE MUNICIPAL CODE PROHIBITING ALL COMMERCIAL MEDICAL MARIJUANA USES IN THE CITY AND PROHIBITING CULTIVATION FOR MEDICAL USE BY A QUALIFIED PATIENT OR PRIMARY CAREGIVER

7. **OTHER MATTERS** - No Items Scheduled

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. **ADJOURNMENT**

***THE NEXT REGULAR MEETING** of the La Verne City Council
is scheduled for **Tuesday, January 19, 2016, at 6:30 p.m.***

ADVISORY STAFF

- ___ Robert Russi, City Manager
- ___ Robert Kress, City Attorney
- ___ Teri Baker, Assistant to the City Manager
- ___ Lupe Gaeta Estrella, Deputy City Clerk
- ___ Dan Keesey, 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