

CITY OF LA VERNE

CITY COUNCIL 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, May 20, 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**

Military Banner Program

- a. **Presentation of New Banners Being Installed** - La Verne has a total of 242 community members that are currently serving in our military. Five individuals will be recognized at this meeting. The program consists of two banners, one to be displayed as a street banner and the other given to the family of the individual being recognized. Family members of these military men and women were invited to be at this meeting for the presentation of the banner. The military honorees are as follows:

Nathaniel M. Batoon	Coast Guard
Andrew D. Bissell	Army
David R. Flickinger	Marines
Robert Quinn	Army
Garrett R. Tolle	- Air Force

- b. **Completion of Military Service** - Once a community member completes their military service, their banner is removed from the street pole and presented to their family member(s) with a yellow ribbon. The following individuals will be recognized:

David M. Champion	Army
Robert B. Gray	Marines
Benjamin J. Jones	Army
Jorge Moreno	Army

- c. **Military Banner Program Sponsors** – The banner program has been supported by generous donations from community members and businesses. To date, over \$47,725 has been raised from our community. Following are the most recent sponsors (of \$250 or more):

Sponsors

1. Mayor Don Kendrick
2. The Deal Family
3. The Kausen Family
4. The Wagner Family

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 regular and adjourned meetings of May 6, 2013, to be received and filed.
- b. **Register of Audited Demands** in the amount \$119, 759.23, dated May 6, 2013,

approval recommended by staff.

- c. **Treasurer's Report for the Month of April, 2013**, to be received and filed.

- d. **Authorize Use of Youth Sports Organization Capital Improvement Funds** - The Youth Sports Committee has approved the use of \$2,200 from the Youth Sports Capital Improvement Fund. La Verne Little League is requesting the funds to pay its share of the improvements done by Bonita High School (BHS) on the Freshman Baseball Field. Currently the fund has a balance of \$147,604.55. ***Staff recommends that the City Council authorize \$2,200 from the Youth Sports Capital Improvement Fund to pay for a portion of the costs for renovations at Sports Park.***

- e. **Appropriation for Repair of Pump at the Aquatic Center** - During the week of May 6 the pump was removed at the Aquatic Center for repairs to the seals. When starting the repairs on the pump, it was discovered that the impellor was in need of replacement. The contractor estimates the repair for the pump and new impellor will be up to, but not exceed, \$15,000. Due to the significant cost, staff is asking for emergency approval of a budget amendment to pay for the repairs. ***Staff recommends that the City Council approve an appropriation from the General Fund Reserves of \$15,000 to the Aquatics Center Maintenance Account (Cost Center 6205).***

- f. **Agreement No. 13-04 – Encroachment Agreement for Lordsburg Taphouse & Grill Outdoor Patio at 2335 D Street Within City of La Verne Right-of-Way, Including Terms and Rental Provisions** - The City Council is requested to approve Agreement No. 13-04- an encroachment agreement to permit the use of an existing outdoor patio at 2335 D street within the City's right-of-way, with said agreement including terms and rental provisions. ***Staff recommends that the City Council approve Agreement No. 13-04, an encroachment agreement to permit the use of an existing outdoor patio at 2335 D Street within the City's right-of-way, with said agreement including terms and rental provisions.***

- g. **Announced Resignation of Planning Commissioner Ciriaco "Cid" Pinedo And Request Authorization to Begin Recruitment** - Current Planning Commissioner Ciriaco "Cid" Pinedo, who also serves as Planning Commission Chair, has announced his intent to resign from the Planning Commission effective August 1, 2013. It is appropriate for the City Council to authorize City staff to begin recruitment for Commissioner Pinedo's replacement. ***Staff recommends the City Council authorize and direct staff to begin recruitment for a new Planning Commissioner, with anticipation of seating a new commissioner in August 2013.***

- h. **Development Impact Fees Fund Report** - Under State law, information on certain fees collected by the City from various development activities is to be made available to the public. The City Manager's Office is providing an informational report regarding Development Impact Fees for the fiscal year ending June 30, 2012. The report is to be reviewed by the City Council and take appropriate action as necessary. ***Staff is recommending that the City Council review the report and make the information available to the public pursuant to Government Code section 66006.***

i. **Resolution (s) passage and adoption, recommended by staff.**

1. **Resolution No. 13-23** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE PLACEMENT OF FAIRPLEX/LOS ANGELES COUNTY FAIR HANGING BANNERS ON STREET LIGHT POLES AT CERTAIN LOCATIONS WITHIN THE CITY OF LA VERNE. The City Council is requested to approve the placement of hanging banners for Fairplex/Los Angeles County Fair on street light poles. ***Staff recommends the City Council approves the placement of hanging banners for Fairplex/Los Angeles County Fair on street light poles by adopting Resolution No. 13-23.***

2. **Resolution No. 13-24** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING CASE NO. 13-14PPR, TO PERMIT MODIFICATIONS TO THE EXISTING COMMERCIAL BUILDING AT 1475 FOOTHILL BOULEVARD, FOLLOWING AN APPEAL BY APPLICANT DANIEL KASHANI OF A DECISION BY THE LA VERNE DEVELOPMENT REVIEW COMMITTEE. The City Council, on April 15, 2013, approved Case No. 14-13PPR – 1475 Foothill Boulevard for modifications to an existing commercial building, following the applicant's appeal of Development Review conditions of approval. Resolution No. 13-24 reflects and documents the City Council's final action on the appeal and resultant project approval and respective conditions. ***Staff's recommends that the City Council approve Resolution No. 13-24 approving Case No 14-13PPR for modifications to 1475 Foothill Boulevard.***

3. **Resolution No. 13-25** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICE AGREEMENT WITH ENVIRONMENTAL SCIENCE ASSOCIATES FOR THE 2014-2021 HOUSING ELEMENT UPDATED. Staff is proposing that the City enter an agreement with Environmental Science Associates (ESA) to prepare the 2014-2021 Housing Element Update and associated environmental documents. ***Staff recommends approval of the draft contract agreement (Attachment A) with Environmental Science Associates for \$47,473.***

4. **Resolution No. 13-26** - A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE "ENGINEERS REPORT" FOR ANNUAL LEVY OF ASSESSMENTS FOR FISCAL YEAR 2013-14 IN THE EXISTING LANDSCAPING & LIGHTING MAINTENANCE DISTRICT WITHIN SAID CITY, DECLARING ITS INTENTION TO PROVIDE FOR ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR SAME DISTRICT PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON (**LLMD #6**). Pursuant to the requirements of the Landscape and Lighting Act of 1972, part of Division 15 of the Streets and Highway Code of the State of California, an Engineer's Report for Landscape and Lighting Maintenance District No. 6, including special zones, those areas receiving specific benefit in addition to the special citywide benefit has been prepared for City Council approval. Said approval sets the levy of assessments for Fiscal Year 2013-14 and sets the public hearing for June 17, 2013. This report includes descriptions of improvements to be maintained and services to be performed by the City. With the approval of the Utility Tax, the Citywide District Assessment (Zone 1) is proposed to remain at zero. No charge in the assessment levy is being proposed for the subject special benefit in Zones 2, 3, 4-1, and 4-2. The Levy in Zone 5 is proposed to be reduced by \$55.71 per parcel after applying previous year's surpluses. The formation of Zone 6 allowed for CPI increases which with the March 2013 CPI of 1.3% allows for a maximum assessment per parcel of \$241.14. \$219.17 is necessary to balance the expenditures which is less than the maximum and the same as the 2012-13 Levy. ***Staff is recommending that the City Council adopt the attached resolution preliminarily approving the Engineer's Report and setting the public hearing for the levying of assessment for Citywide District and the subject Zones for June 17, 2013.***

5. **Resolution No. 13-27** - A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE "ENGINEERS REPORT" FOR ANNUAL LEVY OF ASSESSMENTS FOR FISCAL YEAR 2013-14 IN THE EXISTING LANDSCAPING & LIGHTING MAINTENANCE DISTRICT WITHIN SAID CITY, DECLARING ITS INTENTION TO PROVIDE FOR ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR SAME DISTRICT PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON (**LLMD #7**) Pursuant to the provisions of Division 15, Part 2, of the Streets and Highway Code, an Engineer's Report for Landscape and Lighting Maintenance District No. 7 (La Verne Heights III) has been prepared for City Council preliminary approval. Said approval sets the levy of assessments for Fiscal Year 2013-14 and sets the public hearing for June 17, 2013. There is no proposed increase in the assessment. ***Staff is recommending that the City Council adopt the resolution preliminarily approving the Engineer's Report and set the public hearing for levying a full year's assessment for June 17, 2013.***

6. **Resolution No. 13-28** - A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE "ENGINEERS REPORT" FOR ANNUAL LEVY OF ASSESSMENTS FOR FISCAL YEAR 2013-14 IN THE EXISTING LANDSCAPING & LIGHTING MAINTENANCE DISTRICT WITHIN SAID CITY, DECLARING ITS INTENTION TO PROVIDE FOR ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR SAME DISTRICT PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON (**LLMD #8**). Pursuant to the provisions of Division 15, Part 2, of the Streets and Highways Code, an Engineer's Report for Landscape and Lighting Maintenance District No. 8 (Marshall Canyon Estates Specific Plan development) has been prepared for City Council preliminary approval. Said approval sets the levy of assessments for Fiscal Year 2013-14 and sets the public hearing for June 17, 2013. It is proposed to set the assessment at the 1996-97 approved full year's levy. **Staff is recommending that the City Council adopt the resolution preliminarily approving the Engineer's Report and setting the public hearing for June 17, 2013.**

7. **Resolution No 13-29** - A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2013-14 IN A SPECIAL MAINTENANCE DISTRICT, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON (**84-1M.**) Attached for City Council review is the Engineer's Report for Maintenance District No. 84-1M. The report contains a reference to the existing plans and specifications for the area to be maintained, the estimated cost to maintain for the fiscal year July 1, 2013 to June 30, 2014, and the assessment diagram. It is proposed that there will be no change in the assessment from the previous fourteen years. Staff is recommending that City Council approve the Engineer's Report on a preliminary basis and set the Public Hearing for June 17, 2013. **Staff is recommending that City Council adopt the Resolution approving the Engineer's Report, setting the public hearing for June 17, 2013. (NOTE: Council Member Carder will abstain from voting on Resolution No. 13-29. because she owns property within District No. 84-1-M.**

8. **Resolution No 13-30** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING EXECUTION OF A GRANT OF EASEMENT TO SOUTHERN CALIFORNIA EDISON COMPANY ACROSS ASSESSOR'S PARCELS NUMBER 8666-008-270 AND 8666-008-271 (LEROYS FOREBAY SITE) Southern California Edison Company (SCE) has submitted a request for an easement across city (water division) owned property to install, maintain, and operate a fiber optic telecommunications. SCE already maintains existing electrical facilities and poles within the proposed easement. ***Staff recommends that the City Council approve the attached resolution authorizing execution of a "Grant of Easement" to Southern California Edison Company. Staff has determined that this action is categorically exempt from the California Environmental Quality Act, Section 15301, and City of La Verne environmental guidelines.***

9. **Resolution No. 13-31** – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADOPTING A CLASS SPECIFICATION FOR ASSISTANT TO THE CITY MANAGER (ADMINISTRATIVE SERVICES OFFICER). The position of City Clerk has remained vacant since this past December. This gave staff time evaluate how work assignments may be redistributed between the City Clerk and City Manager's Office and whether such changes would warrant reclassification of the position. That evaluation has been completed and it is being proposed that the position be reclassified from City Clerk to Assistant to the City Manager (Administrative Services Officer). In accordance with the City's personnel rules and regulations, such changes require City Council approval. ***It is recommended that the City Council adopt Resolution 13-31 updating the authorized position list by adding the classification of Assistant to the City Manager (Administrative Services Officer) and salary range for the same.***

6. **PUBLIC HEARINGS**

- a. **Continued – Appeal of Case No. 141-12PPR –1530 White Avenue –New Outdoor Storage Structures.**

7. **OTHER MATTERS**

- a. **Consider Housing Linkage Funds for Habitat for Humanity's Acquisition and Construction Project** – Pomona Valley Habitat for Humanity is requesting funding assistance for the acquisition and construction of one new single family home on a vacant residential property at the southeast corner of First Street and Wheeler Avenue. As previously identified by the City Council in December 2011, funding was earmarked through the "Housing Linkage" funds. Agreement No. 13-03 specifies the manner in which the funding would occur and provides for long-term affordability of the home, to benefit the future homeowner, the community, and the City.

STAFF RECOMMENDATION:

The City Council should approve Agreement No. 13-03 with Pomona Valley Habitat for Humanity for acquisition of the vacant lot at the southeast corner of First Street and Wheeler Avenue, construction materials, offsite costs, or fees through an expenditure of Housing Linkage funds, not to exceed \$250,000. The City Council's approval should provide license to make non-substantive changes approved as to form by the City Attorney.

8. **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.
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.

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

10. ADJOURNMENT

**THE NEXT REGULAR MEETINGS of the La Verne City Council
and the La Verne Successor are scheduled for Monday, June 3, 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 Eftman