



SPECIAL MEETING
of the
MONROVIA CITY COUNCIL
City Council Chambers
Tuesday, September 1, 2009
5:00 P.M.
YES! Interns Graduation and Reception

SPECIAL MEETING
of the
MONROVIA CITY COUNCIL
6:00 P.M.

CLOSED SESSION

CS-1 Public Employee Performance Evaluation, Government Code §54957, City Attorney

REGULAR MEETING
Of the
MONROVIA CITY COUNCIL
7:30 P.M.

AGENDA SUMMARY

CONVENE	Mayor Mary Ann Lutz
INVOCATION	Pastor Ulises Gutierrez
PLEDGE OF ALLEGIANCE	Councilmember Becky A. Shevlin
ROLL CALL	Councilmembers Garcia, Shaw, Shevlin, Mayor Pro Tem Adams and Mayor Lutz
REPORT OF CLOSED SESSION	

RCS-1 Public Employee Performance Evaluation, Government Code §54957, City Attorney**PRESENTATIONS/PROCLAMATIONS****PR-1 Proclaiming the Month of September 2009 as “Crossing Guard Appreciation Month”**

The Mayor and City Council of Monrovia will proclaim the Month of September 2009 as Crossing Guard Appreciation Month in recognition of the individuals who spend countless hours making busy streets safer for the children of the community as they travel to and from school. Kerri Zessau, Recreation Supervisor, and Memo Chavez, Assistant Recreation Coordinator, will be on hand to introduce many of the City’s crossing guards in attendance this evening to the Mayor, City Council, and community.

PR-2 Recognition of Coach Rodney Jefferson, “A” Game Fundamentals Basketball Clinic

Mayor Lutz will present a Plaque of Recognition to Rodney Jefferson for organization of the Tenth Annual “A” Game Fundamentals Basketball Clinic, a week-long basketball camp for children and teens held August 3-7, 2009. The “A” Game Fundamentals Basketball Clinic was founded by Coach Jefferson in 2000 with the goal of filling a void in the community. The mission of the clinic is to improve fundamental basketball skills while teaching teamwork, discipline and life skills.

PR-3 Recognition of Makayla Campbell, winner of the Monrovia Public Library’s Magnificent Teen Video (MTV) Contest

Shawn Thrasher, Senior Librarian of Youth Services, will introduce Monrovia teenager Makayla Campbell. Makayla is the winner of the library’s Magnificent Teen Video (MTV) contest that was held in conjunction with the library’s Teen Summer Reading Club Express Yourself @ The Library. Makayla’s short, “Have Fun Reading” can be found on YouTube. To access the video, go to www.YouTube.com and enter the search terms “Monrovia Public Library” and “Have Fun Reading.”

PR-4 Proclaiming September 6, 2009 as “Muscular Dystrophy Association Day”

The Mayor and City Council of Monrovia will proclaim September 6, 2009 as Muscular Dystrophy Association Day to help promote the airing of the Annual Jerry Lewis MDA Labor Day Telethon. MDA sponsors seven neuromuscular disease clinics where those with nerve and muscle diseases can receive a wide range of services at no cost.

STUDENT GOVERNMENT REPRESENTATIVE REPORT

Student Liaison Savannah Spicer

ORDER OF BUSINESS**CONSENT CALENDAR**

CC-1 Unadopted Minutes of the August 4, 2009 Regular Meeting of the Monrovia City Council**CC-2 Payroll Nos. 16 and 17 in the Amount of \$623,968.71 and \$563,678.86 Respectively, and Voucher Nos. 159924 Through 160194 and 160195 Through 160537 in the Amounts of \$1,338,480.77 and \$1,697,890.97 Respectively****CC-3 Legislative Bulletin**

This report will highlight and summarize pending State legislation that may be important to Monrovia and provides a brief analysis of the potential impacts to the City. The recommendations made by staff reflect the City's priorities and programs, as well as the direction taken by the League of California Cities.

If the City Council concurs, the appropriate action would be a motion to:

Approve the Legislative Bulletin and direct Staff to contact Monrovia's elected representatives for their support.

CC-4 Denial of Liability Claim; Fared Saleh vs. City of Monrovia

Mr. Saleh alleges that on July 20, 2009, a City tree limb fell causing damage to his vehicle. He believes the City is responsible for the cost to repair his vehicle.

City staff checked on the tree in question and discovered that it is a County tree. Mr. Saleh has been notified of this and given the contact information for the County. Therefore, the City bears no responsibility in this matter.

Staff recommends that Council deny this claim.

If the City Council concurs, the appropriate action would be a motion to:

Deny the liability claim filed by Fared Saleh.

CC-5 Library Park Street Improvements, Project, No. C-3005, Acceptance of Work, Approve Change Orders, Notice of Completion and Release of Retention to Peter's Concrete Company for Total Project Amount of \$487,572.26

The project included the demolition of existing curbs, gutters and sidewalks; installation of new sidewalks; decorative stamped concrete crosswalks, intersections, curb and gutters, decorative street lighting, new landscaping, irrigation, new asphalt overlay with geotextile fabric, signage and striping. The work was completed in July 2009 on Palm, Primrose and Lime Avenues surrounding Library Park. On March 3, 2009, the City Council awarded a contract to Peter's Concrete Company in the amount of \$452,843.00.

Following this, Staff received requests from residents and Foothill Transit to install a bus stop turnout on Huntington Drive at California for westbound traffic. Staff determined that it was cost effective to utilize the contract with Peter's Concrete to construct the bus turnout versus initiating a formal bid process. The change orders included: Additional Street Light Conduit, \$2,005.00; Signage and Striping Modification, \$4,950.00; Installation of Conduits

for Cable Service for the Library Building, \$14,499.00; New Bus Turnout on Huntington Drive west of California Avenue, \$25,520.00—Prop A Funds.

The final construction costs based upon actual quantities constructed are \$440,598.26; \$12,244.74 less than the approved cost. The additional change order costs are \$46,974.00 for a total contract amount of \$487,572.26.

Funds are available through the Capital Improvement Program by funding sources: Prop A, Prop C, and Measure L.

If the City Council concurs, the appropriate action would be a motion to:

Accept the work as completed, approve Change Orders, direct Staff to file the Notice of Completion, and release payment of the retention to Peter's Concrete Company.

CC-6 Final Tract Map No. 69790, Re-subdivision of Property Located at 309 South Violet Avenue, by Gupta Family Trust

Tentative Tract Map No. 69790 is being re-subdivided into 4 single-family, two-story Planned Unit Development (PUD). The map creates 5 lots with a common lot for ingress, egress, drainage and utilities. The tentative subdivision map was approved by the Planning Commission at its meeting of September 12, 2007 and was approved by the City Council on October 16, 2007. The Final Tract Map is in order and on file with the City Clerk, Community Development Department Planning Division, and the Department of Public Works. The Final Tract Map was checked by the City's consultant and was found to conform to the approved tentative map and is technically correct and conforms to the requirements of the State Subdivision Map Act and the City's Subdivision Ordinance. The Conditions, Covenants & Restrictions (CC&R's) will be finalized as part of the air-space subdivision map as project construction nears completion.

The project will improve property values and increase the tax base.

If the City Council concurs, the appropriate action would be a motion to:

Approve Final Tract Map No. 69790.

CC-7 Paying and Reporting of Employer Paid Member Contributions, Resolution Nos. 2009-59 and 2009-60

On July 7, 2009, the City Council approved Resolution No. 2009-37, which implemented a change in reporting of information to PERS. As a result, employees in positions designated as Management, Mid-Management, Elected and Appointed and General were to pay to PERS part of the cost of the EPMC benefit. On August 4, 2009, the City Council approved Resolution No. 2009-56, which implemented this same change to PERS for members of the Monrovia Firefighter's Association (MFA). Both resolutions were effective retroactive to June 21, 2009.

This Program consists of the City paying 100% of the normal contributions for EPMC and reporting the same percent (value) of compensation earnable, excluding Government Code

Section 20636© (4), as additional compensation to the Public Employees' Retirement System, thereby enhancing reportable earnings for retirement purposes.

The current cost of this benefit for miscellaneous employees is 1.946% of reportable earnings to PERS and 3.811% of reportable earnings to PERS for safety employees. Subsequent to implementation of these amendments with PERS, Staff was notified by PERS that for the purposes of calculating the member's single highest year of earnings used for retirement purposes, the amount that PERS will consider as additional compensation meant to enhance reportable earnings for retirement purposes will now be reduced by the amount that the employee contributes. Clearly, this was not and is not the intent of this benefit when it was initially approved and implemented.

Therefore, staff is recommending that in light of the information obtained from PERS, the City will pay the full cost of the EPMC benefit to PERS. Eligible safety and miscellaneous employees will have 3.811% and 1.946% respectively, of their salary and reportable benefits deducted to augment the City's retirement fund.

Resolution Nos. 2009-59 and 2009-60 will be filed with PERS immediately, thereby allowing the City to revert back to the original policy of the City paying the full cost of the EPMC benefit to PERS, which will satisfy the issue of reducing the reportable earnings for retirement purposes. Payments made to PERS for the EPMC benefit will be made from the City's retirement reserve fund.

If the City Council concurs, the appropriate action would be a motion to:

Adopt Resolution Nos. 2009-59 and 2009-60.

PUBLIC INPUT

PUBLIC HEARINGS / MEETINGS

None

CONVENE MONROVIA REDEVELOPMENT AGENCY MEETING WITHOUT ADJOURNING CITY COUNCIL MEETING

MRA CONVENE

Chairman Lutz

MRA ROLL CALL

Boardmembers, Garcia, Shaw, Shevlin, Vice-Chairman Adams,
and Chairman Lutz

MRA CONSENT CALENDAR

MRA CC-1 Unadopted Minutes of the August 4 2009 Regular Meeting of the Monrovia Redevelopment Agency

MRA CC-2 Extension of Permissible Period to Hold Real Property Located at 1109 South Myrtle Avenue, 102 West Huntington Drive, 116 West Huntington Drive, 120-124 West Huntington Drive, and 132-140 West Huntington Drive for an Additional Period not to Exceed Five Years, City Resolution No. 2009-57 and Agency Resolution No. 5-2009

The acquisition of the properties at 1109 S. Myrtle Avenue, 102 W. Huntington Drive, 116 W. Huntington Drive, 120-124 W. Huntington Drive, and 132-140 W. Huntington Drive are part of a land assembly program for the development at the southwest corner of Myrtle Avenue and Huntington Drive. On September 5, 2006, the Board approved a DDA (Disposition and Development Agreement) with MHi LLC, for the development of a 46,000 square foot, upscale office development, and 14,000 square foot signature restaurant. Due to the weak commercial real estate market, commencement of the project has been delayed, requiring that the Agency hold the sites for an additional time period.

Under state redevelopment law, agencies may hold properties for up to a five year period prior to development. If additional time is needed to complete the development, the City Council and Agency must pass resolutions authorizing up to an additional five year holding period.

Staff's recommendation is to adopt City Resolution No. 2009-57 and Agency Resolution No. 5-2009 to extend the permissible period to hold real property located at 1109 S. Myrtle Avenue, 102 W. Huntington Drive, 116 W. Huntington Drive, 120-124 W. Huntington Drive, and 132-140 W. Huntington Drive for an additional period not to exceed five years.

If the Agency Board concurs, the appropriate action would be a motion to:

Adopt Resolution Nos. 2009-57 and 5-2009 and authorize the Executive Director to execute the necessary documents.

MRA PUBLIC HEARINGS/MEETINGS

None

MRA ADMINISTRATIVE REPORTS

None

MRA ADJOURNMENT

RECONVENE MONROVIA CITY COUNCIL MEETING

REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

- RCC1** Mayor Lutz
(a) Appointments to the Monrovia Wilderness Preserve Foundation
(b) Census 2010 Update
- RCC2** Mayor Pro Tem Adams
(a) Update on Discount Prescription Drug Program
- RCC3** Councilmember Garcia
- RCC4** Councilmember Shaw
(a) Monrovia Schools Academic Success
- RCC5** Councilmember Shevlin

ADMINISTRATIVE REPORTS

AR-1 Library Park Play Equipment Installation #C-3039, Award of Contract to H.J. Hunsacker Construction, Inc., DBA HH Construction, in the Amount of \$165,520.00

Operations Division Manager Dan Iwata will review the Staff Report.

The Master Plan calls for a new play area at Library Park's southwest area. The previous play equipment was removed and discarded due to its irreparable condition and over 17 years of service.

In May 2009, the City was awarded a grant from the Los Angeles County Regional Park and Open Space District in the amount of \$350,000.00. The grant allows for the installation and construction for the new play area, concrete and decomposed granite walkways. On August 19, 2009, five (5) bids were received and opened by the City Clerk ranging from \$165,520.00 to \$180,000.00. The apparent low bidder is HH Construction, Simi Valley, CA in the amount of \$165,520.00. Staff has reviewed the apparent low bidder background, found all required documents to be in order, including recent work completed at Los Angeles County Parks and Recreation and Rancho-Simi Parks and Recreation and confirmed it to be of quality work.

The grant requires the City receive a categorical exemption from the County of Los Angeles for the replacement and reconstruction of the play equipment. The exemption has been approved. The new play equipment meets several criteria within the Monrovia Environmental Accords. The California Conservation Corps will be used by the contractor throughout the project installation.

The Los Angeles County Regional Park and Open Space Grant of \$350,000.00 shall pay for the entire turn-key project. The City has purchased the play equipment and fencing in the amount of \$147,287.60. The construction and installation of the playground equipment will cost \$165,520.00. There are no general funds being used for this project.

If the City Council concurs, the appropriate action would be a motion to:

Award a contract to HH Construction, in the amount of \$165,520.00 for the Library Park Play Equipment Installation Project.

AR-2 Hillside Wilderness Preserve and Hillside Recreation Area Management Plan Environmental Impact Report (EIR), Authorization to Initiate Request for Proposals

April Soash, Director of Community Services, will review the Staff Report.

January 20, 2009, City Council approved the adoption of Resolution No. 2009-04 for the Hillside Wilderness Preserve and Hillside Recreation Area Resource Management Plan (RMP) thereby;

- 1) Adopting a Mitigated Negative Declaration pursuant to the California Environmental Quality Act determining that, with appropriate mitigation, no significant environmental impacts would result from approval of the final Hillside Wilderness Preserve and Hillside Recreation Area Resource Management Plan;
- 2) Adopting the related Mitigation Monitoring and Reporting Program; and
- 3) Approving the final Hillside Wilderness Preserve and Hillside Recreation Area Resource Management Plan to guide stewardship of the Hillside Wilderness Preserve and Hillside Recreation Area, protect important natural resources, and where appropriate, recommend passive recreation opportunities.

In February 2009 the City received a Notice of Intent to File a Lawsuit after the RMP and Mitigated Negative Declaration were approved by City Council. Mr. Tom Sues filed a lawsuit on behalf of the Hillside Wilderness Preservation Campaign Group to prevent access to the Hillside Wilderness Preserve, and contending that the IS/MND was inadequate under CEQA. This was somewhat surprising, as the plan approved by the City Council was already a plan that met the legal requirements of reasonable public access while still ensuring a minimal impact to residents in the area. After discussion among Staff and the City Council, the City Council determined that the best course of action would be to repeal Council Resolution 2009-04 and proceed with additional environmental review. The City believes strongly that the IS/MND was legally valid.

The City will solicit Requests for Proposals from consultants to conduct an Environmental Impact Report (EIR) and will look at the following, as well as what was included in the Mitigated Negative Declaration (MND), as potential impacts to the Hillside Wilderness Preserve;

- Parking lots at Cloverleaf Drive and Highland Avenue (Upper Cloverleaf). Access points and security lighting
- Picnic areas at Highland Avenue and Cloverleaf Drive access points
- Vistas with seating on the Lower Clamshell Motorway and the Highland Avenue (Upper Clamshell) access
- A kiosk at the Lower Clamshell Motorway – Cloverleaf Drive access point
- Bike racks at each access point
- Drinking fountains at each access point
- Restrooms at the Cloverleaf Drive access point
- A complete analysis of all trail connectors; 1) from Canyon Park to the Lower Clamshell Motorway, 2) re-establishing the Clamshell Truck Trail, 3) connecting the

Upper Clamshell access to the Lower Clamshell Truck Trail and Motorway and to Arcadia Wilderness Park

- Re-route the Cloverleaf Road to the west of the Cloverleaf Water Reservoir
- A Nature Center by the Wilderness Preserve Station 103
- A Native Plant Nursery at Wilderness Preserve Station 103

(See staff report for potential options.)

RECOMMENDATION: Authorize staff to solicit proposals for an EIR related to the Hillside Wilderness Preserve and Hillside Recreation Area Management Plan.

If the City Council concurs, the appropriate action would be a motion to:

Authorize Staff to solicit proposals for an Environmental Impact Report (EIR) related to the Hillside Wilderness Preserve and Hillside Recreation Area Management Plan.

SCHEDULED MEETINGS

The next Regular Meeting of the Monrovia City Council is scheduled for Tuesday, September 15, 2009, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a

PUBLIC INPUT, CONTINUED, IF NEEDED

ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED

ADJOURNMENT

Respectfully submitted,



Scott Ochoa
City Manager

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A full City Council agenda packet with all backup information is available at City Hall, the Monrovia Library, and on the City's website at www.cityofmonrovia.org. Copies of individual Agenda Reports are available via email upon request (aatkins@ci.monrovia.ca.us).