

CITY OF LA VERNE

CITY COUNCIL AGENDA

Don Kendrick, Mayor

Charlie Rosales, Mayor Pro Tem

Donna Redman, Council Member

Robin Carder, Council Member

Tim Hepburn, Council Member



www.ci.la-verne.ca.us

(909) 596-8726 - Phone

(909) 596-8740 - Fax

City Hall Council Chamber

3660 D Street

La Verne, CA 91750

Monday, June 20, 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 Deputy 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 Carder, Mayor Pro Tem Rosales and Mayor Kendrick

4. **ANNOUNCEMENTS AND PRESENTATIONS**

- a. **Presentation by the Old Town La Verne Business Improvement District to the La Verne Youth and Family Action Committee** - The Old Town La Verne Business Improvement District will be presenting a check for \$5,000 to Mayor Kendrick and Council Member Redman as representatives of the La Verne Youth and Family Action Committee (YFAC). The District selected YFAC as the 2016 designated Charitable Organization for proceeds from Old Town's "A Sip of La Verne" Wine Walk. The District wishes to honor the excellent programs for youth and at-risk youth provided by YFAC. Previous wine walk charity designees have included Meals on Wheels, Habitat for Humanity, the LeRoy Haynes Center, and the David and Margaret Home.

- b. **Presentation by Judy Nelson** on the San Gabriel Valley Council of Government's Review of MS-4 Stormwater Permit Requirements and Impacts.

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 June 6, 2016, to be received and filed.

- b. **Register of Audited Demands** in the amount of \$167,496.04, dated May 31, 2016, and in the amount of \$738,777.05, dated June 6, 2016, approval recommended by staff.

- c. **Treasurer's Report for the Month of May** 2016 to be received and filed.

- d. **Traffic Control Plan for the Fourth of July Parade** - Each year the City hosts community events to celebrate our nation's independence. The largest event is the Fourth of July Parade on City streets through Old Town La Verne. The City Engineer prepared a traffic control plan for the parade route. Formal adoption of this plan by the City Council will limit the City's liability exposure by providing design immunity. ***Staff recommends that Council adopt the traffic control plan for the Fourth of July Parade.***

- e. Resolution(s) passage and adoption recommended, as follows:
 - 1. **Resolution No. 16-31** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING AN AGREEMENT WITH RINCON CONSULTING, INC. FOR ENVIRONMENTAL CONSULTING SERVICES FOR THE PREPARATION OF THE ENVIRONMENTAL DOCUMENT FOR THE LA VERNE WILDERNESS AREA MANAGEMENT PLAN - ***The City Council is requested to consider entering into an agreement with Rincon Consultants, Inc. for the preparation of the environmental document in conjunction with the update of the La Verne Wilderness Area Management Plan. Staff recommends that the City Council should adopt Resolution No. 16-31, approving the contract agreement with the supplemental letter (Attachment A) with Rincon Consultants, Inc. for \$75,000 for an Environmental Impact Report and updated Management Plan.***

2. **Resolution No. 16-37** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING NEW AND ANNUAL (FISCAL YEAR 2016-17) & MULTI YEAR SERVICE AGREEMENTS - *Each year, the City Council considers new, annual and multi-year agreements. All agreements presented to City Council are either renewals or extensions of agreements previously approved by City Council except for Tri County Pump Company which is a new agreement that provides services to repair and maintain pumps, wells, motors and controls. All service agreements will be approved with one motion unless separate discussion is requested by Council*

3. **Resolution No. 16-45** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADOPTING A BUDGET FOR THE 2016-17 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. 16-45 will officially adopt the 2016-17 budget. Staff recommends that the City Council should adopt Resolution No. 16-45 adopting a budget for the 2016-17 fiscal year.*

4. **Resolution No. 16-50** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING A TWO-YEAR AGREEMENT WITH INLAND VALLEY HUMANE SOCIETY FOR ANIMAL CARE AND CONTROL SERVICES (2016-18). *The current agreement for animal shelter and animal control services with the Inland Valley Humane Society (IVHS) will expire on June 30, 2016. IVHS has provided excellent animal control services to the City of La Verne for over 50 years. Staff is recommending approval of a two-year agreement with IVHA to continue providing animal control services be approved.*

6. **PUBLIC HEARINGS**

- a. **Hearing to Determine Necessity of Utility User's Tax** - The provisions of Ordinance No. 955, requires an annual hearing to determine whether it is necessary to continue the City's Utility User's Tax (UUT). The proposed 2016/17 budget contemplates utilizing all of the estimated \$3,150,000 in UUT revenue in an effort to have a balanced budget.

Staff Recommendation:

Based upon fiscal policies previously established, City Council should maintain the City's UUT at their current voter approved rates.

- b. **Appropriation Limit for 2016-17** - Each year the City adopts an annual appropriations limit that pertains to 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 2016/17 budgets reflect proceeds from taxes well under this limit.

Staff Recommendation:

The City Council should approve Resolution No. 16-46, adopting an appropriation limitation for the 2016-17 fiscal year.

Resolution No. 16-46 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADOPTING AN APPROPRIATIONS LIMITATION FOR THE 2016-17 FISCAL YEAR.

- c. **Annual Report and Public "Protest" Hearing** - 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, following conduct of the annual "protest" hearing, to receive and file a report of the OTLVBID prior year activities, approval of the proposed OTLVBID 2016-2017 Annual Budget, and incorporate it into the overall City Budget and approve re-establishment of the District boundaries and assessment formula. . ***NOTE: Mayor Kendrick will declare a conflict of interest and abstain from voting on this matter because he owns a business within the district boundaries.***

Staff Recommendation:

The City Council should, following conducting of the annual "protest" hearing:

1. Adopt Resolution No.16-53, to approve the OTLVBID Annual Report.
2. Receive and file a report of the OTLVBID prior year activities.
3. Approve the proposed OTLVBID 2016-17 Annual Budget.
4. Approve re-establishment of the District boundaries and assessment formula.

Resolution No. 16-53 - 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 2016-2017 PURSUANT TO THE PROVISIONS OF SECTION 36500 ET SEQ. OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA.

- d. **Non-Conforming Structures and Parking Requirements** - The City Council is requested to consider various modifications to Title 18 of the La Verne Municipal Code as it relates to non-conforming structures and parking requirements. Staff is proposing these modifications to clarify the process of making modifications to non-conforming structures, and ensure that required modifications, such as Americans with Disabilities Act (ADA) projects, can occur without special approvals. In addition, staff is recommending that the parking requirements for restaurants be modified from the current ratio to a more simple and enforceable ratio. Staff, the Development Review Committee, and the Planning Commission recommends that the City Council introduce Ordinance No. 1068, amending various sections of Title 18 of the La Verne Municipal Code as it relates to non-conforming structures, uses, and parking requirements.

Staff Recommendation:

The City Council should introduce and place on first reading Ordinance No. 1068, amending various sections of Title 18 of the La Verne Municipal Code as it relates to non-conforming structures, uses, and parking requirements.

Ordinance No. 1068 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AMENDING VARIOUS SECTIONS OF TITLE 18 OF THE LA VERNE MUNICIPAL CODE RELATING TO NON-CONFORMING STRUCTURES AND PARKING REGULATIONS.

- e. **Protest Hearing for Proposed Refuse Rate Increase** - Pursuant to the terms of their existing agreement, Waste Management submitted a request for a rate adjustment for residential and commercial service. Despite the adjustment, the proposed rates remain near or below the median to those of local agencies in the immediate area. In compliance with measures associated with Proposition 218, this protest hearing has been scheduled to receive any protests regarding this rate increase. Pending the outcome of the public hearing, Council is asked to authorize the proposed rate increase for commercial and residential refuse service provided by Waste Management.

Staff Recommendation:

The City Council should:

1. Open and conduct the public hearing;
2. Receive all written and verbal testimony regarding the proposed fee increases;
3. Adopt Resolution No. 16-47, declaring the results of the proceedings for adopting refuse fees; and
4. If no majority protest exists, adopt Resolution No. 16-48, approving a rate adjustment for refuse service provided by Waste Management of San Gabriel/Pomona Valley effective July 1, 2016, as follows:

Resolution No. 16-47 - 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 XIII D OF THE CALIFORNIA CONSTITUTION.

Resolution No. 16-48 - 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. **Resolution No. 16-49, Agreement for Temporary Employment** - Police Chief Scott Pickwith has submitted paperwork to retire at the end of this month after being employed by the City for more than 29 years. In order to minimize disruption to the Police Department resulting from this loss of institutional and operational knowledge, the City is interested in retaining his services until the end of the calendar year. In order to be compliant with the 2013 Pension Reform Act, it is necessary for the City Council to take an action affirming the execution of such employment arrangements. The resolution and agreement satisfies that.

Staff Recommendation: The City Council should approve the Resolution No. 16-49, authorizing the City Manager to execute an agreement with Scott Pickwith to provide temporary, part-time employment.

- b. **Consider Approval of La Verne Chamber of Commerce - Annual Report and Funding Agreement for Fiscal Year 2016-2017** - The La Verne Chamber of Commerce has submitted their annual Report of Accomplishments, Program of Work, and Partnership Agreement for the upcoming 2016-2017 fiscal year. The Chamber, following staff direction, is requesting funding in the amount of \$20,000 for a six-month term. The proposed Agreement also includes renewal of the Incentive-Subsidy Program for Business Recruitment and the previously approved line of credit. Newly-elected Chair of the Board of Directors, Luis Cetina and Past Chair Arun Tolia will be in attendance and available for questions. The Council Chamber Liaison Committee and staff recommend the City Council approve Resolution No. 16-54, accepting the La Verne Chamber of Commerce's Annual Report and Partnership Agreement.

Staff Recommendation: The City Council should adopt Resolution No. 16-54, accepting the La Verne Chamber of Commerce's Annual Report and Partnership Agreement, which includes programs and funding for a six-month term in the amount of \$20,000, an Incentive-Subsidy Program for Business Recruitment with a cost not to exceed \$5,000 subject to Agreement provisions, and continuance of the previously approved line of credit not to exceed \$10,000, from July 1 through December 31, 2016.

- c. **Revenue Measure Feasibility Survey** - On May 2, 2016, the City Council approved an agreement with TBWB Strategies to provide revenue measure services to address Strategic Plan Priority #1 - Addressing financial needs relative to operational, capital improvements, and infrastructure needs. As part of that agreement, TBWB will need to work with a polling expert to design and conduct a survey of voters to assess the feasibility of a local revenue measure. True North Research (TNR) is an expert polling firm that has conducted similar polls for La Verne in the past and provided excellent service.

Staff Recommendation: The City Council should authorize the City Manager to sign the letter of agreement with True North Research to conduct a revenue measure feasibility study and approve funding in the amount of \$24,950.

- d. **Planning Commission Appointment** - The City Council is requested to consider an action relative to the appointment of a new Planning Commissioner to fill an unscheduled vacancy resulting from the recent resignation of Planning Commissioner Norman Smith. The La Verne Municipal Code provides for appointment of a new Planning Commissioner by the Mayor with the approval of the City Council.

Staff Recommendation: The City Council should take one of the following actions, in accordance with the Municipal Code:

1. Appoint a new Planning Commissioner from the presented list of interested candidates.
2. Consider conducting of additional interviews, through an adjourned meeting.
3. Provide further direction to staff.

Should the City Council choose to appoint from the presented list of candidates at this meeting, the new Commissioner's term would become effective July 1, 2016, with his or her first meeting being July 13, 2016, and extending until June 30, 2018, with the potential for reappointment by the City Council.

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 Deputy 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** - No matters scheduled.

11. **ADJOURNMENT** in memory of retired La Verne Fire Captain **Dale Thomas** and La Verne Police RSVP **Bob Delgado**.

Dale Thomas passed away on May 26, 2016. He was born in the City of San Dimas on June 30, 1939. He was a long time La Verne resident and attended the local schools and graduated from Bonita High School in 1957. Dale volunteered for the La Verne Fire Department while holding a full-time job in sales and in 1962, was hired as reserve firefighter by the La Verne Fire Department. In 1974, he was hired full-time by the fire department and was appointed Fire Captain in 1979. He worked for the La Verne Fire Department for thirty-two years, retiring in June of 1994. Dale loved to work on anything mechanical and was a "jack of all trades," never hesitating to offer his assistance. He is survived by his wife Linda of 58 years; a daughter Penny and son Jeff, four grandchildren, and one great grandchild.

Bob Delgado passed away on May 16, 2016. He was born in Los Angeles in 1939 and later his family moved to El Monte. After his high school graduation he played professional baseball with the Kansas City Athletics for three years. Bob worked in the trucking industry for many years and in 1985 was hired by Old Dominion Freight Line. He retired in 2001, and after retirement, he and his wife Sue joined the La Verne Police Department Retired Senior Volunteers Program (RSVP) volunteering countless hours for thirteen years. He was a very quiet man with a good sense of humor. Bob is survived by his wife Sue of 55 years; two daughters, Debi and Cyndi, and four grandchildren.

It is expected that the next regular meeting of the La Verne City Council scheduled for **Monday, July 4, 2016, will be CANCELED** in observance of the Fourth of July holiday.

THE NEXT REGULAR MEETING of the La Verne City Council is scheduled for Monday, July 18, 2016, at 6:30 p.m.

ADVISORY STAFF

- _____ Robert Russi, City Manager
- _____ Teri Baker, Assistant to the City Manager
- _____ Robert Kress, City Attorney
- _____ 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